

# **DEFIANCE COLLEGE**

## **2022 COMBINED ANNUAL SECURITY REPORT & FIRE SAFETY REPORT FOR CALENDAR YEAR 2021**

### **1. Introduction**

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

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

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

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

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

#### **Campus Security Information**

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Campus Security Authorities**

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

- Campus Security at 419-785-2625
- Dean of Students at 419-783-2587
- Chief Diversity Officer and Director of Intercultural Relations at 419-783-2362
- Assistant Dean/Director of Residence Life at 419-783-2563
- Director of Student Activities at 419-783-2388
- Assistant Athletic Director at 419-783-2406
- Director of Athletics at 419-783-2341
- Director of Human Resources at 419-783-2360
- Director of Physical Plant at 419-783-2502
- VP for Finance at 419-783-2317
- All athletic coaches
- Faculty/staff advisors to student groups
- All Residence Life staff and student security staff
- All Cabinet members

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

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

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

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

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

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

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

## **5. Confidential Reporting**

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

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

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

#### **Confidential Reporting Options**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **HEALTH RISKS OF ALCOHOL**

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

doses of alcohol can cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses can cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will provide the effects just described.

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

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

### **HEALTH RISKS OF CONTROLLED SUBSTANCES**

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

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

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

Controlled Substances—Uses and Effects					
Drugs	Physical dependence	Psychological dependence	Possible effects	Effects of overdose	Withdrawal syndrome
<b>HALLUCINOGENS</b>					
LSD	None	Unknown	Illusions and hallucinations Altered perception of time and distance	Longer, more intense "trip" episodes Psychosis Possible death	Unknown
Mescaline and peyote	None	Unknown			
Amphetamine variants	None	Unknown			
Phencyclidines and analogs	Unknown	High			
Other hallucinogens	None	Unknown			
<b>ANABOLIC STEROIDS</b>					
Testosterone (Cypionate, Enanthate)	Unknown	Unknown	Virilization Acne Testicular atrophy Gynecomastia Aggressive behavior Edema	Unknown	Possible depression

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

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

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

As a part of its resolve to develop and uniformly apply a general alcohol policy Defiance College is committed to educating members of the College community about alcohol use and abuse. The College regularly provides a wide variety of alcohol education activities, information resources, and support

services for students. The College expects responsible behavior by students of legal age who choose to drink alcoholic beverages and requires an environment free of coercion for those who choose to abstain. Therefore, students must adhere to College guidelines for responsible and legal consumption of alcoholic beverages, which are outlined in [the Defiance College Student Handbook](#).

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

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

### **COLLEGE POLICIES RELATIVE TO DRUGS**

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

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

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

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

## **DISCIPLINARY SANCTIONS**

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

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

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

## **FEDERAL AND STATE PENALTIES**

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

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

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

Under Ohio law, a felony conviction may lead to imprisonment, a fine, or both. The maximum prison term for these types of offenses is 10 years. The fine for a first-degree felony in Ohio is a basic fine of not more than \$20,000. A misdemeanor conviction may lead to imprisonment for up to 6 months and/or a fine of

up to \$1,000. Convictions for some offenses carry mandatory penalties, including the suspension of a driver's or commercial driver's license for a period ranging from 6 months to 5 years. Ohio law also requires that property derived from (directly or indirectly) the proceeds of a felony drug abuse offense and property that was used or intended to be used to facilitate the commission of a felony drug abuse offense is subject to forfeiture.

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

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

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

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

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

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

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

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

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

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

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

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

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

- Equal Opportunity, Harassment, Discrimination, and Sexual Misconduct Policy: <http://www.defiance.edu/student-life/documents/equal-opportunity-harassment-discrimination-sexual-misconduct-policy.pdf>

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

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

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

### **Crime Definitions**

<b>Crime Type (Ohio Revised Code)</b>	<b>Definitions</b>
Dating Violence	The institution has determined, based on good-faith research, that Ohio law does not define the term dating violence.
Domestic Violence (Ohio Rev. Code § 2919.25)	A person is guilty of domestic violence if violating any of the following provisions: (A) No person shall knowingly cause or attempt to cause physical harm to a family or household member; (B) No person shall recklessly cause serious physical harm to a family or household member; (C) No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member.
Stalking (Ohio Rev. Code § 2903.211(A))	The following constitutes “menacing by stalking” under Ohio law: (1) No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or a family or household member of the other person or cause mental distress to the other person or a family or household member of the other person. In addition to any other basis for the other person's belief that the offender will cause physical harm to the other person or the other person's family or household member or mental distress to the other person or the other person's family or household member, the other person's belief or mental distress may be based on words or conduct of the offender that are directed at or identify a corporation, association, or other organization that employs the other person or to which the other person belongs; (2) No person, through the use of any form of written communication or any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, r-computer system, or telecommunication device shall post a message or use any intentionally written or verbal graphic gesture with purpose to do either of the following: (a) Violate division (A)(1) of this section; Urge or incite another to commit a violation of division (A)(1) of this section; (3) No person, with a sexual motivation, shall violate division (A)(1) or (2) of this section.
Sexual Assault	The institution has determined, based on good-faith research, that Ohio law does not define the term sexual assault.
Rape, Fondling, Incest, Statutory Rape	For purposes of the Clery Act, the term “sexual assault” includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Ohio law are as follows: <ul style="list-style-type: none"> <li>● Rape (Ohio Rev. Code §2907.02): <ul style="list-style-type: none"> <li>▪ No person shall engage in sexual conduct with another who is not the spouse of the offender or who is the spouse of the offender but is living separate and apart from the offender, when any of the following applies:</li> </ul> </li> </ul>

