

# Annual Security and Fire Safety Report

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*October 1, 2020*



**Marietta College Police Department**

127 ½ North 7<sup>th</sup> Street, Marietta, Ohio 45750

740-376-3333

<http://www.marietta.edu/college-police-department>

# Marietta College Police Department

## Annual Security Report 2019

The Washington County and Marietta City community offers numerous advantages to student and residents. The community is a great place to live, work, and study. However, it is not immune to the kinds of problems that occur in every part of our nation. This report is designed to address the problem of Crime and Fire incidents that may occur on our campus.

Marietta College attempts to provide a safe and secure environment for students, staff, and visitors. However, it is only possible to maintain safety and security when every student and staff member takes an active part in the effort.

The purpose of this publication is to:

- Provide the Marietta College community with information about the services that the College Police provide.
- Share crime statistics required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.
- Inform current students, prospective students, staff, and visitors about the College's efforts and policies that are in place to help keep the campus community safe.
- Share information about emergency preparedness and planning.
- Share information regarding fire safety, fire statistics, and fire related information.

### Policy on Reporting the Annual Disclosure of Crime Statistics

The Marietta College Police Department prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located on our website at:

<https://www.marietta.edu/crime-statistics>. This report is prepared in cooperation with several College offices and public agencies-such as the Office of Student Life, the Office of Community Living, the Office of Community Standards, Rights, and Responsibilities, the Washington County Sheriff's Office, and the Marietta Police Department (MPD). Each entity provides updated data on its educational efforts and programs to comply with the Act.

Campus crime, arrest and referral statistics include those reported to the Marietta College Police Department, designated campus officials (including, but not limited to directors, deans, department heads, designated residence life staff, student conduct staff, advisors to students and student organizations, and athletic administrators), and local law enforcement agencies.

As a result of the negotiated rulemaking process that followed the signing into law, the 1998 amendments to the 10 U.S.C. Section 1092(f) clarification was given to

those considered to be campus security authorities. Campus “Professional Counselors,” when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged; if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for including in the annual crime statistics.

The rulemaking committee defines “Professional Counselor” as an employee of an institution whose official responsibility includes providing mental health counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification.

This publication contains information to aid in the cooperative effect of creating a safer campus. It contains specific information on safety and security, crime prevent, patrol operations and breadth of authority, policies relating to reporting crime, campus disciplinary procedures, and crime statistics for the previous three calendar years. These statistics reflect reported crimes that occurred on campus, in certain off-campus buildings or property owned or controlled by Marietta College, and on public property that is immediately adjacent to and accessible from the campus.

This publication is posted on the Marietta College website by October 1 each year. We notify all students, staff, and faculty of the website via email. Copies of this report may be obtained at the Marietta College Police Department, located next to the Gathering Place:

Marietta College Police Department  
127 ½ North 7<sup>th</sup> Street, Marietta, Ohio 45750  
740-376-3333.

All prospective employees may obtain a copy from the Director of Human Resources in the Irvine Administration Building or by calling 740-376-4835.

## **Marietta College Police Department**

Marietta College maintains its own College Police Department, which has primary responsibility for the security of Marietta College. All uniformed officers are commissioned police officers and have been certified through the Ohio Peace Officers Training Academy. State law grants the College Police Officers the same powers of arrest and law enforcement as city and county officers. The Marietta College Police Department is staffed by professionals who use advanced equipment, techniques, and current technology to perform their duties. The department works closely with the Marietta Police Department and the Washington County Sheriff's Office. Marietta College encourages other agencies to inform us of all reported criminal activity at any sites affiliated with the College or with College-recognized organizations on and off campus.

### **Patrol Operations**

The Marietta College Police Department is managed by a Chief of Police, two Sergeants, and one Corporal who supervise the individual shifts and processes. College Police officers patrol College facilities, including academic and administration buildings, residence halls, parking lots, athletic fields, and groups. They patrol by vehicle, bike, and on foot. They provide safety escorts for individuals on-campus upon special requests. The Marietta College Police Department responds to all reports of crime, fire, medical, and other emergencies and coordinate with the Marietta fire and police departments and with federal agencies.

### **Police Authority**

Marietta College Police Officers are commissioned law enforcement, and have full investigative and arrest authority on College property in accordance with Ohio Revised Code 1713.50.

### **Officer Training**

The Marietta College Police Department puts great emphasis on continuing education for their officers. In addition to completing the Ohio Peace Officer Training Academy (OPOTA), the officers attend several specialty courses such as Sexual Assault on College Campuses, Core Criminal Investigations, Evidence Technician, etc. They have also been certified as instructors in a variety of topics such as Firearms, Taser, A.L.i.C.E, RAD (Rape, Aggression, Defense), etc. In addition to this, OPOTA offers two master level certification tracks, Master Criminal Investigator & Master Evidence Technician, that four officers have completed. These tracks require the officers to attend specific courses in order to earn the certification. Two officers have been certified as Master Criminal Investigators (192hrs) while the other two have been certified as Master Evidence Technicians (260hrs).

### **Relationship with Local Law Enforcement Agencies**

The Sheriff's Office and Marietta Police Department share jurisdiction over the campus with the Marietta College Police Department. There are no memorandums

between any agency and the College Police Department to provide routine patrol coverage off-campus.

#### **Non-Campus Criminal Activity**

If a student is involved in an off-campus offense, officers may assist with the investigation in cooperation with local, state, or federal law enforcement. The Marietta College Police Department does not provide law enforcement services to off-campus residences of recognized sorority organizations nor are activities off-campus recognized by college authority. Criminal activity in those locations is monitored by the Marietta Police Department. Marietta College may take disciplinary action for non-campus infractions of the Student Code of Conduct when a student's conduct may present a danger or threat to the health or safety of self or others; any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or any situation that is detrimental to the educational mission and/or interests of the College.

#### **Crime Logs**

The Marietta College Police Department (MCPD) maintains a public crime log that includes fire information as well. All crimes reported to MCPD will be entered into the crime log within two business days unless that disclosure is prohibited by law or would jeopardize the confidentiality of the victim. Information that could identify either the victim or the alleged perpetrator is excluded. The logs are available for public inspection during business hours.

## Crime Prevention and Campus Safety Awareness Programs

In addition to direct efforts in crime prevention and detection, the Marietta College Police Department carries out a number of programs to foster campus safety and security:

### Community Policing

Officers inform the campus of safety procedures and encourage the campus community how to improve their safety or the safety of others. These programs are designed to assist in crime prevention education of the campus community.

### Alcohol Awareness

Officers provide alcohol education programs to students regarding alcohol use using beer goggles and golf carts.

### Run, Hide, Fight

Run, Hide, Fight is an active shooter education program that is presented during HOME (Welcome Week) to all new students, as well as to Resident Assistants during Resident Assistant Training. Sessions of Run, Hide, Fight are also presented to the faculty, staff, and student population during Community Policing Events.

### Self-Defense Awareness

The Marietta College Police Department sponsors and hosts self-defense awareness programs and employs RAD (Rape Aggression Defense) instructors.

### Other Education and Counseling Programs

Educational programs and counseling options are available to students at Marietta College. The Dr. J. Michael Harding Center for Health and Wellness (740-376-4477) sponsors a wide variety of substance abuse education programs. The Center for Health and Wellness also has treatment and counseling options available for individuals.

## Crime Prevention Tips

The Marietta College Police Department provides the following information to students:

### General Safety Tips

- Program the Marietta College Police Department's emergency number, 740-376-3333, into your cell phone.
- Be aware of your surroundings.
- Travel in groups at night whenever possible, especially when walking.
- Use lighted walkways, even if it means going out of your way.
- Walk briskly, with your head up, and with assurance. Do not walk in brush-covered areas or against buildings.
- Keep purses, backpacks, and money belts close to the body, and do not leave them unattended.

- Do not struggle if someone attempts to take your property.

#### **In the Residence Halls**

- Attend Community Policing events held in the residence halls.
- Lock your room's door at all times, whether the room is occupied or not, and while you are sleeping. Many victims of burglaries have been out of their rooms for only minutes or were down the hall a short distance from their rooms when the burglaries occurred.
- Report doors that are propped open-they increase vulnerability of crime. If you find an interior or exterior residence hall door propped open, call a Resident Assistant and close the door.
- Lock cash, credit cards, jewelry, and other valuables in a drawer or trunk. Take these valuables with you during school breaks. Be careful to not leave clothing and other property unattended in lounges or laundry rooms.

#### **Safety When Coming and Going**

- Lock your bicycle with a high-security lock.
- Park your vehicle in a well-lit and populated area. If this is impossible, scan the area before getting into or out of your vehicle. Know your surroundings!
- Get into your vehicle briskly, quickly, and confidently.
- Avoid becoming too absorbed with the task at hand, such as keeping your head down at the key lock or occupying yourself with bags, books, or keys. Stay alert to avoid becoming a target for crime.
- Keep keys in hand to avoid unnecessary delay upon reaching your car.
- Always plan ahead, even if you are late or in a rush.

## Reporting Criminal Offenses, Suspicious Activity or Persons

### **To Report a Crime:**

Contact the Marietta College Police Department at 740-376-3333, by using the yellow phones located outside of residence halls, by using the blue light telephones, which are strategically located around campus, or dial 9-1-1. Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings or around the residence halls should be reported to the Marietta College Police Department.

**Never hesitate to contact the Marietta College Police Department with any suspicion regarding your own or someone else's safety. The Marietta College Police Department encourages prompt reporting of all crimes to our department and/or non-campus law enforcement entities when the victim of a crime elects to or is unable (physically or mentally) to make such a report. We strongly urge you to program your cell phone with Marietta College Police Department's number: 740-376-3333.**

The Marietta Police Department and the Washington County Sheriff's Office also have jurisdiction on the Marietta College campus. Crimes, including sexual assaults, may also be reported to either agency for a full investigation. The Marietta College Police Department will assist any student wishing to file a report with one of these agencies.

The campus police department does maintain an online crime reporting website that can be used anonymously. This form is not to be used for emergency crime reporting as it will not be delivered to the officer on duty immediately. It is the policy of the Marietta College Police Department to take no actions in attempting to identify those that use the online crime reporting form unless there is a substantial risk of physical harm to the person filing the report or to any other person. The confidential reporting website can be located at: <http://www.marietta.edu/report-crime-complaint>

Police reports are official records. Witnesses and victims reporting crimes to the Marietta College Police Department must understand that there is no guarantee of confidentiality. The Marietta College Police Department makes every effort to conduct investigations in a discreet manner to protect the confidentiality of victims and witnesses, however, they cannot guarantee absolute confidentiality.

### **Campus Security Authorities**

Criminal offenses can be reported directly to the Marietta College Police Department or to other officials at Marietta College who have been designated as campus security authorities. These are individuals with significant responsibility for student and campus activities and include directors and department heads of



administrative units. The crimes reported to these sources are tallied and provided to the Marietta College Police Department to be included in the annual disclosure of crime statistics. If enough pertinent information is available, these reports may also be used for the issuance of timely warnings to the Marietta College community. As previously mentioned, licensed professional counselors employed through Marietta College, and those acting as medical professionals are not required to disclose any information to the Marietta College Police Department.

The following persons have been designated as campus security authorities to whom students and employees should report criminal offenses described in the law for the purpose of making timely warning reports and the annual statistical disclosure:

- Richard K. Danford, Vice President for Student Life, 740-376-4899, 103 Andrews Hall
- Amanda L. Mullen, Associate Dean of Students, 740-376-4642, 112 Andrews Hall

All Resident Assistants, Head Resident Assistants, and Assistant Directors are mandated to provide information concerning all criminal activity to the Marietta College Police Department directly or through their supervisors.

### **Confidential Reporting**

Licensed mental health professionals employed by Marietta College are exempt from mandatory reporting rules provided there is not a risk to the safety of their client or to others. Mental health professionals employed by Marietta College are not required to report Clery statistics to the Marietta College Police Department.

