OHIO WESLEYAN UNIVERSITY

Clery Campus Safety Report for 2015
Clery Reporting Information

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is a federal law that requires colleges and universities to disclose information about crime on and around their campuses. The act is named in memory of Jeanne Clery, a 19-year-old Lehigh University freshman who was assaulted and murdered in her residence hall room on April 5, 1986.

The National Center for Higher Education Risk Management (NCHERM) has completed an off-site audit of Ohio Wesleyan University Public Safety's Clery Act compliance. Ohio Wesleyan University Public Safety is substantially compliant with NCHERM's assessment criteria for the Clery Act. NCHERM is an independent organization not affiliated with the U.S. Department of Education, which is the ultimate arbiter of Clery Act compliance. A NCHERM audit is not a legal guarantee of compliance.

General Information

MISSION STATEMENT

The Department of Public Safety has as its primary responsibility the safety and security of all members of the University community. Our goal is to keep the campus community in an environment that our students find conducive to learning, to suppress crime, and to create a state of well-being by the presence of ample lighting, emergency telephones, personal safety escorts, and crime prevention.

We appreciate the assistance of the Delaware Police Department in keeping our campus safe as well as the Department's efforts to keep the Delaware community safe.

We should keep in mind that the potential for crime does exist and, as such, each of us should assume a personal responsibility by taking precautions to avoid becoming a victim of crime. We support the community-policing concept of fighting crime, which involves all members of a community.

The Department of Public Safety

The Department of Public Safety, which is also a University Police Department, is the University agency most directly responsible for campus safety. The Department is staffed by a director, full-time and part-time officers and supervisors, an office manager, and student workers. Uniformed officers patrol the campus 24 hours a day and maintain direct radio contact with city police, fire, EMS, and DELCOMM, the county-wide 911 emergency dispatch center.

The duties of Public Safety officers include preventing crime, taking reports, investigating incidents, and providing safety and protection for Ohio Wesleyan University. The Department of Public Safety has a close working relationship with the Delaware Police Department and other law enforcement agencies, but has no formal mutual aid agreements. If the investigation of a felony crime is warranted or an
arrest is required on campus, it is conducted by the Delaware Police Department in cooperation with the Department of Public Safety.

The University sits within the city corporation limits and jurisdiction of the Delaware Police Department. The Delaware Police Department provides all law enforcement services for the University. Students, staff, and faculty are encouraged to report all crimes to campus Public Safety or appropriate law enforcement agencies.

Any questions, concerns, or suggestions about campus safety should be directed to the Director of Public Safety by telephone at (740) 368-2222 or by email at psafety@owu.edu, or to the Vice President of Student Affairs by phone (740) 368-3135 or by email at deansoffice@owu.edu.

Confidential crime reporting may be made by either telephone (740) 368-2222 or email at psafety@owu.edu.

**Learning More about Safety**

The Department of Public Safety, Residential Life Coordinators (RLCs), and Resident Assistants (RAs) offer safety information programs in residential facilities on campus. Students are encouraged to attend such programs and to request special safety programs of particular interest. Students also are encouraged to familiarize themselves with the Public Safety section of the Student Handbook, and the Handbook sections devoted to Residential Life, the Alcohol Policy, the University Judicial System, and the Student Code of Conduct.

**GENERAL SAFETY PROTOCOLS:**

**Carry a cellular telephone at all times.** Pre-program the phone to call Public Safety at 740-368-2222 and to recognize an incoming call from 740-368-3411 as an urgent OWU ALERT.

**Register to receive urgent OWU ALERT information.** To activate or update your OWU ALERT account, visit the myOWU gateway, click the “menu” option in the upper left-hand corner, chose “Quick Links,” and chose “OWU Alert Info” from either the Student Links or Faculty and Staff Links box. Complete the OWU ALERT form with your preferred telephone, email, and text-message contact points. Click “submit changes” to record your contact preferences.

**Report any suspicious activity or incident immediately.** Immediate reporting greatly increases the ability of law enforcement officers to apprehend suspects. For emergencies, call 911 to reach the Delaware Police Department. For OWU Public Safety, call 740-368-2222.

**Safeguard your Ohio Wesleyan ID card.** Report any loss or theft immediately to Public Safety so that the card can be deactivated.

**Be an advocate for your friends and colleagues.** If you witness others who are impaired or in distress, be an advocate for them to ensure they get help and get to a safe, secure environment.
Get to a safe place as quickly as possible if you feel threatened. Call for help as soon you feel you are out of immediate danger.

Walk with others. If you have safety concerns and need a Public Safety escort, call 740-368-2222 for assistance.

Walk and jog in busy, well-lighted areas.

Check twice before entering a crosswalk. Even if you have the right-of-way, check both ways to ensure that motorists see you and are coming to a stop to allow you to cross. Use push-button “walk” mechanisms when available.

Do not use headphones, text, or talk on the telephone as you walk. You should always be able to hear, see, and quickly respond to what is going on around you.

Ensure that doors and windows are locked when you leave an area. Do not prop open doors, and do not allow strangers to follow you into locked buildings.

Report broken/malfunctioning locks to Building & Grounds as soon as problems are detected.

Lock vehicles and remove valuables from view. Lock valuables in the trunk or move them to a secure indoor space.

Never leave valuables unattended. This includes not leaving purses, laptop computers, and other valuable items unguarded. Consider marking valuable items with infrared dye, which is invisible to the naked eye. Marking pens are available at the Public Safety walk-up window in Room 120 of Smith Hall.

Password-protect all portable electronic devices.

IMMEDIATE THREAT TO CAMPUS:

If the campus community needs to shelter in place in response to an immediate threat, please follow these basic guidelines:

- **Get to a safe place as quickly as possible and secure yourself there.** Lock and/or barricade doors as possible for your immediate area. (If you are in a classroom, or similar, do not leave a safe space to reach personal offices, residence hall rooms, etc.)

- **Assess your surroundings** to identify potential secondary escape routes and possible ways to subdue/disarm an assailant in a life-threatening situation. (Could you break a window if needed? Do you have pepper spray with you? Do you have access to heavy objects that may be thrown or otherwise used to subdue/disarm an assailant?)

- **Stay sheltered until you receive an all-clear message.** This message likely will be sent via the OWU ALERT system.

Together, we can help to ensure a more secure environment for the entire campus community. Again, please review this message and contact the Department of Public Safety at 740-368-2222 or psafety@owu.edu with questions. Thank you for your time and attention.
Emergency Response Procedures and Evacuation Procedures

Initial Critical Incident Response Notification

Individuals witnessing or involved with an emergency situation at Ohio Wesleyan University may notify
the Department of Public Safety at any hour by dialing extension 2222 from any on-campus phone, or
(740) 368-2222 from any off-campus phone. Dial 911 from any phone to report a police, medical, or fire
emergency.

When extension 2222 is called, Public Safety will be alerted and dispatched to the scene. If appropriate,
local emergency services also will be notified. Emergency telephones are located in ten locations
throughout campus and are identifiable by a blue light. The locations are:

Academic (east) side of campus:
- On the north side of University Hall on the academic (east) side of campus.
- Between Slocum and Elliott Halls on the academic (east) side of campus.
  On the northwest side of Schimmel/Conrades Science Center (near the science library) on the
  academic (east) side of campus.
  On the southwest side of Schimmel/Conrades Science Center (near the Atrium stairwell) on the
  academic (east) side of campus.
- Outside the Meek Aquatics and Recreation Center on the academic (east) side of campus.

Residential (west) side of campus:
- Between Hayes Hall and Smith West.
- Between 23 Williams Drive and 20 Williams Drive (Delta Tau Delta).
- Between Bashford and Thomson Halls.
- Outside Stuyvesant Hall in the parking lot area.

Ohio Wesleyan's Critical Incident Response Plan designates the Department of Public Safety as the initial
contact for reporting all emergency situations. The Incident Command and Operations Center (ICOC) for
campus emergencies will be designated by OWU Public Safety depending on the location of the campus
emergency. A secondary site also will be available.

Upon being notified of a critical incident, the Director of Public Safety, or his/her designee, will make an
initial judgment as to the level of response required and communicate with all appropriate personnel.

If the situation is serious, the Department of Public Safety will contact appropriate outside emergency
agencies prior to contacting the Director of Public Safety. If a critical incident begins to escalate,
appropriate institutional administrative personnel will be notified and necessary action will be initiated
to respond to conditions as they unfold. Once outside emergency agencies (i.e. fire, police, etc.) arrive
on the scene, they will assume control of the situation commensurate with their individual
departmental responsibilities.
OWU Alert

Ohio Wesleyan University uses the OWU Alert emergency notification system to share urgent information with the campus community via telephone, email, and text message.

People must self-enroll in the notification system. Messages will notify the campus community of urgent situations and recommended actions. Additional updated information may be made available via recorded messages at 740-368-3411 and online at www.owu.edu.

Timely Warning Policy

In the event that a situation arises, either on or off campus, that, in the judgment of the Director of Public Safety/Chief of University Police, constitutes an ongoing or continuing threat, a campus-wide "Timely Warning" will be issued. The warning will be issued through the Ohio Wesleyan email system to students, faculty, and staff.

Depending on the circumstances, the Ohio Wesleyan Department of Public Safety also may post a notice in the OWU Daily providing the University community with additional notification. The OWU Daily is accessible via computer by all faculty, staff and students.

Anyone with information warranting a timely warning should report the circumstances to the Department of Public Safety by phone (740) 368-2222 or in person at the Department of Public Safety located in Room 120 (first floor) of Smith Hall, 38 South Liberty Street.

