

## University of Northwestern Ohio Title IX and Sexual Misconduct Policy

### **I. Introduction**

Members of the University of Northwestern Ohio (“UNOH” or “the University”) community, guests, and visitors have the right to be free from sexual discrimination (including sexual harassment and sexual violence) (all of which fall within the definition of “sexual misconduct,” as set forth herein) and retaliation. All members of the UNOH community are expected to conduct themselves in a manner that does not infringe upon the rights of others. University students and their organizations are expected to participate in an environment that respects differences of gender, sex, sexual orientation, gender identity, results of genetic testing, race, color, marital status, ethnicity, religion, creed, ancestry, national origin, disability, age, veteran status, service in the military, and any other characteristic protected by applicable federal, state, or local laws. This Title IX and Sexual Misconduct Policy (“Policy”) reaffirms this expectation and provides recourse to individuals whose rights may have been violated.

Title IX of the Education Amendments of 1972 protects students, employees, applicants for admission and employment, and other persons from all forms of sex discrimination, including discrimination based upon gender identity or failure to conform to stereotypical notions of masculinity or femininity. As set forth in more detail herein, all students and other persons at recipient institutions, including UNOH, are protected by Title IX in all aspects of a recipient institution’s educational programs and activities, whether such discrimination occurs on or off UNOH’s campus.

UNOH maintains a policy of zero tolerance for sexual misconduct regardless of the gender, sex, sexual orientation, gender identity, results of genetic testing, race, color, marital status, ethnicity, religion, creed, ancestry, national origin, disability, age, veteran status, service in the military, or other characteristic protected by applicable federal, state, or local laws, of the individuals engaging in sexual activity or other conduct addressed in this Policy. Zero tolerance means the University will respond to all unwelcome conduct of a sexual nature and will impose serious sanctions on anyone who violates this Policy. The University’s response is intended to end harassing or discriminatory conduct, prevent its recurrence, and remedy the effects on the complainant and the community to the extent possible.

This Policy prohibits sexual misconduct and other non-consensual activity regardless whether the person accused of engaging in such misconduct is a student, member of the University faculty or staff, or a campus visitor or other third party. This Policy has a dual purpose: (1) it serves as a measure to determine, after-the-fact, whether the conduct in question contradicted the University’s values; and (2) it serves as a preventative guide to advise students and others inside and outside the University community of the University’s expectations for sexual communication and interaction, responsibility, and respect.

This Policy is intended to supplement the University of Northwestern Ohio’s *Student Code of Conduct* to the extent it may conflict with this Policy. Otherwise, this Policy is intended to supplement the provisions contained in the *Student Code of Conduct*, and applies in addition to the

policies set forth therein. Every University student is encouraged to read and be familiar with the *Student Code of Conduct* and this Policy.

**Name of Policy:** University of Northwestern Ohio Title IX and Sexual Misconduct Policy

**Policy Number:** \_\_\_\_\_

**Approving Officer:** \_\_\_\_\_

**Responsible Agents:** Danielle McClure, MRC, PC, Title IX Coordinator for Students  
Geri Morris, Title IX Coordinator for Employees

**Revision Date:** \_\_\_\_\_ (Major Revision of Existing Policy)

**Original Effective Date:** \_\_\_\_\_

## **II. Immediate Assistance and Options for Reporting**

UNOH is committed to providing an environment for work and education that is free from sexual misconduct and retaliation. UNOH encourages any individual who experiences any form of sexual misconduct or retaliation while participating in a program or activity affiliated in any way with the University, while residing on or visiting the University's campus, in the course of employment with the University, while enrolled as a student at UNOH, or in any other way arising from contact or involvement with the University, whether or not the sexual misconduct or retaliation occurred on University property, to use one or more of the following options:

### **A. Seek Medical Assistance**

Contact any of the following:

- St. Rita's Family Medicine at UNOH, 3224 Jarvis Dr., Lima, OH 45807; (419) 996-5757
- St. Rita's Westside Urgent Care; 2195 Allentown Road, Lima, OH 45805; (419) 227-2245
- St. Rita's Medical Center; 730 W. Market St., Lima, OH 45801; (419) 227-2245 (Sexual Assault Nurse (SANE) available)

### **B. Assistance from Law Enforcement**

In case of an emergency, individuals should dial 9-1-1.

Make a report to the UNOH Safety Services Office at (419) 998-3167.

\*\* Reports may, and are encouraged to, be made both to law enforcement and UNOH.