### **Timely Warnings**

In the event that a situation arises, either on- or off-campus, that, in the judgment of the Chief of the Marietta College Police Department, constitutes an ongoing or continuing threat, a campus-wide “timely warning” will be issued. All timely warnings will be issued via campus e-mail and may also be issued through phone call, and text, and will be sent to the entire campus community.

Anyone with information warranting a timely warning should report the circumstances to the Marietta College Police Department, by phone (740-376-3333) or in person at the Marietta College Police Department’s office, 127 ½ North 7<sup>th</sup> Street, across the street from Tim Hortons.

## **Access to Campus Facilities: Safety and Security**

### **Residence Halls**

All College residential housing remains locked 24 hours a day with restricted card access granted only to those assigned to the building.

### **Academic and Administration Buildings**

Academic and administration buildings are locked beginning at 5 pm Monday through Friday, and remain locked on weekends unless there are special events being held in the building outside of normal business hours. These buildings still remain accessible to all students through card access until midnight.

Some buildings may have individual hours, which may vary at different times of the year. Examples are the Legacy Library and the Dyson Baudo Recreation Center. In these cases, the facilities will be secured according to schedules developed by the department responsible for the facility.

Emergencies may necessitate changes or alterations to any posted schedules.

### **Suspicious Activity**

Individuals are instructed to report any suspicious activity to the Marietta College Police Department immediately, by calling 740-376-3333.

### **Lighting**

The campus is routinely surveyed to ensure that exterior areas are adequately lit at night. Trees and shrubs that impair lighting along walkways are trimmed as needed. Residence hall staff routinely inspect lighting in stairwells and hallways during regularly assigned patrols.

### **Security Consideration in Maintenance**

Marietta College Police Officers routinely check lighting on-campus during regularly assigned patrols. When they find lights that are out or dim, they initiate a work order for Physical Plant. Physical Plant personnel are responsible for safety considerations used in the maintenance of all campus facilities. College Police, Physical Plant, and residence hall staff work closely together to identify any broken doors, windows, locks, lights, or other hazards, and are promptly reported for repair through the work order system. We encourage all members of the College to promptly report any unsafe facility conditions by calling Physical Plant at 740-376-4790, or by submitting a work order by sending an email to [mdt001@marietta.edu](mailto:mdt001@marietta.edu).

### **Blue Light Phones**

Blue light phones are emergency telephones that are placed at strategic locations around campus. For emergencies, push the “red” button, which will connect you to the 9-1-1 dispatcher. By pushing the “black” button, you can use the emergency phone just as you would any other on-campus telephone. This will allow you to call any campus extension or to call the Marietta College Police Department in a non-emergency situation by dialing 3333.

## **Emergency Response and Evacuation**

This policy statement summarizes the emergency response and evacuation procedures, including protocols for emergency notifications in those situations that represent a significant emergency or dangerous situation affecting the health and/or safety of the Marietta College community. This policy statement complies with the Emergency Notification requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Higher Education Opportunity Act of 2008 and applicable Department of Education regulations.

The College has a Safety Committee that is responsible for the overall direction and planning for emergency situations on campus or those that occur in the local or regional area affecting the campus. Under the direction of the Safety Committee, the College has developed a comprehensive, all-hazards Emergency Response Plan that outlines steps the College will take to prevent and mitigate, prepare for, respond to, and recover from a full range of likely hazards the College may face.

To ensure these plans remain current and actionable, the College will conduct an emergency management exercise, at a minimum once yearly. These exercises may include tabletop drills, emergency operations center exercises, or full-scale emergency response exercises. The College conducts after-action reviews of all emergency management exercises.

In conjunction with at least one emergency management exercise each year, the College will notify the community of the exercise and remind the community of the information included in the College's publicly available information regarding emergency response procedures and evacuation plans.

### **Emergency Notification System**

Marietta College is committed to ensuring the campus community receives timely, accurate, and useful information in the event of an emergency situation on campus or in the local area that poses a risk to the health and safety of campus community members. To support this commitment, Marietta College has invested in several multi-modal forms of communications that allow administrators to distribute notices in the event of a critical incident or dangerous situation.

#### **Confirming the Existence of a Significant Emergency or Dangerous Situation and Initiating the Emergency Notification System:**

The College Police Department and/or other campus first responders may become aware of a critical incident or other emergency situation that potentially affects the health and/or safety of the campus community. Generally, campus first responders become aware of these situations when they are reported to the College Police Department or upon discovery during patrol or other assignments. When an

emergency is reported to the Campus Police Department a police officer is to immediately respond to the area to make a visual confirmation that an emergency exists.

Once first responders confirm that there is, in fact, an emergency or dangerous situation that poses an immediate threat to the health or safety to some or all members of the campus community, first responders will notify supervisors in the College Police Department or other authorized College officials to issue an emergency notification.

The College's authorized representatives, including supervisors in the College Police Department, dispatchers, officials in the Office of Strategic Communication, and/or other members of the College's senior administration, will immediately initiate all or some portions of the College's emergency notification system without delay. If, in the professional judgment of first responders, issuing a notification potentially compromises efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, the College may elect to delay issuing an emergency notification. As soon as the condition that may compromise efforts is no longer present, the College will issue the emergency notification to the campus community or applicable segment of the community without delay.

#### **Determining the Appropriate Segment or Segments of the Campus Community to Receive an Emergency Notification:**

Campus and local first responders on the scene of a critical incident or dangerous situation that poses an immediate threat to the health or safety of the campus community will assist those preparing the emergency notification with determining what segment or segments of the campus community should receive the notification. Generally, campus community members in the immediate area of the dangerous situation (i.e. the building, adjacent buildings, or surrounding area) will receive the emergency notification first. The College may issue subsequent notifications to a wider group of community members. In addition to the emergency notification that may be issued via the College mass notification system, the College will also post applicable messages about the dangerous condition on the College homepage to ensure the rest of the campus is aware of the situation and the steps they should take to maintain personal and campus safety. If the emergency affects a significant portion of or the entire campus, College officials will distribute the notification to the entire campus community.

#### **Determining the Content of the Emergency Notification:**

The Office of Strategic Communications will, with the assistance of campus and local first responders, determine the content of the notification. The College has developed a wide range of template messages addressing several different emergency situations. The Vice President of Communications & Brand Management will select the template message most appropriate to the on-going situation and

modify it to address the specifics of the present incident. Those issuing the notification will use the following guidelines when determining the contents of the emergency message.

The first message is intended to **Alert** the community or appropriate segment of the campus community of the dangerous condition and the actions they should take to safeguard themselves and their neighbor's safety. Messages distributed in this stage of a rapidly unfolding critical incident will generally be short, precise, and direct. Examples include: "The campus is experiencing a major power outage affecting the following buildings: McCoy, Harrison, and Marietta Halls. All occupants of these buildings should immediately evacuate and meet at the designated building rally point."

The second message is intended to **Inform** the community or appropriate segment of the campus community about additional details of the situation. This message is generally distributed once first responders and the Emergency Operations Center has additional information about the dangerous situation. Examples include: "The power outage affecting McCoy, Harrison, and Marietta Halls was caused by a cut power line. AEP is responding along with Physical Plant personnel to repair the damage. We expect the outage will last until 2:00 p.m. Refer to the College homepage for additional information or dial 740-376-3333."

Finally, the third message is the **Reassure** notice that is generally distributed once the situation is nearly or completely resolved. The purpose of this message is to reassure the community that the College is working diligently to resolve the dangerous situation. It can also be used to provide additional information about the situation and where resources will be available.

In those cases where there are no pre-determined template messages in the system, the individual issuing the alert will send and develop the most succinct message to convey the appropriate message to the community. The goal is to ensure individuals are aware of the situation and that they know the steps to take to safeguard their personal and community safety.

#### **Procedures Used to Notify the Campus Community:**

In the event of a situation that poses an immediate threat to members of the campus community, the College has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event for emergency notification to all or a segment of campus community. These methods of communication include the mass notification system known as the Pioneer Alert System, Alertus, the carillon system, the College's email system, and through mass text messaging. The College will post updates during a critical incident on the homepage. If the situation warrants, the College will establish a telephone call-in center staffed by College specialists who are trained to communicate with the campus community during an emergency situation.

## **Missing Student**

Any campus member that feels that a person is missing must immediately report their belief to the Marietta College Police Department. The Marietta College Police Department will take a missing persons report from anyone both on campus and off campus if the report relates to a student at Marietta College. Preliminary investigation and interviews will be conducted, and if the College Police determine the student to be missing then they will contact the individual identified by such student in their missing person contact form. This form is located under the "Emergency Information" section of MyMarietta. This contact information is confidential and can only be accessed by college administration.

In the event a student is determined to be missing for a period of more than 24 hours by the Marietta College Police Department, the contact person for the missing student will be notified and the Marietta Police Department will be notified and a request will be made to enter the student information into NCIC.

If such a student is under 18 years of age, and not emancipated, the custodial parent or legal guardian shall be contacted immediately when the Marietta College Police Department determines the student to be missing.

## **Marietta College Alcohol and Drug Policies**

The possession, sale, or the furnishing of alcohol on the Marietta College campus is governed by the Marietta College Alcohol Policy and Ohio state law. In Ohio, the Department of Commerce Division of Liquor Control is responsible for controlling the manufacture, distribution, licensing, regulation, and merchandising of beer, wine, mixed beverages, and spirituous liquor as the law is outlined in the Ohio Revised Code Chapters 4301 and 4303. However, the enforcement of alcohol laws on campus is the primary responsibility of the Marietta College Police Department. Marietta College Police Officers have discretion in determining if the matter should be resolved through the criminal justice system, through the College's student conduct process, or through both. The Marietta College campus has been designated "drug free," and only under certain circumstances outlined in the Alcohol Policy is the consumption of alcohol permitted. Ohio state law prohibits the consumption or possession of alcoholic beverages by persons younger than 21 years old. The law also prohibits persons 21 or older from providing alcoholic beverages to minors. A person misrepresenting his or her age to obtain alcoholic beverages is in violation of the law. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the Marietta College Police Department.

Violators are subject to College disciplinary action, criminal prosecution, fine, and imprisonment. Organizations or groups violating alcohol or controlled substance policies or laws may be subject to sanctions by the College.

Marietta College's alcohol and drug policies are published and distributed annually to students and employees. Detailed information regarding the policy can be found in the Marietta College Student Handbook, published online at: [www.marietta.edu/community-standards](http://www.marietta.edu/community-standards) and available in hard copy by request from the Office of Student Life, 106 Andrews Hall.

### **Social Functions with Alcohol**

In an attempt to promote responsible use of alcohol and practice sound risk management the Office of Campus Involvement has developed procedures for use by faculty, staff, departments, recognized groups and registered student organizations for hosting events where alcohol will be present. Please contact the Office of Campus Involvement for copies of the procedures and approval of events

### **Substance Abuse Prevention**

The Dr. J. Michael Harding Center for Health and Wellness provides educational opportunities and guidance on substance abuse issues for the campus community through outreach. Substance abuse and dependence prevention objectives are reached by providing the necessary resources to students for informed decision-making. In addition to the efforts on behalf of the Center for Health and Wellness, the Coordinator of Substance Abuse Services is responsible for collaborating with the campus community on substance abuse initiatives, as well as evaluating the efficacy of existing prevention programs.

When a student is charged with an Alcohol Policy violation, the student may be referred for a substance use assessment. The Center for Health and Wellness works in conjunction with the Office of Community Standards, Rights, and Responsibilities to provide these assessments to enrolled Marietta College students. The assessments and treatment recommendations are strictly confidential and are not part of students' academic records. During the 60-minute clinical interview portion of the assessment, the counselor will ask the student questions about his/her substance use patterns, family history, friends, other social support, and any other psychological concerns. At the end of the assessment, the student and the counselor will work together to assess the risk of a current or potential alcohol/drug problem and identify ways the student can reduce their risk of any additional policy violations and negative consequences from alcohol/drugs. In addition to the substance abuse assessment, the student is free to discuss any other personal concerns. The counselor's focus is to assist you in any way possible, and it is not limited to the use of alcohol/drugs. The counselor may suggest additional services if they seem appropriate.

