

# DEFIANCE COLLEGE

## 2025 COMBINED ANNUAL SECURITY REPORT & FIRE SAFETY REPORT FOR CALENDAR YEAR 2024

### 1. Introduction

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

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

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

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

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

### Campus Safety Information

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

**Non-emergencies:** Campus Safety (419-785-2625) or Student Life (419-783-2437)

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

This report is prepared by the Director of Campus Safety and Dean of Students in cooperation with local law enforcement authorities and includes information provided by them as well as by the College's campus security authorities and various other elements of the College. Each year an email notification is made to all enrolled students and employees that provides the website link to access this report. Copies of the Annual Security Report may be printed in PDF format from Defiance College website <http://www.defiance.edu/student-life/info/campus-safety-and-compliance.html>. Prospective students and employees are also notified of the report's availability. Hard copies of the report may also be obtained at no cost by contacting Jake Arnold 128 Hubbard Hall 701 N. Clinton St. Defiance, OH 43512 419-783-2472.

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 Campus Safety Office.

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

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

Campus Safety 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 Defiance College Campus Safety with day time, evening and overnight security personnel and by the Defiance Police Department who provide periodic patrols through the campus 24-hours a day. Defiance College Campus Safety 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 Safety 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. Campus Safety personnel refer criminal matters to the Office of Student Life and local law enforcement as appropriate.

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

The Campus Safety office is located at 104 Hubbard Hall and the McCann Center desk and has a close working relationship with the Defiance Police and Fire Departments. If necessary, a Student Life staff member is also available to handle situations involving students if immediate attention is needed.

In addition, professional Residence Life staff and student resident assistants (RA's) play a key role in promoting a safe and secure environment in residence facilities. These personnel are responsible for

reporting criminal activity in residence facilities and responding to emergency situations that may arise in residence facilities. Students who are approved for commuter status and live off-campus are under the direct jurisdiction and protection of local law enforcement.

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

### **Campus Security Authorities**

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

- Campus Safety at 419-785-2625
- Dean of Students at 419-783-2587
- Assistant Dean/Director of Residence Life at 419-783-2563
- Director of Student Activities at 419-783-2388
- Assistant Athletic Director at 419-783-2378
- Director of Athletics at 419-783-2380
- Director of Human Resources at 419-783-2360
- Director of Physical Plant at 419-783-2502
- VP for Finance at 419-783-2317
- All Athletic Coaches and Athletic Trainers
- Faculty/staff advisors to student groups
- All Residence Life staff and Student Security Staff
- All Cabinet members

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

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

- All crimes occurring on or near College property should be reported immediately to the Campus Safety Department or Dean of Students office. The number to contact is 419-783-2625. Campus Safety will answer this line 24 hours a day.
- If a crime is in progress or there is some other situation posing imminent danger, local law enforcement can be reached by dialing 911.
- Students, staff, and visitors should also report situations to one of the campus security authorities identified above. Once reported, the individual may also be encouraged to report the situation to the appropriate police agency. If requested, a College staff member will assist in making the report to police.
- Anonymous incident reports can also be made by completing an incident report at <https://www.defiance.edu/communication-information.html>
- To report a crime "off campus" within the Defiance city limits, contact the **City of Defiance Police Department** non-emergency line at 419-784-5050. In the event of an emergency dial 911.

The Defiance College Office of Campus Safety 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 Campus Safety 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 Office of Campus Safety at 419-783-2625 or in person at 104 Hubbard Hall.

## **5. Confidential Reporting**

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

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

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

### **Confidential Reporting Options**

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

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

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

During business hours, the College (excluding 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 Campus Safety personnel or Residence Life staff. The locking and unlocking of campus buildings is handled by Campus Safety staff following a weekly schedule published by the Conferences and Events office. The hours that buildings are open is dictated by events that are scheduled in each individual building.

The living areas of the residence halls are secured 24 hours a day and can only be entered by using keys (Grand Avenue Apartments, and on-campus houses) or by card access (all other residence hall facilities). 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 during floor meetings 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 Campus Safety Officer is available 24 hours a day. Campus Safety is responsible for locking campus facilities at night and unlocking the facilities in the morning. During days in which class is in session, all academic buildings will be open for classes and business. Physical Plant employees have access to all campus facilities and are responsible for the maintenance and repair of these facilities.

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

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

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

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

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

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

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

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

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

Residence Life Staff are posted on each residence hall floor. These students have been trained in reporting crimes and issues to both Campus Safety 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 OnSolve 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 through their Account Portal at any time.

Defiance College is widely covered by security cameras operated and maintained by the Physical Plant office and monitored by the Office of Campus Safety. 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 Campus Safety and Student Life with the capability to identify potential suspects and act as a physical presence working to deter crime through their presence.

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

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

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

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

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

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

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

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

### Drug and Alcohol Abuse Prevention Program

The College has a drug and alcohol abuse and prevention program and conducts a biennial review of this program to evaluate its effectiveness. All new students are required to complete two online educational courses, *Respect EDU* and *Alcohol and Other Drugs*.

### HEALTH RISKS OF ALCOHOL

Alcohol consumption causes a number of marked changes in behavior. Even low doses of alcohol can significantly impair judgment and coordination, including that required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also can increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol can cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses can cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will provide the effects just described.

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

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

### HEALTH RISKS OF CONTROLLED SUBSTANCES

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

Controlled Substances—Uses and Effects					
Drugs	Physical dependence	Psychological dependence	Possible effects	Effects of overdose	Withdrawal syndrome
NARCOTICS					
Heroin	High	High	Euphoria	Slow and shallow breathing	Yawning
Morphine	High	High	Drowsiness		Loss of appetite
Codeine	Moderate	Moderate	Respiratory	Clammy skin	Irritability
Hydrocodone	High	High			



### Controlled Substances—Uses and Effects

Drugs	Physical dependence	Psychological dependence	Possible effects	Effects of overdose	Withdrawal syndrome
Hydromorphone	High	High	Depression	Convulsions	Tremors
Oxycodone	High	High	Constricted pupils	Coma	Panic
Methadone and LAAM	High	High	Nausea	Possible death	Cramps
Fentanyl and analogs	High	High			Nausea
Other Narcotics	High-Low	High-Low			Runny nose
					Chills and sweating
					Watery eyes
<b>DEPRESSANTS</b>					
Chloral Hydrate	Moderate	Moderate		Shallow respiration	Anxiety
Barbituates	High-Moderate	High-Moderate	Slurred speech	Clammy Skin	Insomnia
Benzodiazepines	Low	Low	Disorientation	Dilated pupils	Tremors
Glutethimide	High	Moderate	Drunken behavior without odor of alcohol	Weak and rapid pulse	Delirium
Other Depressants	Moderate	Moderate		Coma	Convulsions
				Possible death	Possible death
<b>STIMULANTS</b>					
Cocaine	Possible	High	Increase alertness	Agitation	Apathy
Amphetamine/ Methamphetamine	Possible	High	Euphoria	Increased body temperature	Long periods of sleep
Methylphenidate	Possible	High		Hallucinations	Irritability
Other Stimulants	Possible	High	Increased pulse rate and blood pressure	Convulsions	Depression
				Possible death	Disorientation

## Controlled Substances—Uses and Effects

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

### **COLLEGE POLICIES RELATIVE TO ALCOHOL**

Defiance College seeks to provide its students, employees, and the public with a drug-free environment. The College also has an interest in promoting the highest possible standard of health and welfare among its students, faculty and staff. Therefore, it is the policy of Defiance College to discourage the unlawful use of controlled substances and the misuse or abuse of alcohol by its students and employees at any time.

The unlawful manufacture, distribution, dispensation, possession, or use of alcohol or controlled substances, including illicit drugs, is prohibited on property owned or operated by Defiance College or as part of any of its activities.

As a part of its resolve to develop and uniformly apply a general alcohol policy Defiance College is committed to educating members of the College community about alcohol use and abuse. The College regularly provides a wide variety of alcohol education activities, information resources, and support services for students. The College expects responsible behavior by students of legal age who choose to drink alcoholic beverages and requires an environment free of coercion for those who choose to abstain. Therefore, students must adhere to College guidelines for responsible and legal consumption of alcoholic beverages, which are outlined in [2025-2026 Student Handbook](#).

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

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

## **COLLEGE POLICIES RELATIVE TO DRUGS**

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

1. Illegal possession or consumption of drugs or recreational marijuana is a College offense, and a student's failure to abide by the College's drug and alcohol standards of conduct will result in disciplinary action. Depending on the nature of the offense, the College may impose any of the sanctions which are listed in the Student and Employee Handbook up to and including separation from the College and expulsion or termination of employment.

2. The illegal provision, manufacture or merchandising of drugs may result in expulsion or employment termination. Students and employees are reminded that a drug prescribed for one person may be harmful to another and are warned not to offer or provide their own medication to others.

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

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

## **RECREATIONAL MARIJUANA**

The possession or consumption of illegal drugs, marijuana and medical marijuana, (or the possession or consumption of therapeutic drugs without a legal prescription) is strictly prohibited anywhere on campus, including all residence halls and residence hall rooms. Drug paraphernalia, even if only for decorative purposes, is not allowed in individual students' rooms. The presence of drug paraphernalia in and around the residence halls or a student's room is considered a violation of the Student Code of Conduct. Although it is legal in Ohio to use or possess marijuana for individuals for the age of 21, this use and possession is still prohibited on campus as it is prohibited by federal laws and regulations.

## **DISCIPLINARY SANCTIONS**

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

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

Drug and alcohol counseling and referral services are available through [College Counseling Services](#) at [419.783.2548](tel:419.783.2548). Any student desiring information, referral services, or counseling in a confidential setting need only call. College employees seeking information, counseling, or referral services may call Higher Ed Employee Assistance Program 800-252-4555

### **FEDERAL AND STATE PENALTIES**

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

In addition, Ohio law prohibits a person from knowingly providing money or other items of value to another person who then uses such money or items to obtain a controlled substance for the purpose of selling, manufacturing or cultivating such a controlled substance. If the drug involved in the violation is methamphetamine in any form, and if the offense was committed in the vicinity of a juvenile, in the vicinity of a school, or on public premises, such offense is a felony of the first degree, which carries a mandatory prison sentence. It is also unlawful to knowingly distribute illegal anabolic steroids. With few exceptions, these offenses are felonies.

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

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

With regard to beer and intoxicating liquor, Ohio law provides that a person under 21 years of age who orders, pays for, attempts to purchase, possesses or consumes beer or liquor, or furnishes false information in order to affect a purchase, commits a misdemeanor. A person using a false or altered identification card to purchase beer or intoxicating liquors shall be fined not less than \$250 but not more than \$1,000 for a first offense and may be sentenced to a term of imprisonment of not more than 6

months. For a second offense involving the use of a false or altered identification card, the penalties include: a fine of not less than \$500 and not more than \$1,000, a sentence to a term of imprisonment for not more than 6 months; and the possibility of losing a driver's or commercial driver's license for a period not to exceed one year. For a third offense, the penalties include: a fine of not less than \$500 and not more than \$1,000, a sentence to a term of imprisonment for not more than 6 months; community service, and the loss of license is mandatory for at least 90 days and can remain in effect until the offender attains age 21. If a person is convicted of the manufacture, sale, or distribution of false identification cards, then that person is guilty of a felony. Ohio law prohibits the possession of beer or liquor which was not lawfully purchased.

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

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

Violation of these laws may also be a violation of College policies and could result in civil liability.

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

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

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

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

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

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

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

## **11. DEFIANCE COLLEGE ANTI-HAZING POLICY**

### **INTRODUCTION AND RATIONALE FOR POLICY**

As part of its commitment to promoting a safe and healthy campus environment for the Defiance College community and cultivating a culture that fosters respect for the dignity and rights of all its members, the College does not tolerate hazing activities by any members of the Defiance College community. Defiance College is committed to providing an educational environment, as well as other benefits, programs, and activities that are free from hazing and retaliation. To ensure compliance with federal and state laws and regulations, and to affirm its commitment to a safe and healthy campus, Defiance College has developed internal policies and procedures that will provide a prompt, fair, and impartial process for those involved in an allegation of hazing. Defiance College values and upholds the equal dignity of all members of its community and strives to balance the rights of all parties in what is often a difficult time for all those involved.

### **COLLEGE POLICIES RELATIVE TO HAZING**

Students are entitled to be treated with consideration and respect, and no individual may perform an act that is likely to cause physical or psychological harm to any other person within the College community. Defiance College student groups (e.g. registered student organizations, intramural, club and varsity athletic teams, and other recognized student groups) and individual students and employees are prohibited from hazing on or off campus. Accordingly, any such behavior is expressly forbidden when related to the admission, initiation, pledging, joining, or any other group-affiliation activity.

Effective as of October 7, 2021, Hazing, as set forth in Ohio Revised Code section 2903.31, as amended, means: Intentionally, knowingly, or recklessly, for the purposes of initiating, admitting or affiliating a student into or with an organization, or for the purpose of continuing or enhancing a student's membership or status in an organization, causing, coercing or forcing a student to do any of the following, regardless of whether such conduct occurs on or off campus:

- Violate Federal or State criminal law.
- ○ Consume any food, liquid, alcoholic liquid, drug or other substance which subjects the student to a risk of emotional or physical harm.
- ○ Endure brutality of a physical nature, including whipping, beating, branding, calisthenics or exposure to the elements.
- Endure brutality of a mental nature, including actively adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment.
- Endure brutality of a sexual nature.
- Endure any other activity that creates a reasonable likelihood of bodily injury to the student.

Any Defiance College community member or organization found to be involved in any hazing activity will face conduct action and may be subjected to suspension or expulsion from the College. A violation of this policy may exist irrespective of any alleged voluntary or consensual participation in the activity by the person(s) being abused.

## **2. Notice/Complaints of Hazing**

**Identifying Acts of Hazing:** Key indicators:

- the activity is degrading and/or demeaning,
- there is risk of injury or question of safety,
- alcohol or drugs are present,
- cryptic language is used to describe an event, activity, or interaction,
- active members are unwilling to participate in the same activity with new members,
  - active and new members are unwilling to discuss the activity with advisers, coaches, family members, headquarters or prospective members,
- members justifying actions as "tradition" in an attempt to convince others that it is an acceptable event,
- changes in behavior such as oversleeping, constant exhaustion or an inability to focus, a drop in GPA.

Notice or complaints of Hazing may be made using any of the following options:

- 1) File a complaint with, or give verbal notice to, the Dean of Students/Title IX Coordinator or Deputy Coordinators. Such a report may be made at any time (including during non-business hours) via phone, email, or postal mail by contacting the Title IX Coordinator or any other official listed below.



**Dean of Students and Title IX Coordinator:**

**Lisa Marsalek, Vice President for Student Affairs and Dean of Students 128**

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

(419) 783-2587 or lmarsalek@defiance.edu

**Deputy Title IX Coordinators:**

**Mary Burkholder, Director of Human Resources**

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

(419) 783-2360 or mburkholder@defiance.edu

**Matthew Gehring, Assistant Athletic Director for Compliance, Facilities, and Internships 105H**

McMaster Center, 701 N. Clinton St., Defiance, OH 43152

(419) 783-2378 or mgehring@defiance.edu

**Jennifer Walton, Associate Dean of Student Belongingness and Director of Residence Life**

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

(419) 783-2563 or jwalton@defiance.edu

- 2) Report online, using the reporting form posted at <https://www.defiance.edu/communication-information.html>. Anonymous reports are

accepted but can give rise to a need to investigate to determine if the parties can be identified. If not, no further formal action is taken, though measures intended to protect the community may be enacted. Defiance College tries to provide supportive measures to all Reporting Parties, which may be impossible with an anonymous report that does not identify the Reporting and/or Responding Party.

- 3) In the event of an emergency, please call 911.

### **3. Supportive Measures**

Defiance College will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged hazing or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and as reasonably available. They are offered without fee or charge to the parties to restore or preserve access to the Defiance College's education program or activity, including measures designed to protect the safety of all parties and/or Defiance College's educational environment, and/or to deter hazing, harassment, discrimination, and/or retaliation.

The Dean of Students/Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, Defiance College will inform the Reporting Party, in writing, that they may file a formal complaint with the College either at that time or in the future, if they have not done so already. The Title IX Coordinator

works with the Reporting Party to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

Defiance College will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair the College's ability to provide those supportive measures. Defiance College will act to ensure as minimal an academic/occupational impact on the parties as possible. Defiance College will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders or other restrictions will be referred to appropriate student or employee conduct processes for enforcement.

