

# DEFIANCE COLLEGE

Annual Security Report  
for Calendar Year 2015  
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Office of Student Life



# Table of Contents

1. The Clery and Campus Save Acts.....	3
2. Security Coverage and Jurisdiction.....	3
3. Annual Security Report.....	4
4. Reporting Crimes.....	5
5. Voluntary Confidential Reporting.....	6
6. Campus Facility Security and Access.....	6
7. Security Awareness and Crime Prevention Programs.....	7
8. Timely Warnings.....	8
9. Emergency Response and Evacuation.....	8
10. Alcohol and Other Drugs Policy.....	15
11. Weapons.....	15
12. Sex Offender Registry.....	15
13. Missing Student.....	16
14. Sexual Misconduct.....	16
15. Definitions of Crime Categories.....	30
16. Crime Statistics for 2013-2015.....	32

## 1. The Clery and Campus Save Acts

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 (419-785-2585).

## 2. Security Coverage and Jurisdiction

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 Securitas 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. 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.

No recognized student organizations have off-campus housing arrangements. Students who are approved for commuter status and live off-campus are under the direct jurisdiction and protection of local law enforcement. 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.

Campus Security maintains security of all buildings on campus. College maintenance personnel inspect campus facilities and grounds regularly, make repairs and respond to reports of potential safety and security hazards such as broken windows and locks

### **3. Annual Security Report**

The Office of Student Life at Defiance College prepares this Annual Security Report (ASR) in an effort to better inform our students, faculty and staff of crime on campus and College controlled properties as well as surrounding public property. The crime statistics are compiled from the past three years and are based on data from the Office of Student Life, Security and the Defiance Police Department.

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.

Each year, an email notification is sent to all students, faculty and staff that provides the website address 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](http://www.defiance.edu/life/info/campus-safety-and-compliance.html) or be requested from the Office of Student Life, 132 Hubbard, 419-783-2437.

## 4. Reporting Crimes

All members of the Defiance College community are encouraged to promptly and accurately report all crimes to Security and the local police when the victim of a crime elects to, or is unable to, make such a report. In emergency situations, contact local law enforcement by dialing 9-1-1 from any campus extension. For non-emergency situations, contact Security/McCann Center Desk, ext. 2825. Student Life or Security personnel will assist you in making a formal report. Persons wishing to maintain anonymous may submit a confidential report for the purposes of making timely warnings and the annual statistical disclosure. This information will be used to help prevent crime and to alert members of the college community if warranted. Voluntary confidential reports of crime will be counted in the annual crime statistics for Defiance College.

One convenient format to report a crime is via the Student Life “Communication Information Form,” a standard format for incident reporting on-campus. This form can be completed electronically (see link below) and it provides the option for anonymous reporting.

<https://www.defiance.edu/communication-information-form.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 132 Hubbard Hall.

## **5. Voluntary Confidential Reporting**

Under the Clery Act professional counselors and licensed medical professionals, such as the professional staff at the Counseling Center and the Health Center are not considered to be campus security authorities when acting in their professional capacity and are not required to report crimes for inclusion into the annual disclosure of crime statistics. Some clergy also fall under this exception. Per Defiance College's Sexual Misconduct Policy professional counselors may encourage patients to voluntarily and confidentially report crimes for inclusion in the crime statistics. Victims of crimes who do not wish to pursue action within either the college system or the criminal justice system can file a confidential report. With the victim's permission, the Student Life Office can file a report with the details of the incident without revealing the victim's identity.

The purpose of the confidential report is to comply with the victim's wish to keep the matter confidential, while taking steps to ensure the future safety of the victim and others. With such information, the Student Life Office can keep accurate records of the number of incidents occurring on-campus, identify criminal patterns with regard to a particular location, method or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

### **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, o 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) 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 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.

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

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 first year students are required to complete an online sexual assault prevention course as well as attend a mandatory training session during Welcome Week. These 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. 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. 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 (419-785-2585).**

## **9. Emergency Response and Evacuation**

An emergency notification is different than a timely warning or crime alert. Emergency notifications will be issued immediately upon confirmation that any significant emergency or dangerous situation exists that involves the immediate threat to the health or safety of students or employees on campus.

Emergency notifications are typically more immediate, shorter, and contain less information than timely warnings due to the fast evolving nature of emergency situations. Updates or follow-ups to emergency notifications will be given as necessary when information becomes available. In some situations, an emergency notification may also serve as a timely warning depending on the circumstances and the information available. See the emergency response procedures that follow regarding details about emergency notifications.