If a student is referred by the Office of Community Standards, Rights, and Responsibilities and does not come to their scheduled appointment, he/she may be required to schedule their substance abuse assessment with a designated community provider or drug and alcohol treatment facility. Alcohol/drug assessments do not have to be completed at the Center for Health and Wellness. Students may contact the Center for Health and Wellness (CHW) at 740-376-4477 for a list of designated community practitioners and drug and alcohol treatment facilities.

Our Choices About Alcohol and Marijuana Education groups are for students contemplating making changes in their substance use. Members will evaluate their substance use and how it impacts their academics, relationships, and personal goals. Students attending either group may be self-referred, referred by parents, or by the Office of Community Standards, Rights, and Responsibilities. Any information disclosed in the group about the misuse of legal or illegal substances is strictly confidential.

### **Substance Abuse Services**

Substance abuse services for students are available through the Dr. J. Michael Harding Center for Health and Wellness, located in Harrison Hall. These services are provided to students free of charge. Students may also contact the Center for Health and Wellness for a list of designated community practitioners and drug and alcohol treatment facilities, or for locations of AA, NA, and Alanon meetings. To make an appointment, or for more information, please call 740-376-4477.

Services for employees are available through the Mutual of Omaha's Employee Assistance Program—a free service for our employees and their immediate and dependent family members available 24/7 by calling 1-800-316-2796. EAP staff



members are highly trained, master's level professionals who will assess your situation, provide support, and, if needed, refer you to other helpful resources. They can also provide a referral for three no-cost, face-to-face sessions with a licensed counselor.

### **College Sanctions for Violating Alcohol and Drug Policies**

Violations of alcohol and drug policies by individuals or groups will be adjudicated by the appropriate student conduct procedures as specified in the Marietta College Student Handbook that include the Associate Dean of Students/Director of Campus Involvement, Associate Dean of Students/Director of Community Living, Assistant Directors in the Office of Community Living, or the Student Accountability Board. All violations of this policy are cumulative and carry over throughout a student's career at Marietta College. The degree of sanctioning for a student may depend on a number of factors including the level of the violation, any mitigating factors regarding the incident, and the number and type of past violations.

### **College Sanctions for Alcohol Violations**

Marietta College may impose sanctions for those found guilty of violations of the College alcohol policy, which includes the following:

- An individual must be of legal age (21 years of age or older) to consume or possess alcohol on campus.
- An underage (under 21 years of age) individual is not permitted to be in the presence of alcohol except under the following circumstances:
  - Verification is received from College Police or an Assistant Director that the underage person is not under the influence (or consuming) of alcohol.
  - The underage individual is within the confines of their living space (room or apartment) where one resident of the living space is of legal age (21 years of age or older).
- Under no circumstance is an individual of legal age permitted to purchase and/or provide alcohol beverages to an underage individual.
- Under no circumstance is an individual, regardless of their age, permitted to provide a location for individuals underage (under 21 years of age) to consume alcohol.
- Alcohol consumption to the point of severe intoxication is a violation of the Student Code of Conduct. When severe intoxication is an accompaniment to other Student Code of Conduct violations, under no circumstance may it be regarded as a mitigating factor and may result in additional disciplinary sanctions.
- Inducing or forcing another individual to consume alcohol (including, but not limited to hazing incidents) is prohibited.
- Wine and malt beverages are the only alcohol beverages permitted for possession and/ or consumption by an individual of legal age on the Marietta College campus. No liquor or any other intoxicating liquid is permitted on campus.

- An individual of legal age is allowed to possess a maximum of twelve (12)-12 ounce containers of malt beverages (beer, ale, “coolers,” “hard lemonade,” etc.) that contain 15% or less alcohol per volume, or up to two (2) 750ml bottles of wine or one (1) 1.5 L bottle of wine, on their person or in their control (room, backpack, car, etc.) for personal consumption in a living space (this includes empty as well as full containers).
- The purchase, possession and/or use of bulk quantities of alcoholic beverages (i.e. more than 30 12-ounce containers of beer, kegs of alcohol, beer bong, and other common containers) are not permitted on the Marietta College campus.
- Possession of paraphernalia (e.g. funnels, beer sticks or any other device) used in drinking games or activities intended to increase the rate of consumption of alcoholic beverages is prohibited and said items will be confiscated by College officials.
  - Sheets of plywood and rectangular tables decorated in such a way as to indicate a beer pong playing surface will be confiscated.
- The use of paraphernalia for drinking games is prohibited.
- Alcoholic beverages are not permitted within residence hall floors and programmatic units that are designated as alcohol and/or substance free housing and common areas including but not limited to: stairwells, hallways, lounges, restrooms, lobbies, and laundry rooms.
- Registered student organizations, departments and offices shall follow all Alcohol and Drug Policies and Procedures (*Please see Student Organization Policies*). If the registered student organization is affiliated with a national organization, it is the responsibility of the local chapter to comply with the rules and regulations of their national policies (the local chapter is expected to abide by College policy).
- No alcohol promotions or advertisement for either College-sponsored or non-College sponsored events of any kind involving alcohol are permitted on the Marietta College campus.

Sanctions for students in violation of the alcohol policy may range from and include:

- Warning
- Reflection paper
- Alcohol education program
- Additional educational sanction
- Alcohol assessment and treatment as deemed necessary by counselor
- Parental notification
- Restitution for damages incurred due the incident
- Recommendation for off-campus assessment
- Suspension from co-curricular activities unless academically required as part of the probationary status
- Removal from college housing
- Being placed on College Probation

## Ohio Law

Ohio law prohibits:

- Persons under 21 years old from consuming, purchasing, or possessing alcoholic beverages.
- Giving or selling alcoholic beverages to persons under 21 years old.
- Having an open container of alcoholic beverage in a public place, regardless of your age. Public places are those which anyone can enter freely and include sidewalks, streets, tree lawns, some outdoor areas of apartment complexes, and inside parked or moving cars.
- Using false identification to obtain alcoholic beverages. Allowing underage persons to consume alcoholic beverages on your property.
- Punishment for these first-degree misdemeanors can be up to six months in jail and/or a fine of up to \$1,000.

## Federal Laws Regarding Drug Use

Federal law prohibits the distribution and illegal possession of controlled substances (see 21 United States Code, Sections 811 and 844). Depending on the amount, first offense maximum penalties for distribution marijuana range from five years imprisonment and a fine of \$250,000 to imprisonment for life and a fine of \$4 million. Depending on the amount, first offense maximum penalties for distribution class I and II controlled substances (methamphetamine, heroin, cocaine, cocaine base, PCP, LSD, fentanyl analogue) range from five years to life imprisonment and maximum fines range from \$2-\$4 million. First offense penalties for the illegal possession of a controlled substance range from up to one year in prison and a fine of at least \$1,000 but not more than \$250,000, or both.

## Local and State Crimes and Penalties for Drug Violations

The State of Ohio and the City of Marietta also may impose penalties for distribution and illegal possession or use of controlled substances. Ohio law prohibits illicit selling, cultivating, manufacturing, or otherwise distribution in controlled substances, including cocaine, heroin, amphetamines, and marijuana; knowingly or recklessly furnishing them to a minor; and administering them to any person by force, threat, or deception with the intent to cause serious harm or if serious harm results. These offenses are felonies.

The law also prohibits knowingly obtaining, possessing or using a controlled substance and permitting drug abuse on one's premises or in one's vehicle. These offenses may be either felonies or misdemeanors. The law further prohibits obtaining, possessing, or using of hypodermics for unlawful administration of drugs and the sale to juveniles of paraphernalia for use with marijuana. These offenses are misdemeanors. A felony conviction may lead to imprisonment or imprisonment plus fine. The maximum prison term is 25 years. A misdemeanor conviction may lead to imprisonment for up to six months and/or a fine of up to \$1,000. Violations may also lead to forfeiture of personal and real property and the denial of federal benefits such as grants, contracts, and student loans.

### **College Sanctions for Drug Violations**

Marietta College may also impose sanctions for those found guilty of distribution, illegal possession of a controlled substance and/or possessions of drug related paraphernalia. The sanctions may range from a fine, disciplinary work hours, and referral for education to suspension or expulsion from the College.

## Dating Violence, Domestic Violence, Stalking, and Sexual Assault

Marietta College is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational enterprise, Marietta College has developed internal policies and procedures that will provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status. Marietta College values and upholds the equal dignity of all members of its community, and strives to balance the rights of the parties in what is often a difficult time for all those involved.

### Risk Reduction Tips

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to victim-blame, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act.

- Make any limits 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.
- Take care of your friends and ask that they take care of you. A friend should challenge you if you are about to make a mistake. Respect them when they do.
- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- Don’t make assumptions about consent; about someone’s sexual availability; about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity then you DO NOT have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don’t take advantage of someone’s drunkenness or drugged state.

- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

### **Other Types of Sexual Misconduct**

Sex crimes are not limited to rape and sexual assault. Other types of offensive and unacceptable behavior are crimes and should be dealt with accordingly. Exhibitionists, voyeurs, and persons who make obscene or harassing phone calls could be subject to criminal charges. While such persons often do not carry out physical attacks, you have no assurance that they will not. Don't take chances. Report all incidents to the College Police Department.

### **Confidential Resources on- and off- Campus**

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

- Counselors and medical staff at the Dr. J. Michael Harding Center for Health and Wellness, (740) 376-4477
- On-campus athletic trainers, if the reporting party has a patient-provider relationship with the athletic trainer, the reporting party shares information with the athletic trainer in confidence, and the information bears on the reporting party's treatment by the athletic trainer
- EVE, a local agency that provides free services to survivors of sexual assault, relationship violence, and stalking, 1-800-974-3111
- Off-campus members of the clergy and chaplains
- Off-campus licensed professional counselors and other medical providers
- Off-campus attorneys

### **Federal Statistical Reporting Obligations**

Certain campus officials – those deemed Campus Security Authorities (CSAs) – have a duty to report the following for federal statistical reporting purposes (Clery Act):

- a) All "primary crimes," which include all criminal homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- b) Hate crimes, which include any bias motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property
- c) VAWA-based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and

- d) Arrests and referrals for disciplinary action for weapons-related law violations, liquor related laws violations, and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information must be passed along to College Police regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log. This reporting helps to provide the community with a clear picture of the extent and nature of campus crime to ensure greater community safety.

Campus Security Authorities include: student life staff, student conduct staff, College Police, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

The information to be shared includes the date, the general location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the reporting party and may be done anonymously.

### **Reporting Discrimination, Harassment, and/or Retaliation**

Reports of discrimination, harassment, and/or retaliation may be made using any of the following options:

- 1) Report directly to the Title IX Coordinator or deputies:

Dr. Richard Danford  
Title IX Coordinator, Vice-President for Student Life  
102 Andrews Hall, (740) 376-4899, [danfordr@marietta.edu](mailto:danfordr@marietta.edu)

Amanda Mullen  
Deputy Title IX Coordinator, Associate Dean of Students  
112 Andrews Hall, (740) 376-4642, [am002@marietta.edu](mailto:am002@marietta.edu)

Debra Wayland  
Deputy Title IX Coordinator, Assistant Vice-President for Administrative Services  
3rd Floor Irvine, Human Resources Suite, (740) 376-4835, [dce001@marietta.edu](mailto:dce001@marietta.edu)

Jenn Castle  
Deputy Title IX Coordinator, Senior Women's Administrator and Head Coach – Softball  
Dyson Baudo Recreation Center 203, (740) 376-4668, [ja003@marietta.edu](mailto:ja003@marietta.edu)

- 2) Report online, using the reporting form posted at [https://cm.maxient.com/reportingform.php?MariettaCollege&layout\\_id=2](https://cm.maxient.com/reportingform.php?MariettaCollege&layout_id=2)

3) Report using Ethics Point by calling 1-888-317-8064 or going online to [www.ethicspoint.com](http://www.ethicspoint.com).