#### **4. Emergency Removal**

Defiance College can act to remove a Student Responding Party entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Dean of Students/Title IX Coordinator.

In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Dean of Students/Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause and why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not

requested in a timely manner, objections to the emergency removal will be deemed waived. A Reporting Party and their Advisor may be permitted to participate in this meeting if the Dean of Students/Title IX Coordinator determines it is equitable to do so. There is no appeal process for emergency removal decisions.

A Responding Party may be accompanied by an Advisor of their choice when meeting with the Dean of Students/Title IX Coordinator for the show cause meeting. The Responding Party will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Dean of Students/Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline within the student or employee conduct processes, which may include expulsion or termination.

Defiance College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Dean of Students/Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning a student employee, restricting a student's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's

participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

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

## **5. Promptness**

All allegations are acted upon promptly by Defiance College once it has received notice or a formal complaint. The College will make every effort to complete the initial investigation within a period of thirty (30) days, barring extenuating circumstances. If the circumstances require more than thirty (30) days, the College will notify the student group or student organization representative(s) of the delay, including the reason(s) for the delay and the anticipated timeline for completing the investigation. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the College will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in the Defiance College procedures will be delayed, the College will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

## **6. Confidentiality/Privacy**

Every effort is made by Defiance College to preserve the confidentiality of reports.<sup>[1]</sup> The College will not share the identity of any individual who has made a report or complaint of hazing or retaliation; any Reporting Party; any individual who has been reported to be the perpetrator of hazing; any Responding party, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

Defiance College reserves the right to determine which College officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: Office of Student Life, Campus Security, and the CARE Team. Information will be shared as necessary with Investigators, Hearing Panel members/Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

Defiance College may contact parents/guardians of students to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

Confidentiality and mandated reporting are addressed more specifically below.

## **7. Jurisdiction of Defiance College**

This Anti-Hazing Policy applies to all members of the College community, including faculty, staff, students, volunteers, organizations, and groups, as well as visitors and other licensees and invitees. The policy applies to off-campus facilities of Student Organizations, at College-sponsored or approved activities, and at non-College activities. The policy applies to all College locations, including where the College is extended to distance education, such as study abroad, service trips, experiential learning opportunities, and athletic, club sport, and other group travel. This policy may also be applied to behavior conducted online, via e-mail or through electronic media, in cases where the behavior is not protected by freedom of expression. The College does not regularly search for online information but may take action if such information is brought to the attention of College officials.

## **8. Retaliation**

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Reporting Party or Responding Party, 6 assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Dean of Students/Title IX Coordinator and will be promptly investigated. The College will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

Defiance College and any member of the Defiance College community are prohibited from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of an investigation and/or hearing proceeding under this policy and procedure does not constitute retaliation, provided that the determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.

## **9. Mandated Reporting**

All Defiance College employees (faculty, staff, and administrators) are expected to report actual or suspected hazing and/or retaliation to appropriate officials immediately, although there are some limited exceptions. Failure of a non-confidential employee, as described in this section, to report an incident of hazing of which they become aware is a violation of College policy and can be subject to disciplinary action for failure to comply.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected hazing in a way that identifies the parties. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Reporting Party has requested the information be shared.

If a Reporting Party expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Dean of Students/Title IX Coordinator (and/or police, if desired by the Reporting Party), who will take action when an incident is reported to them.

The following sections describe the reporting options at Defiance College for a Reporting Party:

#### **a. Confidential Resources**

If a Reporting Party would like the details of an incident to be kept confidential, the Reporting Party may speak with:

- Director of Counseling & Accessibility Services, **Kris Knight**: 419-783-2548
- Accessibility Services Coordinator and Case Manager, **Nikki Arnold**: 419-783-2445

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials or official designation, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

Campus counselors and/or the Employee Assistance Program are available to help free of charge and may be consulted on an emergency basis during normal business hours.

Defiance College employees who have confidential privilege as described above, and who receive reports within the scope of their confidential roles, will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client.

#### **b. Mandated Reporters and Formal Notice/Complaints**

All employees of the College (including student employees), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Dean of Students/Title IX Coordinator all known details of a report made to them in the course of their employment.

A “mandatory reporter” must immediately report knowledge of hazing as defined in Section (1) of this Policy to the College through any of the five reporting options outlined in Section (2) of this Policy. Each of the following is considered a “mandatory reporter”: (1) Any full or part-time employee of the College (including student employees and graduate assistants), or (2) Any volunteer acting in an official capacity who advises or coaches student organizations and/or student groups and who have direct contact with students. Employees who are required by law to protect confidentiality are exempt from this requirement. Note: Reports made pursuant to this Policy do not supersede or replace other reporting obligations

Failure of a Mandated Reporter, as described above in this section, to report an incident of hazing of which they become aware is a violation of Defiance College Policy and can be subject to disciplinary action for failure to comply.

The College will maintain a report of all violations of this Policy that are reported to the College and

which result in a charge of violation of this Policy. The College will update the report bi-annually on January 1 and August 1 of each year and will post the updated report on the College's website.

## **10. False Allegations and Evidence**

Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under appropriate Defiance College policies.

## **11. Amnesty for Complainants and Witnesses**

The Defiance College community encourages the reporting of misconduct and crimes by Reporting Parties and witnesses. Sometimes, Reporting Parties or witnesses are hesitant to report to College officials or participate in student conduct processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. It is in the best interests of the Defiance College community that Reporting Parties choose to report misconduct to College officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, Defiance College maintains a policy of offering Reporting parties and Witnesses who offered help to others in need amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Although policy violations cannot be overlooked, the Defiance College may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty to a Responding Party is based on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Responding Parties with respect to a Reporting Party.

## **12. Prevention and Awareness Policy Statement**

The College provides campus-wide primary prevention training designed to stop hazing before hazing occurs. Training is required for students, faculty and staff. The Anti-Hazing policy will be distributed annually through email as well as during training. All students seeking membership in a registered student organization or student group, including athletic teams, must complete the research informed *Hazing Awareness and Prevention for Students* module annually via Vector Solutions. Failure to complete the training will result in the student being denied the ability to join any recognized student organization

or group. If a student is unsure if they have completed the required program they should contact the Office of Student Life to verify their eligibility to join a student organization or group. The Office of Student Life will maintain a record of individuals who have completed the training.

All new faculty and staff are required to complete the *Hazing Awareness and Prevention(Faculty/Staff)* module within the first 30 days of employment. Employees must complete this module every three years. In addition to the online training, a one-hour in-person prevention and response training on hazing, Title IX, Title VI and other compliance issues is required for employees each Fall.

Ongoing prevention programming is offered each year including social norming marketing, events during National Hazing Prevention Awareness Week, skill building through Bystander Intervention training, and programs such as Vibe with Your Hive which offer an opportunity to apply strategies for building group cohesion without hazing.

### **13. Student Organization *Code of Conduct* Procedures for Responding to a Report/Notice of Hazing**

**A.** institution may receive notice of an allegation or potential violation of this or other related policies in a number of ways, including, but not limited to:

- The filing of an incident report with the appropriate College department or official, including self-reporting.
- Any Responsible Employee is made aware of any potential violation of this or other related policies.
- Any Responsible Employee observes any potential violation of this or other related policies.
- Any Responsible Employee is aware of an Recognized Student Organizations (RSO) climate or culture that may indicate a probability of violations of this or any other related policies.

(Responsible Employee is defined as any person employed by the College who:

- Has the authority to take action to address any violation of policy;
- Has the duty to report any type of misconduct to appropriate officials; or
- Is someone who a student could reasonably believe has this authority or responsibility)

### **B. Self-Reporting of Individual Misconduct and Amnesty**

RSO leadership are encouraged to immediately report any violations committed by members of the RSO of this or other Defiance College policies to the Dean of Students Office. This report should provide a detailed description of the events that transpired, the names of any individuals involved, and a description of any internal disciplinary actions taken by the RSO. If RSO chooses to self-report behavior in this manner, the Dean of Students or designee will only investigate the individual(s) implicated in the report. Unless information discovered in the investigation suggests that the incident was aided, abetted, sanctioned or organized by the RSO, the investigation will be limited to the individuals implicated in the self-report and not the RSO. However, if information is uncovered in the investigation that suggests that



the RSO aided, abetted, sanctioned or organized the event, the Dean of Students or designee may launch a formal investigation of the RSO.

Students who make a complaint under this policy or who participate in an investigation related to this policy will not be charged with other minor College policy violations that are brought to light in the course of the investigation that arose out of, or were committed as a direct result of, the incident(s) under investigation (i.e. students forced to consume alcohol as part of a hazing incident will not be charged with violations of the College's alcohol policy) as long as those

behaviors do not represent a threat to the health, safety or well-being of others. The College reserves the right to follow up with students related to those issues as appropriate in a non-disciplinary setting.

### **C. Preliminary Inquiry**

Upon receiving notice of an alleged violation of this or other College Policies involving a RSO, the Dean of Students (or designee), in consultation with the appropriate College departments, will conduct a preliminary assessment to determine if there is a reasonable basis for conducting an investigation into the alleged violations of College Policies. This initial assessment will include a review of the information reported. This may include, but is not limited to:

- interview(s) with the person(s) who made the report.
- review prior conduct history of the RSO and relevant members.
- gather information that would corroborate elements of the report.
- review of any materials related to the report.

Once a determination has been made that the alleged violations warrant a more comprehensive investigation or response, the Dean of Students or designee will notify the RSO in writing to outline the alleged violations, the resolution options based on alleged violations, and to schedule an educational conference (if applicable). This notification will also be sent to RSO Advisor(s), any relevant College departments, and if applicable, the RSO inter/national governing body.

If the Dean of Students or designee determines that no investigation is necessary, the report is documented and administratively closed. The Dean of Students or designee may, at their discretion, notify the RSO of the information received and that the matter is closed. In these cases, the Dean of Students or designee may choose, at their discretion, to maintain the confidentiality of any reporting party(ies).

### **D. Interim Measures**

In cases where it is determined that certain continued operations of a RSO constitute a reasonable threat of harm to individuals, damage of College premises, or disruption to the educational mission of the Defiance College, the Dean of Students or designee may issue interim measures, up to and including an interim suspension of all RSO activities, pending final disposition of the matter. Upon issuance of an interim measure, the Dean of Students or designee will notify the RSO representative and other appropriate parties in writing.

If a RSO wishes to seek a review of these interim measures, the RSO must submit a written request for an administrative review to the Dean of Students or designee. This administrative review should happen

within five (5) business days of the College's receipt of the request. This administrative review is not a hearing on the merits of the underlying allegations, but is merely a review to determine what, if any, interim measures are appropriate. The review may lead to a continuance, revocation, and/or modification of the interim measures, including modifications that may be more restrictive than the initial measures. Defiance College will notify RSO leadership of the outcome of the review in writing within three (3) business days of the review meeting. This notification will include the College's decision and the rationale for that decision.

If the College investigation lasts beyond 30 days (as outlined below, beginning from the date of the Educational Conference), the RSO may request another review of the interim measures, which will be handled similarly to the initial request for review as outlined above.

### **E. Resolution Options**

Upon notice of a potential violation, the Dean of Students or designee will assess the allegations to determine the applicable resolution options available to address the alleged policy violations. In so doing, the Dean of Students or designee may make use of a Violation Rubric. If utilized this Violation Rubric provides recommended adjudication models for various types of violations of this Code. The determination of resolution model will include consideration of the following:

- the severity of the alleged violations
- the risk of harm to other persons
- the conduct history of the RSO
- current status of the RSO
- any other relevant factors.

The Violation Rubric provides three levels of process associated with resolving alleged violations of this Code: Prescribed Resolution, Partnership Process Resolution, and Formal Investigation. An Educational Conference will be used when the Partnership Process Resolution or Formal Investigation options are utilized. The Dean of Students or designee may, at any time, determine that a case should be moved from a lower tier to a formal investigation.

### **F. Early Resolution**

In certain cases, there may be a determination by the Dean of Students or designee that there is insufficient evidence to proceed with an investigation, and/or the information collected, even if true, would not constitute a violation of policy. Early resolution is not a determination of responsibility, and is not recorded as a prior determination of such. However, if the behavior may constitute a violation of policies of inter/national governing bodies with which the RSO is affiliated, and the Dean or designee is aware of this affiliation, the Dean or designee may, at their discretion, forward the information to the appropriate body. In these cases, the dean or designee may choose to meet with the RSO representative and any other appropriate parties to discuss behavioral expectations. The Dean of Students or designee may suggest proactive educational and/or developmental measures designed to assist the RSO.

However, if Defiance College receives additional information related to the matter that was resolved by

early resolution, the College reserves the right to reopen the matter and proceed with investigation and adjudication.

#### **G. Prescribed Resolution Process**

In certain cases, the Dean of Students or designee, in reviewing the allegations, may determine that the allegations constitute a violation of policy(ies), and these violations fall under Level 1 of the Violations Rubric. Violations that fall under Level 1 of the Violations Rubric have prescribed outcomes associated with them. In these cases, the Dean of Students or designee may send an outcomes letter to the RSO representative and any other appropriate parties outlining the determination, the outcomes, and the rationale for both.

Upon receipt of this letter, the RSO may do one of the following:

- Accept the determinations and outcomes – in this case, the RSO will follow the directives outlined in the outcomes letter and the matter will be considered closed once the outcomes are completed. Failure to complete the outcomes may result in additional disciplinary action; or
- Decline to accept the determinations and outcomes – in this case, the matter will be forwarded for formal investigation and adjudication.

The RSO must notify the Dean of Students or designee of their choice from the above within two (2) business days of receipt of the letter.

In certain cases that might otherwise constitute a Level 1 violation, the Dean of Students or designee may determine that a different resolution option is warranted. This determination may be based upon the prior history of the RSO or its members, the RSO's current status, any patterns of behavior, or other factors deemed relevant.

#### **H. The Educational Conference**

In those cases where the Violation Rubric would suggest a Partnership or Formal Adjudication Process, or in those cases that began with a Prescribed Outcomes Process but the RSO elects to have the case adjudicated through the Formal Adjudication Process, the Dean of Students or designee will schedule an Educational Conference with the RSO representative and RSO Advisor and other appropriate parties.

This meeting provides an opportunity for the leadership of the RSO, the RSO advisor(s) and the RSO inter/national governing body (if applicable) to discuss the nature of the allegations, the rights and responsibilities of the RSO, the resolution options available to the RSO based on the nature of the allegations, and the specific steps involved in the different resolution options. Participation in the Educational Conference is voluntary; however, the Dean of Students or designee, may proceed with the process in the absence of participation from the RSO.

In the event that the RSO needs additional time to select the preferred resolution option, the RSO will be given one business day following the Educational Conference to notify the Dean of Students or designee of the preferred resolution option. The Dean of Students or designee will make the final determination on the resolution option to be used in investigating and adjudicating the alleged violations.

## **I. Partnership Process**

For this resolution process, the RSO is given the opportunity to conduct an internal investigation. The Partnership Process will include the following:

- The Dean of Students or designee will, in consultation with the RSO representative and RSO advisor and other appropriate parties, develop an investigation scope and timeline based on the nature of the allegations.
- The RSO must conduct an investigation and submit a written investigative report within the agreed-upon timeline, barring exigent circumstances as determined by the Dean of Students or designee, or as otherwise specified in writing by the Defiance College.
  - The report should be detailed and specific, including the names of specific individuals involved in the alleged violation and any internal disciplinary action the RSO has implemented relative to those individuals. The report must be submitted in writing electronically to the Dean of Students.

## **J. Report Review by Dean of Students or Designee**

The Dean of Students or designee will review the RSO's investigative report and will make one of the following determinations:

- The Dean or Designee agrees that the report is complete and will schedule a resolution meeting to discuss the report and findings and review next steps; or
  - The Dean or Designee agrees that the report is complete, that the behavior in question is individual in nature, and the individuals implicated in the chapter report are forwarded for adjudication under the student code of conduct and the case involving the RSO is closed; or
  - The Dean or Designee determines that the report is insufficient or incomplete, and provides feedback to the RSO and provides instruction for further investigation; or
  - The Dean or Designee determines that the RSO has intentionally provided inaccurate or incomplete information, obstructed the process, or is otherwise non-compliant or uncooperative.
- The Dean of Students or designee will then determine whether to move forward with investigation and adjudication of the allegations under the Formal Resolution Process.