### **Clery Act Reporting Requirements for Emergency Response Policy**

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

Students and employees of Defiance College are required to report spontaneous emergency situations such as a person with a gun on campus, a hazardous materials spill, or fire to Defiance College Security/McCann Desk at 419-785-2585 or by additional methods.

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 419-785-2585 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, 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 health services 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, health services 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; the office telephone alerting system, 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 Content of Emergency Messages**

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 Enrollment Management, 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 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>

### **Testing of the Emergency Response and Evacuation Procedures on at Least an Annual Basis**

Defiance College promotes its emergency response procedures year round through public education efforts such as; reviews of procedures at student and staff orientations, periodic media articles in the campus *Dispatch*, safety columns in the student newspaper 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.

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

Defiance College conforms to all state and local laws controlling the possession, sale and use of alcoholic beverages. It is illegal in Ohio to sell, provide, or serve beer, wine, or liquor to anyone under the age of 21. Defiance College enforces state laws related to underage drinking. The unlawful manufacture, distribution, possession, or use of alcohol and controlled substances, including illicit drugs, is prohibited on property owned or controlled by Defiance College or as part of any of its activities. Defiance College complies with all federal and state drug laws. No Defiance College employees may report to or engage in college related work while under the influence of alcohol or illegal drugs. For information about the college's drug and alcohol abuse education programs, contact the Student Life Office at 419-783-2437.. Employees may also call the Employee Assistance program at [800-316-2796](tel:800-316-2796) available 24/7. Defiance College's Drug Free Schools & Communities Act Notification can be found at <http://www.defiance.edu/student-life/documents/2016-drug-free-schools-report.pdf>

## **11. Weapons**

Discharging, carrying, or possessing firearms, including air guns or any weapons with which injury, death, or destruction may be inflicted, is prohibited on property owned or controlled by Defiance College.

## **12. Sex Offender Registry**

In accordance to the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, the College is providing a link to the Ohio State Sex Offender Registry. All sex offenders are required to register in the state of Ohio and to provide notice of each institution of higher education in Ohio at which the person is employed, carries out a vocation, or is a student. [http://sheriffalerts.com/cap\\_main.php?office=55149](http://sheriffalerts.com/cap_main.php?office=55149)

In addition to the above notice to the State of Ohio, all sex offenders are required to deliver written notice of their status as a sex offender to the College Title IX Coordinator no later than three (3) business days prior to their enrollment in, employment with, volunteering at, or residence in the College. Such notification may be disseminated by the College to, and for the safety and well-being of, the College community, and may be considered by the College for enrollment and discipline purposes.

In the State of Ohio convicted sex offenders must register with the County Sheriff of the county of residence address within seven days.

Members of the Defiance College community are encouraged to access the website of the Ohio Attorney General's Office (website included below) where they can search the sex offender registry for any Ohio county.

[http://sheriffalerts.com/cap\\_main.php?office=55149](http://sheriffalerts.com/cap_main.php?office=55149)

## **13. Missing Student**

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 and Security should be notified. If attempts to contact/locate the missing student are unsuccessful, the Dean of Students and/or his/her designee will notify local law enforcement within 24 hours of the determination that the student is missing and the College will assist local law enforcement as requested until the matter is resolved. If the missing residential student is under the age of 18, a parent or legal guardian will be notified. The College reserves the right to contact a parent or legal guardian of an older student if deemed necessary. The names and contact information for notification is derived from a residential student's emergency contact form. If any student has been seen in the company of an individual(s) indicating that he/she may be in danger, the Office of Student Life (ext. 2437) or Campus Security (ext. 2825) should be notified immediately.

## **14. Sexual Misconduct**

### **Title IX**

Defiance College complies with Title IX of the Educational Amendments of 1972 prohibiting discrimination on the basis of gender in federally assisted educational programs and activities. Individuals who feel their Title IX rights may have been violated by an act of sexual assault or harassment, or who wish to discuss a Title IX matter should contact:

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

132 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 offer assistance 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**

107 McCann Center, 701 N. Clinton, Defiance, OH 43512  
(419) 783-2362 or [mclay@defiance.edu](mailto:mclay@defiance.edu)

#### **Jennifer Walton, Director of Residence Life**

104 McCann Center, 701 N. Clinton St, Defiance, OH 43512  
(419) 783-2563 or [jwalton@defiance.edu](mailto:jwalton@defiance.edu)

### **Preventing and Responding to Sexual Assault**

Defiance College updates its sexual assault policy annually. The complete policy is available at <http://www.defiance.edu/information/documents/2016-equal-opportunity-harassment-discrimination-and-sexual-misconduct-policy.pdf>

The following are policy statements regarding sexual assault and disciplinary hearings mandated by the Clery Act.