Additional Communication Capabilities

Emergency calling trees exist in multiple areas, including the use of cellular telephones to ensure contact with key individuals.

A Residential Life staff member is available at all times to respond to emergency situations within residential facilities. Emergency coverage is provided by on-call, full-time Residential Life Coordinators who live in the residence halls and by Resident Assistants and Moderators who also live within the facilities.

All Delaware City Police and Fire Vehicles and OWU Public Safety vehicles are equipped with external speaker systems to allow rapid voice notification of urgent information.

The Ohio Wesleyan website can be used to post information nearly instantaneously.

Public Safety and emergency protocols are outlined during student orientation and reinforced during residence hall building and floor meetings. Emergency signage also is posted on residential hall doors.

Word of mouth is one of the strongest information vehicles on the close-knit OWU campus. Person-to-Person communication will augment any telephone and instant message chains that share emergency information.
**Campus Crime Data**

If an emergency situation arises that impacts the safety of the OWU campus community, notification of the nature and scope of the emergency will be made as soon as possible. Each year the University reports its campus crime data as required by Public Law 101-542, known as the "Student-Right-To-Know" and "Campus Security Act." This crime data, as reported to and summarized by the Department of Public Safety, will follow.

The University strongly encourages the reporting of sexual offenses to Public Safety and/or the Delaware Police Department to allow a discussion of whether to seek criminal prosecution of the perpetrator and/or charges through the University judicial system.

The University also encourages community members to take precautions to minimize the possibility of theft. Students and employees are urged to keep unattended rooms, offices, and vehicles locked, and to avoid leaving personal possessions unattended in open areas. If you suspect a theft of your or another person's property has occurred, notify the Department of Public Safety and file a theft report.

**Reporting Crimes**

The Department of Public Safety welcomes reports of conditions that are threats to safety, such as burned out or inadequate lighting, broken door locks or windows, and the presence of suspicious person(s) on campus. Crimes also may be reported directly to the Delaware Police Department. Key numbers are listed below. The local area code is (740). For on campus phones dial (9) then the number.

**Emergency Telephone Numbers**

- Public Safety Office, ext. 2222
- Delaware Police Department, 9-203-1111
- Emergency/Rescue, 911
- Fire, 911
- HELPLINE (Crisis Hotline), 9-369-3316
- Poison Control Center, 9-1-800-222-1222
- Grady Memorial Hospital, 9-615-1000
- Grady Memorial Emergency Room, 9-615-1165
- Delaware County Sheriff, 9-833-2800
- Ohio Highway Patrol, 9-548-6011
Access to Facilities

Residence halls are locked 24 hours a day. During vacation periods and summer break, all residential facilities are locked unless otherwise determined by an appropriate University authority. Access to the exterior doors of large residence halls and Williams Drive properties are via a card-swipe system using the University ID card, and access to all individual residential rooms is by key. Resident Assistants (RA) makes rounds through residence halls from 7 p.m. to midnight. Safety inspections of facilities are conducted on a routine basis by Residential Life personnel, and Public Safety officers. Academic and administrative buildings are locked when not in use. Students and employees are encouraged to familiarize themselves with the hours of operation and the safety and security features of all sites. Safety inspections of academic buildings are conducted by Physical Plant personnel. As noted earlier, Ohio Wesleyan community members are urged to report any threats to safety in our facilities (e.g. suspicious persons, doors propped open, locks or windows in need of repair, etc.) to the Department of Public Safety.

If you see a crime...Report it! If you are a victim of a crime, report it! Call the Ohio Wesleyan University Department of Public Safety, ext. 2222. In the event of an in-progress crime or life-threatening emergency or fire, dial 911.

Public Safety maintains a daily crime log that lists all reported crimes. The log outlines the logistics of the crime (date, time, location), the nature of the crime, and how the crime was handled. The crime log is open to public inspection.

Campus Policies

MISSING STUDENT POLICY

Ohio Wesleyan University's Missing Student Policy and its accompanying procedures establish a framework for cooperation among members of the University community aimed at locating and assisting students who, based on facts and circumstances made known to the University, are determined to be missing.

Most missing student reports in a campus environment result from a student changing his or her routine without informing friends of the change. If a member of the University community has reason to believe that a student is missing, all efforts will be made to locate that student to determine his or her state of health and well-being.

A student shall be deemed missing whenever his/her whereabouts are unknown for more than 24 hours. Reports of missing students will be directed to the Department of Public Safety, at which point each report will be investigated in accordance with this policy.

At the beginning of each academic year, each student will be asked to identify an emergency contact person to be notified if that student is determined to be missing. The missing student contact information will be collected and maintained by the Office of Residence Life.
Procedure

In the event a student is reported missing, the Department of Public Safety shall:

- Initiate an investigation into the status of the missing student.
- Notify the Dean of Students and/or Vice President of Student Affairs of the missing student.
- If the missing student is under age 18, notify the custodial parent or guardian within 24 hours after determining that the student is missing.
- Notify the Delaware City Police Department within 24 hours after determining that the student is missing.

Notification

The Dean of Students and/or Vice President for Student Affairs notifies the President of the University, as well as other relevant offices.

The Dean of Students and/or Vice President of Student Affairs shall initiate whatever action is deemed appropriate under the circumstances in the best interest of the missing student.

Upon receiving a report of a missing student, the Department of Public Safety may take any of the following measures to attempt to locate the student.

Investigate points of the student's contact with the University by checking when the student's ID card was last used at a dining facility or to gain entry into a building.

Attempt to locate the student's vehicle (if applicable).

Interview roommates, suite-mates, and known friends.

Contact faculty members to determine when the student most recently attended class or made contact.

Contact Information Services to determine when the student most recently logged into the OWU network.

Any other measures deemed reasonable and appropriate.

Alcohol and Drugs

The University requires that all community members follow all local, state, and federal laws pertaining to the use of alcohol and other drugs. Further, students are expected to follow the University Alcohol Policy and Controlled Substance Policy as described in the Student Handbook. The University provides counseling and referral services at no cost to all students and referral services for all employees seeking help with a drug or alcohol problem. These same services are available for campus community members...
concerned about the drug or alcohol problem of a family member, friend, or colleague. The specific office providing alcohol and drug counseling and referral for students is University Counseling Services, ext. 3145. For employees, it is the Office of Human Resources, ext. 3385. Inquiries and requests for assistance also may be directed to the Recovery and Prevention Resources of Delaware and Morrow Counties (RPR) at 9-369-6811.

Sexual Assault

Sexual assault is a violation of individual rights and dignity and will not be tolerated at Ohio Wesleyan. The University offers educational programs each academic year designed to create awareness about the issue of sexual assault and its prevention. Such programs are sponsored and/or offered by Student Life personnel, by University committees and academic departments, and by student organizations.

In the event a sexual offense occurs, the Department of Public Safety or Delaware Police Department should be contacted. In all instances, evidence should be preserved so it can be used in subsequent prosecution. Members of the Student Affairs staff will inform the student of the procedures that must be followed and assist in helping the survivor to make contact with the hospital, the OWU Health Center, Counseling Services, Public Safety and/or the Delaware Police. Further, the University will make modifications to the academic and living situations of the survivor of a sexual offense, provided the survivor requests such modifications and they are reasonably available.

Counseling services are available on campus through University Counseling Services, ext. 3145, and referrals may be made to off-campus counseling and support services as well. The University’s sexual assault policy and the judicial system process for handling sexual assault cases are described in the Student Handbook. In judicial system hearings, both the accuser and the accused have the right to have others present and both shall be informed of the outcome of their hearing. The sanction imposed on rape is dismissal from the University, and for other sexual offenses range from a mandatory minimum of disciplinary probation to dismissal.

In accordance with House Bill 180 (Megan's Law), any person found to be a sexual predator, habitual sex offender, or sexual-oriented offender who resides in Delaware County must register with the Delaware County Sheriff's Office. Anyone interested in obtaining the information of Registered Sex Offenders may access this information on the Web at www.delawarecountysheriff.com and click on the Sex Offenders link.

The Delaware County Sheriff’s Office also may be contacted by mail at Delaware County Sheriff Office 1251 U.S. 23 North, Delaware, Ohio 43015, or by telephone (740) 833-2860.

Sexual Misconduct Resources

Preventative Measures and Risk Reduction Tips
Individuals who are aggressive sexually and commit sexual misconduct are responsible for their behavior. What you wear or say or do and whether you are intoxicated or sober are NOT invitations to engage in sexual activity without your consent. If you are subjected to sexual misconduct without your
consent you are not at fault. However, reasonable preventative measures can help reduce your risk of unwanted sexual activity:

- If there are limits to the types of sexual activity in which you will engage with a potential partner, make them known as early as possible
- Tell a sexual aggressor NO clearly and firmly
- Remove yourself from the presence of a sexual aggressor
- Find someone and ask for help if you feel uncomfortable
- Know the effects of alcohol and drug use on your reaction time and inhibitions. Although it is not your fault if you are attacked, understand that sexual predators often seek individuals who are intoxicated. Use alcohol and drugs in moderation if you choose to use them
- Stick with your friends and let them help you

If you are initiating sexual activity, respect your potential partner. The following suggestions will help reduce your risk for being accused of sexual misconduct:

- Respect personal boundaries
- Clearly communicate your intentions to your potential sexual partner prior to initiating any particular sex act. Go slow. Allow your potential partner to clearly communicate his or her intentions to you.
- Do not assume that someone wants to engage in sex with you, is available, or is capable of giving consent. If you receive mixed messages or ambiguous responses you do not have consent. If you have any doubts about whether your potential partner consents to sexual activity with you, do not initiate the activity.
- Do not take advantage of someone who is drunk or drugged. Your own state of intoxication from alcohol or other drugs is never an excuse for sexual misconduct that you initiate.
- Realize that your potential partner might be intimidated by you or in a state of fear. You may have a power advantage because of your gender, size, or conduct.