4) Report to the Marietta College Police Department by calling 740-376-3333 or emailing [mcpd@marietta.edu](mailto:mcpd@marietta.edu).

5) If you are a student, report to any employee of Marietta College, including your RA if you live in a residence hall. If you are an employee, report to your supervisor.

All reports are acted upon promptly, and every effort is made by the College to preserve the privacy of reports.

### **Anonymous Reporting**

Reports may also be made anonymously, without identification of the reporting party. Anonymous reports will be preliminarily investigated to the extent possible, both to assess the underlying allegation(s) and to determine if remedies can be provided. However, anonymous complaints typically limit the College's ability to investigate, respond, and provide remedies, depending on what information is shared. Additionally, all employees of the College, with the exception of those who are designated as confidential resources, are mandated reporters and must promptly share all known details of a report with the Title IX Coordinator.

### **Medical Treatment and Preservation of Evidence**

If you are the victim of rape or sexual assault, get to a safe place as soon as you can.

It is important that a person who has been recently assaulted receive prompt medical attention to ensure that he/she is medically well. Because physical injury is not always noticeable at first, it is important to receive a medical examination and treatment as soon as possible. This may include screening and/or treatment for sexually transmitted infection and emergency contraception, if appropriate.

If you believe you have been a victim of a criminal sexual assault, you should go to emergency room before washing yourself or your clothing. You may have injuries of which you are unaware; you also should be tested for sexually transmitted infections and pregnancy (if applicable). A medical exam for evidence collection (by a qualified forensic nurse examiner) is strongly recommended and should be done as soon as possible. Marietta Memorial Hospital is able to provide access to qualified forensic nurse examiners. If any evidence is collected at the hospital, Marietta Memorial will ensure that it is properly stored and released to the Marietta College Police Department or the Marietta Police Department respectively. Marietta Memorial Hospital is located at 401 Matthew Street in Marietta, and its Emergency Department can be reached at 740-376-1939.



If a victim goes to the hospital, local police will be called, but he/she is not obligated to talk to the police or to pursue prosecution. Having the evidence collected in this manner will help to keep all options available to a victim, but will not obligate him or her to any course of action. Collecting evidence can assist the authorities in pursuing criminal charges, should the victim decide later to exercise it. Evidence of violence, such as bruising or other visible injuries, following an incident of domestic or dating violence, should be documented including the preservation of photographic evidence.

Evidence of stalking including any communication, such as written notes, voice mail, or other electronic communications should be saved and not altered in any way.

Marietta College students can go to the Marietta Memorial Hospital Emergency Room. The medical exam and collection of forensic evidence are done simultaneously. Even though a survivor may be unsure about reporting to the police, many times, survivors want to report after they have had time to recover. Collecting forensic evidence makes it much easier to pursue a prosecution later. Toxicology testing for “date rape drugs” is most effective within 72 hours of an assault. Results will not be analyzed unless a police report is filed.

### **Resolution Process for Allegations of Gender-Based Harassment, Discrimination, and Misconduct:**

Marietta College will act on any formal or informal allegation/notice of violation of the Policy on Gender-Based Harassment, Discrimination, and Misconduct (“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 gender or sex that are reported to have taken place in a context over which Marietta College has jurisdiction (see Jurisdiction of the College further above on page 6) involving students, student organizations, faculty, administrators, staff, guests, visitors, contractors, vendors, invitees, campers, or any other individual who falls under the College’s jurisdiction as defined in this Policy.

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 employee handbooks

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

floor for these procedures, but the College has determined the resolution mechanisms that are best suited to its community.

### **Overview**

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

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

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

### **Resolution Process**

If at any point in the Resolution Process the evidence indicates that an incident does not rise to the level of gender-based harassment, discrimination, and/or misconduct but could be in violation of other College policies, the Title IX Coordinator may refer the matter to the appropriate office (e.g., Student Conduct, Human Resources) for further investigation and resolution.

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

The resolution process relies on a pool of officials (“the Pool”) to carry out the process. Members of the Pool are announced in an annual distribution of this policy to campus, prospective students, their parents, and prospective employees. The list of Pool members and a description of the Pool can be found at on the Title IX page of the College’s website (<https://www.marietta.edu/title-ix>). Members of the Pool are trained annually in all aspects of the resolution process, and can serve in any of the following roles, at the direction of the Title IX Coordinator:

- To act as advisors to the reporting or responding party(ies)
- To serve as a Hearing Panel Chair
- To serve on a Hearing Panel to determine findings of (non-)responsibility and/or sanctions
- To serve on an Appeal Panel to assess any possible procedural error in an earlier hearing, review any new evidence, and/or evaluate the appropriateness of any sanction(s) imposed from the earlier hearing

### ***Appointment of Pool Members***

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

### ***Training of Pool Members***

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

The Pool includes

- 2 Co-Chairs (one from HR and one from Student Life), each of whom serves as the ex officio (non-voting) Hearing Administrator during Hearing Panels, for allegations involving student responding parties and employee responding parties, respectively
- 2 members from Academic Affairs (faculty and/or staff)
- 2 members from Student Life
- 2 members from Athletics
- 2 members from other administrative divisions

Pool members are preferably appointed to three-year terms. No member of the Pool may be a practicing attorney.

### ***Reporting Misconduct***

Any member of the College community (i.e., student, faculty, staff, volunteer), guest, or visitor who believes that the Policy on Discriminatory Harassment and Other Discriminatory Misconduct has been violated should contact the Title IX Coordinator and/or one of the Deputy Title IX Coordinators. If the conduct is criminal in nature, any

member of the community, including guests and visitors, may contact the Marietta College Police Department and/or local police to make a report. It is also possible for employees to notify a supervisor, or for students to notify a College employee. These individuals will notify the Title IX Coordinator. The College website also includes a reporting form at [https://cm.maxient.com/reportingform.php?MariettaCollege&layout\\_id=2](https://cm.maxient.com/reportingform.php?MariettaCollege&layout_id=2), which may be used to initiate the resolution process.

All employees (except those whom the College has designated as confidential) who receive notice of a potential violation of the College's Policy on Gender-Based Harassment, Discrimination, and Misconduct are expected to promptly contact the Title IX Coordinator upon becoming aware of a report or incident. Specific information on any allegations received by any party will be reported to the Title IX Coordinator, and every effort will be made to maintain the privacy of those initiating a report.

In all cases, Marietta College will consider the reporting party's wishes regarding how the reported misconduct is pursued, but reserves the right to investigate and pursue a resolution even when a reporting party chooses not to initiate or participate in the resolution process when doing so is necessary to protect the community.

#### **Interim Actions and Responsive Measures**

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

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

These actions may include, but are not limited to:

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

At the time that interim measures are offered, the College will inform the reporting party, in writing, that they may file a formal report with the College either at that time or in the future.

The College will maintain as confidential the supportive or protective measures, provided that confidentiality does not impair the College's ability to provide the supportive or protective measures. Reasonable measures taken will be at no cost to the parties. The College will use the least restrictive means possible when determining appropriate interim actions to ensure the continued safety and health of the reporting and responding parties and/or the College's community and to ensure as minimal an academic impact on the reporting and responding parties as possible. The College will implement measures that do not unreasonably burden the other party and will regularly re-evaluate the actions to determine the necessity of their continued implementation.

The College may interim suspend a student or student organization, or place an employee on paid or unpaid administrative leave, pending the completion of investigation and resolution procedures when, in the judgment of the Title IX Coordinator or designee, the safety or well-being of any member(s) of the College's community may be jeopardized by the on-campus presence/ongoing activity of the responding party. The College may implement such measures if, after engaging in an individualized analysis, the College determines that the immediate threat to any member(s) of the College's community justifies removal of the individual. These interim measures can also be taken with regard to contractors, vendors, guests, visitors, or any other individual who is a responding party in an allegation of a violation of this Policy.

In all cases in which an interim action/suspension is imposed, the responding party, or two (2) representatives from the group when a student organization is the responding party, will be given the option to meet with the Title IX Coordinator or designee prior to such action/suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the action/suspension should not be implemented or should be modified. This meeting is not a hearing on the merits of the allegation(s), rather an administrative process intended to determine solely whether the interim action/suspension is appropriate. The Title IX Coordinator or designee has sole discretion to implement or stay an interim action/suspension and to determine conditions and duration. Violation of an interim action under this policy will be grounds for discipline, which may include expulsion (student), or termination (employee), or standing order of no contact and no trespass (responding party who is not a student or employee) . During an interim action/suspension, the responding party may be denied access to any or all of the following: College housing, campus, facilities, events.

With regard to students and employees, the College will implement the least restrictive interim actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator or designee, these measures may include restrictions from classes and/or all other institutional activities or privileges for which a

student or employee might otherwise be eligible. For example, such measures could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a student's or employee's access to or use of institutional facilities or equipment, allowing a student to withdraw or take incompletes without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student organizational leadership, or intercollegiate athletics.

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

### **Preliminary Inquiry**

Following receipt of notice or an alleged violation of the College's harassment or nondiscrimination policies, the Title IX Coordinator or designee<sup>5</sup> engages in a preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. The preliminary inquiry is typically 1-5 business days in duration.

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

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

If the Title IX Coordinator or designee determines that Title IX is not applicable to the allegations of harassment, discrimination, and/or misconduct, the matter will be referred to the appropriate administrative unit for resolution.

### **Compelling Formal Proceedings**

The College reserves the right to initiate formal resolution proceedings without a report or participation by the reporting party when deemed necessary by the Title IX Coordinator, usually to protect the community in situations that evidence a compelling safety risk. When the College has actual knowledge of reports by multiple individuals regarding misconduct by the same responding party, the Title IX Coordinator or designee will initiate formal proceedings pursuant to this section, regardless of the participation level of one or more of the reporting parties.

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

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

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

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

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

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

#### **Cross-Claims**

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

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

### Advisors

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

The advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise and consult with them throughout the resolution process. The parties may choose advisors from inside or outside the College community. The Title IX Coordinator will also offer to assign a trained Pool member to serve as an advisor for any party if the party so chooses. The parties may choose their advisor from the Pool, a nontrained advisor from outside the Pool, or proceed without an advisor.

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

The College cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the College is not obligated to provide an attorney. If a hearing proceeding takes place and the party has not previously been accompanied by an advisor, the party will select an advisor from the College's trained Pool. A College-trained advisor is a process advisor who is trained on the institutional process. The advisor provided by the College is not an advocate or attorney and is not able to provide the same kinds of advice that an advocate or attorney is trained to provide, but will act in the best interests of their advisee.

Reporting parties may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>)
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association.

Responding parties may wish to contact organizations such as:



- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>).

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

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

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

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

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

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any

advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.

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

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

### **Resolution Processes**

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

### **Informal Resolution**

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

Prior to implementing Informal Resolution, the College will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the College. The College will obtain voluntary, written confirmation that the reporting and responding parties wish to resolve the matter through Informal Resolution.

### Conflict Resolution

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

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

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

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

### Responding Party Admits Responsibility For Alleged Violations

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

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

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

### Negotiated Resolution

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

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

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

#### **Notice**

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

Notification will include a summary of the allegations, including (if known) the identity of the parties involved, the precise misconduct being alleged, the date and location of the alleged incident(s), the specific policies implicated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result. Notification will also include a statement that the College presumes the responding party is not responsible for the reported misconduct unless and until the evidence supports a different determination; that determinations of responsibility are made at the conclusion of the process; that the reporting and responding parties may request to inspect and review evidence obtained; and, that the College's policy/code of conduct/etc., that prohibits knowingly making false statements, including knowingly submitting false information during the resolution process.