Defiance College's Student Handbook prohibits sexually violent acts, termed "Sexual Misconduct" by the College, which can be crimes as well. Sexual misconduct includes non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, interpersonal/relationship violence, sex/gender-based stalking, and sexual harassment. While Defiance College utilizes different standards and definitions than the Ohio Revised Code, sexual misconduct often overlaps with the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, and domestic violence. Victims of these behaviors are protected by federal laws, specifically Title IX (<http://www.defiance.edu/information/documents/2016-equal-opportunity-harassment-discrimination-and-sexual-misconduct-policy.pdf>), and the Clery Act, which mandates the

contents of this report.

Victims have options regarding the involvement of law enforcement authorities and campus authorities. Victims have the option to notify law enforcement directly, or to be assisted in doing so by campus authorities. If requested, campus officials can facilitate reporting to campus or local law enforcement, but may also respect a victim's request not to do so.

In an effort to reduce the risk of sexual misconduct as well as the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, and domestic violence occurring among its students, the Defiance College utilizes a range of campaigns, strategies, and initiatives to promote awareness, educational, risk reduction, and prevention programming.

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 Campus Clarity's *Think About It* Program, mandatory Welcome Week session for all new students, mandatory training for all campus employees, It's On Us Campaign, and the Clothesline Project. Annual Climate Survey data is used to inform ongoing prevention and awareness efforts.

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

In the event that sexual misconduct, gender-based violence, or the crimes of sexual assault, stalking, dating violence or domestic violence do occur, the College takes the matter very seriously. The College employs interim protection measures such as interim suspensions and/or no contact orders in any case where a student's behavior represents a risk of violence, threat, pattern, or predation. If a student is accused of sexual misconduct, other gender-based violence, or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence, s/he is subject to action in accordance with the Sex/Gender Discrimination, Harassment, and Misconduct Policy in the student handbook. A student wishing to officially report such an incident may do so by contacting the Title IX Coordinator/Dean of Students, Lisa Marsalek at [lmarsalek@defiance.edu](mailto:lmarsalek@defiance.edu) or

419-783-2587. Anyone with knowledge about sexual misconduct, gender-based violence, or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence is encouraged to report it immediately. Protective measures for victims are available from the campus whether a victim chooses to report to local and/or campus law enforcement, and irrespective of whether a victim pursues a formal complaint through the College resolution process.

If you are the victim of sexual misconduct, gender-based violence, or the crimes of rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence, some or all of these safety suggestions may guide you after an incident has occurred:

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 x2585 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.
4. 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.
  - Record the names of any witnesses and their contact information. This information may be helpful as proof of a crime, to obtain an order of protection, or to offer proof of a campus policy violation.

- Try to memorize details (e.g., physical description, names, license plate number, car description, etc.), or even better, write notes to remind you of details, if you have time and the ability to do so.
  - If you obtain external orders of protection (e.g., restraining orders, injunctions, protection from abuse), please notify the Office of Student Life or the campus Title IX Coordinator so that those orders can be observed on campus.
5. Even after the immediate crisis has passed, consider seeking support from Defiance College Counseling Services. 419-783-2548
  6. Contact the Title IX Coordinator/Dean of Students (419-783-2437) if you need assistance with College-related concerns, such as no-contact orders or other protective measures. The Title IX Coordinator or Deputy Coordinator will also assist in any needed advocacy for students who wish to obtain protective or restraining orders from local authorities. The College is able to offer reasonable academic supports, changes to living arrangements, transportation resources or modifications, escorts, no contact orders, counseling services access, and other supports and resources as needed by a victim. The College is able to offer information about legal assistance, visa/immigration assistance, and student financial aid considerations for victims.

## **LEGAL DEFINITIONS**

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

Under Ohio law, rape is defined as “sexual conduct with another when the offender purposely compels the other person to submit by force or threat of force” or “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.

The complete Ohio sexual assault offense definitions are listed below.

### 2907.01 Sex offenses general definitions.

As used in sections 2907.01 to [2907.38](#) of the Ohio Revised Code:

(A) "Sexual conduct" means vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

(B) "Sexual contact" means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

(C) "Sexual activity" means sexual conduct or sexual contact, or both.