If you are a bystander and witness behavior that you consider to be inappropriate or gives you concern that it could lead to acts of sexual misconduct, intervene. Most people do not condone or support sexual aggression. However, research shows that bystanders often hesitate to act because they are not sure if other bystanders feel the same as they do or would support intervention. In most cases, they do and would. Often it takes a single individual to initiate an intervention for others to follow. We are a community. Protect each other.
What to do if you believe YOU are the victim of Sexual Misconduct

**What should I do if I believe I have been Sexually Assaulted?**

1. Get to a safe place
2. Get HELP

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**24 hours day/7 days week**
- Delaware Police 911 for immediate threat and 740-368-1911 for assistance
- Public Safety 740-368-2222 or x2222 on campus
- Helpline Rape Crisis 740-369-3316

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3. **Call someone to be with you** - a friend, a family member, someone with whom you are close.

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4. **Report what happened and learn about your options**

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**How do I report what happened?**

**Contact . . .**
- Your Resident Assistant/Moderator
- Your Residential Life Coordinator
- Public Safety
- Counseling Services
- Delaware Police Department

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5. **Continue to use the support resources available to you on campus** (Counseling, Chaplain’s Office, Dean of Students Office, etc.) and in the community (local agencies).

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**After you report what happened, we can help you understand your options.**
Options to report to campus and local authorities - who can explain what it means to report versus file charges.

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**What about confidentiality?**

Know that Ohio Wesleyan will do everything they can to maintain confidentiality, but OWU does have a legal obligation to report sexual assaults that are reported. This does not require you to press charges or be identified by name - but may require you to express your desires to do so or not to the police.

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**Then what happens? Who will find out?**
What if I don't want to do anything - accuse anyone or press charges?
Students Who May Be Victims of Sexual Misconduct

Your health, safety and well-being are the primary concern to Ohio Wesleyan. If you or someone you know has been the victim of any form of Sexual Misconduct, you are strongly urged to seek immediate assistance.

Assistance can be obtained 24 hours a day, seven days a week from:

- Delaware Police Department 911 for immediate threat and 740-368-1911 for assistance
- OWU Public Safety 740-368-2222 or (x2222 from a campus phone)
- Delaware HelpLine 24-hour Rape Crisis Assistance 740-369-3316

What To Do:

1. Get to a safe place.
2. Contact someone who can help (any or all of the following):
   - The 24 hour, 7 days a week services listed above; and
   - RAINN (Rape, Abuse, and Incest National Network): 24-hour crisis help line and assistance (1-800-656-HOPE)
   - Sexual Assault Response Network of Central Ohio:  24-hour rape crisis help line and assistance (614)267-7020
   - Your Resident Assistant (RA) or Moderator/residential life coordinator (RLC) available 24 hours a day, seven days a week
   - University Counseling Services 740-368-3145 or (x3145 from a campus phone)
   - University Chaplain 740-368-3082 or (x3082 from a campus phone)
   - Central Ohio Mental Health Center 740-369-4908
   - A trusted friend
   - Legal counsel, if desired
3. Do not shower, drink, eat, wash hands, douche, or change your clothes. These activities destroy important evidence necessary to the proof of Sexual Misconduct (as defined in Section II below) or in obtaining a protective order if and when you decide to take legal action. Also, do not disturb anything in the area where the assault occurred. Physical evidence can be collected up to 72 hours after the assault.
4. Do not apply medication to any injuries you may have sustained unless absolutely necessary.
5. Be sure to obtain immediate medical attention, even if you need time before deciding to report the assault to police or University officials. The emergency rooms at Grady Memorial Hospital in Delaware, Grant Medical Center in Columbus, and Riverside Methodist Hospital in Columbus all provide medical treatment for rape and include follow-up referrals. You may also choose to have a collection of evidence exam conducted to preserve your legal options.
   - Grady Memorial Hospital (740-615-1000)
   - Grant Medical Center (614-566-9000)
   - Riverside Methodist Hospital (614-566-5000)
6. Call someone to be with you:
   - A friend
   - A family member
   - Someone with whom you are close
7. Consider your options for reporting the incident. Ohio Wesleyan University strongly encourages the reporting of sexual assault to the Delaware Police (911) so that the victim can receive assistance and support and discuss the option to seek criminal prosecution of the assailant. Public Safety (x-2222) or the police can offer assistance by taking you to the hospital. Support also includes seeking legal advice at any time.
8. Take some time soon after to write down, or dictate to a friend, everything that you can recall about
the incident, with as much detail as possible. This documentation will be helpful if and when you
decide to take legal action.

9. Most importantly, remember that the assault was NOT your fault; AND

10. If you do not receive the support that you believe you are entitled to, KEEP TRYING until you do.

What To Do If You Have Been Accused of Sexual Misconduct:

1. Speak to someone you can trust: a friend, family, counselor, etc.

2. Review the University’s Sexual Misconduct Policy. It is available on-line in the Student Handbook
(http://studentaffairs.owu.edu/pdfs/StudentHandboook.pdf).

3. Contact the Coordinator of Student Conduct to review the conduct hearing process, discuss options,
and seek assistance and support.

4. Do not attempt to contact the complainant yourself or through others.
Sexual Misconduct Policy

I. Statement of Policy
Ohio Wesleyan University affirms the principle that its students have a right to be free from all forms of Sexual Misconduct, for which the University has zero tolerance. Sexual Misconduct

Get Help 24 hours day/7 days week
* Delaware Police 911 for immediate threat and 740-368-1911 for assistance
* Public Safety 740-368-2222 or x2222 on campus
* Helpline Rape Crisis 740-369-3316

Learn about options to address alleged sexual misconduct

Local/State Justice System

OWU Student Conduct System

Document Complaint/Allegation with Coordinator of Student Conduct

Informal Meeting facilitated by Coordinator of Student Conduct
With Both Respondent and Complainant
With Respondent Only

Sexual Misconduct - Formal Appeal Process
Submit Written Appeal to Coordinator of Student Conduct

Formal Hearing Process
Hearing with Sexual Misconduct Hearing
Decision and Sanctions Presented
NOTE: Both the respondent and complainant have the option to appeal the decision and sanctions. See process flow for Appeal Process:

Written Appeal & Case Documents Provided to Sexual Misconduct Appeals Panel
Decision Presented
violates University policy, federal civil rights laws, and, in many cases, criminal law. When it receives notice of an allegation of sexual misconduct it will conduct a prompt and fair investigation. If the investigation reveals that sexual misconduct has occurred, the University will work to end it, address its effects, redress wrongs created by the misconduct, prevent its recurrence, protect the safety of the University community and eliminate any hostile environment that the sexual misconduct creates.

II. Scope of Policy
   A. Conduct Covered
      Sexual Misconduct includes sexual assault, dating violence, domestic violence, stalking, sexual contact, and sexual exploitation. These terms are defined more specifically in Section IIIB and C of this policy. Sexual Harassment is also a form of Sexual Misconduct. However, it is covered by its own policy. See, below, III. B. 5, for a definition of sexual harassment. For a more detailed definition and discussion of the policy, see the Harassment Policy in the “Code of Conduct: Community Standards and Policies: Harassment Policy”
      http://policies.owu.edu/harassmentPolicy.html.

      When sexual harassment is involved in a case that also involves another type of sexual misconduct, the rules and procedures for the other type of sexual misconduct will be applied.

   B. Persons Covered
      This policy applies to allegations of sexual misconduct when full or part time students are the accused. If the accused is a non-student employee of the University go to
      http://policies.owu.edu/pdfs/HarassmentPolicy.pdf. For assistance contact:

      Public Safety at 740-368-2222 (2222 from a campus phone)
      Title IX Coordinator and Director of Human Resources
      John Sanders at 740-368-3394 (3394 from a campus phone
      jasander@owu.edu

      Title IX Coordinator designee and Coordinator of Student Conduct
      Michael Esler at 740-368-3175 (3175 from a campus phone)
      mvesler@owu.edu

      Interim Vice President for Student Affairs
      Kimberlie Goldsberry at 740-368-3135 (3135 from a campus phone)
      klgoldsb@owu.edu

      For purposes of this policy, full or part time students employed by the University are defined as students and University employees who take classes part time are defined as employees. If the accused is neither a student nor employee contact:

      Office of Public Safety 740-368-2222 (2222 from a campus phone)
      Delaware Police at 911 for emergencies
      740-368-1911 for non-life threatening emergencies

      Title IX Coordinators and/or the Dean of Students for guidance
Any person can file a complaint against an OWU student, regardless of whether he or she is an OWU student.

This policy applies to all, regardless of sexual orientation. Complainants (those who accuse) and respondents (those who are accused) can be male or female, straight, gay, lesbian, bisexual, transgendered, queer or gender non-conforming.

C. Geographical Reach
The policy applies to allegations of sexual misconduct on or off campus. It applies in face to face encounters, social media and other forms of electronic and non-electronic communication. Regardless of where it occurs, the policy applies whenever sexual misconduct creates a discriminatory and/or hostile environment on campus that significantly affects another student’s access to education. A discriminatory and/or hostile environment can be created by a series of events or a single event, such as a sexual assault.