## **K. Partnership Process Resolution Meeting**

Once the Dean of Students or designee has determined that the report is complete, the Dean or designee will meet with the RSO representative and/or advisor (and other parties as appropriate i.e. inter/national governing body) and one of the following determinations will be made:

- No Policy Violation – If the RSO report determines that no policies were violated by the RSO, and the Dean of Students or designee accepts this determination, the process concludes for the RSO. Individuals implicated in the report may be forwarded for individual adjudication as outlined in

the Student Code of Conduct.

- **Responsibility Fully Accepted:** If the RSO report determines that the RSO was responsible for all policy violation(s) that were alleged, and the Dean of Students or designee accepts this determination, the Dean of Students or designee will initiate the Determination of Outcomes process.
- **Responsibility Partially or Not Accepted:** If the RSO report determines that the RSO was responsible for some but not all, or for none of the policy violation(s) that were alleged, the Dean of Students or designee will make one of the following determinations:
  - The Dean of Students or designee may accept the determinations from the report and will move forward to the outcomes process solely on the allegations for which the RSO accepted responsibility if applicable; or
  - The Dean of Students or designee may not accept the determinations from the report and will move forward in investigating and adjudicating the matter under the Formal Investigation Process.

If individual students are identified at any point in the partnership process to have potentially violated any Defiance College policies, they may be individually referred to the Dean of Students or designee for investigation and adjudication.

Determinations of responsibility through the Partnership Process are final and may not be appealed.

#### **L. Formal Investigation Procedures**

If the Dean of Students or Designee determines at any point that a formal investigation is necessary, the Dean of Students or Designee may assign the case to an investigator(s) for a formal investigation. The Dean of Students or designee will notify the RSO, the RSO advisor, and other appropriate parties that a formal investigation is being initiated.

During the course of the investigation, up to and including the five (5) day review period, the RSO may request to enter information into the record and may recommend specific witnesses to the investigator. Ultimately, determinations of relevance of information or witnesses will be determined by the investigator.

In completing the investigation, the investigator(s) may:

- Make contact (if possible) with the individual(s) who submitted the initial information. ●  
Interview any individuals with relevant information.
- Request relevant information from RSO members (i.e. screenshots of text messages or pictures/videos) and note whether or not RSO members were compliant in sharing requested information.
- Provide relevant information at any point during the investigation to the Dean of Students or designee related to interim measures.
- Require RSO members, or a select group of RSO members (i.e. all new members of the RSO) to participate in an interview and may restrict communication between RSO members during the interview (for example, sequestering RSO members in a room and prohibiting interview participants from using their cell phone or other devices during the interview/sequestration).

- Request students to undergo a physical examination by a campus health center staff member or other appropriate medical professional of the College's choosing and to sign a waiver allowing that medical professional to share a summary of the relevant results of that examination (e.g., physical abuse, BAC, drug usage, etc.). When possible, personally identifying information will be limited or redacted.

Students participating in a formal investigation process are expected to participate in an active, cooperative and truthful manner. Failing to participate in any fashion, including failure to provide requested information or testimony, may constitute a violation(s) of the Code of Student Conduct. Additionally, the investigators will document these failures and the Hearing Officer(s) may make any inferences based on these failures.

The College will complete the initial investigation in a period of no more than 30 days, barring any exigent circumstances. In the event that exigent circumstances arise that will require a delay beyond 30 days, the College will notify the RSO representative of the delay, including the reasons for the delay and the anticipated timeline for completing the investigation.

At the completion of the investigation, the investigator(s) will provide a written draft of the investigation report to the Dean of Students or designee. The Dean of Students or designee will review that report for accuracy or thoroughness and, once complete, will share the draft of the report (with necessary redactions) with the RSO representative, RSO advisor, and any other appropriate parties for review and comment. The RSO must provide any comments related to the investigative report in writing to the Dean of Students or designee within five (5) business days of the receipt of the report, barring exigent circumstances as determined by the Dean of Students or designee. Upon receipt of these comments (if applicable) the Dean of Students or designee will generate the final report and share it with the RSO representative, advisor and any other appropriate parties at least five (5) days in advance of any formal resolution. The Dean of Students or designee will make the final determination of the relevance of any information gathered during the investigation.

Upon completion of the final report, the Dean of Students or designee will schedule a meeting with the appropriate RSO representatives to determine the appropriate adjudication process. At this meeting, the RSO may choose one of the following options for adjudication:

- **Informal Resolution** – the RSO may accept the findings of the investigation and determinations of the Dean of Students or designee based on the investigation report. If this occurs, the process will move forward to the outcomes process.
- **Formal Resolution** – the RSO may not accept the findings of the investigation and/or determinations made by the Dean of Students or designee. If this occurs, the RSO may choose to have the matter resolved through either an Administrative or Formal Hearing. Regardless of the hearing body selected, the RSO will be given a notice of the time, date and location of the hearing at least seven (7) days in advance of the hearing.
- **Administrative Hearing** – the RSO may select to have the case adjudicated by a single administrator designated by the College. The hearing officer may elect to call and question witnesses as necessary, including the investigator(s) who compiled the investigative report. The

- RSO may question any witnesses called by submitting written questions to the hearing officer.
- The RSO will be given the opportunity, in person or in writing, to submit or give a statement to the hearing officer and to respond to any information provided by witnesses.
- The hearing officer may question the RSO representative.
- The RSO may bring an advisor of their choosing to the hearing. The RSO advisor may not speak on behalf of the RSO, question witnesses, or actively participate in the hearing other than to advise the RSO representative.
- The hearing officer will make determination of responsibility using a preponderance of evidence (more likely than not) standard of evidence.
- **Formal Hearing Before Campus Judicial Committee (CJC)** – the RSO may request to have the case adjudicated by the Defiance College Campus Judicial Committee.
  - The hearing officer may elect to call and question witnesses as necessary, including the investigator(s) who compiled the investigative report. The RSO may question any witnesses called by submitting written questions to the hearing officer.
- The RSO will be given the opportunity, in person or in writing, to submit or give a statement to the hearing officer and to respond to any information provided by witnesses.
  - The hearing officer may question the RSO representative.
  - The RSO may bring an advisor of their choosing to the hearing. The RSO advisor may not speak on behalf of the RSO, question witnesses, or actively participate in the hearing other than to advise the RSO representative.
  - The hearing officer will make determination of responsibility using a preponderance of evidence (more likely than not) standard of evidence.

## **M. Outcomes**

At the conclusion of the resolution process (including the conclusion of any appeals process), if an organization accepts responsibility for violation(s) through the partnership or formal resolution process, or if the organization is found responsible for violation(s) through the formal resolution process, the Dean of Students or designee will schedule an outcomes meeting with the RSO representative, advisor, and other parties as applicable. The purpose of this meeting shall be to determine the outcomes necessary to effectively address the behavior of the RSO related to the violation(s) and will include the solicitation of input from the RSO representative, advisors, and all other interested parties.

At the completion of the outcomes meeting, the Dean of Students or designee will administer all Outcomes assigned to the RSO through the Partnership or Formal Resolution Process to the RSO representative and the RSO advisor in writing via an Outcomes Letter. The Outcomes may be assessed singly, in combination, or to follow consecutively. Outcomes will be communicated in writing by the Dean of Students or designee to the RSO and will list Outcomes assigned, including the length of any active status and/or rescission periods, the specific privileges impacted, and any and all other opportunities established as a part of the educational Outcomes.

The Dean of Students or designee will maintain the Outcome Letter in the RSO's record for a period of no less than seven (7) years. If a RSO loses campus recognition, the Dean of Students or designee will maintain the Outcome Letter indefinitely. If applicable, a copy of the Outcome Letter may be sent to

their Inter/National Organizational Governing Body or other appropriate parties.

17

The Dean of Students or designee and/or the appropriate College department will oversee the completion of Outcomes. If the RSO misses any deadlines, fails to complete any Outcomes, and/or has a subsequent violation(s), the RSO may be subject to additional Outcomes and/or disciplinary actions at the discretion of the Dean of Students/designee.

The Outcomes implemented at the conclusion of the disciplinary process may include Status Outcomes, Educational Outcomes, or Structural Outcomes.

### **Status Outcomes**

Status Outcomes may include, but are not limited to:

- **Warning:** A Warning is given to notify a RSO that the behavior and conduct has been inconsistent with the expectations of the College. A warning has no immediate effect upon an RSO's status at the College and may be specified for a period of time. However, once given a warning, a RSO should expect different Outcomes to result from any subsequent violations, especially while on a current warning status when/if similar behaviors occur.
- **Restriction of Privileges:** Restriction of Privileges precludes an RSO from participating in certain activities or may require an RSO to forfeit specific privileges. A RSO under a status of Restriction of Privileges is not in good standing with the College. Restriction of Privileges may include, but is not limited to, loss or limitation of social events or limitation of ability to participate in Defiance College events or activities.
- **Disciplinary Probation:** Disciplinary Probation serves to notify a RSO that it must avoid any further violations for a specified period of time in order to avoid additional disciplinary action. RSOs on probation are not in good standing with the College. An RSO may be prohibited from participating in certain activities or forfeit specific privileges while on probation. If a RSO on probation is found responsible for any subsequent violations, the outcomes may escalate. Disciplinary Probation may include Restriction of Privileges.
- **Deferred Suspension:** Deferred Suspension is a status for a specified period of time during which any subsequent finding of Responsibility for a violation of the Code of Student Organization Conduct or any other College policy shall result in the Outcome of Suspension for the RSO. Deferred Suspension may include Restriction of Privileges.
- **Suspension:** Suspension is a status for a specified period of time that includes, but is not limited to, the revocation of the College's recognition of the RSO for a stated or an indeterminate period of time, cessation of College funding, restriction of all operations at the College, and restriction of use of College resources. If the RSO also holds a charter from an international organizational governing body, the College may also request that the international organization governing body revoke the charter of the RSO.

A RSO placed on Suspension is prohibited from sponsoring, co-sponsoring, or participating in any and all social, intramural, athletic, or other similar activities on or off campus. A suspended RSO may not solicit or initiate any new members. Suspension may also include the forfeiture of other specifically listed privileges. Suspension should be for a specific and determined period of time, and will include a written



return agreement outlining specific conditions for return. The Suspension may be delayed at the discretion of the Dean of Students or designee.

If the RSO dissolves or loses recognition, as a result of organizational conduct, and then attempts to seek recognition under the guise of a different organizational name, the College reserves the right to deny the request for recognition or withdraw the recognition. This conclusion may be based on any of multiple factors, including but not limited to, overlapping membership, similarity of purpose, and the timing of the dissolution or prior loss of recognition and the request for new recognition.

Continued operation of the RSO after suspension or loss of recognition will result in a violation of Failure to Comply and may result in additional outcomes or restrictions, up to and including an extension of the Suspension beyond the terms originally outlined in the initial Outcomes Letter/return agreement.

A RSO that has completed a period of suspension and has met conditions for return as outlined in the return agreement may seek reinstatement by complying with the registration requirements of the appropriate Defiance College department.

### **Educational Outcomes**

Educational Outcomes may include, but are not limited to, educational programming, community service, interventions, restrictions, workshops, or other Outcomes determined to help develop the culture and community of the RSO. The Dean of Students or designee will determine Educational Outcomes after consultation with the appropriate Defiance College Office(s), the governing body and/or affiliated organization of the RSO, organizational leadership, advisors, and/or other appropriate stakeholders as necessary.

### **Structural Outcomes**

Structural Outcomes are related to the structure, membership or governance of the organization. Structural outcomes, developed in collaboration with the inter/national organizational governing body (if applicable), may include, but are not limited to, changes to RSO operating procedures, a review of RSO membership/leadership, an external RSO review, and changes to RSO advisor support. Structural Outcomes may be included alongside any Status and Educational Outcomes, but only after consultation with the appropriate Defiance College department(s), the RSO inter/national governing body (if applicable), the RSO representative, RSO advisors, and/or other appropriate stakeholders as necessary.

## **N. GROUNDS FOR APPEAL REQUESTS**

### **Requests for Appeal**

Requests for appeals must be submitted in writing to the Dean of Students or designee within three (3) business days, barring exigent circumstances as determined by the Dean of Students or designee, of the delivery of the written determination from the Adjudication and Resolution or the Outcomes Letter. No person involved as an original hearing officer or investigator may serve in this review capacity. The College's presumed position is that all sanctions will be implemented during the appellate process. The Dean of Students or designee may consider, upon request in writing, to stay or modify a sanction during

the appellate process. Any stay or modification should be exercised only under exigent circumstances. The Dean of Students or designee will review all requests to determine if the requests adequately meet the grounds for appeal (below).

The Appellant must meet one or more of the grounds below in order for the request to be passed on to the appellate body for consideration on the merits. The burden is on the Appellant to show the grounds are met using the preponderance of the evidence standard. If there is another party involved in the matter (e.g., in matters where the incident involves Title IX or other civil rights discrimination), the Dean of Students or designee may share all or part of the appeal with the party to allow them to respond or submit their own request for appellate consideration. They will be required to respond within five (5) business days, barring exigent circumstances as determined by the Dean of Students or designee, of notice of the request for appeal.

If there is a challenge to any member of the process (e.g. a challenge of bias by an investigator or hearing officer), the Dean of Students or designee may share all or part of the appeal with the party in question to allow them to respond. They will be required to respond within five (5) business days, barring exigent circumstances as determined by the Dean of Students or designee, of notice of the request for appeal. If any new grounds for appeal are raised in any response, the Dean of Students or designee will determine whether to allow a short time for the RSO to submit a response.

The Dean of Students or designee serving in the reviewer role will issue their decision to allow the appeal to proceed in whole or in part or to deny the appeal within five (5) days of receipt of all information and responses, barring exigent circumstances.

Once forwarded, the Appeals Officer(s) will issue their decision within five (5) days of receipt of all information and responses, barring exigent circumstances. In instances where the appeal officer(s) needs additional time, the appeal officer shall notify the RSO representative, within the allotted time for issuing a decision.

### **Grounds for Appeal**

The RSO may file an appeal, as may an aggrieved party in the matter as determined by the Dean of Students or designee (e.g., a Sexual Misconduct matter covered under Title IX), to either the Finding issued in the Formal Resolution Process, or the Outcomes of either the Partnership or Formal Resolution Process, or both, but all appeals are limited to the following grounds:

- **Procedural Error:** A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.). Any challenge for bias must include: a) what the bias was, b) how the bias manifested itself, and c) how the bias significantly impacted the outcome. A mere allegation or determination of bias will not be sufficient to meet this ground for appeal.
- **New Evidence:** New evidence is information that was unknown or unavailable during the original hearing or investigation that could substantially impact the original finding or sanction. A summary of this new evidence, how it was previously unknown or unavailable, and its potential impact must be included.

If a person or RSO representative refused to testify or participate in the investigation and now wishes to submit their testimony as new evidence at the appellate level, that testimony will not be considered “new evidence” under this ground. The Dean of Students or designee serving as the reviewer of requests for appeal may determine if the matter will be sent back for further investigation based on this request for appeal.

- **Appeal of the Outcome(s):** The Outcome(s) imposed is clearly outside the parameters for the violation(s) or are of such nature that the RSO could not reasonably complete them within the allotted time frame.

### **General Appellate Considerations**

The original finding and Outcome(s) are presumed to have been decided reasonably and appropriately.

In cases where there are other parties involved, if the Dean of Students or designee during the review phase or the Appeal Officer during the appellate phase, wishes to meet with a party or RSO representative, the other party will be notified and granted the same opportunity.

Appeals are not intended to be full re-hearings of the original allegation(s). In most cases, appeals are confined to a review strictly limited to the matters being appealed.

### **Appeal Conclusions**

An appeal that affirms the finding of the Formal Resolution process is final. An appeal that affirms the Outcomes is final.

An appeal that is granted for the appellant (or other party, when appropriate) based on new evidence should be remanded to the Dean of Students or designee or Hearing Officer for reconsideration, for rehearing, or for further investigation.

An appeal granted for the appellant (or other party, when appropriate) based on other grounds may either be remanded to the Investigator, Dean of Students or designee, or the original hearing officer(s), with instructions to further investigate, clarify findings, or remedy errors.

When an appeal is granted for the appellant (or other party, when appropriate) based on inappropriate Outcome(s), the appeal officer may alter the Outcome or remand with recommendations, to the Dean of Students or designee or the original Hearing Officer(s), as appropriate, to modify the Outcome(s). Such Outcome determination shall be final. Once an appeal is decided, the decision is final; further appeals are not permitted.