(D) "Prostitute" means a male or female who promiscuously engages in sexual activity for hire, regardless of whether the hire is paid to the prostitute or to another.

(E) "Harmful to juveniles" means that quality of any material or performance describing or representing nudity, sexual conduct, sexual excitement, or sado-masochistic abuse in any form to which all of the following apply:

(1) The material or performance, when considered as a whole, appeals to the prurient interest of juveniles in sex.

(2) The material or performance is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for juveniles.

(3) The material or performance, when considered as a whole, lacks serious literary, artistic, political, and scientific value for juveniles.

(F) When considered as a whole, and judged with reference to ordinary adults or, if it is designed for sexual deviates or other specially susceptible group, judged with reference to that group, any material or performance is "obscene" if any of the following apply:

(1) Its dominant appeal is to prurient interest;

(2) Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement, or nudity in a way that tends to represent human beings as mere objects of sexual appetite;

(3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty, or brutality;

(4) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way that inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral, or artistic purpose;

(5) It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty, or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily

for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose.

(G) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(H) "Nudity" means the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

(I) "Juvenile" means an unmarried person under the age of eighteen.

(J) "Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record, or tape, or other tangible thing capable of arousing interest through sight, sound, or touch and includes an image or text appearing on a computer monitor, television screen, liquid crystal display, or similar display device or an image or text recorded on a computer hard disk, computer floppy disk, compact disk, magnetic tape, or similar data storage device.

(K) "Performance" means any motion picture, preview, trailer, play, show, skit, dance, or other exhibition performed before an audience.

(L) "Spouse" means a person married to an offender at the time of an alleged offense, except that such person shall not be considered the spouse when any of the following apply:

(1) When the parties have entered into a written separation agreement authorized by section [3103.06](#) of the Revised Code;

(2) During the pendency of an action between the parties for annulment, divorce, dissolution of marriage, or legal separation;

(3) In the case of an action for legal separation, after the effective date of the judgment for legal separation.

(M) "Minor" means a person under the age of eighteen.

(N) "Mental health client or patient" has the same meaning as in section [2305.51](#) of the Revised Code.

(O) "Mental health professional" has the same meaning as in section [2305.115](#) of the Revised Code.

(P) "Sado-masochistic abuse" means flagellation or torture by or upon a person or the condition of being fettered, bound, or otherwise physically restrained.

### **Defiance College Definitions:**

#### **NON-CONSENSUAL SEXUAL CONTACT**

Non-Consensual Sexual Contact is:

- any intentional sexual touching,
- however slight,
- with any object,
- by a person upon another person,

- that is without consent and/or by force.

Sexual Contact includes:

- Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
- Any other intentional bodily contact in a sexual manner.

#### NON-CONSENSUAL SEXUAL INTERCOURSE

Non-Consensual Sexual Intercourse is:

- any sexual intercourse
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.

Intercourse includes:

- vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

#### SEXUAL EXPLOITATION

Occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another person;
- Non-consensual digital, video or audio recording of nudity or sexual activity;
- Unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity;
- Engaging in voyeurism;
- Going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex);
- Knowingly exposing someone to or transmitting an STI, STD or HIV to another person;
- Intentionally or recklessly exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;

- Sexually-based stalking and/or bullying may also be forms of sexual exploitation

## CONSENT

At Defiance College “Effective Consent” is defined as mutually understandable words or actions that indicate all parties involved agree on what sexual activity will occur, with whom, in what way, and at what time. There are many factors that influence effective consent:

- Consent is
  - clear, and
  - knowing, and
  - voluntary,
  - words or actions,
  - that give permission for specific sexual activity.
- Consent is active, not passive.
- Silence, in and of itself, cannot be interpreted as consent.
- Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity.
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- Consent can be withdrawn once given, as long as that withdrawal is clearly communicated.
- In order to give consent, one must be of legal age.
- Sexual activity with someone you know to be or should know to be incapacitated constitutes a violation of this policy.
  - Incapacitation can occur mentally or physically, from developmental disability, by alcohol or other drug use, or blackout.
  - The question of what the responding party should have known is objectively based on what a reasonable person in the place of the responding party, sober and exercising good judgment, would have known about the condition of the reporting party.
  - Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).
  - This policy also covers a person whose incapacity results from mental disability, sleep, unconsciousness, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org/>.