D. Compliance with Federal Law
OWU’s Sexual Misconduct Policy complies with federal law. The University’s policies are subject to Title IX of the Education Amendments of 1972. Title IX bans sexual discrimination in schools that receive federal financial aid. Sexual Assault, Sexual Contact, Dating Violence, Domestic Violence, Stalking and Sexual Harassment are forms of sexual discrimination that are prohibited by Title IX when they create a discriminatory and/or hostile environment on campus that significantly affects other students’ access to education. Title IX requires colleges to balance the interests of complainants, the rights of respondents and the overall welfare of the college community in resolving cases covered by it.

OWU’s policies also follow the Clery Act, as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA) and the Sexual Violence Elimination Act (SaVE). The Clery Act requires colleges to report annual statistics on crime, including sexual violence. VAWA is designed to prevent violence against women. It amends Clery by expanding the definition of sexual violence and adds additional rights for victims. The SaVE Act also amends Clery by increasing transparency, protections, training, preventative programs and rights. The policy is also subject to the Family Education Rights and Privacy Act (FERPA), which protects student privacy rights.

III. Definitions
A. Consent: Consent is a voluntary agreement to engage in sexual activity. More specifically, consent is defined as an act that a reasonable person would interpret as knowingly, willingly and unambiguously agreeing to engage in sexual activity. Consent can be provided verbally or non-verbally. However, verbal communication is preferable to communicating through actions. Talking to each other about what you want and do not want can bring clarity to the situation.

An individual who is impaired by any drug or intoxicant; or who has been purposely compelled by force, threat of force, or deception; or who is unaware that the act is being committed; or whose ability to resist is impaired because of a mental or physical condition; or who is coerced by supervisory or disciplinary authority, or who is under the age of 16 cannot consent. Keep in mind:
- Silence or absence of resistance does not imply consent
- Past consent does not imply present or future consent
- Consent to one form of sexual activity does not imply consent to another
• Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another
• Consent can be withdrawn at any time

B. Types of Sexual Misconduct
1. **Sexual Assault:** No person shall perpetrated without consent any of the following: vaginal intercourse between a male and a female; anal intercourse, fellatio, or cunnilingus between persons regardless of sex; or the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to constitute vaginal or anal intercourse. Sexual Assault is also known as rape.

2. **Sexual Contact:** Touching intimate parts of another’s body including without limitation the thigh, genitals, buttocks, pubic region, or breast, or clothing covering any of those areas, or causing a person to touch his or her own or another’s intimate parts, without consent.

3. **Stalking:** No person will engage in a course of conduct directed at another person because of that individual’s gender, gender identity and/or expression, or sexual orientation that would cause a reasonable person to
   a. fear for his or her safety or the safety of others, or
   b. suffer substantial emotional distress.

4. **Sexual Exploitation:** Includes, without limitation, publicly exposing one’s private parts, publicly engaging in masturbation, or publicly engaging in other sexual conduct. Surreptitiously invading the privacy of another by spying or eavesdropping upon that person with the purpose or effect of assisting or enhancing one’s sexual gratification; causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over that person; causing the prostitution of another person; recording, photographing and/or transmitting images of private sexual activity and/or the intimate parts of another’s body, including without limitation the thigh, genitals, buttocks, pubic region, or breast without consent; allowing third parties to observe private sexual acts without consent; and/or knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection.

5. **Sexual Harassment:** Two broad categories of sexual harassment are prohibited by the Sexual Harassment Policy –
   • **Quid Pro Quo Sexual Harassment** involves providing benefits or the promise of benefits on the condition that an individual submit to unwelcome sexual behavior, or denying benefits or threatening to deny benefits, or threatening to reveal false information unless an individual submits to unwelcome sexual behavior.
   • **Hostile Environment Sexual Harassment** involves incidents of verbal or non-verbal behavior that focuses on the sexuality or gender of a person and is unwelcome, severe or pervasive enough to substantially affect that person and thereby create a hostile environment, and that lie outside the realm of appropriate academic study or work practice. See the Harassment Policy in the “Code of Conduct: Community Standards and Policies: Harassment Policy” for more detailed definitions of these terms and a discussion of the policy (http://studentaffairs.owu.edu/pdfs/StudentHandboook.pdf)

C. Contexts of Sexual Misconduct
1. Sexual misconduct can occur in a variety of situations and by different types of people. Sexual Misconduct can be committed by strangers, acquaintances, or someone with whom you are intimate. While all are equally serious, students should be aware that most sexual assaults on and around campus are by acquaintances.

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

3. **Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse or intimate partner of the victim under the domestic or family violence laws of the relevant jurisdiction, or by any other person against an adult or youth who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

D. Panels and Individuals involved in the Sexual Misconduct Hearing Process

1. **Sexual Misconduct/Harassment Panel Pool**
   This is a pool from which individuals are drawn to hear cases of sexual misconduct, including sexual harassment, and appeals for these cases. The pool will consist of both faculty and staff members. Faculty members are appointed by the Provost, staff members are appointed by the Chief Human Resources Officer. Pool members receive training on procedures and decision making on a regular basis.

2. **Sexual Misconduct Hearing Panel**
   Hears cases of sexual misconduct and sexual harassment and decides the outcomes of these cases, and, when appropriate, determines sanctions. It consists of three members drawn from the Sexual Misconduct/Harassment Panel Pool. For each case, at least one member must be from the faculty and at least one from staff. If possible, at least one male and one female member will be on the Panel for each case. For each case, members of this Panel are selected from the Sexual Misconduct/Harassment Panel Pool by the Coordinator of Student Conduct.

3. **Sexual Misconduct Appeals Panel**
   Hears appeal in cases of sexual misconduct and sexual harassment. It consists of three members drawn from the Sexual Misconduct/Harassment Panel Pool. For each case, at least one member must be from the faculty and at least one from staff. If possible, at least one male and one female member will be on the Appeals Panel for each case. Members of the Sexual Misconduct Hearing Panel who originally heard a case are not eligible to serve on the Sexual Misconduct Appeals Panel for that case. For each case, members of this Panel are selected from the Sexual Misconduct/Harassment Panel Pool by the Coordinator of Student Conduct.

4. **Title IX Advisor**
   In cases involving sexual assault, sexual contact, dating violence, domestic violence, and stalking, complainants and respondents have the right to be accompanied by an advisor of their choice for all proceedings. Advisors for these types of cases are referred to as Title IX Advisors. Note that Title IX Advisors will be allowed in cases of stalking only when the alleged stalking is directed toward an individual because of the person’s gender, gender identity and/or expression, or sexual orientation. University Advisors will be used in all other proceedings that involve stalking. “Proceedings” are defined as all activities related to a non-criminal resolution of a University disciplinary complaint, including but not limited to, fact finding investigations, formal or informal meetings, and hearings. “Proceeding” does not include communications and meetings between officials and complainants and between
Title IX Advisors provide support, guidance, and advice. They do not represent or advocate on behalf of those they advise. Title IX Advisors are not allowed to speak during formal hearings and appeals. However, the complainant and respondent may request brief recesses to confer with and seek advice and guidance from the individual advising them. Recesses must be approved by the chairperson of the Sexual Misconduct Hearing Panel or the Sexual Misconduct Appeals Panel, and must be short and limited in number, as determined by the chairperson. Title IX Advisors may speak during pre-hearing meetings and informal processes at the discretion of the University official who is conducting those meetings and processes.

Advisors who are disruptive or who do not abide by the restrictions on their participation may be removed or dismissed to preserve the decorum, civility, and integrity of the proceeding.

The University will provide a reasonable opportunity to reschedule a proceeding to accommodate the schedules of Title IX Advisors. Ordinarily this means that the University will agree to rescheduling a proceeding once. The time frame for resolving a case (normally 9 to 30 University days) will not be delayed to accommodate the schedules of Title IX Advisors.

Title IX Advisors may not appear at a proceeding to observe, present arguments, or for any other reason, if the student for whom they are serving does not also appear at the hearing.

5. University Advisor

In sexual misconduct cases that involve sexual exploitation complainants and respondents have the right to be accompanied by a University Advisor for all proceedings, “Proceedings” are defined as all activities related to a non-criminal resolution of a University disciplinary complaint, including but not limited to, fact finding investigations, formal or informal meetings, and hearings. “Proceeding” does not include communications and meetings between officials and complainants and between officials and respondents concerning accommodations or protective measures to be provided to a complainant or respondent.

University Advisors must be members of the University community excluding Trustees of OWU, Sexual Misconduct Panel Pool members, or a parent/guardian of anyone involved in the case. Persons who serve as University Advisors may not be licensed attorneys or have received training to be attorneys.

University Advisors provide support, guidance, and advice. They do not represent or advocate on behalf of those they advise. University Advisors are not allowed to speak during formal hearings and appeals. However, the complainant and respondent may request brief recesses to confer with and seek advice and guidance from the individual advising them. Recesses must be approved by the chairperson of the Sexual Misconduct Hearing Panel or the Sexual Misconduct Appeals Panel, and must be short and limited in number, as determined by the chairperson. University Advisors may speak during pre-hearing meetings and informal processes at the discretion of the University official who is conducting those meetings and processes.
Advisors who are disruptive or who do not abide by the restrictions on their participation may be removed or dismissed to preserve the decorum, civility, and integrity of the proceeding.

The University will provide a reasonable opportunity to reschedule a proceeding to accommodate the schedules of University Advisors. Ordinarily, this means that the University will agree to rescheduling a proceeding once. The time frame for resolving a case (normally 9 to 30 University days) will not be delayed to accommodate the schedules of University Advisors.

University Advisors may not appear at a proceeding to observe, present arguments, or for any other reason, if the student for whom they are serving does not also appear at the hearing.

6. Title IX Coordinators
Federal law requires that the University designate one or more coordinators to be responsible for assuring compliance with regulations under Title IX. This includes overseeing investigations and resolutions of cases that are covered by Title IX, training of University personnel and responding to grievances. Title IX Coordinators may be contacted about questions and concerns that you have about Title IX.