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

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

#### **Resolution Timeline**

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

#### **Appointment of an Investigator**

Once the decision is made to commence a formal investigation (as part of a formal resolution process), the Title IX Coordinator or designee will contract an independent

trained and certified investigator to conduct a formal investigation into the alleged violation(s) of the College's Policy on Gender-Based Harassment, Discrimination, and Misconduct, usually within three (3) business days of determining that a formal investigation should proceed.

### Ensuring Impartiality

Any individual materially involved in the administration of the resolution process (including the Title IX Coordinator, investigators, or decision-maker(s)) may neither have nor demonstrate a conflict of interest or bias for either reporting or responding parties generally, or for a specific reporting or responding party.

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

The resolution process involves an objective evaluation of all relevant evidence obtained, both that which supports that the responding party engaged in a policy violation and that which supports that the responding party did not engage in a policy violation. Credibility determinations may not be based, in any way, on an individual's status as a reporting party, responding party, or witness.

Until the responding party is determined to be responsible by a preponderance of the evidence for a policy violation, the College operates under the presumption that the responding party is not responsible for the reported misconduct. However, the College reserves the right to institute interim measures if it deems that those are necessary.

### Investigation Timeline

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

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

The College may undertake a short delay in its investigation (several days to weeks) if circumstances require. Such circumstances include, but are not limited to, concurrent law enforcement activity, the need for language assistance, the absence of parties and/or witnesses, and/or accommodation for disabilities or health conditions. The College will communicate in writing the anticipated duration of the delay and reason to

the parties and provide the parties with status updates if necessary. The College will promptly resume its investigation and resolution process as soon as feasible. During such a delay, Marietta College will implement interim actions as deemed appropriate.

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

### Steps in the Investigation

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

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

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

- Determines the identity and contact information of the reporting party.
- In coordination with campus partners (e.g. the Title IX Coordinator), initiates or assists with any necessary interim actions or remedial measures.
- Identifies all policies implicated by the alleged misconduct and notifies the reporting and responding parties of the specific policies implicated.
- Assists the Title IX Coordinator with conducting a prompt preliminary inquiry to determine if there is reasonable cause to believe the responding party has violated policy.
  - If there is insufficient evidence to support reasonable cause, the inquiry is closed with no further action.
  - If there is sufficient evidence, the formal investigation begins.
- Commences a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the responding party.
- Meets with the reporting party to finalize their interview/statement, if necessary.
- Prepares the initial notice of investigation (NOI) on the basis of the preliminary inquiry. Notice of allegations may be combined with the NOI or provided subsequently. Notice should inform the parties of their right to have the assistance of a Pool member or other advisor of their choosing present for all meetings attended by the party.
- When formal notice of allegations is communicated, provides the parties with a written description of the alleged violation(s), including the parties

- involved, the date and location of the reported misconduct, a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- If and when additional/material alterations to allegations arise, communicates this promptly to the parties. This notice will provide the parties with a summary of the additions to/alterations of the allegations, as well as any changes to the policies implicated.
  - Provides the parties and witnesses an opportunity to review and verify the investigator's summary notes from their respective interviews and meetings.
  - Makes good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible.
  - When participation of a party is expected, provides that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose. Investigators and/or the Title IX Coordinator will provide advanced notice of such meetings, with rare exception.
  - Interviews all available relevant witnesses and conduct follow-up interviews as necessary.
  - Allows each party the opportunity to suggest witnesses and questions they wish the investigators to ask of the other party and witnesses.
  - Completes the investigation promptly and without unreasonable deviation from the intended timeline.
  - Provides regular status updates to the parties throughout the investigation.
  - Prior to the conclusion of the investigation, provides the parties and their respective advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding.
  - Writes a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence, copies of which are to be included in an appendix to the report. The report will include a thorough assessment of the consistency in and credibility of facts reported by all parties and witnesses and provide a recommendation based on all of the relevant information obtained. The investigator will use the preponderance of the evidence standard to recommend whether the evidence supports a finding that College policies have been violated. They will also provide a detailed rationale for their recommendations.
  - Prior to the conclusion of the investigation, provides the parties and their respective advisors (if so desired by the parties) a copy of the draft investigation report, including all analysis, assessments of consistency in and credibility of reported facts, and recommendations.
  - Provides the parties with an equal opportunity to inspect and review the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the College does not intend to rely in reaching a responsibility determination, so that each party may meaningfully respond to the evidence prior to the conclusion of the investigation
  - Provides each party with a full and fair opportunity (no fewer than 10 days) to respond to the investigation report in writing.

- May choose to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses.
- Incorporates relevant elements of the parties' written responses into the final investigation report, make any changes needed, and finalize the report. The final report is then shared with all parties.
  - The responding party, if deemed by the investigator to likely have been in violation, is given an opportunity to accept the findings of the investigation and waive a hearing.
  - If the responding party accepts responsibility for all alleged misconduct and waives a hearing, the investigator will submit the final investigation report, complete with all relevant evidence; the parties' submitted responses; and any subsequent material, documentation, communication, etc.; to the Decision-Maker, chosen from the Pool, who has had no prior involvement in the process. ○ The Decision-Maker will review all of the material, render a determination of responsibility, and determine appropriate sanctions in coordination with other relevant administrators, if applicable.
- If either party rejects the recommended findings, in whole or in part, the investigator(s) will refer any contested allegations for a hearing.
- The Title IX Coordinator or designee will provide the Hearing Panel with a copy of the final investigation report, complete with all relevant evidence, the parties' submitted responses, and any relevant subsequent materials, documentation, communications, etc.
- Any information related to credibility assessments, policy analysis, recommended findings, or responses to recommended findings by the investigator(s) will be fully redacted by the Title IX Coordinator or designee before the report is shared with the Hearing Panel. Any such details are inadmissible in the hearing and/or appeal stages of the process.

### Role and Participation of Witnesses

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

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



### Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. The investigator will audio and/or video record interviews.

### Evidentiary Considerations in the Investigation

Unless the Title IX Coordinator determines it is appropriate, the investigation and the finding of responsibility does not consider: (1) incidents not directly related to the possible violation, unless they evidence a pattern, (2) the sexual history of the parties (though there may be a limited exception made in regard to the sexual history between the parties or when evidence regarding the reporting party's sexual history is offered to prove that someone other than the responding party engaged in the reported misconduct), or (3) the character of the parties.

### Admission of Violation

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

### Referral for Hearing

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

### *Formal Resolution: Step 2 – Hearing Panel*

NOTE: Process may divert directly to a Decision-Maker at this point if all parties opt to waive a hearing after reviewing the investigator's report and recommendations.

The Title IX Coordinator or designee will refer the findings of the investigation to the appropriate Pool Co-Chair, depending on whether the responding party is an employee or a student. Allegations involving student employees will be directed to the appropriate CoChair depending on the context of the alleged misconduct.

In consultation with the Title IX Coordinator or designee, the Hearing Panel Chair will appoint three members from the available Pool to the Hearing Panel. Members of the Hearing Panel will not have had previous involvement with the allegation. An alternate may sit in throughout the process if needed or at the discretion of the Chair.

Those who are serving as advisors for either party may not serve as a Hearing Panel member/Decision-Maker in that same matter. The Title IX Coordinator or designee may not serve as a voting Hearing Panel member/Decision-Maker in that matter. The hearing will convene at a time determined by the Hearing Panel Chair.

### Evidentiary Considerations

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

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

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

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

If all parties opt to waive the hearing, the Title IX Coordinator or designee will refer the matter to the Decision-Maker. More information about the hearing waiver option is provided further below in subsection iv.

#### i. Notice of Hearing

10-14 days prior to the hearing, or as far in advance as is reasonably possible if an accelerated hearing is scheduled with the consent of the parties, the Hearing Panel Chair will send a letter of notice to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The letter will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities. If any party does not appear

at the scheduled hearing, the hearing will be held in their absence. For compelling reasons, the Chair may reschedule the hearing.

- Notification that the parties may have the assistance of an advisor of their choosing at the hearing (see section on “Advisors” above).

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

#### ii. Pre-Hearing

The Chair, after consultation with the parties as necessary, will provide the names of witnesses who will be participating in the hearing, all pertinent documentary evidence, and the investigation report between the parties at least ten (10) days prior to the hearing. Any witness scheduled to participate in the hearing must have been interviewed first by investigators or have provided a written statement, unless all parties consent to the witness’ participation in the hearing.

The parties will be given a list of the names of all Hearing Panel members at least ten (10) days in advance of the hearing. All objections to any panelist must be raised in writing and submitted to the Title IX Coordinator or designee as soon as possible. Hearing panel members will only be removed if the Title IX Coordinator or designee concludes that their bias or conflict of interest precludes an impartial hearing of the allegation.

The Hearing Panelists will be given a list of the names of all parties and witnesses at least seven (7) days in advance of the hearing. Any Panelist who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties and all witnesses in advance of the hearing. If a Panelist is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator or designee as soon as possible.

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

#### Alternative Hearing Options

If a party or parties prefer not to attend the hearing in person, the parties should request alternative arrangements from the Hearing Panel Chair as soon as possible or at least three business (3) days prior to the hearing. The Chair can arrange to use

technology to allow remote testimony without compromising the fairness of the hearing.

### iii. Hearing Procedures

Hearings will usually be convened 14-21 days from the completion of the investigation and will be conducted in private. The Hearing Panel has the authority to hear all allegations of discrimination, harassment, and retaliation and may also hear any additional alleged policy violations that have occurred in concert with the discrimination, harassment or retaliation, even though those collateral allegations may not specifically fall within the policy on Equal Opportunity, Harassment, and Nondiscrimination.

Participants will include the non-voting Chair, the three (3) members of the Hearing Panel, the investigator who conducted the investigation, the reporting and responding parties (or three (3) organizational representatives when an organization is the responding party), advisors to the parties, and any called witnesses. Marietta College reserves the right to have the College's legal counsel available to the Hearing Panel Chair during these proceedings.

#### Investigator Presents the Report

The Hearing Panel Chair explains the procedures and introduces the participants.

The investigator will then present the redacted report of the investigation and will be subject to questioning by the parties and the Hearing Panel. The investigator will be present during the entire hearing process, but not during deliberations. The investigator's analysis and/or recommendation(s) are not admissible at the hearing. The investigators, advisors, and parties will refrain from discussion of the investigation's recommended findings, analysis, or assessments of the consistency in and credibility of reported facts. If such information is introduced, the Chair will direct the Hearing Panel to disregard it. Once the investigator has presented their report and has been questioned, the parties may provide relevant information in turn, and the Chair will permit the parties to question both one another and any other witnesses. Throughout the entirety of the hearing, all questions from either party will be submitted first to the Chair, who will determine whether each question is relevant and/or appropriate before communicating said question for response or providing it to the Hearing Panel so that they can pose the question for response.

#### Participation in a Panel Hearing

The reporting and responding parties have the right to be present at the hearing. If, despite being notified of the date, time, and location of the hearing, any party is not in attendance, the hearing may proceed as described below. Neither party is required to

participate in the hearing in order for the hearing to proceed. The investigator will be present, unless the Chair permits an absence under extenuating circumstances.

### Questioning

As noted above, the parties are able to submit questions of the other party(ies), witnesses, and the investigator to the Hearing Panel Chair. Questions may be submitted in advance of the hearing in writing, or live or during the hearing proceeding itself. The Hearing Panel may also pose their own questions during the hearing. Parties and/or advisors may not pose live questions directly during the hearing. The Chair has absolute discretion to determine which questions are relevant and/or appropriate and may decline to pose or permit certain questions.