A full copy of campus policies and procedures for sexual Misconduct can be found here: <http://www.defiance.edu/information/documents/2016-equal-opportunity-harassment->

## **Sexual Harassment**

Sexual harassment is a form of misconduct that undermines the integrity of the academic environment. It is the policy of Defiance College that sexual harassment is prohibited. All members of the College community, especially officers, faculty, and other individuals who exercise supervisory authority, have an obligation to promote an environment that is free of sexual harassment. Sexual harassment is defined as:

Sexual harassment is:

- unwelcome,
- sexual, sex-based and/or gender-based verbal, written, online and/or physical conduct.

Anyone experiencing sexual harassment in any College program is encouraged to report it immediately to the Title IX Coordinator or a deputy. Remedies, education and/or training will be provided in response.

Sexual harassment may be disciplined when it takes the form of quid pro quo harassment, retaliatory harassment and/or creates a hostile environment.

A hostile environment is created when sexual harassment is:

- sufficiently severe, or
- persistent or pervasive, and
- objectively offensive that it:
  - unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the college's educational, employment, social and/or residential program.

Quid Pro Quo Harassment is:

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature
- By a person having power or authority over another constitutes sexual harassment when
- Submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational or employment progress, development, or performance.
- This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational or employment program.

Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.

Any complaints or inquiries regarding sexual harassment of a student by an officer, faculty member, or staff member should be brought to the immediate attention of Title IX Coordinator/Dean of Students (419-783-2437) or Deputy Coordinator/Director of Human Resources (419-783-2360). Any complaints or inquiries regarding sexual harassment of a student by another student should be brought to the immediate attention of the Title IX Coordinator/Dean of Students (419-783-2347). The College will investigate such claims promptly and thoroughly. If, for any reason, a student wishes to complain or inquire regarding sexual harassment, but feels it would not be appropriate to raise such issues with the Dean of Students or Director of Human Resources the student may inquire or complain to any Department Chair or any officer of the College at the level of Vice President or above, and such inquiries or complaints will receive a prompt and thorough investigation. If harassment is established, the College will discipline the offender. Disciplinary action for violations of this policy can range from verbal or written warnings, up to and including immediate termination from employment or dismissal from the College for serious or repeated violations.

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

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

- A. *Fondling* — The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- B. *Incest* — Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

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

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

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

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

### **State of Ohio Definitions**

**Menacing By Stalking:** 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 cause mental distress to 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 mental distress, 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 electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, or computer system, shall post a message with purpose to urge or incite another to commit a violation of division (A)(1) of this section.

(3) No person, with a sexual motivation, shall violate division (A)(1) or (2) of this section.

(B) Whoever violates this section is guilty of menacing by stalking.

### **Domestic violence.**

(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.

### **CAMPUS PROCEDURES FOR ADDRESSING SEXUAL MISCONDUCT, DATING VIOLENCE, DOMESTIC VIOLENCE, STALKING, SEXUAL HARASSMENT, AND OTHER ACTS OF SEX AND GENDER DISCRIMINATION**

For offenses including sexual misconduct or other gender based violence, which typically include the crimes of domestic violence, dating violence, sexual harassment, sexual misconduct, and stalking, sanctions range from warning to expulsion. Serious and violent incidents and acts of non-consensual sexual intercourse (the policy equivalent to the crime of rape) usually result in suspension, expulsion, or termination of employment. Lying to investigators (and/or failing to participate in an investigation) can result in additional consequences under the Code of Student Conduct.

The following sanctions may be imposed upon any member of the community found to have violated the Sex/Gender Harassment, Discrimination and Misconduct Policy. The following are the typical sanctions that may be imposed upon students or organizations singly or in combination:

### **Student Sanctions (listed below and defined in the Student Handbook)**

- Warning
- Restitution and Fines
- Community/College Service
- Loss of Privileges
- Confiscation of Prohibited Property
- Behavioral Requirement
- Restriction of Visitation Privileges
- College Housing Reassignment, Probation or Suspension
- College Probation, Suspension, or Expulsion
- Eligibility Restriction
- Withholding Diploma
- Revocation of Degree
- Organizational Sanctions
- Other Actions

### **Employee Sanctions**

- Warning – Verbal or Written
- Corrective Action
- Required Counseling
- Required Training or Education
- Loss of Annual Pay Increase
- Loss of Oversight or Supervisory Responsibility 23
- Demotion
- Suspension with Pay
- Suspension without Pay
- Termination
- Other Actions