Crime Type (Ohio Revised Code)	Definitions
	<p>(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.</p> <ul style="list-style-type: none"> <li>▪ No person shall engage in sexual conduct with another when the offender purposely compels the other person to submit by force or threat of force.</li> <li>● Fondling: The institution has determined, based on good-faith research, that Ohio law does not define the term fondling.</li> <li>● Incest: The institution has determined, based on good-faith research, that Ohio law does not define the term incest.</li> <li>● Statutory Rape: The institution has determined, based on good-faith research, that Ohio law does not define the term statutory rape.</li> </ul>
Other "sexual assault" crimes	<p>Other crimes under Ohio law that may be classified as a "sexual assault" include the following:</p> <ul style="list-style-type: none"> <li>▪ Sexual Battery (Ohio Rev. Code § 2907.03): No person shall engage in sexual conduct with another, not the spouse of the offender, when any of the following apply: (1) The offender knowingly coerces the other person to submit by any means that would prevent resistance by a person of ordinary resolution; (2) The offender knows that the other person's ability to appraise the nature of or control the other person's own conduct is substantially impaired; (3) The offender knows that the other person submits because the other person is unaware that the act is being committed; (4) The offender knows that the other person submits because the other person mistakenly identifies the offender as the other person's spouse; (5) The offender is the other person's natural or adoptive parent, or a stepparent, or guardian, custodian, or person in loco parentis of the other person; (6) ...; (7) ...; (8) The other person is a minor, the offender is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the other person is enrolled in or attends that institution; (9) The other person is a minor, and the offender is the other person's athletic or other type of coach, is the other person's instructor, is the leader of a scouting troop of which the other person is a member, or is a person with temporary or occasional disciplinary control over the other person.</li> </ul>

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

Crime Type (Ohio Revised Code)	Definitions
	offender knows that the other person, or one of the other persons, submits because of being unaware of the sexual contact; (4) The other person, or one of the other persons, is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of such person, and the offender is at least eighteen years of age and four or more years older than such other person; (5) The offender is a mental health professional, the other person or one of the other persons is a mental health client or patient of the offender, and the offender induces the other person who is the client or patient to submit by falsely representing to the other person who is the client or patient that the sexual contact is necessary for mental health treatment purposes.
Consent (as it relates to sexual activity) (Ohio Rev. Code § 5924.120(A)(3))	“Consent” means words or overt acts indicating a freely given agreement to the sexual conduct at issue by a competent person.

### **College Definition of Consent**

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

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

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

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

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

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

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. If an individual expresses conditions on their willingness to consent (e.g., use of a condom) or limitations on the scope of their consent, those conditions and limitations must be respected.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on Defiance College to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable

person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM<sup>1</sup> or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so Defiance College’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

#### Risk Reduction

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

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

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

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- DON’T MAKE ASSUMPTIONS about consent; about someone’s sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. Your partner’s consent should be affirmative and continuous. If there are any questions or ambiguity then you DO NOT have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don’t take advantage of someone’s drunkenness or altered state, even if they willingly consumed alcohol or substances.
- Realize that your potential partner could feel intimidated or coerced by you. You may have a power advantage simply because of your gender or physical presence. Don’t abuse that power.

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<sup>1</sup> Bondage, discipline/dominance, submission/sadism, and masochism.

- Do not share intimate content, pictures, images and videos that are shared with you.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence, passivity, or non-responsiveness cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

### **Bystander Intervention**

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

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

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

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

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

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

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

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

- It is the policy of the College to offer programming to identify and prevent domestic violence, dating violence, sexual assault (including stranger and known offender assaults), and stalking each year. Educational programs are offered to raise awareness for all incoming students and employees and are often conducted during new student and new employee orientation and throughout an incoming student's first semester. Programs and other campaigns offered

throughout the year to all students and employees include strong messages regarding not just awareness, but also primary prevention (including normative messaging, environmental management, and bystander intervention), and discuss institutional policies on sexual misconduct as well as the Ohio definitions of domestic violence, dating violence, sexual assault, stalking, and consent in reference to sexual activity. Programs also offer information on risk reduction that strives to empower victims, how to recognize warning signals and how to avoid potential attacks and do so without victim-blaming approaches. Programs are informed by evidence-based research and/or are assessed for their effectiveness. Examples of programs offered include Student Health 101 monthly articles, mandatory online training for all new students through Get Inclusive's *Voices of Change* Prevention Program, mandatory Welcome Week session for all new students, mandatory training for all campus employees, mandatory training for all student athletes and athletic staff, awareness posters, the Silent Witness Project and the Clothesline Project. Annual Climate Survey data is used to inform ongoing prevention and awareness efforts.

- The Title IX team and investigators receive yearly training focused on adjudicating cases of sex discrimination. First responders, Residence Life, Student Life and Security Staff receive regular, ongoing training focused on working with reporting parties of sex discrimination.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A protection order may be obtained by filing a petition with the court. Courts can issue two types of orders: (1) Ex Parte Orders, which act as a temporary emergency order to protect a victim, for up to 10 days, until a court hearing, and (2) Full Orders of Protection, which may be issued for up to five years. Additional information about the orders may be found at: [Restraining Orders: What protections can I get in a stalking or sexually oriented offense protection order? | WomensLaw.org](https://www.womenslaw.org/laws/oh/restraining-orders/stalking-or-sexually-oriented-offense-protection-orders/basic-info/what-1)

- A Petition for Order of Protection should be filed for in the Defiance County Court of Common Pleas. The address is: 221 Clinton Street Defiance, OH. The phone number is 419-782-5931. More information is available here: <https://www.defiance-county.com/common-pleas-court/>
- Information about obtaining an Order of Protection in Defiance County can be found here: <https://www.defiance-county.com//common-pleas-court/court-rules.pdf>.
- The clerk of court's office can provide the necessary forms and may assist in completing the forms. Forms may also be found online at:  
[http://www.supremecourt.ohio.gov/JCS/domesticViolence/protection\\_forms/DVForms/default.asp](http://www.supremecourt.ohio.gov/JCS/domesticViolence/protection_forms/DVForms/default.asp) and  
[http://www.supremecourt.ohio.gov/JCS/domesticViolence/protection\\_forms/stalkingForms/10\\_03E.pdf](http://www.supremecourt.ohio.gov/JCS/domesticViolence/protection_forms/stalkingForms/10_03E.pdf) A victim should be prepared to present documentation and/or other forms of evidence when filing for an order of protection.