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

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

- **Discrimination, Harassment and Other Prohibited Conduct Policy:**  
[2025-2026-discrimination-harassment-prohibited-conduct-policy-title-ix-updated.pdf](#)

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

### Primary Prevention and Awareness Program:

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

### Crime Definitions

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

Crime Type (Ohio Revised Code)	Definitions
	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.
Sexual Assault	The institution has determined, based on good-faith research, that Ohio law does not define the term sexual assault.
Rape, Incest, Rape  Fondling, Statutory	<p>For purposes of the Clery Act, the term “sexual assault” includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Ohio law are as follows:</p> <ul style="list-style-type: none"> <li>● Rape (Ohio Rev. Code §2907.02): <ul style="list-style-type: none"> <li>▪ No person shall engage in sexual conduct with another who is not the spouse of the offender or who is the spouse of the offender but is living separate and apart from the offender, when any of the following applies: (a) For the purpose of preventing resistance, the offender substantially impairs the other person's judgment or control by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception; (b) The other person is less than thirteen years of age, whether or not the offender knows the age of the other person; (c) The other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age.</li> <li>▪ No person shall engage in sexual conduct with another when the offender purposely compels the other person to submit by force or threat of force.</li> </ul> </li> <li>● Fondling: The institution has determined, based on good-faith research, that Ohio law does not define the term fondling.</li> <li>● Incest: The institution has determined, based on good-faith research, that Ohio law does not define the term incest.</li> <li>● Statutory Rape: The institution has determined, based on good-faith research, that Ohio law does not define the term statutory rape.</li> </ul>
Other “sexual assault” crimes	<p>Other crimes under Ohio law that may be classified as a “sexual assault” include the following:</p> <ul style="list-style-type: none"> <li>▪ Sexual Battery (Ohio Rev. Code § 2907.03): No person shall engage in sexual conduct with another, not the spouse of the offender, when any of the following apply: (1) The offender knowingly coerces the other person to submit by any means that would prevent resistance by a person of ordinary resolution; (2) The offender knows that the other person's ability to appraise the nature of or control the other person's own conduct is substantially impaired; (3) The offender knows that the other person submits because the other person is unaware that the act is being committed; (4) The offender knows that the other person submits because the other person mistakenly identifies the offender as the other person's spouse; (5) The offender is the other person's natural or adoptive parent, or a stepparent, or guardian, custodian, or person in loco parentis of the other person; (6) ...; (7) ...; (8) The other person is a minor, the offender is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the other person is enrolled in or attends that institution; (9) The other person is a minor, and the offender is the other person's athletic or other type of coach, is the other person's instructor, is</li> </ul>

Crime Type (Ohio Revised Code)	Definitions
	<p>the leader of a scouting troop of which the other person is a member, or is a person with temporary or occasional disciplinary control over the other person.</p> <ul style="list-style-type: none"> <li>▪ Unlawful Sexual Conduct with Minor (Ohio Rev. Code § 29.0704): No person who is eighteen years of age or older shall engage in sexual conduct with another, who is not the spouse of the offender, when the offender knows the other person is thirteen years of age or older but less than sixteen years of age, or the offender is reckless in that regard.</li> <li>▪ Gross Sexual Imposition (Ohio Rev. Code § 2907.05): <ul style="list-style-type: none"> <li>○ No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more other persons to have sexual contact when any of the following applies: (1) The offender purposely compels the other person, or one of the other persons, to submit by force or threat of force; (2) For the purpose of preventing resistance, the offender substantially impairs the judgment or control of the other person or of one of the other persons by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception; (3) The offender knows that the judgment or control of the other person or of one of the other persons is substantially impaired as a result of the influence of any drug or intoxicant administered to the other person with the other person's consent for the purpose of any kind of medical or dental examination, treatment, or surgery; (4) The other person, or one of the other persons, is less than thirteen years of age, whether or not the offender knows the age of that person; (5) The ability of the other person to resist or consent or the ability of one of the other persons to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the ability to resist or consent of the other person or of one of the other persons is substantially impaired because of a mental or physical condition or because of advanced age.</li> <li>○ No person shall knowingly touch the genitalia of another, when the touching is not through clothing, the other person is less than twelve years of age, whether or not the offender knows the age of that person, and the touching is done with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.</li> </ul> </li> <li>● Sexual Imposition (Ohio Rev. Code § 2907.06): No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more other persons to have sexual contact when any of the following applies: (1) The offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard; (2) The offender knows that the other person's, or one of the other person's, ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired; (3) The offender knows that the other person, or one of the other persons, submits because of being unaware of the sexual contact; (4) The other person, or one of the other persons, is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of such person, and the offender is at least eighteen years of age and four or more years older than such other person; (5) The offender is a mental health professional, the other person or one of the other persons is a mental health client or patient of the offender, and the offender induces the other person who is the client or patient to submit by falsely representing to the other person who is the client or patient that the sexual contact is necessary for mental health treatment purposes.</li> </ul>

Crime Type (Ohio Revised Code)	Definitions
Consent (as it relates to sexual activity) (Ohio Rev. Code § 5924.120(A)(3))	“Consent” means words or overt acts indicating a freely given agreement to the sexual conduct at issue by a competent person.

### **College Definition of Consent**

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

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

Individuals may perceive and experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

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

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual activity. Consent is evaluated from the perspective of what a Reasonable Person would conclude are mutually understandable words or actions. Reasonable reciprocation can be implied consent. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

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

Silence or the absence of resistance alone should not be interpreted as consent. Although resistance is not required or necessary, it is a clear demonstration of non-consent.

Consent to some sexual contact (such as kissing or fondling) cannot be assumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. If an individual expresses conditions on their willingness to consent (e.g., use of a condom) or limitations on the scope of their consent, those conditions and limitations must be respected. If a sexual partner shares the clear expectation for the use of a condom, or to avoid internal ejaculation, and those expectations are not honored, the failure to use a condom, removing a condom, or internal ejaculation can be considered acts of Sexual Assault.

Proof of consent or non-consent is not a burden placed on any party involved in a Formal Complaint. Instead, the burden remains on the College to determine whether its Policy has been violated. The

existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged misconduct occurred and any similar and previous patterns that may be evidenced.

Going beyond the boundaries of consent is prohibited. Thus, unless a sexual partner has consented to slapping, hitting, hair pulling, strangulation, or other physical roughness during otherwise consensual sexual activity, those acts may constitute Dating Violence or Sexual Assault.<sup>1</sup>

### Risk Reduction

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

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

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

- Show your potential partner respect if you are in a position of initiating sexual behavior.
- If they say “no,” accept it and don’t push. If you want a yes, ask for it, and don’t proceed without clear permission.
- Communicate your intentions to your potential sexual partner clearly and give that person a chance to share their intentions and/or boundaries with you.
- Respect personal boundaries. If you are unsure what’s okay in any interaction, ask.
- Avoid ambiguity. Just ask. Don’t make assumptions about consent, about whether someone is attracted to you, how far you can go with that person, or if the individual is physically and mentally able to consent. If you have questions or are unclear, you don’t have consent.
- Don’t take advantage of the fact that someone may be under the influence of drugs or alcohol, even if that person chose to become that way. Their loss of control does not put you in control.

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<sup>1</sup> Consent in relationships must also be considered in context. When Parties consent to BDSM (bondage, discipline, sadism, masochism) or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual.



- Be on the lookout for mixed messages. That should be a clear indication to stop and talk about what your potential partner wants or doesn't want to happen. They may be undecided about how far to go with you, or you may have misread a previous signal.
- Respect the timeline for sexual behaviors with which others are comfortable and understand that everyone is entitled to change their minds.
- Recognize that even if you don't think you are intimidating in any way, your potential partner may be intimidated by or fearful of you, perhaps because of your sex, physical size, or a position of power or authority you may hold.
- Do not assume that someone's silence or passivity is an indication of consent. Pay attention to both verbal and non-verbal signals to avoid misreading intentions.
- Understand that consent to one type of sexual behavior does not automatically grant you consent to other types of sexual behaviors. If you are unsure, stop and ask.
- If your partner indicates a need to stop, or withdraws consent, respect them. Immediately.
- If you've had consent with your partner previously, still check in with them. Just because something was okay with them before doesn't mean it will be okay in the future. Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.

### **Bystander Intervention**

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

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

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

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

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

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

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

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

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

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

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

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, contact Campus Safety at 419-785-2625 or the After-Hours Crisis Cell Phone at 419-439-0359 if you are on campus or call 911 if you are off campus. You may also contact the Defiance Police Department at 419-784-5050.
2. Consider securing immediate professional support (e.g., counseling, victim advocacy, medical services, etc.) to assist you in the crisis. The on-campus Advocate can be reached at 419-783-2562.
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 419-783-2562 or in any situation where a victim wishes, local

resources are also available and may be able to provide confidential assistance. Defiance County Victim Assistance can be reached 419-782-0911.

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

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

### **Preservation of Evidence**

The preservation of evidence is critical to potential criminal prosecution and to obtaining restraining/protective orders and is particularly time sensitive. The College will inform the Complainant of the importance of preserving evidence by taking actions such as the following:

#### **1) Sexual Assault**

- Seek forensic medical assistance at the nearest hospital or by calling 419-783-2562 to access a SANE nurse, ideally within 120 hours of the incident (sooner is better)
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or secure evidence container (if provided by law enforcement)
- Seeking medical treatment can be essential even if it is not for the purpose of collecting forensic evidence

#### **2) Stalking/Dating Violence/Domestic Violence/Sex-Based Harassment**

- Evidence in the form of text and voice messages will be lost in most cases if a party or witness changes their phone number
  - Make a secondary recording of any voice messages and/or save the audio files to a cloud server
  - Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook)
- Save copies of e-mail and social media correspondence, including notifications related to account access alerts
- Take time-stamped photographs of any physical evidence including notes, gifts, etc. in place when possible
- Save copies of any messages, to include those showing any request for no further contact
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible

- If changing devices, make sure to transfer any files needed to the new device

During the initial meeting between the Complainant and the Nondiscrimination Coordinator, the importance of taking these actions will be discussed, if timely.

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

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

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

In Ohio, victims may obtain a Domestic Violence Protection Order or a Stalking or Sexually Oriented Offense Protection Order, which provides protective relief for victims of domestic violence, stalking, or sexual assault. Information about Orders of Protection may be found at:

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

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

Additional information about the orders may be found at: [Restraining Orders: What protections can I get in a stalking or sexually oriented offense protection order? | WomensLaw.org](#)

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

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

- Defiance County Victim Assistance, under the direction of the Defiance County Prosecuting Attorney, provides support, information, and advocacy for any victim of crime in Defiance County. Sarah's House is located at: 1114 E. Second Street.. The Victim Advocate phone number is: 419-782-0911. More information may be found at: [SARAH's House and Victim Services | Defiance County, Ohio](#)

- When a protection order is granted, it is enforceable statewide. If you have obtained a protection order and need it to be enforced in your area, you should contact the local police department.

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

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

#### **Available Victim Services:**

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

#### *College Resources*

- If you are on campus during regular business hours, you may go to Counseling Services located in 201 Defiance Hall. These are confidential resources. After regular business hours, Counseling Services can be reached at 419-783-2562.
- Student Financial Aid – Sometimes a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence based on the circumstances of a complaint, he/she should understand there may be financial aid implications in taking such leave. This should be discussed with financial aid personnel, and the Title IX Coordinator can assist in facilitating this conversation if desired. The College’s financial aid website can be found at:

<http://www.defiance.edu/financial-aid/index.html>

#### *State/Local Resources*

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

#### *National Resources*

- National Domestic Violence Hotline: 1-800-799-7233
- National Sexual Assault Hotline: 1-800-656-4673
- Rape, Abuse and Incest National Network (RAINN):  
<https://www.rainn.org/>
- US Dept. of Justice Office on Violence Against Women:  
[Office on Violence Against Women \(OVW\) | Department of Justice](#)

- National Coalition Against Domestic Violence:  
<http://www.ncadv.org/>
- National Sexual Violence Resource Center:  
[National Sexual Violence Resource Center \(NSVRC\)](http://www.nsvrc.org/)
- U.S. Citizenship and Immigration Services:  
<https://www.uscis.gov/>
- Immigration Advocates Network:  
<https://www.immigrationadvocates.org/>

### **Accommodations and Protective Measures:**

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

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

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

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

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

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

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

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

**Title IX Coordinator**

**Lisa Marsalek, Vice President for Student Affairs and Dean of Students**

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

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

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

**Mary Burkholder, Director of Human Resources**

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

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

**Jennifer Walton, Associate Dean of Student Belongingness and Director of Residence Life**

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

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

**Matthew Gehring, Assistant Athletic Director for Compliance/Facilities/Internships**

419-783-2378 or [mgehring@defiance.edu](mailto:mgehring@defiance.edu)

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

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

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

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

**Purpose**

Defiance College is committed to providing an educational and employment environment that is free from Discrimination based on Protected Characteristics, Harassment, and Retaliation for engaging in protected activity.

The College values and upholds the equal dignity of all members of its community and strives to balance the rights of the Parties in the resolution process during what is often a difficult time for all involved.

To ensure compliance with federal, state, and local civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness in all aspects of the education program or activity, the College has developed policies and procedures that provide a prompt, fair, and impartial resolution of allegations of Protected Characteristic Discrimination, Harassment, or Retaliation.

### **Scope**

The Policy applies to all Employees, Students, and other individuals participating in or attempting to participate in the College's Education Program or Activities, including education and employment.

The Policy prohibits all forms of Discrimination on the basis of the Protected Characteristic(s), and may be applied to incidents, to patterns, and/or to the institutional culture/climate, all of which may be addressed in accordance with the Policy.

### **Reporting Misconduct**

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

### **Time Limits on Reporting**

There is no time limitation on providing Notice/Formal Complaints to the Nondiscrimination Coordinator. However, if the Respondent is no longer subject to the College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible.

Acting on Notice/Formal Complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of Policy) is at the Nondiscrimination Coordinator's discretion; they may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

**Preservation of Information and Tangible Material** – The preservation of evidence in incidents of sexual assault and stalking is critical to potential criminal prosecution and to obtaining restraining/protective orders, and is particularly time-sensitive. The College will inform the Complainant of the importance of preserving evidence by taking the following actions:



**Sexual Assault:**

- Seek forensic medical assistance at the hospital or by calling 419-783-2562 to access a SANE nurse, ideally within 120 hours of the incident (sooner is better)
- Avoid showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- Try not to urinate.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or secure evidence container.
- Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.

**Stalking**

- Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.
- Make a secondary recording of any voice messages and/or save the audio files to a cloud server.
- Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
- Save copies of email correspondence, including notifications related to account access alerts.
- Take time stamped photographs of any physical evidence including notes, gifts, etc. in place when possible.
- Save copies of any messages showing a request for no further contact.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

During the initial meeting between the Complainant and the Title IX Coordinator, the importance of taking these actions will be reiterated, if timely

**3. Supportive Measures**

The College will offer and implement appropriate and reasonable supportive measures to the Parties upon Notice of alleged Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and as reasonably available. They are offered, without fee or charge to the Parties, to restore or preserve access to the College's Education Program or Activity, including measures designed to protect the safety of all Parties and/or the College's educational environment and/or to deter Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct.

The Nondiscrimination Coordinator promptly makes supportive measures available to the Parties upon receiving Notice or a Formal Complaint. At the time that supportive measures are offered, if a Formal Complaint has not been filed, the College will inform the Complainant, in writing, that they may file a Formal Complaint with the College either at that time or in the future. The Nondiscrimination Coordinator will work with a party to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

The College will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair the College's ability to provide those supportive measures. The College will act to ensure

as minimal an academic/occupational impact on the Parties as possible. The College will implement measures in a way that does not unreasonably burden another party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation assistance
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders or other restrictions may be referred to appropriate Student or Employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing resolution process under the Policy.

## **DEFIANCE COLLEGE PROCEDURES FOR ALLEGED VIOLATIONS OF THE DISCRIMINATION, HARASSMENT, AND OTHER PROHIBITED POLICY FOR ALL FACULTY, STUDENTS, EMPLOYEES, AND THIRD PARTIES**

### **Overview**

Defiance College will act on any Notice/Formal Complaint of violation of the Equal Opportunity, Harassment, Discrimination and Sexual Misconduct Policy (“the Policy”) that the Nondiscrimination Coordinator or any other Official with Authority receives. The College uses two sets of procedures, known as Process A and Process B. Process A is compliant with the federal Title IX regulations. It involves an investigation and live hearing, including cross-examination. It also includes an Informal Resolution option.