**Title IX Coordinator**
John A. Sanders  
Interim Director of Human Resources  
University Hall – Room #003  
740-368-3394  
jasander@owu.edu

**Title IX Designee - Athletics**
Jennifer Joerger  
Asst. Director of Gift Planning  
University Advancement  
Mowry Alumni Center  
740-368-3043  
jajoerge@owu.edu

**Title IX Designee – Student Conduct**
Michael Esler, PhD  
Professor of Politics and Government & Coordinator of Student Conduct  
Elliott Hall 301 and HWCC–Room 225  
740-368-3175 (Student Conduct)  
mvesler@owu.edu
Other Participants and Terms used in the Conduct Process

- **Complainants** are those who allege misconduct by a student.
- **Respondents** are students who or student organizations that are accused of misconduct.
- **Appellants** are those who appeal a decision by a Hearing Officer, Student Conduct Board, Sexual Misconduct Panel, or Harassment Panel.
- **Appellees** are those who respond to an appeal.
- **University Days** are weekdays when the University is open and classes are in session.
- A **Report** is information provided about possible sexual misconduct.
- A **Formal Complaint** is a written accusation of sexual misconduct that is resolved through use of the formal process (see Section VIII).

**IV. Reporting Sexual Misconduct**

**A. Filing a Report**

If you are the victim of sexual misconduct, or you know someone who is a victim of sexual misconduct, OWU urges you to report it. Reporting can help the University protect you and others who might be at risk from the assailant, redress wrongs, take measures to minimize the recurrence of such misconduct, aid in the pursuit of justice, and promote the educational values of the University. We can provide you with support and assistance. We also have protective measures and accommodations that are rigorously enforced to protect you. These include protective orders, special accommodations, interim suspensions and activity restrictions, limits to the number of people who will be informed of your report, and privacy protections over information that is generated in your case (see VI).

For an immediate threat, call the police at 911 or OWU Public Safety at 740-368-2222 (2222 from a campus phone).

To report a case of sexual misconduct when the immediate threat has passed, contact:

- Coordinator of Student Conduct and Title IX Designee
  Michael Esler at 740-368-3175 (3175 from a campus phone)
  mvesler@owu.edu

- Enforcement Agencies
  Public Safety at 740-368-2222 (2222 from a campus phone)
  Delaware Police at 740-368-1911

- Interim Vice President for Student Affairs
  Kimberlie Goldsberry at 740-368-3135 (3135 from a campus phone)
  klgoldsb@owu.edu

- Title IX Officer
  John Sanders at 740-368-3394 (3394 from a campus phone)
  jasander@owu.edu

- Title IX Designee – Athletics Compliance
  Jennifer Joerger at 740-368-3043 (3043 from a campus phone)
  jajoerge@owu.edu
You may also contact Residential Life Staff, including Residential Life Counselors and Resident Assistants. They will provide you with information about your options and how to file a report. With the exceptions noted, below (see V.B), the person you contact will notify the Office of Student Conduct about your meeting. The Office of Student Conduct will conduct a prompt and fair investigation of all reports of sexual misconduct that it receives.

A report can be filed at any time. However, because the Student Conduct System applies only to current students who are accused, sanctions against them might be limited if the report is filed when they are no longer students and if they are subsequently found to be responsible.

If a student withdraws from the University after being accused of sexual misconduct it will be noted in the student’s record and the student must resolve the issue before returning as a student.

B. Meeting with the Coordinator of Student Conduct

The Coordinator of Student Conduct will contact you after the report is received. He or she will make sure that you are receiving support and assistance. The Coordinator will provide a hard copy of the policy and explain your options, including the use of informal processes (see VII), formal processes (see VIII) and remaining anonymous (see V). The Coordinator will also discuss accommodations that might be appropriate concerning the complainant’s academic, housing, transportation, and/or employment arrangements (see VI).

There is no time limit for reporting a case of sexual misconduct. However, timely reporting maximizes the University’s power to respond and investigate in an effective manner. Further, because the Student Conduct System applies only to current students who are accused of sexual misconduct, sanctions against them might be limited if a report is filed when they are no longer students and they are subsequently found to be responsible.

Visit https://www.notalone.gov/ and/or ocr@ed.gov for information about resources on how to prevent sexual misconduct on campus, how to respond when it happens, and other important information, including how to file a complaint with the federal government if you believe that the University has failed to follow its Title IX obligations.

C. Notifying the Police

OWU policy is to inform the Delaware Police about reports of serious cases of sexual misconduct that it receives. Serious cases include all forms of sexual assault and other types of sexual misconduct that are determined to be serious on a case by case basis. We encourage you to report cases of sexual misconduct to the police. University personnel can help you contact the police and assist in your communication with them. Reporting to the police does not mean that you have to file criminal charges. In most cases, the police will protect your anonymity, if that is what you desire, and they will not proceed without your consent and cooperation.

D. The Criminal Justice System vs the Student Conduct System

These two systems operate independently. The criminal justice system is operated by the government and its officials exercise discretion in determining the cases they pursue. It is designed to determine the innocence or guilt of someone accused of a crime. For a person to be found guilty, a judge or jury must find them guilty “beyond a reasonable doubt”. If a person is found guilty, he or she is subject to strong penalties such as incarceration and steep fines. People accused of crimes are therefore protected by numerous rights and procedural regulations.
The University’s Student Conduct System is operated by the University and under the requirements of Title IX it must act in response to notification of sexual misconduct. The Conduct System is designed to enforce the rules of a private organization. Its purpose is to determine whether a student has violated its rules and, if so, what sanctions and remedies should apply. Because under Title IX sexual misconduct is a form of discrimination prohibited by civil rights laws, the standard for finding a student responsible for a sexual misconduct violation is “preponderance of evidence” (or “more likely than not”), which is a lower standard than beyond a reasonable doubt. Sanctions for violating University rules are less severe than in the criminal justice system. The most the University can do is expel a student. Although the University provides significant rights to students who are accused of sexual misconduct, the rights are not as extensive nor are the procedural regulations as involved as they are for the criminal justice system.

The Student Conduct System operates under its own rules, procedures, standards, and sanctions, which are described in this policy. Filing a report about sexual misconduct with the University is independent of filing a report with the police. You may file reports with the University and the police, which we encourage; with the University, only; or with the police, only. If you file complaints with both the University and the police, the University will not wait for the criminal justice system to run its course before commencing its own process, except in cases where the University temporarily delays its investigation while criminal investigators gather evidence. Occasionally, the University and police will share information and conduct joint investigations for the sake of efficiency, but how they use the results will be independently decided.

V. Confidentiality
A. Remaining Anonymous
If you wish to keep information that you provide confidential and remain anonymous, the University will attempt to honor your request. However, any request for confidentiality must be considered in light of Title IX’s requirement that colleges take action when informed about possible Title IX violations. Therefore, the University cannot guarantee confidentiality. It must balance the complainant’s privacy with the University’s obligation to end sexual misconduct, protect the University community, and protect the rights of the accused.

A request for anonymity will be weighed against factors such as the seriousness of the alleged sexual misconduct and whether there have been other complaints of sexual misconduct against the accused, and other relevant factors. Even if the University cannot take disciplinary action against the accused because the complainant insists on confidentiality or that the complaint not be resolved, the University reserves the authority to conduct an investigation, issue no contact orders, or take other reasonably necessary measures to protect the complainant, community, and accused.

The University’s ability to respond fully to your allegation may be limited by honoring your request to remain anonymous. Specifically, it may limit our ability to pursue disciplinary action against the person you identify as your assailant. However, if the University is able to honor your request for anonymity and confidentiality, it often can take steps to respond to complaints in ways other than confronting the accused. These include increased monitoring or security at locations where or for activities in which the alleged sexual misconduct occurred; extra training and materials for members of the community; reviewing, changing, and/or better publicizing
policies on sexual misconduct; and conducting climate surveys to monitor developments. For alleged perpetrators who face charges from a number of individuals, disciplinary action sometimes can be pursued without revealing the identities of particular complainants. The Coordinator of Student Conduct, in consultation with the Dean of Students, will determine if requests for anonymity can be honored. In any event, the Office of Student Conduct will keep complainants informed of developments and before we take any action in your case.

B. Where to Go for Confidential Assistance

Sexual misconduct is traumatic. Individuals who experience it often need time and space to process what happened. If you are not sure how you want to proceed or just need time to consider your options and would like to speak to someone in confidence, you have a number of on-campus options.

Employees and volunteers in the offices listed below will provide basic information about your case to the Office of Student Conduct so that the University can maintain a record of reported sexual misconduct and identify any patterns that might exist. However, these offices will not provide information that would reveal your identity if you wish to speak to them in confidence and remain anonymous.

- University Counseling Services 740-368-3145 (or 3145 from a campus phone)
- Office of the University Chaplain 740-368-3083 (or 3083 from a campus phone)
- Student Health Services 740-368-3160 (or 3160 from a campus phone)
- Women’s Resource Center 740-368-3189 (or 3189 from a campus phone)
- Spectrum Resource Center 740-368-3196 (or 3196 from a campus phone)

VI. Protective Measures and Accommodations

OWU is committed to protecting complainants, respondents, and other individuals involved in sexual misconduct cases from the time a case is reported, through the process of resolving it, to after the case is resolved. University policy prohibits retaliation against a person who files a complaint on his or her own behalf, on behalf of another, provides information as a witness, or is accused of sexual misconduct. Retaliation includes intimidation, threats, coercion, harassment, discrimination or violence against another individual. Strong responsive measures will be taken against anyone who is involved in retaliation.