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

- Defiance County Victim Assistance, under the direction of the Defiance County Prosecuting Attorney, provides support, information, and advocacy for any victim of crime in Defiance County. Sarah's House is located at: 1114 E. Second Street.. The Victim Advocate phone number is: 419-782-0911. More information may be found at: [SARAH's House and Victim Services | Defiance County, Ohio](#)
- When a protection order is granted, it is enforceable statewide. If you have obtained a protection order and need it to be enforced in your area, you should contact the local police department.

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

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

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

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

#### *College Resources*

- If you are on campus during regular business hours, you may go to Counseling Services located in 201 Defiance Hall. These are confidential resources. After regular business hours, Counseling Services can be reached at 419-290-9839.
- Student Financial Aid – Sometimes a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence based on the circumstances of a complaint, he/she should understand there may be financial aid implications in taking such

leave. This should be discussed with financial aid personnel, and the Title IX Coordinator can assist in facilitating this conversation if desired. The College's financial aid website can be found at:

[Http://www.defiance.edu/financial-aid/index.html](http://www.defiance.edu/financial-aid/index.html)

#### *State/Local Resources*

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

#### *National Resources*

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

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

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

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

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

- The specific need expressed by the complainant.
- The age of the students involved.
- The severity or pervasiveness of the allegations
- Any continuing effects on the complainant

- Whether the complainant and alleged perpetrator share the same class or job location.
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

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

**Procedures for Disciplinary Action:**

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

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

**Title IX Coordinator**

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

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

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

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

**Mary Burkholder, Director of Human Resources**

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

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

**Mercedes Clay, Chief Diversity Officer and Director of Intercultural Relations**

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

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

**Jennifer Walton, Assistant Dean of Students and Director of Residence Life**

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

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

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

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

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

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

### **Overview**

Defiance College will act on any formal or informal notice/complaint of violation of the policy on Equal Opportunity, Harassment, and Nondiscrimination (“the Policy”) that is received by the Title IX Coordinator or any other Official with Authority by applying these procedures, known as “Process A.”

The procedures below apply only to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) involving students, staff, administrator, or faculty members.

If other policies are invoked, such as policies on protected class harassment or discrimination above, please see Appendix E for a description of the procedures applicable to the resolution of such offenses, known as “Process B.”

Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) when jurisdiction does not fall within Process A, as determined by the Title IX Coordinator.

The procedures below 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 and employee handbooks.

### **Roles of Pool Members**

Members of the Pool are trained annually, and can serve in the following roles, at the direction of the Title IX Coordinator:

- To provide appropriate intake of and initial guidance pertaining to complaints
- To act as an Advisor to the parties
- To serve in a facilitation role in informal resolution
- To perform or assist with initial assessment
- To investigate complaints

- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-Maker regarding the complaint
- To serve as an Appeal Decision-maker

### **Appointment of Pool Members**

The Title IX Coordinator appoints the Pool, which acts with independence and impartiality. Although 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, Defiance 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 role assignment 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 based on their respective roles. This training includes, but is not limited to:

- The scope of the Defiance College's Discrimination and Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- 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 to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by Defiance College with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations
- Recordkeeping

Specific training is also provided for Appeal Decision-makers, intake personnel, Advisors (who are Defiance College employees), and Chairs. All Pool members are required to attend these trainings

annually. The materials used to train all members of the Pool are publicly posted here: <http://www.defiance.edu/student-life/info/campus-safety-and-compliance.html>

## **2. Reporting Misconduct**

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

**Timeliness** – To promote timely and effective review, the College strongly encourages the Reporting Person and other persons with knowledge of possible violations of this policy to make reports as soon as possible following the occurrence of a sexual assault. A delay in reporting may impact the College's ability to gather relevant and reliable information. It may also impact the College's ability to take disciplinary action against a student who has graduated or permanently terminated enrollment.

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

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

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

### **Sexual Assault:**

- Seek forensic medical assistance at the hospital of by calling 419-290-9839 to access a SANE nurse, ideally within 120 hours of the incident (sooner is better)
- Avoid showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- Try not to urinate.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or secure evidence container.

- Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.

### **Stalking**

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

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

### **3. Supportive Measures**

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

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

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, Defiance College will inform the Complainant, in writing, that they may file a formal complaint with College either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

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

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)

- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

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

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.

### **Emergency Removal**

The Defiance College can act to remove a Student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the Behavioral Intervention Team (also known as the CARE team) using its standard objective violence risk assessment procedures.

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

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

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

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion.

Defiance College will implement the least restrictive emergency actions possible in light of the

circumstances and safety concerns. As determined by the Title IX Coordinator, these actions 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 facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

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

#### **Promptness**

All allegations are acted upon promptly by Defiance College once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the College will avoid all undue delays within its control.

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

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

Following receipt of notice or an alleged violation of the College's harassment or non-discrimination policies, the Title IX Coordinator<sup>2</sup> engages in a preliminary inquiry to determine if there is reasonable cause to believe the Equal Opportunity, Harassment, Discrimination and Sexual Misconduct policy has been violated. The preliminary inquiry is typically 1-5 days in duration.