Process A is applicable to all Formal Complaints of Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking that occur within the College’s Education Program or Activity.

Process B may apply to: (1) Formal Complaints of alleged Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, or Stalking that fall outside of the College’s Education Program or Activity; and (2) all other complaints of Discrimination, Harassment, and Retaliation on the basis of all Protected Characteristics.

The choice between applying Process A or B is solely at the Nondiscrimination Coordinator's discretion. Occasionally, a Formal Complaint will include conduct that falls within both Processes A and B. When that occurs, Process A will typically be used to address all allegations.

### **Notice/Complaint**

Upon receipt of Notice or a Formal Complaint of an alleged Policy violation, the Nondiscrimination Coordinator will initiate a prompt initial assessment to determine the College's next steps. The Nondiscrimination Coordinator will contact the Complainant to offer supportive measures, provide information regarding resolution options, and determine how they wish to proceed.

### **Collateral Misconduct**

Collateral misconduct includes potential violations of other College policies that occur in conjunction with alleged violations of the Policy, or that arise through the course of the investigation, for which it makes sense to provide one resolution for all allegations. Thus, the collateral allegations may be charged along with potential violations of the Policy, to be resolved jointly under these Procedures. In such circumstances, the Nondiscrimination Coordinator may consult with College officials who typically oversee such conduct (e.g., human resources, student conduct, academic affairs) to solicit their input as needed on what charges should be filed, but the exercise of collateral charges under these procedures is within the Nondiscrimination Coordinator's discretion. All other allegations of misconduct unrelated to incidents covered by the Policy will typically be addressed separately through procedures described in the Student, Faculty, and Employee handbooks.

## **FORMAL GRIEVANCE PROCESS FOR ALLEGED VIOLATIONS OF THE DISCRIMINATION, HARASSMENT, DISCRIMINATION AND OTHER PROHIBITED CONDUCT POLICY (KNOWN AS PROCESS "A")**

### **Initial Assessment**

The Nondiscrimination Coordinator conducts an initial assessment, typically within five (5) business days of receiving Notice or a Formal Complaint.<sup>2</sup> The initial assessment typically includes:

- Assessing whether the reported conduct may reasonably constitute a Policy violation.
- Determining whether the College has jurisdiction over the reported conduct.
- Offering and coordinating supportive measures for the Parties.
- Notifying the Complainant, or the person who reported the allegation(s), of the available resolution options
- Determining whether the Complainant wishes to file a Formal Complaint.
- Notifying the Respondent of the available resolution options if a Formal Complaint is made.

### ***Helping a Complainant Understand Resolution Options***

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<sup>2</sup> If circumstances require, the President or Nondiscrimination Coordinator will designate another person to oversee the resolution process should an allegation be made about the Nondiscrimination Coordinator or the Nondiscrimination Coordinator be otherwise unavailable, unable to fulfill their duties, or have a conflict of interest.

If the Complainant indicates they wish to file a Formal Complaint, the Nondiscrimination Coordinator will work with the Complainant to determine which resolution option they prefer. The Nondiscrimination Coordinator will seek to abide by the Complaint's wishes but may have to take another approach depending upon their assessment of the situation.

If the Formal Grievance Process is pursued, the Nondiscrimination Coordinator will initiate an investigation. If any party indicates that they want to pursue an Informal Resolution option, the Nondiscrimination Coordinator will refer the matter to the appropriate individuals(s) if the Nondiscrimination Coordinator determines Informal Resolution is available and the other Parties consent to participate. Informal Resolution cannot be used to resolve a Formal Complaint of Title IX Sexual Harassment involving an Employee Respondent and a Student Complainant.<sup>3</sup>

If the Complainant does not want any action taken, the Nondiscrimination Coordinator will consider that request. Typically, allegations of Student-on-Student and Employee-on-Employee misconduct will not prompt the Formal Grievance Process unless deemed necessary by the Nondiscrimination Coordinator, though the Complainant can elect to pursue the formal process in the future. The Nondiscrimination Coordinator may need to refer allegations of Employee-on-Student misconduct to the Formal Grievance Process regardless of the Complainant's wishes, depending on the nature of the allegations.

The Nondiscrimination Coordinator may consider elements such as patterns of behavior, predation, threats, violence, use of weapons, or involvement of minors in determining whether to sign a Formal Complaint.

#### ***Nondiscrimination Coordinator Authority to Initiate a Complaint***

The Nondiscrimination Coordinator has ultimate discretion as to whether a Formal Complaint is made and may consult with appropriate College Employees, and/or conduct a violence risk assessment to aid their determination whether to sign a Formal Complaint on behalf of the Complainant.

If a Complainant is not participating or attempting to participate in the College's Education Program or Activity at the time of making a Formal Complaint, they can request that the Nondiscrimination Coordinator sign a Formal Complaint. When the Nondiscrimination Coordinator signs a Formal Complaint, they do not become the Complainant. The Complainant is the person who experienced the alleged misconduct. If the Nondiscrimination Coordinator declines to sign a Formal Complaint, alternative processes may be available and can be explored with the Nondiscrimination Coordinator.

#### **Dismissal (Mandatory and Discretionary)**<sup>4</sup>

The College **must** dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- 1) The conduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment as defined above, even if proven

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<sup>3</sup> 34 C.F.R. § 106.45.

<sup>4</sup> These dismissal requirements are mandated by 34 CFR § 106.45.

- 2) The Sex-based conduct did not occur in the College's Education Program or Activity (including buildings or property controlled by recognized student organizations) and/or the College does not have control of the Respondent
- 3) The Sex-based conduct did not occur against a person in the United States
- 4) The Complainant alleging Sex-based conduct is not participating in or attempting to participate in the College's Education Program or Activity at the time of filing the Formal Complaint, and based on the available information, the Nondiscrimination Coordinator has determined that they do not need to sign a Formal Complaint on behalf of the College<sup>5</sup>

The College **may** dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing:

- 1) A Complainant notifies the Nondiscrimination Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein
- 2) The Respondent is no longer enrolled in or employed by the College
- 3) Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein

A Complainant who decides to withdraw a Formal Complaint may later request to reinstate it or refile it.

Upon any dismissal, the College will promptly and simultaneously send the Parties written notice of the dismissal and the rationale for doing so.

This dismissal decision is appealable by any party. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate.

When the Nondiscrimination Coordinator has signed a Formal Complaint and later determines that the basis for signing is no longer compelling, the Nondiscrimination Coordinator may rescind the Formal Complaint and notify the Parties accordingly. This is not a dismissal, and there is no opportunity to appeal because the Complainant may still file a Formal Complaint if they wish to, in most circumstances.

### **Appeal of Dismissal**

The Parties may appeal a decision to dismiss or not to dismiss their Formal Complaint. All dismissal appeal requests must be filed within three (3) business days of the notification of the dismissal decision.

A dismissal may be appealed on the following grounds:

- 1) A procedural irregularity affected the outcome of the matter
- 2) New evidence that was not reasonably available at the time the determination regarding dismissal was made, that could affect the outcome of the matter
- 3) The Nondiscrimination Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter

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<sup>5</sup> Such a Complainant is still entitled to supportive measures, but the Formal Grievance Process is not applicable unless the Nondiscrimination Coordinator signs the Formal Complaint in the event the Complainant cannot/will not do so.

The appeal should specify at least one of the grounds above and provide any reasons or supporting evidence for why the ground is met. Upon receipt of a written dismissal appeal request from one or more Parties, the Nondiscrimination Coordinator will share the request and supporting documentation with all other Parties and provide three (3) business days for other Parties and the Nondiscrimination Coordinator to respond to the request. At the conclusion of the response period, the Nondiscrimination Coordinator will forward the request, as well as any response provided by the other Parties and/or the Nondiscrimination Coordinator to the Dismissal Appeal Decision-maker for consideration.

If the appeal request does not provide information that meets the grounds in the Policy, the Dismissal Appeal Decision-maker will deny the request, and the Parties, their Advisors, and the Nondiscrimination Coordinator will be notified in writing of the denial and the rationale.

If any of the asserted grounds in the appeal satisfy the grounds described in the Policy, then the Dismissal Appeal Decision-maker will notify all Parties and their Advisors, and the Nondiscrimination Coordinator of their decision and rationale in writing. The effect will be to reinstate the Complaint.

In most circumstances, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Dismissal Appeal Decision-maker has seven (7) business days to review and decide on the appeal, though extensions can be granted at the Nondiscrimination Coordinator's discretion, and the Parties will be notified of any extension.

Appeal decisions are deferential to the original determination, making changes only if there is a compelling justification to do so.

The Dismissal Appeal Decision-maker may consult with the Nondiscrimination Coordinator and/or legal counsel on questions of procedure or rationale for clarification, if needed. The Nondiscrimination Coordinator will maintain documentation of all such consultation.

### **Emergency Removal/Interim Suspension of a Student**

The College may emergency remove a Student accused of Title IX Sexual Harassment upon receipt of a Formal Complaint or at any time during the Formal Grievance Process. Prior to an emergency removal, the College will conduct an individualized risk assessment and may remove the Student if that assessment determines that an immediate threat to the physical health or safety of any Student or other individual justifies removal. Students accused of other forms of Discrimination, Harassment, Retaliation, or Other Prohibited Conduct (not Sex-based) are subject to interim suspension, which can be imposed for safety reasons.

When an emergency removal or interim suspension is imposed, wholly or partially, the affected Student will be notified of the action, which will include a written rationale, and the option to challenge the emergency removal or interim suspension within two (2) business days of the notification. Upon receipt of a challenge, the Nondiscrimination Coordinator will meet with the Student (and their Advisor, if desired) as soon as reasonably possible thereafter to allow them to show cause why the removal/action should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal or interim suspension is appropriate, should be modified, or should be lifted. When this meeting is not requested within two (2) business days, objections to the emergency removal or interim suspension will be deemed waived. A Student can later request a meeting to show why they are no longer an immediate threat because conditions related to the threat have changed. A Complainant and their Advisor may be permitted to participate in this meeting if the Nondiscrimination Coordinator determines it is equitable for them to do so.

The Respondent may provide information, including expert reports, witness statements, communications, or other documentation for consideration prior to or during the meeting. When applicable, a Complainant may provide information to the Nondiscrimination Coordinator for review.

An emergency removal or interim suspension may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The Nondiscrimination Coordinator will communicate the final decision in writing, typically within three (3) business days of the review meeting.

### **Placing Employees on Leave**

When the Respondent is an Employee, or a Student-Employee accused of misconduct in the course of their employment, existing provisions for interim action are typically applicable instead of the above emergency removal process.

### **Counter-Complaints**

The College is obligated to ensure that the Formal Grievance Process is not abused for retaliatory purposes. Although the College permits the filing of counter-complaints, the Nondiscrimination Coordinator will use an initial assessment, described above, to assess whether the allegations in the counter-complaint are made in good faith. When counter-complaints are not made in good faith, they will not be permitted. They will be considered potentially retaliatory and may constitute a Policy violation. Counter-complaints determined to have been reported in good faith will be processed using the Formal Grievance Process. At the Nondiscrimination Coordinator's discretion, investigation of such claims may take place after resolution of the underlying initial Formal Complaint.

### **Advisors in the Formal Grievance Process**

The Parties may each have an Advisor of their choice present with them for all meetings, interviews, and hearings within the Formal Grievance Process, if they so choose.

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Decision-maker.

#### **A. Who Can Serve as an Advisor**

The Parties may each have an Advisor (friend, mentor, family member, attorney, or any other individual a party chooses) present with them for all meetings, interviews, and hearings within the resolution process, including intake. The Parties may select whomever they wish to serve as

their Advisor as long as the Advisor is eligible and available.<sup>6</sup> Parties have the right to choose not to have an Advisor in the initial stages of the Formal Grievance Process, prior to a hearing.

The Nondiscrimination Coordinator will offer to assign a trained Advisor to any party. If the Parties choose an Advisor from the College's Resolution Process Pool, the College will have trained the Advisor and familiarized them with the College's Formal Grievance Process.

The College cannot guarantee equal advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not, or cannot afford an attorney, the College is not obligated to provide an attorney to advise that party. However, all institutionally appointed Advisors will be provided with similar training.

If the Parties choose an Advisor from outside the Resolution Process Pool, the Advisor may not have been trained by the College and may not be familiar with College policies and procedures.

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. Parties are expected to provide the Nondiscrimination Coordinator with timely notification if they change Advisors. If a party changes Advisors, consent to share information with the previous Advisor is assumed to be terminated, and a release for the new Advisor must be submitted.

The College may permit Parties to have more than one Advisor, or an Advisor and a support person, upon special request to the Nondiscrimination Coordinator. The decision to grant this request is at the Nondiscrimination Coordinator's sole discretion and will be granted equitably to all Parties.

#### **B. Advisor's Role in the Formal Grievance Process**

Advisors should help the Parties to prepare for each meeting or hearing and are expected to advise ethically, with integrity, and in good faith. Advisors may not provide testimony or speak on behalf of their advisee unless given specific permission to do so.

The Parties are expected to respond to questions on their own behalf throughout the Formal Grievance Process. Although the Advisor generally may not speak on behalf of their advisee, except for conducting cross-examination during a hearing, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Resolution Process meeting or interview. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow for private consultation.

The Title IX Regulations require a form of indirect questioning during the hearing, which must be conducted by the Parties' Advisors. The Parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, the College will appoint a

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<sup>6</sup> "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.



trained Advisor for the limited purpose of conducting any questioning of the Parties and witnesses.

### **C. Records Shared with Advisors**

Advisors are entitled to the same opportunity as their advisee to receive copies of the Draft and Final Investigation Reports, as well as the Directly Related Evidence file. Parties will be asked to sign releases for the College to share materials with an Advisor.

Advisors are expected to maintain the confidentiality of the records the College shares with them. The College may 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 confidentiality expectations.

### **D. Advisor Expectations**

The College generally expects an Advisor to adjust their schedule to allow them to attend College meetings/interviews/hearings when planned, but the College may change scheduled meetings/interviews/hearings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The College may also make reasonable provisions to allow an Advisor who cannot be present in person to attend a meeting/interview/hearing by telephone, video conferencing, or other similar technologies as may be convenient and available.

All Advisors are subject to the same College policies and procedures, whether they are attorneys or not, and whether they are selected by a party or appointed by the College. Advisors are expected to advise without disrupting proceedings.

### **E. Advisor Policy Violations**

Any Advisor who oversteps their role as defined by the Policy, who shares information or evidence in a manner inconsistent with the Policy, or who refuses to comply with the College's established rules of decorum will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview/hearing may be ended, or other appropriate measures implemented, including the College requiring the party to use a different Advisor or providing a different College-appointed Advisor. Subsequently, the Nondiscrimination Coordinator will determine how to address the Advisor's non-compliance and future role.

## **Resolution Options Overview**

The Formal Grievance Process is the College's primary resolution approach unless all Parties and the College agree to an Informal Resolution. The process considers the Parties' preferences but is ultimately determined at the Nondiscrimination Coordinator's discretion.

Resolution proceedings are private. All persons present at any time during a resolution process are expected to maintain the privacy of the proceedings in accordance with the Policy.

There is an expectation of privacy around what investigators share with Parties during interviews and for any materials the institution shares with the Parties during the resolution process. The Parties have discretion to share their own knowledge and evidence with others if they choose, except for information

the Parties agree not to disclose as part of an Informal Resolution. College encourages Parties to discuss any sharing of information with their Advisors before doing so.

#### **F. Informal Resolution**

To initiate Informal Resolution, a Complainant or Respondent may make such a request to the Nondiscrimination Coordinator at any time prior to a Final Determination or the Nondiscrimination Coordinator may offer the option to the Parties. The College will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution. To engage in Informal Resolution, a Complainant must first submit a Formal Complaint.

Three approaches to Informal Resolution are detailed in this section.