Measures to protect individuals include:

1) protective orders to keep the complainant, respondent and their agents apart from each other, and/or;
2) accommodations, examples include changing living arrangements consistent with Residential Life Policy and/or learning, working and transportation arrangements.

Upon notification from the Office of the Dean of Students, the Registrar’s Office and relevant faculty will be asked to consider accommodations for class schedules and coursework of the complainant, respondent, and other individuals involved in a case. This may include withdrawing from a class without penalty. Tutoring support may also be provided, as well as other accommodations.

Complainants, respondents and other individuals involved in a case may request that such measures be taken. The University will provide accommodations when they are reasonably available.

These measures will be designed to minimize, as much as possible, the burden on the complainant, without violating the rights of the respondent.
If, after consultation with the Vice President for Student Affairs, the Dean of Students determines that the presence of the respondent presents a clear and present danger to persons or property at the University, the Dean of Students may issue an **interim suspension** to the respondent at any point of the process from when a complaint is filed to when the case is resolved. Ordinarily, a case involving an interim suspension will be expedited to resolution as quickly as possible.

Alternatively, after consultation with the Vice President for Student Affairs, the Dean may restrict the activities of the respondent through an **interim activities restriction order** at any point of the process from when a complaint is filed to when the case is resolved. Activity restrictions also may be kept in place after the case is resolved. Interim suspensions and activity restrictions are operative immediately upon receipt of the notice by the respondent.

A victim of sexual misconduct always has the right to seek a **restraining order** or similar no-contact or protective order from the police, as well as from the University. Contact the Department of Public Safety for assistance in obtaining protective orders from the University or police, or contact the police directly. The University will enforce all protective and restraining orders regardless of who issues them.

The University is committed to protecting the privacy of all parties involved in sexual misconduct cases, to the extent possible. It will **limit the number of University members who are informed of the case** to those who are involved in resolving sexual misconduct allegations. The University will **maintain the record of your case in a secure manner and limit access to it**. Upon resolution of a complaint, all records pertaining to the case will be sealed and kept in the Offices of Student Affairs, accessible only on a need to know basis.

**VII. Informal Resolution of Sexual Misconduct Cases**

If you feel that you have been a victim of sexual misconduct but do not want to pursue formal charges, two informal procedures are available. The first involves a meeting between the complainant, respondent, and the Coordinator of Student Conduct and/or designee. The second involves a meeting between only the respondent and the Coordinator of Student Conduct and/or designee.

**A. Informal Resolution with Complainant Attending the Meeting**

This procedure is not mediation. Informal resolution differs from mediation in that it is more structured because the university official who presides over the meeting, the Coordinator of Student Conduct and/or designee, plays a more active role in guiding the process to completion, and the presiding officer(s) plays the predominant role in determining the outcome of the accusation and any remedies and sanctions that may be imposed. Both the complainant and respondent must agree to attend. Each may be accompanied by either a Title IX Advisor or University Advisor, depending on the nature of the case (see III. D. 4 & 5).

Informal resolution provides an opportunity for the complainant to confront the respondent in the presence of, and facilitated by, the presiding officer(s), and to communicate his or her perceptions and feelings about the alleged sexual misconduct, the impact of the incident, and his or her expectations about the future. The respondent will have an opportunity to respond.

1. **When Respondent Accepts Responsibility for the Accusation**
   a. If, during the process, the respondent takes responsibility for sexual misconduct, the
presiding officer(s) will propose a resolution. If the complainant and respondent agree to the resolution, the complaint will be resolved when terms of the resolution are completed. Neither party may appeal.

b. If either party objects to the proposed resolution by the presiding officer(s), either may appeal through the Sexual Misconduct Appeals Panel. The resolution is the only grounds for appeal.

2. When Respondent Contest the Accusation
   If the respondent contests the allegation of sexual misconduct, and an informal resolution cannot be reached, the complainant may request a formal hearing to decide the allegation.

B. Informal Resolution with Complainant Not Attending the Meeting
   A second type of informal resolution may be requested by the complainant. He or she may request that the presiding officer(s) meet with the respondent and confront him or her with the accusation without the complainant being present. During the meeting with the respondent, the presiding officer(s) will discuss available support and assistance, convey any message that the complainant would like to send, discuss the University's concerns about the alleged misconduct, solicit a response, and discuss how the accusation might be resolved. The presiding officer(s) then reviews the conversation with the complainant, who then decides how he or she wants to proceed, including the possibility of filing formal charges.

1. When Respondent Accepts Responsibility for Accusation
   a. If the respondent takes responsibility for committing the violation the presiding officer(s) will propose a resolution. If the complainant and respondent agree to the resolution, the complaint will be resolved when the terms of the resolution are completed. Neither party may appeal.

b. If either party objects to the proposed resolution by the presiding officer(s), either may appeal through the Sexual Misconduct Appeals Panel. The resolution is the only grounds for appeal.

2. When Respondent Contest the Accusation
   If the respondent contests the allegation of sexual misconduct, and an informal resolution cannot be reached, the complainant may request a formal hearing.

The complainant and respondent may, at any time prior to conclusion of either informal process, elect to end the informal proceedings. The complainant may initiate formal procedures for addressing the issue.

Any statements or disclosures made by the parties during informal procedures may be used in subsequent formal procedures.

For both types of informal procedures the same protective measures and accommodations that are outlined in Section VI of this policy will be employed during and after the process is complete. For both types of informal resolution, the rights that are outlined in Section X of this policy are applicable.

For both types of informal resolution, the complainant and respondent will be simultaneously notified, in writing, about the resolution, if any, that results in the case.

VIII. Formal Resolution of Sexual Misconduct Cases
   If, after meeting with the Coordinator of Student Conduct, or if a satisfactory result cannot be reached through informal processes, or if you decide that you do not want to pursue informal
resolution, you have the right to pursue formal procedures.

A. Filing a Formal Complaint

To file a formal complaint (or charge) and begin the formal resolution process the complainant must submit a signed accusation to the Coordinator of Student Conduct. A formal complaint can be filed at any time. However, because the Student Conduct System applies only to current students who are accused, sanctions against them might be limited if the complaint is filed when they are no longer students and if they are subsequently found to be responsible.

Once the complainant requests that formal charges be made, no effort to dissuade him or her from the decision will be attempted.

B. Notifying the Respondent

Within 24 hours of receipt of the formal charges, the Coordinator of Student Conduct will notify the respondent (the complainant will be copied) in writing of the charge(s), the complainant(s), the date(s) of the alleged violation(s), the section(s) of the Code of Conduct that is alleged to have been violated, the range of sanctions that may be imposed, the date, time, place of the conduct hearing and the right of appeal. The notice will also include the names of the members of the Sexual Misconduct Hearing Panel assigned to hear the case and a statement that the respondent and complainant have the right to challenge the participation of any panelist that they feel is unable to objectively decide the case.

We will provide support and assistance to respondents. We also have protective measures and accommodations that are rigorously enforced to protect you. These include protective orders, special accommodations, activity restrictions, limits to the number of people who will be informed of the charge(s) against you, and privacy protections over information that is generated in your case (see VI).

This notice will afford the respondent an opportunity to meet with the Coordinator of Student Conduct at a designated time and place for an informational meeting on the formal procedures for sexual misconduct and to provide a hard copy of the Sexual Misconduct Policy. The Coordinator of Student Conduct will also request from the respondent a detailed written report about the alleged incident. If a response is not submitted, a hearing will proceed without it.

Under normal circumstances, the hearing date will be set no sooner than nine (9) University days and no later than thirty (30) University days from the day the respondent is contacted by the Coordinator of Student Conduct. This time range may be extended at the discretion of the Coordinator of Student Conduct. Absent extraordinary circumstances the time range will not extend beyond sixty (60) days.

Every effort will be made to resolve allegations of sexual misconduct during the academic year in which they occur. However, if alleged cases of sexual misconduct occur too late in the spring semester to be resolved that semester, all or part of the conduct process will be taken up during the following fall semester unless arrangements can be made for all participants in the case to be available at an earlier date.

If a graduating senior is accused of committing sexual misconduct near the end of the school year and before the hearing process can be completed, the respondent may walk through the graduation ceremony, but the diploma will be withheld until charges are settled.

C. Investigation
In conjunction with the Office of Public Safety, the Coordinator of Student Conduct will investigate the allegations. The investigation may commence prior to or after a complaint has been filed. The principals and witnesses will be interviewed. Their statements and additional evidence collected by University investigators separately and in coordination with law enforcement agencies will be reviewed and analyzed. Expert witnesses may be consulted. The results of the investigation will be made available to the complainant and respondent, and will be provided to the Sexual Misconduct Hearing Panel prior to the hearing.

D. Related Misconduct
The Sexual Misconduct Hearing Panel may decide allegations of, and impose sanctions for, sexual misconduct and other violations of the Code of Conduct that directly relate to the alleged sexual misconduct or that occurred in the course of the alleged sexual misconduct. However, it is not the practice of the University to pursue disciplinary action against a complainant or witness for the improper use of alcohol or other drugs, providing that such student(s) is acting in good faith as a complainant or witness to the events of the alleged sexual misconduct.

E. Conduct of the Hearing
In the interest of fairness and confidentiality all hearings are closed to those who do not have a role in the case.

Prior to the hearing both the complainant and respondent will provide a list of witnesses that they propose to present at the hearing. The complainant and respondent will have the opportunity to submit other evidence for the record prior to the hearing. A list of witnesses must be presented in writing to the Office of Student Conduct at least three (3) University days prior to the hearing.