The rationale for rejecting any questions submitted in writing by the parties and/or not posing live questions during the hearing itself will be explained in writing to the party who submitted the question(s) within two (2) days of the conclusion of the hearing proceedings. The Chair may also direct that certain live questions, once posed, are not appropriate and should not be answered. In such instances, the Chair will provide the questioning party with a rationale for exclusion of the specific question(s). The Chair is responsible for ensuring that neither abusive nor inappropriate questioning occurs.

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

### Evidence Presented at the Hearing

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

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

allegation, the investigators may supply the Hearing Panel with information about previous findings to consider as possible evidence of pattern and/or predatory conduct. There will be no observers in the hearing unless an exception is granted by the Chair. The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Hearing Panel or the parties involved, and then be excused.

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

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

#### Deliberation and Decision-Making

The three (3) members of the Hearing Panel and the non-voting Chair will deliberate in closed session to determine whether the responding party is responsible or not responsible for the policy violation(s) in question. The Hearing Panel will base the determination(s) on a preponderance of the evidence (i.e., whether it is more likely than not that the responding party committed each alleged violation). A majority vote of the Hearing Panel is required to determine the finding.

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

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

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

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

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

#### Parties Waived Hearing

In an instance in which a responding party has acknowledged responsibility and the parties have agreed to forego a hearing, the Decision-Maker to whom the matter has been assigned will follow the same steps outlined above for deliberations by the Hearing Panel. Namely, the parties will be asked to submit any statements they wish to make regarding sanctioning. The Decision-Maker will then review those statements and



prepare a written report to present to the Title IX Coordinator or designee detailing the finding of responsibility and providing recommended sanction(s). This report typically should not exceed three (3) pages in length and should be submitted to the Title IX Coordinator or designee within ten (10) days after the Decision-Maker has been appointed to handle this matter, unless the Title IX Coordinator or designee grants an extension. If an extension is granted, the Title IX Coordinator or designee will notify the parties.

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

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

### **Sanctions**

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

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



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

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

#### Examples of Student Sanctions

The following are the usual sanctions that may be imposed upon students or 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.
- **Required Counseling:** A mandate to meet with and engage in either College-sponsored or external counseling to better comprehend the misconduct and its effects.
- **Probation:** A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or 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 privileges, exclusion from co-curricular activities, no-contact orders, and/or other measures deemed appropriate.
- **Suspension:** Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at College.
- **Expulsion:** Permanent termination of student status and revocation of rights to be on campus for any reason or to attend College-sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's record, subject to any applicable expungement policies.
- **Withholding Diploma:** The College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or 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 previously awarded from the College for fraud, misrepresentation, or other violation of institutional policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- **Organizational Sanctions:** Deactivation, loss of recognition, loss of some or all privileges (including College registration) for a specified period of time. O

- Other Actions: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

#### Examples of Employee Sanctions

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

- Warning – Verbal or Written
- Performance Improvement/Management Process
- Required Counseling
- Required Training or Education
- Probation
- Loss of Annual Pay Increase
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Suspension with pay
- Suspension without pay
- Termination
- Other Actions: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

Sanctions for non-students or non-employees of Marietta College (e.g., contractors, vendors, visitors, guests, volunteers, etc.) will vary, depending on the totality of circumstances of the allegations. Such sanctions may include a permanent order of no trespass on Marietta College property, including Marietta College-owned/-controlled means of electronic communication.

#### **Withdrawal or Resignation While the Formal Resolution Process Is Pending**

There may be an instance in which a student who is the responding party in a formal resolution process decides to withdraw from the College while resolution is still pending. If a student who is the responding party decides not to participate in the formal resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student responding party permanently withdraw from the College, the resolution process ends, as the College no longer has disciplinary jurisdiction over the withdrawn student. However, the College will continue to address and remedy any systemic issues, variables that have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination. The student who withdraws or leaves while the process is pending may not return to the College. A hold will be placed on their ability to be readmitted. If the student only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process will continue and that student is not permitted to return to Marietta College unless and until all sanctions have been satisfied. During the resolution process, the College may put a hold on a responding student's transcript or place a note on a responding student's record indicating that a disciplinary matter is pending.

Employees: Should an employee who is a responding party resign with unresolved allegations pending, the resolution process ends, as the College no longer has disciplinary jurisdiction over the resigned employee. However, the College will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination. The employee who is a responding party and resigns with unresolved allegations pending is not eligible for rehire with the College, and the records retained by the Title IX Coordinator and Human Resources will reflect that status.

Third Parties: If the responding party is neither a student nor an employee of Marietta College, and if they decide not to participate in the formal resolution process, the process proceeds to a reasonable resolution, absent their participation. In such instances, the College reserves the right to impose an order of no trespass and/or no contact, or to continue any such existing order(s), until final resolution is reached.

### Appeals

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

1. Established administrative procedures were not followed that would have a **significant impact** on the outcome of the hearing.
2. New evidence that was not available or could not have been discovered through diligent investigation before or during the hearing that merits or warrants reevaluation of the case and that would have a **significant impact** on the outcome of the hearing.
3. The sanction/s imposed was/were **clearly disproportionate** to the violations found. This criterion is only to be considered in cases where the sanction is suspension or expulsion (student) or termination (employee).

A three-member Appeals Panel chosen from the Pool will be designated by the Title IX Coordinator or designee. The Appeals Panel will be chaired by the appropriate ex-officio (non-voting) Co-Chair of the Pool. If at all possible, no voting Appeal Panelists will have been involved in this matter previously. The Appeals Panel will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. The party requesting appeal must show that one or more of the appeal grounds has been met, and the other party or parties may, but is/are not obligated to, show that the grounds have not been met. The original finding and sanction are presumed to have been decided reasonably and appropriately.

When any party requests an appeal, the Title IX Coordinator or designee will share the appeal request with the other party(ies), who may file a response within three (3) days of receiving a copy of the appeal, and/or bring their own appeal on separate grounds

within the original appeal timeframe. If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within three (3) days. Any response or appeal request will be shared with each party.

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

- Decisions by the Appeals Panel are to be deferential to the original decision, making changes to the finding only when there is clear error, and to the sanction/responsive action only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the grounds for appeal.
- An appeal is not an opportunity for Appeals Panelists to substitute their judgment for that of the original Hearing Panel/Decision-Maker merely because they disagree with the finding(s) and/or sanction(s).
- The Appeals Panel may consult with the Chair on questions of procedure or rationale for clarification, if needed.
- Appeals granted based on new evidence should normally be remanded to the original investigator and/or Hearing Panel/Decision-Maker for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator/designee or, in limited circumstances, heard by the three-member Appeals Panel.
- Sanctions imposed as the result of the formal or informal resolution processes are implemented immediately unless the Title IX Coordinator or designee stays their implementation in extraordinary circumstances pending the outcome of the appeal.
  - For students: Graduation, study abroad, internships/ externships, etc., do NOT in and of themselves constitute extraordinary circumstances, and students may not be able to participate in those activities during their appeal.
- The Title IX Coordinator or designee will confer with the Appeals Panel, incorporate the results of any remanded grounds, and render a written decision on the appeal to all parties within three (3) days from the hearing of the appeal or remand. The letter of outcome for the appeal will be shared with the parties without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' College-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

- The letter of outcome for the appeal will specify the finding on each alleged policy violation, any sanctions that may result which the College is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the College is permitted to share under state or federal law. The letter will also include information that this is a final result.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where a procedural or substantive error cannot be cured by the original Hearing Panel/Decision-Maker (as in cases of bias), the Appeals Panel may recommend a new hearing/decision with a new Hearing Panel/Decision-Maker. The results of a remand to a Hearing Panel/Decision-Maker cannot be appealed. The results of a new hearing/decision can be appealed, once, on any of the three available appeal grounds.
- In cases where the appeal results in reinstatement to the College or resumption of privileges, all reasonable attempts will be made to restore the responding party to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

#### Long-Term Remedies/Actions

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

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

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

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

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

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

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

### **Records**

In implementing this policy, records of all allegations, investigations, formal and informal resolutions, and hearings will be kept indefinitely by the Title IX Coordinator in the Title IX database.

### **Statement of the Rights of the Parties**

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or discrimination made in good faith to College officials;
- The right to timely written notice of all alleged violations, including the identity of the parties involved, the precise misconduct being alleged, the date and location of the alleged misconduct, the implicated policies and procedures, and possible sanctions;
- The right to timely written notice of any material adjustments to the allegations (e.g. additional incidents or allegations, additional reporting parties, unsubstantiated allegations) and any attendant adjustments needed to clarify potential policy violations implicated.
- The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible;
- The right to not have any personally identifiable information released to the public, without consent provided, except to the extent permitted by law;
- The right to be treated with respect by College officials;
- The right to have College policies and procedures followed without material deviation;
- The right to not be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence;
- The right to not be discouraged by College officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities;
- The right to be informed by College officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by College authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well;

- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by College law enforcement and/or other College officials;
- The right to be informed of available interim actions, such as counseling; advocacy; health care; legal, student financial aid, visa, and immigration assistance; or other student services, both on campus and in the community;
- The right to an College-implemented no-contact order (or a no-trespass order against a non-affiliated third party) when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct that presents a danger to the welfare of the party or others;
- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, need occur before this option is available. Such actions may include, but are not limited to:
  - Changing an on-campus student's housing to a different on-campus location
  - Assistance from College staff in completing the relocation
  - Changing an employee's work environment (e.g. reporting structure, office relocation)
  - Transportation accommodations
  - Visa/immigration assistance
  - Arranging to dissolve a housing contract and a pro-rated refund
  - Exam, paper, and/or assignment rescheduling or adjustment
  - Taking an incomplete in, or a withdrawal from, a class (may be retroactive)
  - Transferring class sections
  - Temporary withdrawal/leave of absence (may be retroactive)
  - Campus safety escorts
  - Alternative course completion options
- The right to have the College maintain such actions for as long as necessary and for protective measures to remain private, provided privacy does not impair the College's ability to provide the accommodations or protective measures;
- The right to be fully informed of relevant College policies and procedures as well as the nature and extent of all alleged violations;
- The right to receive a detailed notice of investigation, once the College has decided to pursue a formal investigation, which contains the identity of the parties involved, the date and location of the alleged incident, the specific misconduct alleged, and the policies implicated by the alleged misconduct;
- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible;
- The right to ask the investigator and Hearing Panel members to identify and question relevant witnesses, including expert witnesses;

- The right to provide the investigator and Hearing Panel members with a list of questions that, if deemed relevant and appropriate by the Hearing Panel Chair, may be asked of any party or witness;
- The right to not have irrelevant prior sexual history or character admitted as evidence;
- The right to know the relevant evidence obtained, and to respond to that evidence on the record;
- A fair opportunity for the parties to provide the investigator with their account and have that account be on the record;
- The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least 10 days to review the report prior to the hearing;
- The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record;
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, where relevant;
- The right to regular updates on the status of the investigation and/or resolution;
- The right to have reports of alleged Policy violations addressed by investigators, Title IX Coordinators, Hearing Panel members who have received at least eight hours of relevant annual training;
- The right to a Hearing Panel that is not single-sex in its composition, if a panel is used;
- The right to preservation of privacy, to the extent possible and permitted by law;
- The right to meetings, interviews, and/or hearings that are closed to the public;
- The right to petition that any College representative in the process be recused on the basis of demonstrated bias and/or conflict of interest;
- The right to have an advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process;
- The right to the use of the preponderance of the evidence standard to make a finding after an objective evaluation of all relevant evidence;
- The right to be present for all testimony given and evidence presented during any resolution-related hearing;
- The right to submit an impact statement in writing to the Hearing Panel following determination of responsibility, but prior to sanctioning;
- The right to be promptly informed in a written notice of outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale therefor (including an explanation of how credibility was assessed), delivered without undue delay between the notifications to the parties;



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

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

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

### **Sex Offender Registration**

The Campus Sex Crimes Prevention Act section 1601 of Public Law 106-386, is a federal law that provides for the tracking of convicted sex offenders enrolled at or employed at institutions of higher education. The intent is to extend the protection of the sex offender's registries and Megan's Law to college campuses. It also amends the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act to require institutions of higher education to issue a statement advising the campus community where to obtain law enforcement agency information provided by a state concerning registered sex offenders.