- 1) **Supportive Resolution.** When the Nondiscrimination Coordinator can resolve the matter informally by providing supportive measures (only) designed to remedy the situation. Supportive Resolution involves only the party who opts for it.
- 2) **Accepted Responsibility.** When the Respondent accepts responsibility for violating Policy and accepts the recommended sanction(s), and the Complainant(s) and Nondiscrimination Coordinator are agreeable to the resolution terms.
- 3) **Alternative Resolution.** When the Parties agree to resolve the matter through an alternative resolution mechanism (which could include, but is not limited to, mediation, shuttle negotiation, restorative practices, facilitated dialogue, etc.), as described below

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process. Any party participating in Informal Resolution can withdraw from the Informal Resolution process at any time and initiate or resume the Formal Grievance Process.

The Parties may agree, as a condition of engaging in Informal Resolution, on what statements made or evidence shared during the Informal Resolution process will not be considered in the Formal Grievance Process should Informal Resolution not be successful.

If an investigation is already underway, the Nondiscrimination Coordinator has discretion to determine if the investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution process.

Prior to engaging in Informal Resolution, the College will provide the Parties with written notice of the reported misconduct and any sanctions (only in the case of Accepted Responsibility) or measures that may result from participating in such a process, including information regarding any records that the College will maintain and under which circumstances they may be released.

#### Informal Resolution Approaches

- **Supportive Resolution**

Most commonly offered once a Formal Complaint is filed (whereas supportive measures, as described in [Section I.9](#) of the Policy, are offered in response to Notice). The

Nondiscrimination Coordinator will meet with the Complainant to determine reasonable supports that are designed to restore or preserve the Complainant's access to the College's Education Program and Activity. Such supports can be modified as the Complainant's needs evolve over time or circumstances change. If the Respondent has received the NOIA, the Nondiscrimination Coordinator may also provide reasonable supports for the Respondent as deemed appropriate. This option is available when the Complainant does not want to engage the other resolution options and the Nondiscrimination Coordinator does not believe there is a need to sign a Formal Complaint. At the discretion of the Nondiscrimination Coordinator, this resolution option can result in an agreement between the Complainant and the College that does not require assent from any other party, as long as it does not unduly burden any other party or function punitively with respect to them.

- **Accepted Responsibility**

The Respondent may accept responsibility for any or all of the alleged Policy violations at any point during the Formal Grievance Process. If the Respondent indicates an intent to accept responsibility for **all** alleged Policy violations, the ongoing process will be paused, and the Nondiscrimination Coordinator will determine whether Informal Resolution is an option.

If Informal Resolution is available, the Nondiscrimination Coordinator will determine whether all Parties and the College are able to agree on responsibility, restrictions, sanctions, restorative measures, and/or remedies. If so, the Nondiscrimination Coordinator implements the accepted Finding that the Respondent is in violation of College Policy, implements agreed-upon restrictions and remedies, and determines any other appropriate responses in coordination with other appropriate administrator(s), as necessary.

This resolution is not subject to appeal once all Parties indicate their written agreement to all resolution terms. When the Parties cannot agree on all terms of resolution, the Formal Grievance Process will either begin or resume.

When a resolution is reached, the appropriate sanction(s) or responsive actions are promptly implemented to effectively stop the discrimination or harassment, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

- **Alternative Resolution**

The institution offers a variety of alternative resolution mechanisms to best meet the specific needs of the Parties and the nature of the allegations. Alternative resolution may involve agreement to pursue individual or community remedies, including targeted or broad-based educational programming or training; supported direct conversation or interaction between the Parties; indirect action by the Nondiscrimination Coordinator or other appropriate College officials; and other forms of resolution that can be tailored to the needs of the Parties. Some alternative resolution mechanisms will result in an agreed-upon outcome, while others are resolved through dialogue. All Parties must consent to the use of an alternative resolution approach, and the Parties may, but are not required to, have direct or indirect contact during an alternative resolution process.

The Nondiscrimination Coordinator has the authority to determine whether alternative resolution is available or successful, to facilitate a resolution that is acceptable to all Parties,

and/or to accept the Parties' proposed resolution, usually through their Advisors, often including terms of confidentiality, release, and non-disparagement.

Parties do not have the authority to stipulate restrictions or obligations for individuals or groups that are not involved in the alternative resolution process. The Nondiscrimination Coordinator will determine whether additional individual or community remedies are necessary to meet the institution's compliance obligations in addition to the alternative resolution.

The Nondiscrimination Coordinator maintains records of any resolution that is reached and will provide notification to the Parties of what information is maintained. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., dissolution of the agreement and resumption of the Formal Grievance Process, referral to the conduct process for failure to comply, application of the enforcement terms of the agreement). Where the failure to abide by the Informal Resolution agreement terms results in a failure to remedy a Policy violation, the Nondiscrimination Coordinator must consider whether to dissolve the agreement and reinstate the Formal Grievance Process to remedy the impact as required by law. The results of Formal Complaints resolved by alternative resolution are not appealable.

If an Informal Resolution option is not available or selected, the College will initiate or continue an investigation and subsequent Formal Grievance Process to determine whether the Policy has been violated.

#### **G. Formal Grievance Process (begins at [Section IV.10.](#) below)**

##### **Resolution Process Pool**

The College relies on a pool of individuals ("the Pool") to carry out the resolution options.

#### **H. Pool Member Roles**

Resolution Process Pool members are trained annually, and can serve in any of the following roles at the Nondiscrimination Coordinator's discretion:

- Appropriate intake of and initial guidance pertaining to Formal Complaints
- Perform or assist with initial assessment
- Advisor to Parties
- Informal Resolution Facilitator
- Investigator
- Hearing Facilitator
- Decision-maker
- Appeal of Dismissal Decision-maker
- Appeal Decision-maker

#### **I. Pool Member Appointment**

The Nondiscrimination Coordinator, in consultation with senior administrators as necessary, appoints the Resolution Process Pool, which acts with independence and impartiality. Although members of the Resolution Process Pool are typically trained in a variety of skill sets and can

rotate amongst the different roles listed above in different Formal Complaints, the College can also designate permanent roles for individuals in the Resolution Process Pool.

External, trained third-party neutral professionals may also be used to serve in pool roles.

**J. Pool Member Training (See training materials [posted online](#))**

**Notice of Investigation and Allegations (NOIA)**

The Nondiscrimination Coordinator will provide the Parties written Notice of the Investigation and Allegations (the “NOIA”) upon commencement of the Formal Grievance Process. Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available. For climate/culture investigations that do not have an identifiable Respondent, the NOIA will be sent to the department/office/program head for the area/program being investigated.

The NOIA will include:

- A meaningful summary of all allegations
- The names of the involved Parties (if known)
- The precise misconduct being alleged
- The date and location of the alleged incident(s) (if known)
- The specific policies/offenses implicated
- A description of, link to, or copy of the applicable procedures
- A statement that the College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a Final Determination that the Policy has been violated
- The name(s) of the Investigator(s), along with a process to notify the Nondiscrimination Coordinator of any conflict of interest that the Investigator(s) may have in advance of the interview process
- A statement that determinations of responsibility are made at the conclusion of the process and that the Parties will be given an opportunity during the review and comment period to inspect and review all Relevant and Directly Related Evidence obtained
- A statement of the potential sanctions/responsive actions that could result
- A statement about the College’s policy on Retaliation
- Information about process confidentiality
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor
- A statement informing the Parties that the College’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the Formal Grievance Process
- Information about how a party may request disability accommodations or other support assistance during the Formal Grievance Process
- A link to the College’s VAWA Brochure
- An instruction to preserve any evidence that is directly related to the allegations

Notification will be made in writing and may be delivered by one or more of the following methods: in person or emailed to the Parties’ College-issued email or other approved accounts. Once emailed and/or received in-person, notice is presumptively delivered.

### **Resolution Timeline**

The College will make a good faith effort to complete the Formal Grievance Process within ninety (90) business days, including any appeals, which the Nondiscrimination Coordinator can extend as necessary for appropriate cause. The Parties will receive regular updates on the progress of the Formal Grievance Process, as well as notification and a rationale for any extensions or delays, and an estimate of how much additional time will be needed to complete the process.

Investigations are completed expeditiously, normally within sixty (60) business days, though some investigations may take longer, depending on the nature, extent, and complexity of the allegations, witness availability, law enforcement involvement, and other factors.

The College may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include, but are not limited to, a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of Parties and/or witnesses, and/or health conditions. The College will promptly resume its Formal Grievance Process as soon as feasible. During such a delay, the College will implement and maintain supportive measures for the Parties as deemed appropriate.

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

The College will make a good faith effort to complete the Formal Grievance Process as promptly as circumstances permit and will regularly communicate with the Parties to update them on the progress and timing of the process.

### **Ensuring Impartiality**

No individual materially involved in the administration of the Formal Grievance Process, including the Nondiscrimination Coordinator, Investigator(s), and Decision-maker(s), may have or demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Nondiscrimination Coordinator will vet the assigned Investigator(s), Decision-maker(s), and Appeal Decision-maker(s) for impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The Parties may raise a concern regarding bias or conflict of interest at any time during the Formal Grievance Process, and the Nondiscrimination Coordinator will determine whether the concern is reasonable and supportable. If so, another Resolution Process Pool member, or other trained individual, will be assigned, and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Nondiscrimination Coordinator, concerns should be raised with the President.

The Formal Grievance Process involves an objective evaluation of all Relevant Evidence obtained, including evidence that supports that the Respondent violated the Policy and evidence that supports that the Respondent did not violate the Policy. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness. All Parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to receive a written Investigation Report that accurately summarizes this evidence.

### **Witness Role and Participation in the Investigation**

Witnesses who are College Employees are expected to cooperate with and participate in the College's investigation and Formal Grievance Process. Student witnesses and witnesses from outside the College community are encouraged to cooperate with College investigations and to share what they know about a Formal Complaint.

Interviews may be conducted in person, via online video platforms (e.g., Zoom, Google Meet, Microsoft Teams, FaceTime, WebEx), or, in limited circumstances, by telephone. The College will take appropriate steps to ensure the security/privacy of remote interviews.

Parties and witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

### **Interview Recording**

It is standard practice for Investigators to create a record of all interviews pertaining to the Formal Grievance Process, by recording, transcript, or written summary. The Parties may review copies of their own interviews upon request. No unauthorized audio or video recording of any kind is permitted during investigation meetings.

All interviews are recorded, and all involved persons should be made aware of the audio and/or video recording. The recording and/or transcript of those meetings will be provided to the Parties for their review, after which the Parties may suggest additional questions to be asked of another party or witness or additional witnesses. Those subsequent meetings or interviews are also recorded and/or transcribed.

### **Evidentiary Considerations**

The Investigator(s) and the Decision-maker(s) will only consider Relevant or Directly Related Evidence.

Neither the investigation nor the hearing will consider:

- 1) Questions or evidence about the Complainant's sexual predisposition<sup>7</sup>
- 2) Questions or evidence about the Complainant's prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the alleged conduct, or if the questions or evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent<sup>8</sup>
- 3) Questions or evidence about a party or witness's records that are made or maintained by a physician, psychologist, or psychiatrist unless the party or witness provides voluntary, written consent for the records to be considered

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<sup>7</sup> The College defines "predisposition" in alignment with its commonly understood and dictionary definition of being inclined toward a thing, action, or person. Predisposition does not encompass an aversion, or being disinclined to a thing, action, or person.

<sup>8</sup> The College defines "prior sexual behavior" to include only sexual actions taken by or involving Complainant prior to the reported incident(s), not to the absence of such actions.

Within the boundaries stated above, the investigation and the hearing can consider character evidence, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

Previous disciplinary action of any kind involving the Respondent may not be considered unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining an appropriate sanction upon a determination of responsibility. Barring a pattern allegation, this information is only considered at the sanction stage of the process and is not shared until then.

### **Investigation**

All investigations are thorough, reliable, impartial, prompt, and fair. They involve interviewing all available, relevant Parties and witnesses, obtaining Relevant Evidence, and identifying sources of expert information, as necessary.

After an interview, Parties and witnesses will be asked to verify the accuracy of the recording, transcript, or summary of their interview. They may submit changes, edits, or clarifications. If the Parties or witnesses do not respond within the time period designated for verification, objections to the accuracy of the recording, transcript, or summary will be deemed to have been waived, and no changes will be permitted.

The College may consolidate Complaints against more than one Respondent, or by more than one Complainant against one or more Respondent(s), when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions.

Investigations involve the following:

- Determining the names of and contacting all involved Parties and potential witnesses to participate in an investigation interview
- Identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the Parties and witnesses
- Providing written notification of the date, time, and location of all investigation meetings, including the expected participants and purpose
- Conducting any necessary follow-up interviews with Parties or witnesses
- Providing the Parties and witnesses an opportunity to verify the accuracy of either a summary or transcript of their interview(s)
- Soliciting the names of suggested witnesses and questions each party wishes to have asked of another party or witness
- Writing a Draft Investigation Report that gathers, assesses, and synthesizes the evidence, accurately summarizes the investigation and party and witness interviews, and provides all Relevant Evidence
- Compiling a Directly Related Evidence File
- Providing the Parties and their respective Advisors an electronic or hard copy of the Draft Investigation Report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the College does not intend to rely in reaching a determination, for a ten (10)-business-day review and comment period so that each party may meaningfully respond to the evidence. The Parties may elect to waive the full ten (10) days.



- Incorporating any new, Relevant Evidence and information obtained through the Parties' review of the Draft Investigation Report and any follow-up meetings into the Final Investigation Report
- Responding in writing (typically within the Final Investigation Report) to the relevant elements of the Parties' responses to the Draft Investigation Report.
- Sharing the Final Investigation Report with the Nondiscrimination Coordinator and/or legal counsel for their review and feedback
- Providing the Nondiscrimination Coordinator with the Final Investigation Report and Directly Related Evidence File

### **Referral for Hearing**

Provided that the Formal Complaint is not resolved through Informal Resolution, once the Final Investigation Report is shared with the Parties, the Nondiscrimination Coordinator will refer the matter for a hearing.

The hearing cannot be held less than ten (10) business days from the conclusion of the investigation – when the Final Investigation Report is transmitted to the Parties and the Decision-maker – unless all Parties and the Decision-maker agree to an expedited timeline.

The Nondiscrimination Coordinator will select an appropriate Decision-maker from the Resolution Process Pool and provide a copy of the Final Investigation Report and the file of Directly Related Evidence.

### **Hearing Decision-maker**

The Decision-maker will not have had any previous involvement with the Formal Complaint. The Nondiscrimination Coordinator may elect to have an alternate from the Resolution Process Pool sit in throughout the hearing process if a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The Nondiscrimination Coordinator may not serve as a Decision-maker in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill the facilitator role. The hearing will convene at a time and venue determined by the Nondiscrimination Coordinator.

### **Live Hearing Requirements**

The following provisions apply to a live hearing:

- **Hearing Venue Options and Recordings.** The live hearing may occur in person or via video technology. The Decision-maker and Parties must be able to simultaneously see and hear a party or witness while that person is speaking. Both options are considered fair and equitable. Alternative arrangements may also be made at the Nondiscrimination Coordinator's discretion.
  - The Parties may make a request to the Nondiscrimination Coordinator that the hearing be held in person or via video technology, but they must do so at least three (3) business

days prior to the hearing. The Nondiscrimination Coordinator retains discretion to determine whether the hearing will occur in person or via video technology.

- All hearings will be recorded, and Parties may request a copy of the recording from the Nondiscrimination Coordinator following the live hearing.
- No unauthorized recordings are permitted.
- **Scheduling.** Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to the Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term, including during the summer, as needed, to meet the College's resolution timeline and ensure a prompt resolution. Employees, including Parties and witnesses, who do not have 12-month contracts are still expected to participate in Formal Grievance Processes that occur during months between contracts.
- **Hearing Participants.** Persons who may be present for a hearing include the Decision-maker, hearing facilitator, Investigator(s), the Parties and their Advisors, anyone providing authorized accommodations, interpretation, and/or assistive services, and anyone else deemed necessary by the Decision-maker. Witnesses are present only during their portion of the testimony.
- **Advisors.** The Parties may have the assistance of an Advisor of their choice at the hearing or can request that the College appoint a trained Advisor for them. Appointed Advisors are not attorneys. If a party wishes to have an attorney as their Advisor, they must locate and pay for that attorney themselves.
  - During the pre-hearing meeting and live hearing, Parties may only be accompanied by their Advisor. No other persons (e.g., additional support persons, advisors, friends, family) may accompany, attend, or listen in on the hearing unless explicitly authorized by the Nondiscrimination Coordinator, with each party being provided the same opportunity.
  - Parties and Advisors are permitted to have their phones and a laptop or tablet, but these should only be used during the hearing in a matter consistent with the Policy.
  - During the hearing, all questions that a party wishes to ask must be posed by the Advisor, not the Parties.
  - If the party does not have an Advisor, the Nondiscrimination Coordinator will provide the party with an Advisor for the purpose of Advisor-conducted questioning.
- **Impact Statements.** Each party may submit an impact and/or mitigation statement to the Nondiscrimination Coordinator that the Decision-maker will review during any sanction determination.
  - Upon receipt of an impact and/or mitigation statement, the Nondiscrimination Coordinator will review the impact/mitigation statement to determine whether any immediate needs exist.
  - The Nondiscrimination Coordinator will only provide the impact statements to the Decision-maker if the Decision-maker determines that the Policy has been violated. When the Nondiscrimination Coordinator shares the impact statements with the Decision-maker, they will also be shared with the Parties.
- **Disability Accommodations and Other Assistance.** Parties should contact the Nondiscrimination Coordinator at least five (5) business days prior to the hearing to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, if possible.