Persons disruptive at any stage of a hearing may be removed at the discretion of the Sexual Misconduct Hearing Panel Chairperson.

All persons who appear at hearings of Sexual Misconduct are expected to provide truthful testimony.

F. Sexual Misconduct Hearing Procedures
The following procedures will be used in formal Sexual Misconduct Hearings.

1. Reading of Procedural Rights by the Sexual Misconduct Hearing Panel Chairperson.
2. Reading of the charge(s) by the Sexual Misconduct Hearing Panel Chairperson.
3. Entering of the plea of the respondent (responsible or not responsible).
4. The Sexual Misconduct Hearing Panel will review the written evidence and solicit verbal testimony that is adverse to the respondent from witnesses, the complainant, respondent and/or the Coordinator of Student Conduct or designee.
5. The Sexual Misconduct Hearing Panel will review the written evidence and solicit verbal testimony that supports the respondent from witnesses, the respondent, complainant and/or the Coordinator of Student Conduct or designee.
6. Questions may be directed to the witnesses, complainant and respondent by members of the Sexual Misconduct Hearing Panel. When recognized by the Sexual Misconduct Hearing Panel Chairperson, the respondent, complainant, witnesses and/or the Coordinator of Student Conduct or designee may raise questions and comment on the evidence and relevant rules. If the complainant or respondent wishes to ask another party a question(s), the question(s) must be submitted to the Sexual Misconduct Hearing Panel, which will screen the question(s) for appropriateness and, if appropriate, pose the question(s) to the
relevant party. This phase of the hearing is designed to be a conversation, controlled by
the Sexual Misconduct Hearing Panel, between the participants to allow rebuttals, and to
reveal all relevant facts and points of view.

7. Closing statements are presented by the side of the complainant.
8. Closing statements are presented by the side of the respondent.
9. The Sexual Misconduct Hearing Panel Chairperson dismisses all participants. The Panel will
notify the complainant and respondent that they will be informed of the outcome by the
Coordinator of Student Conduct as soon as possible after the Panel reaches its decision.
The Coordinator of Student Conduct or designee may wait outside the hearing room to learn
the Panel’s decision immediately after it is made.

10. The Sexual Misconduct Hearing Panel recesses to determine whether the respondent is
responsible for violating the University rule(s) with which he/she/it is charged. The Panel
proceeds by, first, determining the facts that are true, and then what, if any, sections of the
Code of Conduct have been violated, based on the preponderance of evidence standard. If
the Sexual Misconduct Hearing Panel decides that the respondent is responsible for a rule
violation(s), it will determine the sanction to be imposed within the guidelines of sanctions
for the Sexual Misconduct Policy (see section IX).

11. The Sexual Misconduct Hearing Panel Chairperson, or designee, contacts the Coordinator of
Student Conduct following the Panel’s deliberation. It also prepares a written statement
containing the Panel’s decision and rationale for it. Specifically, it includes:
   a. The facts found to be true
   b. The section(s) of the Sexual Misconduct Policy and/or Code of Conduct found to be
      violated (if any)
   c. The rationale for its decision.
   d. The sanction(s) to be imposed (if relevant)

G. If a student is found responsible for violating the Sexual Misconduct Policy and he or she
appeals, the Coordinator of Student Conduct, in consultation with the Dean of Students, may
impose sanctions on an interim basis prior to completion of the appellate process if it is
determined that the student presents a danger to the community or other individuals.
Otherwise, sanctions will not be imposed until the appellate process is complete.

H. The Appeal
   1. Both the respondent and complainant have the right to appeal. The written appeal must
      state the specific grounds for the appeal.
   2. Appeals are limited to:
      a. A review of the procedures;
      b. Appropriateness of the sanction; and
      c. Submission of new evidence.
   3. Appeals must be submitted in writing to the Coordinator of Student Conduct at the Office of
      Student Conduct. The written appeal must be received by the Coordinator of Student
      Conduct within seven (7) University Days from the date of the outcome letter for the
      hearing.
   4. Upon receipt of the written appeal the Office of Student Conduct notifies members of the
      Sexual Misconduct Appeals Panel. The Panel must hear any appeal by a student who has
      been suspended or expelled from the University. Appeals of cases involving lesser sanctions
      are heard at the discretion of the Appeals Panel. For discretionary appeals, the Panel will
      accept a case if it believes that the appellant has a reasonable probability of prevailing in an
      appellate hearing. A majority of the members of the Panel must agree to hear a case for
      the appeal to be heard in cases that do not involve suspension or expulsion.
5. The Coordinator of Student Conduct arranges a hearing for cases that have been accepted for an appeal hearing. The appellant, appellee, witnesses, members of the Sexual Misconduct Appeals Panel, the members of the original Sexual Misconduct Hearing Panel that heard the case, and/or other relevant parties will be contacted to establish a time, date, and place for the appeal hearing. The notice to the appellant and appellee will include the names of members of the University Appeals Panel.

6. Sexual Misconduct Appeal Hearing Procedures
   I. The following procedures will be used in Sexual Misconduct Appeal Hearings
      1. The Sexual Misconduct Appeals Panel Chairperson reads the appeal.
      2. The appellant presents his/her appeal.
      3. If the grounds for appeal are “new evidence” the Sexual Misconduct Hearing Panel, through one or more of its members, through written or oral statements, may offer testimony about the evidence that was presented to the Panel during the original hearing and the basis of the Panel’s decision, in that case.

      If the grounds for appeal are the “sanction” the Sexual Misconduct Hearing Panel, through one or more of its members, through written or oral statements, may offer testimony about the evidence that was presented to the Panel during the original hearing and the basis of the Panel’s decision, in that case.

      If the grounds for appeal are “procedural error,” the party that is alleged to have committed the error(s) (e.g., members of the Sexual Misconduct Hearing Panel, Coordinator of Student Conduct, Public Safety Officials), through written or oral statements, may offer testimony about the alleged procedural error(s).

      4. Questions may be asked of all parties by Sexual Misconduct Appeals Panel members. When recognized by the Sexual Misconduct Appeals Panel Chairperson, the appellant, appellee, witnesses, Sexual Misconduct Hearing Panel members, the Coordinator of Student Conduct or designee and/or others whose decisions might be at issue in the appeal may raise questions about or comment on the evidence and relevant rules. If the appellant or appellee wish to ask another party a question(s) the question(s) must be submitted to the Sexual Misconduct Appeals Panel, which will screen the question(s) for appropriateness and, if appropriate, pose the question(s) to the relevant party. This phase of the hearing is designed to be a conversation, controlled by the Sexual Misconduct Appeals Panel, between the eligible participants to allow rebuttals, and to reveal all relevant facts and points of view.

      5. Closing statement by the side of the appellant.

      6. Closing statement by the side of the appellee.

      7. The Sexual Misconduct Appeals Panel Chairperson dismisses all participants. The Sexual Misconduct Appeals Panel will notify the appellant and appellee that they will be informed of the outcome by the Coordinator of Student Conduct as soon as possible after the Panel reaches its decision. The Coordinator of Student Conduct or designee may wait outside the hearing room to learn the Panel’s decision immediately after it is made.

      8. The Sexual Misconduct Appeals Panel recesses to determine the outcome. Based on the preponderance of evidence standard, and by majority vote, the Panel decides whether to affirm or reverse the decision(s) that is being appealed.

         a. When considering (a) claims of procedural error, if the Sexual Misconduct Appeals Panel determines that a procedural error occurred, it must decide whether the error was sufficiently severe such that the finding of the Sexual Misconduct Hearing Panel should be reversed or whether the error was harmless to the appellant’s original case;
b. when considering (b) claims about the appropriateness of the sanction, the Panel has the authority to modify a sanction that was imposed at the original conduct hearing; and

c. when considering (c) claims of new evidence, the Panel may reverse the decision of the Sexual Misconduct Hearing Panel if it determines that new evidence, when added to the existing record, establishes a preponderance of evidence that the decision by the Sexual Misconduct Hearing Panel should be reversed.

9. The Sexual Misconduct Appeals Panel Chairperson or designee, contacts the Coordinator of Student Contact following the Panel’s deliberation. It also prepares a written statement containing the Panel’s decision and rationale for it. Specifically, it includes:
   a. The facts found to be true
   b. The section(s) of the Sexual Misconduct Policy and/or Code of Conduct found to be violated (if any)
   c. The rationale for its decision
   d. The sanction(s) to be imposed (if relevant)

The statement is forwarded to the Office of Student Conduct, which informs the appellant and appellee simultaneously in writing.

10. The decisions of the Sexual Misconduct Appeals Panel are final

IX. Remedies and Sanctions
   A. In cases in which a student is found responsible for sexual misconduct, the University will put a stop to it, address its effects, provide relief to the complainant, redress wrongs created by the sexual misconduct, prevent its recurrence, protect the safety of the University community and eliminate any hostile environment that the sexual misconduct creates. These measures include working to separate the student found responsible for sexual misconduct from the complainant in their learning, living and working environments. The burden of any changes in these environments will be on the person who is responsible for sexual misconduct. The University may also address the matter through one or more campus-wide programs, or programs targeted at a more defined population, to raise awareness of and prevent sexual misconduct.

   B. Sanctions for Sexual Assault

   The presumptive sanction for any student found to be in violation of Sexual Assault is expulsion. A less severe sanction is permitted only upon the finding of at least one mitigating circumstance (e.g., if a perpetrator commits Sexual Assault by an act of penetration without consent, but mistakenly believes that consent was granted, and withdraws immediately at the protest of the victim). Lack of charges or an acquittal of charges of Sexual Assault in a criminal court does not mean that sanctions imposed by the University in an on-campus hearing cannot be imposed.