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

In any situation in which violence, threat, pattern, predation, minors, and/or the use of a weapon is **not** evidenced, the Title IX Coordinator may respect a reporting party's request not to pursue the matter through the formal resolution process and will investigate informally only so far as necessary to determine appropriate remedies or refer the matter for alternate resolution options.<sup>3</sup>

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

#### **When a Complainant Does Not Wish to Proceed**

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

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<sup>2</sup> If circumstances require, the President or Title IX Coordinator may designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

<sup>3</sup> In cases where the responding party is an employee, the College may be less inclined to abide by the reporting party's wishes not to proceed.

The Title IX Coordinator has ultimate discretion over whether the College proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires the College to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. Defiance Colleges may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the Defiance College's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

When the College proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant though this does not extend to the provision of evidence or testimony.

Note that the College's ability to remedy and respond to notice may be limited if the Complainant does not want the College to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing Defiance College's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow Defiance College to honor that request, the College will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by Defiance College and to have the incidents investigated and properly resolved through these procedures.

## **RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION (KNOWN AS PROCESS "A")**

### **1. Overview**

Defiance College will act on any formal or informal notice/complaint of violation of the policy on Equal Opportunity, Harassment, and Nondiscrimination ("the Policy") that is received by the Title IX Coordinator or any other Official with Authority by applying these procedures, known as "Process A."

The procedures below apply only to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) involving students, staff, administrator, or faculty members.

If other policies are invoked, such as policies on protected class harassment or discrimination above, please see Appendix E for a description of the procedures applicable to the resolution of such offenses, known as “Process B.”

Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) when jurisdiction does not fall within Process A, as determined by the Title IX Coordinator.

The procedures below 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 and employee handbooks.

## **2. Notice/Complaint**

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps the Defiance College needs to take.

The Title IX Coordinator will initiate at least one of three responses:

- 1) Offering supportive measures because the Complainant does not want to proceed file a formal complaint; and/or
- 2) An informal resolution; and/or
- 3) A Formal Grievance Process including an investigation and a hearing (upon submissions of a formal complaint).

Defiance College uses the Formal Grievance Process to determine whether or not the Policy has been violated. If so, the College will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

## **3. Initial Assessment**

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator<sup>4</sup> engages in an initial assessment, typically within one to five business days in duration. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
  - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a Violence Risk Assessment (VRA), which is defined below, indicates a compelling threat to health and/or safety.
- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.

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<sup>4</sup> If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
  - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
  - If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution and may seek to determine if the Respondent is also willing to engage in informal resolution.
  - If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:
    - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
      - an incident, and/or
      - a pattern of alleged misconduct, and/or
      - a culture/climate issue based on the nature of the complaint.
    - If it does not, the Title IX Coordinator determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply, which resolution process is applicable, and will refer the matter accordingly. Please note that dismissing a complaint under Title IX is solely a procedural requirement under Title IX and does not limit the Defiance College’s authority to address a complaint with an appropriate process and remedies.

a. Violence Risk Assessment (VRA)

In many cases, the Title IX Coordinator may determine that a VRA should be conducted by the CARE Team as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
- Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;
- Whether to put the investigation on the footing of incident and/or pattern and/or climate;
- To help identify potential predatory conduct;
- To help assess/identify grooming behaviors;
- Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;
- Whether to permit a voluntary withdrawal by the Respondent;
- Whether to impose transcript notation or communicate with a transfer College about a Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether a Clery Act Timely Warning/Trespass Order/Persona-Non Grata is needed.

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRA's require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or other CARE team members. A VRA authorized by the Title IX Coordinator should occur in collaboration with the CARE team. Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization (e.g., 5150 in California, Section XII in Massachusetts, Baker Act in Florida), nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

**b. Dismissal (Mandatory and Discretionary)**

Defiance College must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- 1) The conduct alleged in the formal complaint would not constitute sexual harassment as defined in the Policy above, even if proved; and/or
- 2) The conduct did not occur in an educational program or activity controlled by the Defiance College (including buildings or property controlled by recognized student organizations), and/or the Defiance College does not have control of the Respondent; and/or
- 3) The conduct did not occur against a person in the United States; and/or
- 4) At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the Defiance College.

Defiance College may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

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

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

This dismissal decision is appealable by any party under the procedures for appeal below. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

**4. Counterclaims**

Defiance College is obligated to ensure that the grievance process is not abused for retaliatory purposes. The College permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation instead. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

## **5. Right to an Advisor**

The parties may each have an Advisor of their choice present with them for all meetings, interviews and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.<sup>5</sup>

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

The Defiance College may permit parties to have more than one Advisor upon special request to the Title IX Coordinator. The decision to grant this request is at the sole discretion of the Title IX Coordinator and will be granted equitably to all parties.

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

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the Defiance College community.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from the College, the Advisor will be trained by the College and be familiar with the College's resolution process.

If the parties choose an Advisor from outside the pool of those identified by the College, the Advisor may not have been trained by the College and may not be familiar with Defiance College policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

### **b. Advisor's Role in Meetings and Interviews**

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 the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. The Recipient 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 Recipient is not obligated to provide an attorney.

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<sup>5</sup> "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

### **c. Advisors in Hearings/Recipient-Appointed Advisor**

Under U.S. Department of Education regulations under Title IX, a form of indirect questioning is required during the hearing but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, the Recipient will appoint a trained Advisor for the limited purpose of conducting any questioning of the other party and witnesses. A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct questioning, the Recipient will appoint an Advisor who will do so, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses may also be conducted by the Decision-maker(s) during the hearing.

### **d. Pre-Interview Meetings**

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and Defiance College's policies and procedures.

### **e. Advisor Violations of Defiance College Policy**

All Advisors are subject to the same Defiance College policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address Defiance College officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee<sup>6</sup> during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

### **f. Sharing Information with the Advisor**

Defiance College expects that the parties may wish to have the College share documentation and evidence 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.