Procedurally, when the College receives a report of sexual misconduct, gender-based violence, or other sex or gender discrimination, the campus Title IX Coordinator is notified. The victim will be provided a written explanation of their rights and options including information about counseling, health, advocacy, financial aid and other services for victims. If the victim wishes to access local community agencies and/or law enforcement for support, the College will assist the victim in making these contacts. The Title IX Coordinator will offer assistance to victims in the form of interim or long-term measures such as opportunities for academic accommodations; changes in housing for the victim or the responding student; visa and immigration assistance; changes in working situations; and other assistance as may be appropriate and available on campus or in the community (such as no contact orders, campus escorts, transportation assistance, targeted interventions, etc.). The College is obligated to comply with a student's reasonable request for a living and/or academic situation change following an alleged sex offense. The Title IX Coordinator will be responsible for determining what measures to take. If the victim so desires, that individual will be connected with a counselor on- or off-campus, as well as an on- or off-campus victim's advocate. No victim is required to take advantage of these services and resources, but the College provides them in the hopes of offering help and

support without condition or qualification. A summary of rights, options, supports, and procedures, in the form of this document, is provided to all victims, whether they are students, employees, guests, or visitors.

When appropriate upon receipt of notice, the Title IX Coordinator will cause a prompt, fair, and impartial process to be initiated, commencing with an investigation, which may lead to the imposition of sanctions based upon a preponderance of evidence (what is more likely than not), upon a responding student or other accused individual. Procedures detailing the investigation and resolution processes of the College can be found online here: (<http://www.defiance.edu/information/documents/2016-equal-opportunity-harassment-discrimination-and-sexual-misconduct-policy.pdf>). The Coordinator is ultimately responsible for assuring in all cases that the behavior is brought to an end, the College acts to reasonably prevent its recurrence, and the effects on the victim and the community are remedied. The Coordinator is also responsible for assuring that training is conducted annually for all advocates, investigators, hearing officers, panelists, and appeals officers that encompass a hearing process that protects the safety of victims and promotes accountability. Training will focus on sexual misconduct, domestic violence, dating violence, sexual assault, stalking, sexual harassment, retaliation, and other behaviors that can be forms of sex or gender discrimination covered by Title IX and Clery Act. Training will help those decision-makers in the process of protecting the safety of victims and promoting accountability for those who commit offenses.

The investigation and records of the resolution conducted by the College are maintained confidentially. Information is shared internally between administrators who need to know, but a tight circle is kept. Where information must be shared to permit the investigation to move forward, the person bringing the accusation will be informed. Privacy of the records specific to the investigation is maintained in accordance with Ohio law and the federal FERPA statute. Any public release of information needed to comply with the open crime logs or timely warning provisions of the Clery Act will not include the names of victim or information that could easily lead to a victim's identification. Additionally, the College maintains privacy in relation to any accommodations or protective measures afforded to a victim, except to the extent necessary to provide the accommodations and/or protective measures. Typically, if faculty members or administrators are asked to provide accommodations for a specific student, they are told that such accommodations are necessary under Title IX or the Clery Act, but they are not given any details of the incident, or what kind of incident it is. Irrespective of state law or public records access provisions, information about victims is maintained privately in accordance with Title IX and FERPA.

In any complaint of sexual misconduct, sexual assault, stalking, dating violence, domestic violence, or other sex or gender-based discrimination covered under the federal law, Title IX, the person bringing the accusation and the responding party are entitled to the same opportunities for a support person of their choice throughout and to fully participate in the process, including any meeting, conference, hearing, appeal, or other procedural action. The role of advisors is described below.

All parties are entitled to an advisor of their choosing to guide and accompany them throughout all parts of the campus resolution process. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them. People who will be called as witnesses may not serve as advisors. 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 one. All advisors are subject to the same rules, whether they are attorneys or not. Advisors may not address campus officials in a meeting, interview or hearing unless invited to. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. Any advisor who steps out of their role will be asked to leave the meeting and the meeting will typically continue without the advisor. The Title IX Coordinator or Designee will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

The college expects that the parties will wish the college to share documentation related to the allegations with their advisors. The college provides a consent form that authorizes such sharing. The parties must complete this form before the college is able to share records with an advisor. The parties are not otherwise restricted from discussing and sharing information relating to allegations with others who may support them or assist them in preparing and presenting. Advisors are expected to maintain the privacy of the records shared with them by the college. These records may not be shared with 3<sup>rd</sup> parties, disclosed publicly, or used for purposes not explicitly authorized by the college. The 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 college meetings when scheduled. The college does not typically change scheduled meetings to accommodate an advisor's inability to attend. The college will, however make provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

A party may elect to change advisors during the process, and is not locked into using the same advisor throughout.