   C. Sanctions for Dating Violence, Domestic Violence, Stalking, Sexual Contact and Sexual Exploitation:

   If a person is found responsible for any of these violations, the sanction(s) will range from a minimum of disciplinary probation to expulsion. Sanctions may be imposed as deemed appropriate by the Sexual Misconduct Hearing Panel, subject to revision by the Sexual Misconduct Appeals Panel. In addition to probation and expulsion examples include, but are not limited to, suspension, fines, community service and mandatory psychological assessment. Multiple offenses of Sexual Misconduct may result in expulsion or suspension even if, taken individually, they would not result in removal from the University. You may also reference the “Code of Conduct: The Student Conduct System: Sanctions’ for more details on the range of
sanctions that might be imposed http://studentaffairs.owu.edu/pdfs/StudentHandbook.pdf.

Students found responsible for committing sexual misconduct but are not removed from campus will be subject to certain class scheduling, housing (consistent with Residential Life Policy), transportation, and employment arrangements so that the offender and complainant avoid, to the greatest extent possible, contact, unless the complainant agrees otherwise.

X. Procedural Rights for Students in Sexual Misconduct Cases
The following procedural rights are established for students who are accused of Sexual Misconduct and those who accuse them:

A. Students who are alleged to have violated the Student Sexual Misconduct Policy have the right to a hearing.

B. The respondent and complainant have the right to be informed in writing of the charge(s), the complainant(s), the date(s) of the alleged violation(s), the section(s) of the Code of Conduct that is alleged to have been violated, the range of sanctions that may be imposed, the date, time, place of the conduct hearing, and the right of appeal.

C. The respondent and complainant have the right to review any written documents relevant to their case prior to a hearing.

D. The respondent and complainant have the right to meet with the Coordinator of Student Conduct at a specified time and place for an informational pre-hearing meeting about the Sexual Misconduct Policy and the Student Conduct System.

E. The respondent and complainant have the right to challenge any Sexual Misconduct Hearing Panel Member or Sexual Misconduct Appeals Panel Member that he/she feels is unable to objectively hear the case. Any challenge must be presented in writing to the Office of Student Conduct at least three (3) University days prior to the hearing.

F. The respondent has the right to be presumed not responsible until proven responsible for violating University policies.

G. The respondent has the right to a decision based on the preponderance of the evidence. More precisely, there must be a preponderance of evidence to find a respondent responsible. When there is no preponderance of evidence or if the preponderance of evidence supports the respondent, the respondent is not responsible for the violation.

H. The respondent and complainant have the right to testify and to present evidence and witnesses. A list of witnesses must be presented in writing to the Office of Student Conduct at least three (3) University days prior to the hearing.

I. At each stage of the conduct process, including pre-hearing meetings, hearings for formal and informal resolution, and any appeals that might be filed, the respondent and complainant have the right to be accompanied by an Advisor.

   • In sexual misconduct cases involving sexual assault, sexual contact, dating violence, domestic violence, and stalking, complainants and respondents have the right to be accompanied by a Title IX Advisor, who is an advisor of their choice.
   • In sexual misconduct cases that involve sexual exploitation, complainants and respondents have the right to a University Advisor. University Advisors must be members of the University community, excluding Trustees of OWU, Sexual Misconduct Panel Pool members, or a parent/guardian of anyone involved in the case. Persons who serve as University Advisors may not be licensed attorneys or have received training to be attorneys.
   • See III. D. 4 and 5 for a more detailed discussion of Title IX and University Advisors

J. The respondent and complainant have the right not to appear at a scheduled hearing. The hearing will proceed as scheduled if either or both exercises the right. If the respondent does
not appear at the hearing it will not be presumed that he/she violated the rule(s) for which he/she is accused. If the complainant does not appear it will not be presumed that the alleged violation did not occur.

K. The respondent and complainant have the right to refuse to answer questions.

L. The respondent and complainant have the right to appeal an unfavorable decision.

M. The respondent and complainant have the right to request that the Coordinator of Student Conduct reschedule a hearing. Requests must be made in writing at least 48 hours before the scheduled hearing. The Coordinator will determine whether to grant the request.

N. If a case involves allegations of racial or sexual discrimination, the University Council on Equity and Diversity may submit written statements or documents to the Coordinator of Student Conduct prior to the hearing for consideration in the case.

O. Proceedings in cases of alleged sexual misconduct will be conducted by officials who receive annual training in issues related to sexual misconduct, procedures, and decision-making. The University is committed to providing a prompt and fair investigation and resolution of cases of sexual misconduct that protect the rights of the respondent and complainant, and the interests of the University community.

Crime Statistics

The Department of Public Safety under the direction of the Chief or his/her designee gathers and compiles Ohio Wesleyan Public Safety crime statistics. In addition to crimes reported to Public Safety, the Chief also solicits information from other campus offices. Crime statistics in this report from off-campus venues and adjacent streets were compiled in collaboration with the Delaware Police Department.

These crime statistics are substantiated by the Department of Public Safety in collaboration with the Vice President of Student Affairs and the Delaware Police Department. Double counting of these crimes is avoided by an oversight process conducted by the Public Safety Director.

It should be noted that the Campus Security Act was amended in 1998. Any marked increase across years or in the revised statistics from previous years can be accounted for by the fact that geographic boundaries for reporting were greatly expanded in 1998, and reporting of drug, alcohol, and weapons violations was broadened to include not only arrests but also disciplinary actions.

Crime Definitions

Criminal homicide. These offenses are separated into two categories:

Murder and Non-negligent Manslaughter, and Negligent Manslaughter.

Murder and Non-negligent Manslaughter is defined as the willful (non-negligent) killing of one
human being by another. human being by another.

Negligent Manslaughter is defined as the killing of another person through gross negligence.

Sex offenses. Sex offenses are separated into two categories: forcible and non-forcible. Include attempted sex offenses, but do not include in your Clery statistical disclosures any sex offenses other than the four types of Forcible Sex Offenses and the two types of Non-forcible Sex Offenses described in this chapter.

Sex Offenses—Forcible is defined as any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent.

There are four types of Forcible Sex Offenses:

Forcible Rape is the carnal knowledge of a person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape of both males and female.

Forcible Sodomy is oral or anal sexual intercourse with another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sexual Assault With an Object is the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. An object or instrument is anything used by the offender other than the offender’s genitalia. Examples are a finger, bottle, handgun, stick, etc.

Forcible Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will; or, not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Sex Offenses—Non-forcible is defined as unlawful, non-forcible sexual intercourse.

Incest is non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape is non-forcible sexual intercourse with a person who is under the statutory age of consent.
Robbery. Robbery is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault. Aggravated assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary. Burglary is the unlawful entry of a structure to commit a felony or a theft.

Vehicle Theft The taking of a vehicle (as defined) without the consent of the owner with the intent either to permanently or temporarily deprive the owner of title or possession of the vehicle.

Arson The willful and malicious setting of a fire to burn, or one who burns or causes to be burned or who aids, counsels, or procures the burning of any structure, forest land, or property.

Narcotics/Drug Offenses
The unlawful possession, sale, use, transportation, cultivation, manufacturing, or maintaining an unlawful place. (Does not include driving while under the influence, and/or being under the influence of narcotic/illegal drugs.)

Alcohol Offenses
The unlawful possession, sale, transportation, manufacturing, furnishing alcohol to a minor (under 21 years), and maintaining an unlawful drinking place. (Does not include public drunkenness or driving while under the influence.)

Weapon Offenses
With certain exceptions, the possession or control of any firearm, deadly weapon, illegal knife, or explosive device while on this property. Our residential policy prohibits the possession or control of any fireworks, Pellet or BB guns, switch-blade knives, nun chucks, billy clubs, or any other deadly weapons.
Hate Crimes

A criminal act motivated by bias against any person or group of persons, or the property of any person or group of persons, because of the ethnicity, race, national origin, religion, gender, sexual orientation, or disability of the person or group, or bias based upon the perception that the person or group has one or more of those characteristics.

- **Race.** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).
- **Gender.** A preformed negative opinion or attitude toward a group of persons because those persons are male or female.
- **Religion.** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).
- **Sexual orientation.** A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).
- **Ethnicity/national origin.** A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).
- **Disability.** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Larceny-Theft is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Larceny and theft mean the same thing in the UCR.) **Constructive possession** is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.
Simple Assault is an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property is to willfully or maliciously destroy damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

VAWA Crimes

Domestic Violence

No person shall knowingly cause or attempt to cause physical harm to a family or household member. No person shall recklessly cause serious physical harm to a family or household member. 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.

Dating Violence

Dating Violence means “violence committed by a person who is or has been in a social relationship of an intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors: The length of the relationship, the type of relationship, the frequency of interaction between the persons involved in the relationship.

No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or cause mental distress to the other person. In addition to any other basis for the others person’s belief that the offender will cause physical harm to the other person or the other person’s mental distress, the other person’s belief or mental distress may be based on words or conduct of the offender that are directed at or identify a corporation, association, or other organization that employs the other person or to which the other person belongs. No person, through the use of any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program or computer system, shall post a message with purpose to urge or incite another to commit a violation.

Stalking

No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or cause mental distress to the other person. No person, through the use of any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, or computer system, shall post a message with purpose to urge or incite another to commit a violation of division. No person, with a sexual motivation shall violate division.
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An internal audit for the 2012 report indicated that on campus "drug arrests" should have been reported as 25 not 17. The Drug arrests "other" category should have been reported as 4 not 3.

On campus "alcohol judicial referrals" should have been reported as 95 not 81.

The numbers for 2012 have been changed on this report to reflect the corrections.