Defiance College also provides a consent form that authorizes the Defiance College to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before Defiance College is able to share records with an Advisor.

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<sup>6</sup> Subject to the state law provisions or Defiance College policy above.

If a party requests that all communication be made through their attorney Advisor, the Defiance College will comply with that request at the discretion of the Title IX Coordinator.

**g. Privacy of Records Shared with Advisor**

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by Defiance College. Defiance 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 Defiance College's privacy expectations.

**h. Expectations of an Advisor**

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

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

**i. Expectations of the Parties with Respect to Advisors**

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(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

**j. Assistance in Securing an Advisor**

For representation, Respondents may wish to contact organizations such as:

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

Complainants 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.victimsocfcrime.org>), which maintains the Crime Victim's Bar Association.
- The Time's Up Legal Defense Fund: <https://nwlc.org/times-up-legal-defense-fund/>

**6. Resolution Processes**

Resolution 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 Defiance College Policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, except for information the parties agree not to disclose as part of an Informal Resolution, discussed below. The College encourages parties to discuss any sharing of information with their Advisors before doing so.

The Formal Grievance Process is the College's primary resolution approach unless Informal Resolution is

elected by all parties and the College. Three options for Information Resolution are detailed in this section and the Formal Grievance Process is detailed starting in the next section.

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

Three options for Informal Resolution are detailed in this section.

- 1) *Supportive Resolution.* When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation.
- 2) *Alternative Resolution.* When the parties agree to resolve the matter through an alternative resolution mechanism as described below, including mediation, restorative practices, facilitated dialogue, etc., as described below, often before a formal investigation takes place; (See section B)
- 3) *Accepted Responsibility.* When the Respondent accepts responsibility for violating policy, and desires to accept the recommended sanction(s) and end the Resolution Process (See Section C).

To initiate Informal Resolution, a Complainant must submit a Formal Complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator. The parties may agree as a condition of engaging in Informal Resolution that statements made or evidence shared during the Informal Resolution process will not be considered in the Formal Grievance Process unless all parties consent.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process. The parties may not enter into an agreement that requires the Recipient to impose specific sanctions, though the parties can agree to certain restrictions or other courses of action. For example, the parties cannot require a student be suspended, but the parties can agree that the Respondent will temporarily or permanently withdraw. The only Informal Resolution Process that can result in sanctions levied by the institution is “Accepted Responsibility.” The Title IX Coordinator has discretion to determine if an investigation will be paused during Informal Resolution, or if it will be limited, or will continue during the Informal Resolution process.

Prior to implementing Informal Resolution, the College will provide the parties with written notice of the reported misconduct and any sanctions (only in the case of Accepted Responsibility) or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by Defiance College.

Defiance College will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

#### **b.. Alternative Resolution Approaches**

Alternative Resolution is an informal approach by which the parties reach a mutually agreed upon resolution of a complaint. All parties must consent to the use of an Alternative Resolution approach.

The Title IX Coordinator may consider the following factors to assess whether Alternative Resolution is appropriate, or which form of Alternative Resolution may be most successful for the parties:

- The parties’ amenability to Alternative Resolution

- Likelihood of potential resolution, considering any power dynamics between the parties
- The nature and severity of the alleged misconduct
- The parties' motivation to participate
- Civility of the parties
- Results of a violence risk assessment/ongoing risk analysis
- Disciplinary history of the Respondent
- Whether an emergency removal is needed
- Skill of the Alternative Resolution facilitator with this type of complaint
- Complaint complexity
- Emotional investment/capability of the parties
- Rationality of the parties
- Goals of the parties
- Adequate resources to invest in Alternative Resolution (time, staff, etc.)

The ultimate determination of whether Alternative Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator is authorized to facilitate a resolution that is acceptable to all parties, and/or to accept a resolution that is proposed by the parties, usually through their Advisors, including terms of confidentiality, release, and non-disparagement. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., referral for formal resolution, referral to the conduct process for failure to comply). Results of complaints resolved by Informal Resolution or Alternative Resolution are not appealable.

#### **c. Respondent Accepts Responsibility for Alleged Violations**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria in that section above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the College are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of Defiance College policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, 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 Complainant and the community.

#### **d. Negotiated Resolution**

The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the College. Negotiated Resolutions are not appealable.

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

## **7. Formal Grievance Process: Notice of Investigation and Allegations**

The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that the College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about Defiance College’s policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that the College’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,
- A link to the Defiance College’s VAWA Brochure,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

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 address(es) of the parties as indicated in official Defiance College records, or emailed to the parties’ Defiance College-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

## **8. Resolution Timeline**

Defiance College will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

## **9. Appointment of Investigators**

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

## **10. Ensuring Impartiality**

Any individual materially involved in the administration of the resolution process [including the Title IX Coordinator, Investigator(s), and Decision-maker(s)] may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Defiance College President.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence which supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

Defiance College operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

## **11. Investigation Timeline**

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

Defiance 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.

## **12. Delays in the Investigation Process and Interactions with Law Enforcement**

The College may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations 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, the College will implement supportive measures as deemed appropriate.

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

## **13. Steps in the Investigation Process**

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with

all available 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 expert witnesses, and to fully review and respond to all evidence on the record. Recordings of interviews are not provided to the parties, but the parties will have the ability to review the transcript/summary of the interview once the investigation report is compiled.

At the discretion of the Title IX Coordinator, investigations can be combined when complaints implicate a pattern, collusion, and/or other shared or similar actions.

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

der):

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator, if needed, with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the parties and witnesses
- Meet with the Complainant to finalize their interview/statement, if necessary
- Work with the Title IX Coordinator, as necessary, to prepare the initial Notice of Investigation and Allegations (NOIA). The NOIA may be amended with any additional or dismissed allegations
  - Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify each party of any meeting or interview involving another party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of another party and/or witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions.
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation.

- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- Gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report.
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the Defiance College does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten (10) days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, and Respondent's Advisor).
- Elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- Incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
- Share the report with the Title IX Coordinator and/or legal counsel for their review and feedback.
- Incorporate any relevant feedback and share the final report with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties and Advisors are also provided with a file of any directly related evidence that was not included in the report

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

Witnesses (as distinguished from the parties) who are employees 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. Student witnesses and witnesses from outside Defiance College are encouraged to cooperate with the College's investigations and share what they know about a complaint.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, Microsoft Teams, Google Meet, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. The Defiance College will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

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

## **15. Interview Recording**

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

## **16. Evidentiary Considerations in the Investigation**

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; or 2) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

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

## **17. Referral for Hearing**

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation –when the final investigation report is transmitted to the parties and the Decision-maker—unless all parties and the Decision-maker agree to an expedited timeline.

The Title IX Coordinator will select an appropriate Decision-maker or Panel from the Pool depending on whether the Respondent is an employee or a student. Allegations involving student-employees in the context of their employment will be directed to the appropriate Decision-maker depending on the context and nature of the alleged misconduct.

## **18. Hearing Decision-maker Composition**

The Defiance College will designate a single Decision-maker or a three-member panel from the Pool, at the discretion of the Title IX Coordinator. The single Decision-maker will also Chair the hearing. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator.

The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the hearing process in the event that a substitute is needed for any reason.

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

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

## **19. Additional Evidentiary Considerations in the Hearing**

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The hearing does not consider: (1) incidents not directly related to the possible violation, unless they evidence a pattern; or (2) questions and evidence about the Complainant's sexual predisposition; or (3) questions and evidence about the Complainant's prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

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

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

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-maker(s) render(s) a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

## **20. Hearing Notice**

No less than ten (10) calendar days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing.
- Description of any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator as soon as possible, preferably at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker(s) based on demonstrated bias or a conflict of interest. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and how the parties can access the recording after the hearing.

- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may 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 and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they wish to conduct cross-examination and do not have an Advisor, and the Defiance College will appoint one. Each party must have an Advisor present if they intend to cross-examine others. There are no exceptions.
- A copy of all the materials provided to the Decision-maker(s) about the complaint unless they have been provided already.
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker(S) will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) calendar days prior to the hearing.
- Whether parties can/cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) 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 60-90 business day goal for resolution. Employees who do not have 12-month contracts are still expected to participate in Resolution Proceedings that occur during months between contracts.

## **21. Alternative Hearing Participation Options**

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair at least five (5) business days prior to the hearing.

The Title IX Coordinator or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

## **22. Pre-Hearing Preparation**

The Chair or hearing facilitator, after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair may delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than one day prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

### **23. Pre-Hearing Meetings**

The Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors and invite them to submit the questions or topics they (the parties and their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration on a pre-hearing ruling by the Chair based on any new information or testimony offered at the hearing. The Chair must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

The Chair, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and/or their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will be recorded. The pre-hearing meetings may be conducted as separate meetings with each party/advisor, with all parties/advisors present at the same time, remotely, or as a written-only exchange. The Chair will work with the parties to establish the format.

### **24. Hearing Procedures**

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the policy on Equal Opportunity, Harassment, and Nondiscrimination.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator if deemed necessary, the Investigator(s) who conducted the investigation, the parties, Advisors to the parties, any called witnesses, and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

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 Decision-maker(s) and the parties and the witnesses will then be excused.

## **25. Joint Hearings**

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

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

## **26. The Order of the Hearing – Introductions and Explanation of Procedure**

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) on the basis of bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process may be managed by a non-voting hearing facilitator appointed by the Title IX Coordinator. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

## **27. Investigator Presents the Final Investigation Report**

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

## **28. Testimony and Questioning**

Once the Investigator(s) present(s) the report and respond to questions, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The hearing will facilitate questioning of parties and witnesses by the Decision-maker(s) and then by the parties through their Advisors.

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by all the parties and the Chair), the proceeding will pause to allow the Chair to consider the question (and state it if it has not already been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may invite explanations or persuasive statements regarding relevance with the Advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance, subject to any appeal. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain arguments from the Advisors on relevance once the Chair has ruled on a question.

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

### **29. Refusal to Submit to Questioning; Inferences**

Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Decision-maker(s) can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to submit to cross-examination or answer other questions.

### **30. Recording Hearings**

Hearings (but not deliberations) are recorded by the College for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker(s), the parties, their Advisors, and appropriate administrators of the College will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

### **31. Deliberation, Decision-making, and Standard of Proof**

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s).

The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker(s) may – at their discretion – consider the statements, but they are not binding.

The Decision-maker(s) will review the statements and any pertinent conduct history provided by the Dean of Student or Director of Human Resources and will determine the appropriate sanction(s).

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, not relied upon in its determination, credibility assessments, and any sanctions.

This report typically should not exceed three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

### **32. Notice of Outcome**

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within 5 business days of receiving the Decision-maker(s)' deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. 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 Defiance College records, or emailed to the parties' College-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate 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 Notice of Outcome 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 Defiance 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 Complainant 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 (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome 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 available appeal options.

### **33. 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(s)
- The Respondent's disciplinary history
- 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 Complainant and the community
- The impact on the parties

- Any other information deemed relevant by the Decision-maker(s)

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

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

If it is later determined that a party or witness intentionally provided false or misleading information, that action could be grounds for re-opening a grievance process at any time, and/or referring that information to another process for resolution.