Once complete, the parties will be informed, in writing, of the outcome, including the finding, the sanctions (if any), and the rationale therefore. Delivery of this outcome to the parties will occur without undue delay between notifications. All parties will be informed of the College's appeal processes, and their rights to exercise a request for appeal. Should any change in outcome occur prior to finalization, all parties will be timely informed in writing, and will be notified when the results of the resolution process become final.

The college will, upon written request, disclose to the alleged victim of a crime of violence, 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 or 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.

Both Title IX and the Clery Act provide protections for whistleblowers who bring allegations of non-compliance with the Clery Act and/or Title IX to the attention of appropriate campus administrators. The College does not retaliate against those who raise concerns of non-compliance. Any concerns should be brought to the immediate attention of the campus Title IX Coordinator Lisa Marsalek, Vice President for Student Engagement and Dean of Students, and/or to officials of the U.S. Department of Education.

## **15. DEFINITIONS OF CRIME CATEGORIES**

Defiance College's crime statistics reporting uses definitions of crime determined through the FBI's Uniform Crime Reporting Handbook (UCR). The summary definitions are included below:

1. Murder and Non-negligent Manslaughter- The willful killing of one human being by another.
2. Manslaughter by Negligence- The killing of another person through gross negligence.
3. Rape- The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes rape of both males and females.
4. Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
5. Incest- The sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
6. Statutory Rape – Sexual Intercourse with a person who is under the statutory age of consent.
7. Robbery- Taking or attempting to take anything of value from the care, Custody or control of a person by force or threat of force or violence And or putting the victim in fear.
- 8.. Aggravated Assault- An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by the means likely to produce death or great bodily harm.
9. Burglary- The unlawful entry of a structure with the intent to commit a felony or theft. For reporting purposes this definition includes unlawful entry with the content to commit larceny or felony; breaking and entering with the intent to commit a larceny; housebreaking; safecracking; and all attempts to commit the aforementioned.
10. Motor Vehicle Theft- The theft or attempted theft of a motor vehicle.
11. Arson- Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another.
12. Crimes of Prejudice- Any crime described above or involving bodily Injury in which the victim is intentionally selected because of actual or perceived race, gender, religion, sexual orientation, ethnicity or disability.
13. Weapons Violation- Violation of laws or ordinances dealing with weapons offenses, regulatory in nature, such as: manufacturing, sale, or possession of deadly weapons; concealed or openly; furnishing deadly weapons to minors; and all attempts to commit any of the aforementioned.
14. Drug Abuse Violation- Violation of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of Narcotic drugs.
15. Liquor Law Violation- Violation of laws or ordinances prohibiting; the manufacture, sale, transporting, furnishing, possession of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still. Furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned.

16. Domestic Violence-A “felony or misdemeanor crime of violence committed by- 1. a current or former spouse or intimate partner of the victim,  
 2. a person with whom the victim shares a child in common,  
 3. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,  
 4. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies [under VAWA], or  
 5. any other person against an adult or youth victim violence laws of the jurisdiction.”
17. Dating Violence-“Violence committed by a person- 1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and  
 2. where the existence of such a relationship shall be determined based on a consideration of the following factors: 1. the length of the relationship;  
 2. the type of relationship; and  
 3. the frequency of interaction between the persons involved in the relationship.”
18. Stalking-“Engaging in a course of conduct directed at a specific person that would cause a reasonable person to- 1. fear for his or her safety or the safety of others; or  
 2. suffer substantial emotional distress.” 3. For the purposes of this definition, *course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

### **Geographic Areas Related To Reportable Crimes**

The following geographic definitions are used in this report.

**On campus** means any building or property owned or controlled by the college.

**Residential Facilities** means all residence halls and other residential facilities for students on campus and owned or controlled by the college.

**Non-campus** building or property means any building or property owned or controlled by a student organization that is officially recognized by college.

**Public Property** means all public property, including streets, sidewalks and parking facilities that is within the campus or immediately adjacent to and accessible from the campus.

# 16. CRIME STATISTICS FOR 2013-2015

In accordance with federal law, Defiance College compiles and reports certain crimes and arrest statistics on an annual basis. The information included below reflects incidents which have been reported to Student Life or local law enforcement in the prior three calendar years. Calendar year data is compiled and reported in the Fall semester of the year following a specific calendar year (for example, 2015 crime statistics data is reported in the Fall semester of 2016). This data is available to all students and personnel at the College. This data is also made available to prospective students and prospective employees upon request.