- **Conflicts of Interest or Bias.** The Decision-maker must not have a bias for or against Complainants or Respondents generally or the individual Complainant or Respondent involved in the Formal Complaint.
  - The Decision-maker must recuse themselves if such bias or conflict of interest exists.
  - If the Decision-maker believes there is possible conflict of interest or bias, they will consult with the Nondiscrimination Coordinator about possible recusal or removal.
  - The Parties may raise challenges that the Decision-maker is biased or has a conflict of interest. The Parties must raise challenges with the Nondiscrimination Coordinator within two (2) business days of receiving the hearing notice.
  - The Nondiscrimination Coordinator will only remove and replace a Decision-maker in situations of demonstrated bias or conflicts of interest. Perceptions of bias or conflict are not sufficient to cause removal.
  - If a Decision-maker recuses themselves as the result of a conflict of interest or bias, or is removed, the Nondiscrimination Coordinator will promptly appoint a new Decision-maker who does not have a conflict of interest or bias and notify the Parties accordingly.
- **Evidence Provided to Decision-maker and Parties.**
  - The Decision-maker will be provided electronic copies of the Final Investigation Report and all relevant but not impermissible evidence, including the names of all Parties, witnesses, and Advisors, at least ten (10) business days in advance of the hearing.
  - The Parties will be provided with electronic copies of all the materials provided to the Decision-maker as part of the hearing notice, unless those materials have already been provided.<sup>9</sup>

### **Hearing Notice**

The Nondiscrimination Coordinator will send the Parties a notice of hearing letter no less than ten (10) business days prior to the hearing. Once emailed and/or received in-person, notice is presumptively delivered. The notice includes:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures, and a statement of the potential sanctions/responsive actions that could result
- The time, date, and location of the hearing
- A description of any technology that will be used to facilitate the hearing
- Relevant information regarding hearing logistics, pre-hearing meetings, the Final Investigation Report, the Parties and witnesses participating in the hearing, the identity of the Decision-maker, details related to questioning, the role of Advisors, impact/mitigation statements, and how to request disability accommodations or other assistance

### **Witness Participation**

Witnesses are encouraged to participate in, and make themselves reasonably available for, the hearing. They may participate in-person or via video technology that allows the Decision-maker and the Parties to

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<sup>9</sup> Hard-copy materials may be provided upon request to the Nondiscrimination Coordinator. The Final Investigation Report and Relevant Evidence may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

see and hear the witness while that person is speaking. Witnesses are not permitted to be accompanied by an Advisor without the Nondiscrimination Coordinator's express permission. At the discretion of the Decision-maker, a witness may participate by phone if no other reasonable alternative is available.

The Nondiscrimination Coordinator will notify all witnesses of their requested participation in the hearing at least three (3) business days prior to the hearing. Witnesses will be present for the hearing only during their testimony.

If any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Nondiscrimination Coordinator may reschedule the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s), unless:

- All Parties and the Decision-maker assent to the new witness's participation in the hearing without remanding the Formal Complaint back to the Investigator,
- The Decision-maker deems the evidence presented by the new witness to be relevant and not information already established in the record, and
- The witness's late involvement was not the result of bad faith by the witness, the Parties, or others.

If the above criteria are not met, but the witness's evidence is deemed relevant and not duplicative, the Decision-maker may, at their discretion, engage in any of the following actions:

- Delay the hearing
- Provide the Parties with at least three (3) business days to review the relevant portions of the new witness's statements, if such statements are submitted
- Remand the Formal Complaint back to the Investigator for further investigation or verification
- Allow the Parties to review and comment on the testimony of the new witness<sup>10</sup>

If the evidence is deemed not relevant, the Decision-maker may proceed with the hearing absent the new witness's participation.

### **Pre-Hearing Meetings**

The Decision-maker will offer to convene pre-hearing meeting(s) with the Parties and their Advisors to familiarize them with the hearing process and invite them to submit the questions or topics they wish to ask or discuss at the hearing. This allows the Decision-maker to consider their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or to provide recommendations for more appropriate phrasing.

However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration on a Decision-maker's pre-hearing decision based on any new information or testimony offered at the hearing. The Decision-maker will consider arguments that evidence identified as relevant in the Final Investigation Report is, in fact, not relevant.

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<sup>10</sup> 34 C.F.R. § 668.46(k)(3)(B)(3) requires "timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings."

Similarly, evidence identified by the Investigator(s) as directly related but not relevant may be argued to be relevant. The Decision-maker will document and share their rationale for any evidence or question exclusion or inclusion, if any, at a pre-hearing meeting with each party.

The Decision-maker will work with the Parties to finalize a witness list for the hearing, and the Nondiscrimination Coordinator will notify any witnesses of the hearing's logistics. The Decision-maker, **only** with the agreement of all Parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the Final Investigation Report or during the hearing, and their presence is not essential to assess their credibility.

Pre-hearing meeting(s) will not be recorded. The pre-hearing meetings will typically be conducted as separate meetings with each party/Advisor, and can be done remotely, or as a written communication exchange. The Decision-maker will work with the Parties to establish the format and timing of the meetings and will circulate a summary of any rulings made to ensure all Parties and Advisors are aware.

### **Hearing Procedures**

#### **K. Evidentiary Considerations**

The Parties must provide all evidence to the Investigator(s) prior to completion of the Final Investigation Report. Evidence offered after that time will be evaluated by the Decision-maker for relevance. If deemed relevant, the Parties and Decision-maker must agree to admit it into the record. If the evidence is deemed not relevant, the Decision-maker may proceed with the hearing absent the new evidence.

The new relevant evidence will be admitted to the record if:

- All Parties and the Decision-maker assent to the new evidence being included in the hearing without remanding the Formal Complaint back to the Investigator,
- The evidence is not duplicative of evidence already in the record, and
- The new evidence was either not reasonably available prior to the conclusion of the Final Investigation Report, or the failure to provide it in a timely manner was not the result of bad faith by the Parties, witnesses, or others.

If the above criteria are not met, but the evidence is deemed materially relevant and not duplicative, the Decision-maker may, at their discretion, engage in any of the following actions:

- Delay the hearing
- Provide the Parties with at least five (5) business days to review the relevant evidence
- Remand the Formal Complaint back to the Investigator for further investigation or analysis
- Allow the Parties time to review and comment on the new evidence

If the evidence is deemed not relevant, the Decision-maker may proceed with the hearing without allowing the new evidence.

#### **L. Collateral Misconduct**

The Decision-maker has the authority to hear and make determinations on all allegations of Discrimination, Harassment, Retaliation, and Other Prohibited Conduct under the Policy and may also hear and make determinations on any additional alleged collateral misconduct that occurred in concert with the Discrimination, Harassment, Retaliation, or Other Prohibited Conduct, even though those collateral allegations may not specifically fall within the Policy.

#### **M. Joint Hearings**

In Complaints involving more than one Respondent and/or involving more than one Complainant accusing the same person of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Nondiscrimination Coordinator may permit the investigation and/or hearings pertinent to each Respondent or Formal Complaint to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent and/or for each Formal Complaint with respect to each alleged policy violation.

#### **N. Introductions and Hearing Procedure Explanation**

The Decision-maker will:

- Explain the hearing procedures
- Introduce the participants
- Answer any procedural questions prior to and as they arise throughout the hearing

#### **O. Investigator Presentation of Final Investigation Report**

The Investigator(s) will present a summary of the Final Investigation Report, including a review of the facts that are contested and those that are not. The Investigator may be questioned first by the Decision-maker and then by the Parties. The Investigator may attend the duration of the hearing or be excused after their testimony at the Decision-maker's discretion.

#### **P. Testimony and Questioning**

The Parties and witnesses may provide relevant information in turn, beginning with the Complainant's opening statement, then the Respondent's, and then questioning in the order determined by the Decision-maker. The Decision-maker will facilitate questioning of the Parties and witnesses first by the Decision-maker and then by the Parties through their Advisors.

All questions are subject to the Decision-maker's relevance determination. The Advisor will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted). The proceeding will pause to allow the Decision-maker to consider the question (and state it if it has not already been stated aloud), and the Decision-maker will determine whether the question will be permitted, disallowed, or rephrased. The Decision-maker will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Decision-maker will limit or disallow questions they deem not appropriate on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), seek or pertain to impermissible evidence, or are abusive and has the final say on all questions and relevance determinations. The Decision-maker may consult with legal counsel on any admissibility questions.

If the Parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Decision-maker may elect to address those issues, consult with legal counsel, refer them to the Nondiscrimination Coordinator, and/or preserve them for appeal. If bias is not an issue at the hearing, the Decision-maker should not permit irrelevant questions that probe for Investigator bias.

**Q. Refusal to Submit to Questioning and Inferences**

Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Decision-maker can only rely on the available Relevant Evidence in making a Final Determination. The Decision-maker may not draw any inference **solely** from a party's or witness's absence from the hearing or refusal to answer any or all questions. Typically, after brief opening statements, the order of questioning will be questions from the Decision-maker, questions from the party's own Advisor, then questions from the other Parties' Advisors. The same order will be used for questioning of witnesses, who do not typically make opening statements. The Parties then make brief closing statements, and then the hearing transitions into closed session for deliberation.

An Advisor may not be called as a witness at a hearing to testify to what their advisee has told them during their role as an Advisor unless the party being advised consents to that information being shared.

**R. Hearing Recordings**

The College records hearings (but not deliberations) for purposes of review in the event of an appeal. No unauthorized audio or video recording of any kind is permitted during the hearing.

The Decision-maker, the Parties, their Advisors, Appeal Decision-makers, and other appropriate College officials will be permitted to review the recording or review a transcript of the recording upon request to the Nondiscrimination Coordinator. No unauthorized disclosure, including sharing, copying, or distribution of the recording or transcript, is permitted.

**Deliberation and Determination**

After closing statements from the Parties, the Decision-maker will deliberate in closed session to determine whether the Respondent is responsible for the alleged Policy violation(s) based on the standard of evidence. If a panel is used, a simple majority vote is required to determine the Finding. Deliberations are not recorded.

When there is a Finding of responsibility on one or more of the allegations, the Decision-maker may then consider the previously submitted party impact and/or mitigation statement(s) in determining appropriate sanction(s). The Nondiscrimination Coordinator will ensure that each of the Parties has an opportunity to review any submitted impact and/or mitigation statement(s) once they are submitted.

The Decision-maker will also review any pertinent conduct history provided and will determine the appropriate sanction(s).

The Decision-maker will then prepare a written statement detailing all Findings and Final Determinations, the rationale(s) explaining the decision(s), the evidence used in support of the determination(s), the evidence not relied upon in the determination(s), any credibility assessments, and any sanction(s) and rationales explaining the sanction(s) and will deliver the statement to the Nondiscrimination Coordinator.

This statement must be submitted to the Nondiscrimination Coordinator within seven (7) business days of the end of deliberations unless the Nondiscrimination Coordinator grants an extension. If an extension is granted, the Nondiscrimination Coordinator will notify the Parties.

### **Notice of Outcome**

The Nondiscrimination Coordinator will provide the Parties with a written outcome notification within ten (10) business days of the conclusion of the Formal Grievance Process. The outcome notification will specify the Finding for each alleged Policy violation, any sanction(s) that may result, which the College is permitted to share pursuant to federal or state law, and a detailed rationale, written by the Decision-maker, supporting the Findings to the extent the College is permitted to share under federal or state law.

The notification will also detail the Parties' equal rights to appeal, the grounds for appeal, the steps to request an appeal, and when the determination is considered final if no party appeals.

The Nondiscrimination Coordinator will provide the Parties with the outcome notification simultaneously, or without significant time delay between notifications. The written outcome notification may be delivered by one or more of the following methods: in person, mailed to the Parties' local or permanent address as indicated in official College records, or emailed to the Parties' College-issued or other approved email account. Once emailed and/or received in person, the outcome notification is presumptively delivered.

### **Sanctions**

Factors the Decision-maker may consider when determining sanctions and responsive actions include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to the Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct
- The need for sanctions/responsive actions to prevent the future recurrence of Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct
- The need to remedy the effects of Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct on the Complainant and the community
- The impact on the Parties
- The Respondent's acknowledgement of responsibility or contrition
- Any other information deemed relevant by the Decision-maker

The sanctions will be implemented as soon as is feasible once a Determination is final, either upon the outcome of any appeal or the expiration of the window to appeal, without an appeal being requested.



The sanctions described in the Procedures are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed, by external authorities.

## S. Student Sanctions

The following are the common sanctions that may be imposed upon Students singly or in combination:

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

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

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

#### **T. Student Organization Sanctions**

The following are the common sanctions that may be imposed upon student groups organizations singly or in combination:

- **Warning:** A formal statement that the conduct was unacceptable and a warning that further violation of any College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- **Probation:** A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the organization is found in violation of

any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social and event privileges, denial of College funds, ineligibility for honors and awards, restrictions on new member recruitment, no-contact orders, and/or other measures deemed appropriate.

- **Suspension:** Termination of student organization recognition for a definite period of time not to exceed two years and/or until specific criteria are met. During the suspension period, a student organization may not conduct any formal or informal business or participate in College-related activities, whether they occur on or off campus. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from the College.
- **Expulsion:** Permanent termination of student organization recognition and revocation of the privilege to congregate and conduct business on campus as an organization for any reason.
- **Loss of Privileges:** Restricted from accessing specific College privileges for a specified period of time.
- **Other Actions:** In addition to or in place of the above sanctions, the Recipient may assign any other sanctions as deemed appropriate.

#### **U. Employee Sanctions/Responsive/Corrective Actions**

Responsive actions for an Employee who has engaged in Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct include:

- Verbal or Written Warning
- Performance Improvement/Management Process
- Enhanced Supervision, Observation, or Review
- Required Counseling
- Required Training or Education
- Probation
- Denial of Annual Pay Increase
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Reassignment
- Delay of (or referral for delay of) Tenure Track Progress
- Assignment to New Supervisor
- Restriction of Stipends, Research, and/or Professional Development Resources
- Suspension/Administrative Leave with Pay
- Suspension/Administrative Leave without Pay
- Termination
- Other Actions: In addition to or in place of the above sanctions/responsive actions, the College may assign any other responsive actions as deemed appropriate.

#### **Withdrawal or Resignation Before Complaint Resolution**

#### **V. Students**

Should a Respondent decide not to participate in the Formal Grievance Process, the process proceeds absent their participation to a reasonable resolution. If a Student Respondent withdraws from the College, the Formal Grievance Process typically ends with a dismissal, as the College has lost primary disciplinary jurisdiction over the withdrawn Student. However, the College may continue the Formal Grievance Process when, at the discretion of the Nondiscrimination Coordinator, doing so may be necessary to address safety and/or remedy any ongoing effects of the alleged Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct.

Regardless of whether the Formal Complaint is dismissed or pursued to completion of the Formal Grievance Process, the College will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct.

When a Student withdraws or takes a leave of absence while the process is pending, the Student may not return to the College in any capacity until the Formal Complaint is resolved and any sanctions imposed are satisfied. If the Student indicates they will not return, the Nondiscrimination Coordinator has discretion to dismiss the Formal Complaint and bar the Student from returning. The Registrar, Office of Admissions, and HR may be notified accordingly.

If the Student Respondent takes a leave of absence for a specified period of time (e.g., one semester or term), the Formal Grievance Process may continue remotely. If found in violation, that student is not permitted to return to the College unless and until all sanctions, if any, have been satisfied.