#### **a. Student Sanctions**

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

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

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

## **b. Student Organization Sanctions**

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

- **Warning:** A formal statement that the conduct was unacceptable and a warning that further violation of any College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- **Probation:** A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social and event privileges, denial of College funds, ineligibility for honors and awards, restrictions on new member recruitment, no-contact orders, and/or other measures deemed appropriate.
- **Suspension:** Termination of student organization recognition for a definite period of time not to exceed two years and/or until specific criteria are met. During the suspension period, a student organization may not conduct any formal or informal business or participate in College-related activities, whether they occur on or off campus. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from the College.
- **Expulsion:** Permanent termination of student organization recognition and revocation of the privilege to congregate and conduct business on campus as an organization for any reason.
- **Loss of Privileges:** Restricted from accessing specific College privileges for a specified period of time.
- **Other Actions:** In addition to or in place of the above sanctions, the Recipient may assign any other sanctions as deemed appropriate.

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

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

- Verbal or Written Warning
- Performance Improvement/Management Process
- Enhanced Supervision, Observation, or Review
- Required Counseling
- Required Training or Education
- Probation
- Denial of Annual Pay Increase
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Reassignment
- Delay of (or referral for delay of) Tenure Track Progress
- Assignment to New Supervisor
- Restriction of Stipends, Research, and/or Professional Development Resources
- Suspension/Administrative Leave with Pay
- Suspension/Administrative Leave without Pay
- Termination

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

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

#### **A. Students**

Should a Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from the College, the Resolution Process typically ends with a dismissal, as the Recipient has lost primary disciplinary jurisdiction over the withdrawn student. However, the College may continue the Resolution Process when, at the discretion of the Title IX Coordinator, doing may be necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the matter is dismissed or pursued to completion of the Resolution Process, the College will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to Defiance College in any capacity. Admissions and Human Resources will be notified, accordingly. They may also be barred from Defiance College property and/or events.

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

#### **B. Employees**

Should an employee Respondent resign with unresolved allegations pending, the Resolution Process typically ends with dismissal, as the College has lost primary disciplinary jurisdiction over the resigned employee. However, the College may continue the Resolution Process when, at the discretion of the Title IX Coordinator, doing may be necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the matter is dismissed or pursued to completion of the Resolution Process, the College will continue to address and remedy any systemic issues or concerns that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

The employee who resigns with unresolved allegations pending is not eligible for academic admission or rehire with the College or any College Location, and the records retained by the Title IX Coordinator will reflect that status.

All Defiance College responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

### **35. Appeals**

Any party may submit a written request for appeal ("Request for Appeal"), but it must be submitted in writing to the Title IX Coordinator within three (3) business days of the delivery of the Notice of Outcome letter.

A single Appeal Decision-maker chosen from the Pool will be designated by the Title IX Coordinator to Chair the appeal. No appeal Decision-maker will have been involved in the process previously, including in any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Chair or designee for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

#### **A. Grounds for Appeal**

Appeals are limited to the following grounds:

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

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Chair and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify all parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-maker(s).

All other parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the Request for an Appeal with the approved grounds and then be given three (3) business days to submit a response to the portion of the appeal that was approved and involves them. All responses, if any, will be forwarded by the Appeal Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this Policy by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinator, the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses, if any, in three (3) business days, which will be circulated for review and comment by all parties. If not approved, the parties will be notified accordingly, in writing.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds for appeal and the subsequent responses and the Appeal Chair will render a decision in no more than 3 business days, barring exigent circumstances. All decisions apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, 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.

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 or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

#### **b. Sanctions Status During the Appeal**

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing but pre-appeal, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

If the original sanctions include separation in any form, Defiance College may place a hold on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation. The Respondent may request a stay of these holds from the Title IX Coordinator within two (2) business days of the notice of the sanctions. The request will be evaluated by the Title IX Coordinator or designee whose decision is final.

#### **c. Appeal Considerations**

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) 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 specific grounds for appeal.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Chair may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- 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 error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s).
- The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases in which the appeal results in reinstatement to Defiance College or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

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

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the

Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent 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 assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- 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, certain 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 remedies owed by the College to the Respondent to ensure no effective denial of educational access.

Defiance 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.

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

Following the conclusion of the Resolution Process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the institutional community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent 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 assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation assistance
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain 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 remedies the College owes the Respondent to ensure no effective denial of educational access.

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

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

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Chair/Decision-Makers).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from Defiance College. Supervisors are expected to enforce completion of sanctions/responsive actions for their employees.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

### **38. Recordkeeping**

Defiance College will maintain for a period of at least seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to the College's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. Defiance College will make these training materials publicly available on Defiance College's website; and
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
  - a. The basis for all conclusions that the response was not deliberately indifferent;
  - b. Any measures designed to restore or preserve equal access to the College's education program or activity; and
  - c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

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

### **39. Disability Accommodations in the Resolution Process**

Defiance College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the College's Resolution Process.

Anyone needing such accommodations or support should contact the Accessibility Services Coordinator or Director of Human Resources for employees, who will review the request and, in consultation with the

person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

#### **40. 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 Defiance College officials.
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), 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 Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- 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 not to 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 Defiance College officials.
- The right to have Defiance College policies and procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by Defiance College officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities.
- The right to be informed by Defiance College officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by Defiance 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 Defiance College law enforcement and/or other Defiance College officials.
- The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; legal, student financial aid, visa, and immigration assistance; or other services, both on campus and in the community.
- The right to a Defiance 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, needs to occur before this option is available. Such actions may include, but are not limited to:
  - Relocating an on-campus student's housing to a different on-campus location
  - Assistance from Defiance College staff in completing the relocation
  - Changing an employee's work environment (e.g., reporting structure, office/workspace 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
  - Receiving 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 supportive measures to remain private, provided privacy does not impair the College's ability to provide the supportive measures.
- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
- The right to ask the Investigator(s) and Decision-maker(s) to identify and question relevant witnesses, including expert witnesses.
- The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Chair, may be asked of any party or witness.
- The right to have inadmissible prior sexual history or irrelevant character evidence excluded by the decision-maker.
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.
- The right to fair opportunity to provide the Investigator(s) with their account of the alleged misconduct 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 and directly related 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 ten (10) business 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, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received 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 Defiance College representative in the process be recused on the basis of disqualifying 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 have the Defiance College compel the participation of faculty and staff witnesses.
- The right to the use of the appropriate standard of evidence, preponderance of the evidence, to make a finding after an objective evaluation of all relevant evidence.
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- The right to have an impact statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, 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 of the decision (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.