This information is provided in three categories: 1) criminal offenses; 2) hate crimes; and 3) arrests and disciplinary actions. Specific definitions of the crime categories identified below are provided in the preceding section of this report.

	2013	2014	2015
	<b>Murder</b>		
On Campus	0	0	0
Student Housing	0	0	0
Non Campus Property	0	0	0
Public Property	0	0	0
	<b>Negligent Manslaughter</b>		
On Campus	0	0	0
Student Housing	0	0	0
Non Campus Property	0	0	0
Public Property	0	0	0
	<b>Rape</b>		
On Campus	3	3	4
Student Housing	3	3	4
Non Campus Property	0	0	0
Public Property	0	0	
	<b>Fondling</b>		
On Campus	0	0	0
Student Housing	0	0	0
Non Campus Property	0	0	0
Public Property	0	0	0
	<b>Incest</b>		
On Campus	0	0	0
Student Housing	0	0	0

Non Campus Property	0	0	0
Public Property	0	0	0
	<b>Statutory Rape</b>		
On Campus	0	0	0
Student Housing	0	0	0
Non Campus Property	0	0	0
Public Property	0	0	0
	<b>Robbery</b>		
On Campus	0	0	0
Student Housing	0	0	0
Non Campus Property	0	0	0
Public Property	0	0	0
	<b>Aggravated Assault</b>		
On Campus	0	0	0
Student Housing	0	0	0
Non Campus Property	0	0	0
Public Property	0	0	0
	<b>Burglary</b>		
On Campus	0	3	4
Student Housing	0	3	3
Non Campus Housing	0	0	0
Public Property	0	0	0
	<b>Arson</b>		
On Campus	0	1	0
Student Housing	0	1	0
Non Campus Housing	0	0	0
Public Property	0	0	0
	<b>Liquor Violations – Arrests</b>		
On Campus	7	1	2
Student Housing	7	1	0
Non Campus Housing	0	0	0
Public Property	0	8	3
Total	7	9	5
	<b>Liquor Violations – Disciplinary Action</b>		
On Campus	23	34	11
Student Housing	23	34	8
Non Campus	0	0	0

Housing			
Public Property	0	0	0
Total	23	34	11
<b>Drug Violations - Arrests</b>			
On Campus	1	6	4
Student Housing	1	2	3
Non Campus Housing	0	0	0
Public Property	0	2	2
Total	1	6	5
<b>Drug Violations - Disciplinary Action</b>			
On Campus	1	3	12
Student Housing	0	3	9
Non Campus Housing	1	0	0
Public Property	0	0	0
Total	1	3	12
<b>Weapons - Arrests</b>			
On Campus	0	0	0
Student Housing	0	0	0
Non Campus Housing	0	0	0
Public Property	0	0	0
Total	0	0	0
<b>Weapons - Disciplinary Action</b>			
On Campus	0	0	1
Student Housing	0	0	1
Non Campus Property	0	0	0
Public Property	0	0	0
Total	0	0	1
<b>Vehicle Theft</b>			
On Campus	0	0	0
Student Housing	0	0	0
Non Campus Property	0	0	0
Public Property	0	0	0
<b>Hate Crime</b>			
On Campus	0	0	0
Student Housing	0	0	0
Non Campus Property	0	0	0
Public Property	0	0	0
<b>Domestic Violence</b>			

On Campus	N/A	0	0
Student Housing	N/A	0	0
Non Campus Property	N/A	0	0
Public Property	N/A	0	0
<b>Dating Violence</b>			
On Campus	N/A	2	0
Student Housing	N/A	2	0
Non Campus Property	N/A	0	0
Public Property	N/A	0	0
<b>Stalking</b>			
On Campus	N/A	0	0
Student Housing	N/A	0	0
Non Campus Property	N/A	0	0
Public Property	N/A	0	0

If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is "unfounded". Only sworn or commissioned law enforcement personnel may unfound a crime. Defiance College had 0 unfounded crimes in 2014.

### **FIRES IN ON-CAMPUS HOUSING FACILITIES**

There were no fires reported in on-campus housing facilities in 2013 or 2015. There were 2 fires reported in 2014. The complete Fire Safety Report can be found at <http://www.defiance.edu/student-life/documents/fire-safety-report-2015.pdf>.