#### **W. Employees**

Should an Employee Respondent decide not to participate in the Formal Grievance Process, the process proceeds absent their participation to a reasonable resolution. If an Employee Respondent leaves their employment with the College with unresolved allegations pending, the Formal Grievance Process typically ends with dismissal, as the College has lost primary disciplinary jurisdiction over the former Employee. However, the College may continue the Formal Grievance Process when, at the discretion of the Nondiscrimination Coordinator, doing so may be necessary to address safety and/or remedy any ongoing effects of the alleged Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct.

Regardless of whether the Formal Complaint is dismissed or pursued to completion of the Formal Grievance Process, the College will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct.

When an Employee resigns and the Formal Complaint is dismissed, the Employee may not return to the College in any capacity. The Registrar, Office of Admissions, and HR will be notified accordingly. A note will be placed in the Employee's file that they resigned with allegations pending and are not eligible for academic admission or rehire with the College. The records retained by the Nondiscrimination Coordinator will reflect that status. All Defiance College responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

## **Appeal of the Final Determination**

The Nondiscrimination Coordinator will designate an Appeal Decision-maker from the Resolution Process Pool, or other trained internal or external individuals, to hear the appeal. No Appeal Decision-maker will have been previously involved in the Formal Grievance Process for the Formal Complaint. If a panel is used, the Nondiscrimination Coordinator will designate a voting chair.

### **X. Appeal Grounds**

Appeals are limited to the following grounds:

- 1) A procedural irregularity affected the outcome of the matter.
- 2) There is new evidence that was not reasonably available at the time the determination regarding responsibility was made that could affect the outcome of the matter
- 3) The Nondiscrimination Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter

### **Y. Appeal Request**

Any party may submit a written appeal request to the Nondiscrimination Coordinator within three (3) business days of the delivery of the notice of outcome.

The appeal request will be forwarded to the Appeal Decision-maker for consideration to determine if the request meets the appeal grounds (a Review for Standing). This is not a review of the merits of the appeal, but solely a determination as to whether the request could reasonably be construed to meet the grounds and is timely filed.

If the appeal request does not provide information that meets the grounds in the Procedures, the request will be denied by the Appeal Decision-maker, and the Parties and their Advisors will be simultaneously notified in writing of the denial and the rationale.

If any of the information in the appeal request meets the grounds in the Procedures, then the Appeal Decision-maker will notify all Parties and their Advisors, the Nondiscrimination Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-maker.

All other Parties and their Advisors, the Nondiscrimination Coordinator, and, when appropriate, the Investigator(s) and/or the Decision-maker will be provided a copy of the appeal request with the approved grounds and then be given three (3) business days to submit a response to the portion of the appeal that was approved and involves them. The Appeal Decision-maker will forward all responses, if any, to all Parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that appeal request will be reviewed by the Appeal Decision-maker to determine if it meets the grounds in the Procedures and will either be approved or denied. If approved, it will be forwarded to the party who initially requested an appeal, the Nondiscrimination Coordinator, and the Investigator(s) and/or original Decision-maker, as necessary, who will submit their responses, if

any, within three (3) business days. Any such responses will be circulated for review and comment by all Parties. If denied, the Parties and their Advisors will be notified in writing.

No party may submit any new appeal request after this time period. The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved appeal grounds, and the subsequent responses will be shared with the Appeal Decision-maker, who will promptly render a decision.

## **Z. Appeal Determination Process**

In most circumstances, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Appeal Decision-maker will deliberate as soon as is practicable and discuss the merits of the appeal.

Appeal decisions are to be deferential to the original determination, making changes to the Finding/Final Determination only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. All decisions are made by majority vote and apply the preponderance of the evidence standard of evidence.

An appeal is not an opportunity for the Appeal Decision-maker to substitute their judgment for that of the original Decision-maker merely because they disagree with the Finding and/or sanction(s).

The Appeal Decision-maker may consult with the Nondiscrimination Coordinator and/or legal counsel on questions of procedure or rationale, for clarification, if needed. The Nondiscrimination Coordinator will maintain documentation of all such consultation.

## **AA. Appeal Outcome**

An appeal may be granted or denied. Appeals that are granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-maker with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original Investigator(s) and/or Decision-maker or the Nondiscrimination Coordinator (as in cases of bias), the Appeal Decision-maker may order a new investigation and/or a new hearing with new Resolution Process Pool members serving in the Investigator and Decision-maker roles.

A notice of appeal outcome letter will be sent to all Parties simultaneously, or without significant time delay between notifications. The appeal outcome letter will specify the Finding on each appeal ground, any specific instructions for remand or reconsideration, all sanction(s) that may result which the College is permitted to share according to federal or state law, and the rationale supporting the essential Findings to the extent the College is permitted to share under federal or state law.

Written notification may be delivered by one or more of the following methods: in person, mailed to the Parties' local or permanent address as indicated in official institutional records, or emailed to the Parties' College-issued email or other approved account. Once emailed and/or received in person, the appeal outcome letter will be presumptively delivered.

Once an appeal is decided, the outcome is final and constitutes the Final Determination; further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new determination). When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new Finding or sanction, that Finding or sanction can be appealed one final time on the grounds listed above and in accordance with the Procedures.

If a remand results in a new Finding or sanction that is different from the original Finding or sanction, that new Finding or sanction can be appealed, once, on any of the available appeal grounds.

#### **BB. Sanction Status During the Appeal**

Any sanctions imposed as a result of the Final Determination are stayed (i.e., not implemented) during the appeal process, and supportive measures may be maintained or reinstated until the appeal determination is made.

If any of the sanctions are to be implemented immediately post-determination, but pre-appeal, then the emergency removal and interim suspension procedures (detailed above) for a show cause meeting on the justification for doing so must be permitted within two (2) business days of implementation.

#### **Long-Term Remedies/Other Actions**

Following the conclusion of the Formal Grievance Process, and in addition to any sanctions implemented or Informal Resolution terms, the Nondiscrimination Coordinator may implement additional long-term remedies or actions with respect to the Parties and/or the College community that are intended to stop the Discrimination, Harassment, Retaliation, and/or Other Prohibited Conduct, remedy the effects, and prevent recurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Course and registration adjustments, such as retroactive withdrawals
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation assistance
- Implementation of long-term contact limitations between the Parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the Nondiscrimination Coordinator's discretion, the Parties may be provided certain long-term support or measures even if no Policy violation is found.

When no Policy violation is found, the Nondiscrimination Coordinator will address any remedies the College owes the Respondent to ensure no effective denial of educational access.

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

#### **Failure to Comply with Sanctions and/or Responsive Actions**

All Respondents are expected to comply with the assigned sanctions, responsive actions, corrective actions, and/or Informal Resolution terms within the timeframe specified by the final Decision-maker, including the Appeal Decision-maker or the Informal Resolution agreement.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the College.

Supervisors are expected to enforce completion of sanctions/responsive actions for their Employees.

A suspension imposed for non-compliance with sanctions will only be lifted when compliance is achieved to the Nondiscrimination Coordinator's satisfaction.

#### **Recordkeeping**

For a period of at least seven (7) years following the conclusion of the Formal Grievance Process, the College will maintain records of:

- 1) Each Discrimination, Harassment, Retaliation, and Other Prohibited Conduct Formal Grievance Process, including any Final Determination regarding responsibility or appeal, and any audio or audiovisual recording or transcript required under federal regulation
- 2) Any disciplinary sanctions imposed on the Respondent
- 3) Any supportive measures provided to the Parties and any remedies provided to the Complainant or the community designed to restore or preserve equal access to the College's Education Program or Activity
- 4) Any appeal and the result therefrom
- 5) Any Informal Resolution and the result therefrom
- 6) All materials used to train the Nondiscrimination Coordinator, Nondiscrimination Coordinator and designees, Investigators, Decision-makers, Appeal Decision-makers, Informal Resolution Facilitators, and any person who is responsible for implementing the College's resolution processes. College will make these training materials publicly available on College's website
- 7) Any other actions taken in response to a report or Formal Complaint including:
  - a. The basis for all conclusions that the response was not deliberately indifferent
  - b. Any measures designed to restore or preserve equal access to the College's Education Program or Activity

The College will also maintain any and all records in accordance with federal and state laws.

#### **Disability Accommodations**



Defiance College is committed to providing reasonable accommodations and support to qualified Students, Employees, or others with disabilities to ensure equal access to the College's resolution processes.

Anyone needing such accommodations or support should contact the Nondiscrimination Coordinator, who will work with the Accessibility Services as appropriate to review the request and, in consultation with the person requesting the accommodation, determine which accommodations are appropriate and necessary for full process participation.

### **Other Support**

College will address other reasonable requests for support for the Parties and witnesses, including:

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

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

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

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the College of any such information it receives. Anyone interested in determining whether such persons are on this campus may do **so by contacting Jake Arnold , Director of Campus Safety at 419-783-2472. State registry of sex offender information may be accessed at the following link: <https://www.defiance-county.com/dco/>**

## **13. 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 SAFETY AT (419-785-2625).**

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

## **14. Emergency Response**

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

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

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

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

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

Instances of threatening behavior are taken seriously at Defiance College. If the situation is immediately dangerous, call Campus Safety at 419-783-2625 Or 911 if it is an emergency. 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 campus safety staff, physical plant staff, residence life staff, student life staff, Defiance City police staff, Defiance City fire department staff, and local municipal emergency medical staff.

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

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

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

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

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

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

Confirmation means that an institution official (or officials) has verified a legitimate emergency or dangerous situation exists. Examples of a significant emergency at Defiance College include approaching tornadoes, 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 Campus Safety 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, Campus Safety 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 biohazards confirmation may require sampling and outside testing which can also slow the process down. Further, the CARE team (behavioral intervention team) may also identify and confirm a significant emergency by analyzing information provided through multiple sources. More information on the CARE team information can be found at <http://www.defiance.edu/student-life/info/care.html>

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

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

At Defiance College emergency notification may come from a single source, such as a fire alarm, which typically only uses visual (strobes) and audio alerting (horns) and does not deliver detailed action instructions, or through one or more systems that can deliver voice, text, visual alerts, or audio alerts. The primary emergency notification systems on campus are; Send Word Now system which delivers time-sensitive information to students, faculty and staff simultaneously via multiple paths including phone calls, SMS text messages, and email, and fire alarm systems. Additional emergency notification options include email, web banners, television and radio broadcasts, weather radios, social media (e.g. Facebook), and even traditional person-to-person alerting. In most instances of significant emergencies the College will attempt to coordinate messaging utilizing at least (2) systems.

An important note on severe weather notification: Defiance College receives severe weather alerts from the National Weather Service (NWS) via several delivery methods. Defiance College will not repeat all severe weather alerts. Further, Defiance College cannot deliver information faster than the NWS can. It is highly recommended that students, faculty and staff sign up to receive National Weather Service Alerts for the Defiance area via email and mobile service at <http://www.weather.gov/subscribe>. In addition there are several smartphone 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 the person(s) on the floor would be notified. The occupants of the floor would then be evacuated and floor access would be restricted to only emergency response personnel. As the incident continues if new hazard information emerges or the physical hazard expands the entire building may be notified and evacuated. The College may also choose to provide information on the event at a later time to the entire community in a non-emergency format.

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

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

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

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

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

**Evacuation;** Evacuation is the process of emptying a building of all occupants. Some of the buildings on campus, such as the residence halls, have detailed evacuation plans. Occupants of buildings that do not

have a detailed evacuation plan will follow the general evacuation procedures. It is the responsibility of all students, faculty and staff to become familiar with the evacuation procedures.

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

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

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

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

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

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

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

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

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

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

- After confirmation of a significant spontaneous emergency or dangerous situation, without delay, the incident commander will delegate the responsibility to notify or if able to do so, personally activate emergency public notifications. Most often the Dean of Students will send the initial messages. Other examples of sources on campus with authority to initiate and access systems to deliver an emergency message include the President and Cabinet, campus safety, 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 Administration, Vice President for Student Affairs/Dean of Students, Executive Vice President and Dean of the College, Defiance College Campus Safety, Director of Physical Plant, Director of Counseling and Accessibility Services, and the Director of Residence Life. Additional staff not listed above may be trained as appropriate to expand this list.

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Testing & Documentation**

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

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



## 15. Missing Student Policy

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

Students residing in on-campus housing have the option to identify confidentially an individual to be contacted by the College only in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, the College will notify that individual no later than 24 hours after the student is determined to be missing. The option to identify a contact person in the event the student is determined missing is in addition to identifying a general emergency contact person, but they can be the same individual for both purposes. A student's confidential contact information will be accessible only by authorized campus officials, and it will only be disclosed to law enforcement personnel in furtherance of a missing student investigation.

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

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

## 16. Crime Statistics

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

	On Campus			On Campus Housing			Public Property		
Crime	2024	2023	2022	2024	2023	2022	2024	2023	2022
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	2	2	0	0	1	0	2	0
Fondling	0	3	2	0	2	2	0	1	0
Statutory Rape	0	2	0	0	0	0	0	2	0
Incest	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	1	0	0
Burglary	0	0	0	0	0	0	0	0	0

	On Campus			On Campus Housing			Public Property		
Robbery	0	0	1	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Arrest - Liquor Law Violation	0	0	0	0	0	0	1	0	0
Arrest - Drug Abuse Violation	0	1	0	0	0	0	1	1	0
Arrest - Weapon Violation	0	0	0	0	0	0	1	0	0
Disciplinary Referral - Liquor Law Violation	2	3	16	2	3	16	0	0	0
Disciplinary Referral - Drug Abuse Violation	15	11	4	15	11	4	0	0	0
Disciplinary Referral - Weapon Violation	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	1	1	1	1	1	1	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

**Hate crimes:**

**2024:** No hate crimes reported.

**2023:** No hate crimes reported.

**2022:** No hate crimes reported.

Crimes unfounded by the College:

**2024:** 0 unfounded crimes.

**2023:** 0 unfounded crimes.

**2022:** 0 unfounded crimes.

Statistics for unfounded crimes provided by law enforcement agencies:

**2024:** 0 unfounded crimes.

**2023:** 0 unfounded crimes.

**2022:** 0 unfounded crimes.

Data from law enforcement agencies:

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

Note: Defiance College does not have any Non-Campus properties so that category is not listed in the crime stats.

## 17. Annual Fire Safety Report

### Housing Facilities and Fire Safety Systems

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

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

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

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

Defiance College regulates portable electric appliances, smoking, and open flames in on-campus housing and fire safety policies and procedures. See the [Student Handbook](#) for more information. The College further reserves the right to direct residents to remove from their room any hazardous materials. The final decision regarding removal of such Student Handbook materials will be made by the Director of Residence Life after review by the Hall Directors. Items may be confiscated and held in the Residence Life office if they violate hall fire safety and/or jeopardize security and community living. The College reserves the right to make periodic inspections of campus housing to ensure fire safety systems are operational and that the policy on prohibited items is being complied with. Prohibited items, if found, will be confiscated and donated or discarded without reimbursement. Also, tampering with fire safety systems is prohibited and any such tampering may lead to appropriate disciplinary action.

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

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

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

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

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

### ***Smoking***

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

## **Fire Evacuation Procedures**

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

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

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

- Close windows, turn off lights and electrical equipment and close and lock doors if time allows.

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

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

### ***Campus Employees***

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

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

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

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

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

### ***Fire Drills***

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

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

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

### ***Campus Owned Houses***

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

### **Fire Alarm System**

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

### **Grand Avenue Apartments**

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

### **Campus Owned Houses**

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

### ***Suppression System***

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

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

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

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

### **Reporting Fires**

The College is required to disclose each year statistical data on all fires that occurred in on-campus student housing. When a fire alarm is pulled and/or the fire department responds to a fire, these

incidents are captured. If you encounter a fire that presents an emergency situation, ensure your own safety and then please call 911.

There may also be instances when a fire is extinguished quickly and an alarm is not pulled or a response by the fire department was not necessary. It is important that these incidents be recorded as well. Therefore, if you are aware of such a fire, see evidence of one or hear about one, you should contact the Campus Safety at 419-783-2625 or the Dean of Students at 419-783-2587. When providing notification of a fire, give as much information as possible about the location, date, time and cause of the fire.

### **Plans for Future Improvements**

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

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

### **Fire Statistics**

#### **2024**

No fires were reported in 2024.

#### **2023**

No fires were reported in 2023.

#### **2022**

No fires were reported in 2022.