The Ohio Electronic Sex Offender Registry and Notification can be located at <http://www.icrimewatch.net/index.php?AgencyID=55149&disc>

### **Education Programs**

The College offers primary prevention and awareness programs designed to educate faculty, staff, and students across the campus community about sexual misconduct, stalking, dating and domestic violence, with the goal of preventing incidents of these types of violence on campus.

### **New Student Education**

All new students were emailed a link to an online education program from Everfi, which provides education to students regarding sexual violence and substance abuse prevention through the use of interactive videos and informative slides. It also provides students with information regarding Marietta College policies regarding gender-based

violence, as well as information about Marietta College's procedures for addressing gender-based violence.

New students also attended a bystander intervention training during welcome week, Zero Shades of Gray. This training allows for students learn information and tips on intervening in situations including sexual violence, substance use, and mental health and provided for role-playing to assist students in becoming more comfortable with addressing these issues.

### **Employee Education**

All current employees received education through the Everfi program relating to what constituted violations of the gender based violence policy as well as the College's expectations of them in terms of responding to such issues.

### **New Employee Education**

New employees received information regarding how to respond to students who disclose instances of sexual misconduct, stalking, dating and domestic violence, and their obligations under Title IX.

### **Community Education**

Office of Community Living staff members, including Assistant Directors, Resident Assistants, and Hall Coordinators receive training related to all types of gender-based violence, Title IX, and procedures for responding to disclosure of these types of violence as well as training related to their expectations as CSAs as well as bystander intervention.

The Title IX team receive yearly training focused on adjudicating cases of gender-based violence.

The Marietta College Police Department has received extensive training focused on working with survivors of gender-based violence as well as training related to investigating allegations of gender-based violence. Examples of these trainings include: Computer Crime First Responder, Evidence Room Management, Drug Identification, Reid Technique for Interview and Interrogation, Basic Photography, Basic Crime Scene, Sexual Assault Investigation, Cyber Bullying, Photography for the Investigator, Crime Scene and Evidence Photography, Bloodstain Evidence, Internet Investigations, Catching a Predator: Investigating and Prosecuting SORN Violations, Basic Narcotics.

## Tornadoes

A tornado watch is issued when conditions are favorable for tornado formation. A tornado warning is issued when a tornado has been detected and may be approaching. In this locality, a continuous siren signal lasting more than two minutes signifies a tornado warning. Tornado warnings are broadcast by the Washington County's weather siren, the Pioneer Alert radio stationed in each building, via text messaging, and by local commercial radio and television stations.

When you hear a tornado warning, you should take shelter immediately in the nearest facility (preferably in a reinforced building) and proceed to the lowest level of the building away from windows and doors. If possible, avoid auditoriums, gymnasiums, and other areas with wide-span roofs. Be prepared to kneel and cover your head. If you are in a building with no basement, get under heavy furniture near the center of the building.

If you are outdoors, lie flat in the nearest depression, ditch, or ravine. Remain in the shelter area until the all-clear signal is given via radio or television or the expiration of the original tornado warning.

## Fire Safety

Since 2000, over 135 students have died in college campus fires throughout the nation. Ninety percent of these preventable fire fatalities occurred in off-campus housing; however, the remaining ten percent occurred in university residence halls. Marietta College has never reported a fire fatality.

Marietta College would like to assist in mitigating the threat of life and property throughout the Marietta College community, with the delivery of quality education, prevention, inspection, and preparedness.

The Marietta Fire Department offers a variety of safety classes. Additional information can be obtained by calling (740) 373-4631.

### **Fire Alarm Warning System**

All residence halls have a fire alarm warning system to alert the occupants of fire and are tested each semester. Any person who intentionally causes a false alarm, or initiates or circulates a report or warning of an alleged or impending fire, explosion, crime or other catastrophe when such a report or warning is known to be false, is guilty of Inducing Panic (Section 2917.31 of the Ohio Revised Code). Inducing panic is a misdemeanor of the first degree and is punishable up to \$1,000 fine and six (6) months in jail, and is also a violation of the Student Code of Conduct. Causing a fire alarm, whether with knowledge or by negligent behavior, may result in disciplinary action. If causing a fire alarm results in physical harm to any person or property, the

violator is guilty of a felony of the fourth degree, which is punishable by up to a \$2,550 fine and five (5) years in jail.

### **Smoke Detector/Sprinkler Systems**

All residence hall hallways and rooms have smoke detectors connected to the building fire alarm system. If any smoke alarm is activated the building alarm system will sound to evacuate the building and Marietta College Police and the City of Marietta Fire Department will respond. In addition to smoke detectors, Dorothy Webster Hall, Fayerweather Hall, Harrison Hall, and McCoy Hall rooms and hallways are equipped with heat-activated sprinkler heads connected to the fire alarm systems. If a sprinkler head is activated, the building alarm system will sound to evacuate the building and Marietta College Police and the City of Marietta Fire Department will respond. If a smoke detector, sprinkler head, manual pull station, horn or strobe alarm, or fire extinguisher appears to be malfunctioning or is damaged, Office of Community Living Staff or the Marietta College Police should be contacted immediately and informed of the problem.

### **Health and Safety Inspection**

The Office of Community Living performs Health and Safety (H&S) Inspections two times a year, once in the fall and in the spring. Inspections will be announced only during the first round of the fall semester. The H&S inspections are primarily designed to find and eliminate safety violations. Students are required to read and comply with the Student Code of Conduct, which includes the list of prohibited items in the residence halls, as well as all other rules and regulations for residential buildings. The inspections include, but are not limited to, a visual examination of electrical cords, sprinkler heads, smoke detectors, fire extinguishers and other life safety systems.

In addition, each room will be examined for the presence of prohibited items (e.g., sources of open flames, such as candles; non-surge protected extension cords; halogen lamps; portable cooking appliances in non-kitchen areas; etc.) or prohibited activity (e.g., smoking in the room; tampering with life safety equipment; possession of pets; etc.). This inspection will also include a general assessment of food and waste storage and cleanliness of the room. Prohibited items will be immediately disabled with a locking device or confiscated and donated/discarded if found, without reimbursement.

### **Portable Fire Extinguishers**

Fire extinguishers are placed in all buildings for extinguishing small fires. Fire extinguishers should not be tampered with or used for purposes other than extinguishing fires, and it is illegal to use this equipment for other than firefighting. Discharging a fire extinguisher when there is not a legitimate reason to do so is a violation of the Student Code of Conduct.

Portable fire extinguishers at Marietta College are intended for use by trained individuals. You should activate the nearest fire alarm prior to using a fire extinguisher. Most portable extinguishers are appropriate for only small contained fires, such as a fire in a wastebasket. Don't fight a fire if you have not been trained or are unsure about what type of extinguisher to use. Remember to never fight a spreading or growing fire and never block your escape.

### **Planned Fire Drills**

Fire drills are required by law to be conducted 4 times per year, with the first occurring within 10 days of occupancy. Fire drills are unannounced, and need to vary in terms of time of the day that they are conducted and time of the week. At least one drill must be conducted in the evening. All buildings are to be evacuated, and Office of Community Living staff members and Marietta College Police will be present to ensure that all students evacuate and follow Marietta College policies and procedures.

### **In the Event of a Fire**

If you discover a fire in your area:

- Alert others in the immediate area, get out, and close the door behind you.
- Activate the building fire alarm system on your way out and call the Marietta Fire Department by dialing 911 from a safe place.
- Leave the fire area immediately by following your planned exit route and closing all doors behind you to slow the spread of fire and smoke.
- Exit the building via the closest exit or exit stairway.
- Never use an elevator when evacuating for a fire alarm or smoke-filled building. Always use the stairs.
- Once outside the building, move to your designated meeting area. Tell the fire department if anyone is left inside, and do not reenter until you are told you may.

### **If You Are Trapped and Unable to Exit**

- Stay calm, and take steps to protect yourself.
- If possible, move to a room with an outside window.
- If there is a working phone, call 9-1-1 and tell the dispatcher where you are, even if you can see the fire department from the window.
- Stay where rescuers can see you through the window, and wave a light-colored item to attract their attention.
- Stuff clothing, towels, or blankets around the cracks in the door to help keep smoke out of your refuge.
- If possible, open the window at the top and bottom. Be ready to shut the window quickly if smoke rushes in.
- Be patient. The rescue of occupants of large structures could take time.

## **Emergency Building Evacuation for People with Physical Disabilities**

In the event of an emergency that may require a building evacuation, the following procedure is recommended:

- Call 911 and advise the dispatcher of your location and remain where you are by sheltering in place.
- If you are unable to call 911, advise others of your location to inform emergency personnel. It also is recommended that a person have a sounding device, such as a whistle, to alert emergency personnel, and a small flashlight.
- If you cannot contact 911 and cannot find anyone to assist you, move to your hallway and activate the emergency phone box to contact the 911 operator.
- Remember to never use the elevator.
- It is best to have arrangements pre-planned for evacuation assistance. Arrangements can be made to reasonably assure that assistance is provided to anyone who requires it. Contact the Office of Student Life for pre-plan arrangements or questions.

## **Evacuation Routes**

Evacuation maps are posted in all academic buildings and residence halls. They outline emergency evacuation locations to assembly areas to report at in the event of a fire emergency.

## **Marietta Fire Department**

The Marietta Fire Department is centrally located in the City of Marietta within blocks of the Marietta College Campus.

## **Reporting Non-Emergency Fires**

Per federal law, Marietta College is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Listed below are the non-emergency numbers to call to report fires that have already been extinguished in on-campus student housing. These are fires for which you are unsure whether the Marietta College Police Department may already be aware. If you find evidence of such a fire or if you hear about such a fire, please contact one of the following:

Marietta College Police Department (740) 376-3333  
Assistant Director on Duty (740) 236-0233

When calling, please provide as much information as possible about the location, date, time and cause of the fire.

## Fire Safety Equipment in Residence Halls

Facility	Fire Alarm Monitoring Done Off Site Done by Third Party	Full *2 Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans and Placards	Number of evacuation (fire) drills each calendar year
Arts & Humanities House	X		X	X		5
Delta Tau Delta House	X		X	X		5
Dorothy Webster Hall	X	X	X	X		5
Elsie Newton Hall	X	X	X	X		5
Fayerweather Hall	X	X	X	X		5
Harmar House	X		X	X		5
Harrison Hall	X	X	X	X	X	5
Hopewell House	X		X	X		5
Lambda Chi Alpha *1	X		X	X		0
Marietta Hall	X	X	X	X		5
Mary Beach Hall	X	X	X	X		5
McCoy Hall	X	X	X	X		5
Pioneer House	X		X	X		5
Russell Hall	X		X	X		5

### Plans for Improvements

Marietta College intends to provide evacuation plans and placard in each residence hall room.

### Active Shooter

An active shooter is a person who appears to be actively engaged in killing or attempting to kill people in a populated area; in most cases active shooters use firearm(s) and there is no pattern or method to their selection of victims. These situations are dynamic and evolve rapidly, demanding immediate deployment of law enforcement resources to stop the shooting and mitigate harm to innocent victims. This section provides guidance to persons who may be caught in an active shooter situation, and describes what to expect from responding police officers.