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

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

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

#### **42. Sex Offender Registration Program:**

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

## **12. Timely Warnings**

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

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

Timely warnings will generally contain the following information:

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

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

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

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

## **13. Emergency Response**

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

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

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

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

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

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

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

### **Respond to an Emergency**

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

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

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

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

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

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

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

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

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

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

process, although lengthy in its description, typically takes place in a matter of minutes. Local responders from the City of Defiance that respond to campus emergencies will always have final authority to determine if a significant emergency to the community exists.

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

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

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

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

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

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

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

The College's emergency notification plan does not require the entire community to be notified during a significant emergency. The official in charge of the emergency shall determine which segment of the population is at risk and notify the at risk population only. This decision of who is at risk is made based on

analyzing the available information at the scene, utilizing emergency response guides and pre-plans, or relying on a combination of training and experience from past exercises and emergencies. The initial notification decision will be re-evaluated continuously by on scene personnel and College leadership. As the incident continues, additional segments of the community may require emergency notification. As an example, a chemical spill in a building may initially be determined to be a risk to health and safety of only the occupants of a single floor of a building. In this situation, only person(s) on the floor would be notified. The occupants of the floor would then be evacuated and floor access would be restricted to only emergency response personnel. As the incident continues if new hazard information emerges or the physical hazard expands the entire building may be notified and evacuated. The College may also choose to provide information on the event at a later time to the entire community in a non-emergency format.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- A report of an emergency or impending emergency is received through the reporting avenues listed above or another source;
- Initial notification is made to the appropriate first responders (spontaneous emergency) or the proper Crisis Response team members (e.g., CARE team, Cabinet, physical plant) for anticipated emergencies;
- Responders, teams or committees described above will assess and confirm risks to health and safety as described in previous sections;
- After confirmation of a significant spontaneous emergency or dangerous situation the incident commander will delegate the responsibility to notify or personally notify the next level of College response.
- After confirmation of a significant spontaneous emergency or dangerous situation, without delay, the incident commander will delegate the responsibility to notify or if able to do so, personally activate emergency public notifications. Most often the Dean of Students will send the initial messages. Other examples of sources on campus with authority to initiate and access systems to deliver an emergency message include the President and Cabinet, computer services staff, physical plant, and public relations and marketing staff.

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

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

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

As mentioned above, the person or person(s) in charge of the emergency (incident commander(s)) determine the appropriate segment or segments of the campus community to receive a notification.

Incident commander(s) at Defiance College can be an official from any of the above listed external organizations that can confirm an emergency on campus or any of the Defiance College staff positions listed above. The Incident Commander(s) also determine the content of the message.

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

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

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

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

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

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

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

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

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

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

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

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

### **Testing & Documentation**

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

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

## **14. Missing Student Policy**

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

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

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

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

## 15. Crime Statistics

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

Crime	On Campus			On Campus Housing			Public Property		
	2021	2020	2019	2021	2020	2019	2021	2020	2019
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	3	2	1	3	2	1	0	0	0
Fondling	2	2	0	2	2	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Arrest - Liquor Law Violation	0	0	0	0	0	0	0	0	3
Arrest - Drug Abuse Violation	0	1	0	0	0	0	0	0	0
Arrest - Weapon Violation	0	0	0	0	0	0	0	1	0
Disciplinary Referral - Liquor Law Violation	8	3	16	8	3	16	0	0	1
Disciplinary Referral - Drug Abuse Violation	8	1	3	8	1	3	0	0	1
Disciplinary Referral - Weapon Violation	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	5	0	0	5	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

**Hate crimes:**

**2021:** No hate crimes reported.

**2010:** No hate crimes reported.

**2019:** No hate crimes reported.

Crimes unfounded by the College:

**2021:** 0 unfounded crimes.

**2010:** 0 unfounded crimes.

**2019:** 0 unfounded crimes.

Statistics for unfounded crimes provided by law enforcement agencies:

**2021:** 0 unfounded crimes.

**2010:** 0 unfounded crimes.

**2019:** 0 unfounded crimes.

Data from law enforcement agencies:

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

## 16. Annual Fire Safety Report

### Housing Facilities and Fire Safety Systems

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

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

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

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

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

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

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

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

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

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

#### ***Smoking***

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

### **Fire Evacuation Procedures**

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

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

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

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

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

### **Campus Employees**

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

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

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

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

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

### ***Fire Drills***

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

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

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

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

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

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

Each residence hall is equipped with a building fire alarm system, and each student room has a smoke detector. In accordance with state law, when the building alarm sounds, all residents are required to leave

the building. Residents cannot re-enter a building until permitted by hall staff. The interference with the operation of the smoke detector or any other fire safety equipment will result in disciplinary action in addition to being liable for damages and subject to applicable criminal and civil penalties.

### **Grand Avenue Apartments**

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

### **20 College Place**

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

### ***Suppression System***

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

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

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

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

### **Reporting Fires**

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

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

### **Plans for Future Improvements**

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

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

## **Fire Statistics**

### **2021**

No fires were reported in 2021.

### **2020**

No fires were reported in 2020.

### **2019**

No fires were reported in 2019.