#### What Should You Do:

In general, how you respond to an active shooter will be directed by the specific circumstances of the encounter, bearing in mind there could be more than one shooter involved in the same situation. If you find yourself involved in an active shooter situation, try to remain calm and use these guidelines to help you plan a strategy for survival:

### WHEN AN ACTIVE SHOOTER IS IN YOUR VICINITY

1. Run
  - Have an escape route and plan in mind
  - Leave your belongings behind

- Keep your hands visible
- 2. Hide
  - Hide in an area out of the shooter's view
  - Block entry to your hiding place and lock the doors
  - Silence your cell phone and/or pager
- 3. Fight
  - As a last resort and only when your life is in imminent danger
  - Attempt to incapacitate the shooter
  - Act with physical aggression and throw items at the active shooter

## **WHEN LAW ENFORCEMENT ARRIVES**

- Remain calm and follow instructions
- Put down any items in your hands (i.e., bags, jackets)
- Raise hands and spread fingers
- Keep hands visible at all times
- Avoid quick movements toward officers such as holding on to them for safety
- Avoid pointing, screaming or yelling
- Do not stop to ask officers for help or direction when evacuating

## **Info You Should Provide 911**

- Location of the active shooter
- Number of shooters
- Physical description of shooters
- Number and type of weapons held by shooters
- Number of potential victims at the location

## **CALL 911 WHEN SAFE TO DO SO**



## **What to Expect from Responding Officers**

Police Officers responding to an active shooter are trained to proceed immediately to the area in which shots were last heard. Their purpose is to stop the shooting as quickly as possible. The first responding officers may be dressed in regular patrol uniforms, or they may be wearing external bulletproof vests, Kevlar helmets, and other tactical equipment. The officers may be armed with rifles, shotguns, or handguns, and might be using tasers, pepper spray, or tear gas to control the situation. Regardless of how they appear, remain calm, do as the officers tell you, and do not be afraid of them. Put down any bags or packages you may be carrying and keep your hands visible at all times. If you know where the shooter is, tell the officers. The first officers to arrive will not stop to aid injured people; rescue teams composed of other officers and emergency medical personnel will follow the first officers into secured areas to treat and remove injured persons. Keep in mind that even once you have escaped to a safer location, the entire area is still a crime scene; police will usually not let anyone leave until the situation is fully under control and all witnesses have been identified and questioned. Until you are released, remain at whatever assembly point authorities designate.

## **Safety Tips**

### **Assault**

Muggings, robberies, and other violent crimes may occur at any time. Your best defense is to remain alert at all times and aware of the possibility that a crime could occur. If you are attacked, notify the police immediately.

Here are some suggestions that can minimize your chances of being a victim:

- Never walk or jog alone especially during the evening or early morning hours. Even if you are just walking a short distance, call a friend to accompany you or contact College Police at (740) 376-3333 for an escort.
- When you walk at night, select well-lit areas where other people are present. Avoid alleys and back streets. Don't walk next to dense shrubbery or in other places where an attacker could hide.
- Never Hitchhike.
- Always have your keys in your hand as you approach your front door or car. You will be less vulnerable because you can get inside quicker.
- Carry a whistle to summon help.
- Before you go anywhere, let your friends and family know when you will return. Work out a system so that friends will notify the College Police Department if you do not return within a specified time.

- Stay with your group at parties. Many attacks have occurred after friends were persuaded to leave because the victim said, "Go on without me. I'll be fine."
- Keep windows, screens, and doors locked at all times. Keep drapes closed so that persons outside cannot see into rooms.
- Report any suspicious persons or activity to the College Police Department.

## **Identity Theft**

Identity theft is a crime in which someone wrongfully obtains and uses another person's personal data in some way that involves fraud or deception, typically for economic gain. This personal data could be a Social Security Number, bank account and credit card info, telephone calling card numbers, and other valuable identifying data.

With identity theft and fraud, which are often computer-aided, there are measures that can be taken to reduce or minimize the risk of becoming a victim. These measures can be taken by remembering the word "SCAM."

**S** – Be **STINGY** about giving out personal information to others unless you have a reason to trust them. Limit the information on personal checks; don't have your Social Security, driver's license, or telephone numbers printed on them. Should someone telephone or send an electronic message (e-mail with an "unbelievable" credit card offer or notification of an alleged "prize" being won, do not offer any personal data, but rather ask that they mail an application or written notification of some type. If one is later received from a company, the Better Business Bureau can be contacted in an effort to determine whether or not the company is legitimate.

**C** – **CHECK** financial information regularly and examine records for an unrecognized/unauthorized transactions. Should such transactions be noted, the bank institutions and credit card companies should be contacted immediately.

**A** – **ASK** periodically for a copy of your credit report. The three principal credit reporting companies are Equifax, Experian, and TransUnion. These three companies, as well as the United States Federal Trade Commission, are accessible online.

**M** – **MAINTAIN** careful records of banking and financial records as well as personal computer security. Computer security can be fortified by installing any number of spyware programs and by installing firewalls. Changing passwords frequently and reducing any file sharing also can aid in the security of personal computers. Report any suspected identity theft or fraud to the police.

## **Obscene and Harassing Phone Calls**

Always use the telephone on your terms, not the terms of the caller. Don't talk to anyone unless you want to and never volunteer your name to the unknown caller.

Hang up at once if a caller makes obscene or harassing remarks or does not respond to your, "hello".

You should always be wary of callers who say they are conducting a survey. Criminals often use this as a ruse to get confidential information such as credit card numbers or bank account locations. If you suspect that a call is not legitimate, get the caller's name, company affiliation, and phone number. You can call back after you have verified the authenticity of the call.

Crank phone callers often obtain numbers from classified ads. If you place an ad, use a box number or list your phone number without your address. You should also be careful about recording unusual messages on your phone answering machine. Police report that many crank calls originate after the word spreads about a unique message on an answering machine. Some other suggestions for dealing with obscene or crank callers:

- Don't play detective, counselor, or comedian. This is just what the caller wants.
- Report all obscene or harassing calls to the police immediately.
- Keep a log of repeated calls. Record the date, time, and content of the call. Try to describe the caller's voice and note any background noise.

## **Theft**

Campuses and surrounding areas are frequent targets of thieves, largely because so many students and employees carelessly leave doors unlocked and valuables unprotected. As with crimes against the person, your best defense against thieves is vigilance. Recognize that danger exists and take precautions. Here are a few suggestions:

- Keep your doors and windows locked.
- Don't hide a key to your apartment.
- Don't lend your key to anyone.
- Don't keep your ID card on your key ring.
- Don't keep large amounts of money in your room or apartment. Keep money in the bank.
- Don't advertise that you won't be on campus by posting it on Facebook or other social networking sites or by revealing this through a recording on your voicemail. Ask friends to NOT leave messages on your door.
- Don't leave valuables unattended.
- Engrave your student identification number on valuable possessions.
- Make a list of your valuable possessions including make, model, serial number, and description. Keep one copy in a safe place and another at your home off-campus.
- Ensure that campus personnel are wearing their ID tags before admitting them into your room or apartment.
- Never reveal your calling card number or automatic teller machine (ATM)

number to anyone.

- Lock your bicycle with a sturdy lock, weaving it through frame, spokes, and rack.
- Always lock your car. Don't leave valuables inside.
- Don't lend your credit cards to anyone. Keep a list of your cards and their numbers with your insurance papers.
- Maintain adequate insurance coverage. Report thefts to the police at once.

## Definition of Clery Act Reportable Crimes

### Criminal Homicide

- **Murder and Non-Negligent Manslaughter**  
The willful (non-negligent) killing of one human being by another.
- **Negligent Manslaughter**  
The killing of another person through gross negligence.

### Sex Offenses-Forcible

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcible or against the person's will where the victim is incapable of giving consent.

- **Forcible Rape**  
The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape of both males and females.
- **Forcible Sodomy**  
Oral or anal sexual intercourse with another person, forcible and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- **Sexual Assault With an Object**  
The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. An object or instrument is anything used by the offender other than the offender's genitalia.
- **Forcible Fondling**  
The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

## **Non-Forcible Sex Offenses**

- **Incest**  
Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape**  
Non-forcible sexual intercourse with a person who is under the statutory age of consent.

## **Other Crimes**

- **Robbery**  
The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- **Aggravated Assault**  
An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury.
- **Burglary**  
Unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.
- **Motor Vehicle Theft**  
The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on land surface and not on rails. Watercraft, construction equipment, airplanes, and farming equipment are specifically excluded from this category.
- **Arson**  
Any willful or malicious burning or attempting to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

## **Reportable Crimes Beginning for Calendar-Year 2013**

### **Dating Violence**

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

### **Domestic Violence**

Domestic violence includes felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner, by a person similarly

situation to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

### **Stalking**

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others or (b) suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

## **Corresponding Ohio Criminal Code Regarding Sexual Assault, Dating Violence, Domestic Violence, and Stalking**

### **3113.31 Domestic violence definitions - hearings.**

(A) As used in this section:

- (1) "Domestic violence" means the occurrence of one or more of the following acts against a family or household member:
  - (a) Attempting to cause or recklessly causing bodily injury;
  - (b) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section [2903.211](#) or [2911.211](#) of the Revised Code;
  - (c) Committing any act with respect to a child that would result in the child being an abused child, as defined in section [2151.031](#) of the Revised Code;
  - (d) Committing a sexually oriented offense.

### **2903.211 Menacing by stalking.**

(A)

- (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 cause mental distress to the other person. In addition to any other basis for the other person's belief that the offender will cause physical harm to the other person or the other person's mental distress, the other person's belief or mental distress may be based on words or conduct of the offender that are directed at or identify a corporation, association, or other organization that employs the other person or to which the other person belongs.

(2) No person, through the use of any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, or computer system, shall post a message with purpose to urge or incite another to commit a violation of division (A)(1) of this section.

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

#### **2907.02 Rape.**

(A)

(1) 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.

(2) 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.

#### **Consent**

"Consent: means words or overt acts indicating a freely given agreement to the sexual conduct at issue by a competent person.

## Crime Statistics

Reported Incidents	Residence Halls			Total On Campus			Non-Campus Buildings			Public Property		
	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019
<b>Criminal Offenses</b>												
a) Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
b) Forcible Sex Offenses (including forcible rape)	1	1	1	1	1	2	0	0	0	0	0	0
c) Non-Forcible Sex Offenses	0	0	0	0	0	0	0	0	0	0	0	0
d) Robbery	0	0	0	0	0	0	0	0	0	0	0	0
e) Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
f) Burglary	0	1	1	0	3	2	0	0	0	0	0	0
g) Motor Vehicle Thefts	0	0	0	0	0	0	0	0	0	0	0	0
h) Arson	0	0	0	0	0	0	0	0	0	0	0	0
i) Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
j) Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
k) Dating Violence	0	0	2	0	0	2	0	0	0	0	0	0
l) Stalking	2	0	0	2	0	2	0	0	0	0	0	0
<b>Criminal Hate Offenses</b>												
a) Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
b) Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
c) All Forcible Sex Offenses, Including Forcible Rape	0	0	0	0	0	0	0	0	0	0	0	0
d) Forcible Rape	0	0	0	0	0	0	0	0	0	0	0	0
e) Arson	0	0	0	0	1	0	0	0	0	0	0	0
f) Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
G) Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
	On-Campus, in Residence Halls Arrest			Total On-Campus Arrests			Disciplinary Actions/Judicial Referrals			Actual Fires On Campus		
	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019
Liquor Law Violations	2	0	2	2	0	0	33	52	41	0	1	0
Drug Abuse Violations	0	1	0	0	2	3	9	30	30	Campus Fire Drills		
Weapons Possessions	0	0	0	0	0	0	0	0	0			
	Non-campus Building Arrests			Public Property Arrests						2017	2018	2019
	2017	2018	2019	2017	2018	2019				19	14	27
Liquor Law Violations	0	0	0	0	0	0				Disaster Drills		
Drug Abuse Violations	0	0	0	0	0	0				2017	2018	2019
Weapons possessions	0	0	0	0	0	0				0	1	0