NON-EMERGENCY CONTACT INFORMATION FOR OTHER LOCAL POLICE AGENCIES INCLUDES:

- Lima Police Department -- (419) 227-4444
- American Township Police Department -- (419) 331-6788
- Allen County Sheriff's Department -- (419) 227-3535
- Lima Fire Department -- (419) 221-5164
- American Township Fire Department -- (419) 339-3921

**C. UNOH Counseling Center (Confidential)**

UNOH's Counseling Center provides professional counseling services for all UNOH students. As part of the larger University community, the Counseling Center is dedicated to the personal, social, and academic development of all UNOH students. It provides counseling services within a safe, supportive, and confidential environment. Counselors are available Monday through Friday from 9:00 a.m. to 5:00 p.m., as well as after hours for emergency situations.

University of Northwestern Ohio Counseling Center  
13000 Student Commons Building  
Jaclyn Jarvis, Psy.D., Director of Counseling Center  
(419) 998-8456  
[jjarvis2@unoh.edu](mailto:jjarvis2@unoh.edu)  
<http://www.unoh.edu/offices/counseling/>

**D. Report to the University**

**Title IX Coordinator for Students**

Danielle McClure, MRC, PC  
(419) 998-3157  
[dmcclure@unoh.edu](mailto:dmcclure@unoh.edu)  
Office is located on the first floor of the 13000 building

**Title IX Coordinator for Employees**

Geri Morris  
(419) 998-3106  
[geri@unoh.edu](mailto:geri@unoh.edu)  
Office is located on the first floor of the 1000 building

**E. Additional On Campus Resources**

A listing of additional on campus resources at UNOH is included in Appendix A to this Policy and incorporated herein.

**F. Off-Campus Resources****Campus Sexual Assault Victim Advocate (Confidential)**

Nicole Fairburn, Campus  
Crime Victim Services  
Phone: (419) 222-8666  
Direct Line (567)-940-8272

A listing of some of the available off-campus resources in the Lima area is included in Appendix A to this Policy and incorporated herein.

**III. Policy Statement****A. Title IX Notice of Non-Discrimination**

UNOH is committed to providing an education and work environment that is safe and free from discrimination based upon sex, sexual misconduct, and retaliation. This Policy is consistent with Title IX of the Education Amendments of 1972 (“Title IX”), Title VII of the Civil Rights Act of 1964 (“Title VII”), and relevant Ohio state laws. Title IX is a federal law prohibiting discrimination on the basis of sex.

To ensure that UNOH has an opportunity to appropriately address sexual misconduct and retaliation, the University encourages individuals to report any form of sexual misconduct or retaliation experienced or witnessed while participating in a program or activity affiliated in any way with the University, while residing on or visiting the University’s campus, in the course of employment with the University, while enrolled as a student at UNOH, or in any other way arising from contact or involvement with the University, whether or not the sexual misconduct or retaliation occurred on University property.

Such reports may be made online on the UNOH website at: <https://www.unoh.edu/title-ix/submit-a-report.shtml>, or to any of the individuals listed below. Individuals also may submit a report by completing the form at <https://www.unoh.edu/files/title-ix/titleix.pdf> and either emailing it to [titleix@unoh.edu](mailto:titleix@unoh.edu) or mailing it to Title IX Coordinator, UNOH, 1441 N. Cable Road; Lima, OH 45805.

UNOH has designated the following individuals to handle reports and inquiries related to Title IX:

**Title IX Coordinator for Students**

Danielle McClure, MRC, PC  
(419) 998-3157

[dmcclure@unoh.edu](mailto:dmcclure@unoh.edu)

Office is located on the first floor of the 13000 building

**Title IX Coordinator for Employees**

Geri Morris  
(419) 998-3106

[geri@unoh.edu](mailto:geri@unoh.edu)

Office is located on the first floor of the 1000 building

The University's Title IX Coordinators' duties include investigating allegations of sexual misconduct and retaliation; providing resources and information to the University's students, employees, and staff; and helping individuals who may need additional assistance after reporting sexual misconduct or retaliation.

Individuals also may direct inquiries regarding sexual discrimination to:

Office for Civil Rights  
U.S. Department of Education  
1350 Euclid Avenue  
Suite 325  
Cleveland, OH 44115  
Telephone: (216) 522-4970  
Facsimile: (216) 522-2573  
Email: [OCR.Cleveland@ed.gov](mailto:OCR.Cleveland@ed.gov)

**B. Anti-Discrimination/Harassment Statement**

UNOH is committed to preventing and responding to reports of unlawful discrimination and harassment and to providing students and employees with a safe campus. Upon notice of potential sexual misconduct or retaliation, UNOH will take appropriate and timely steps to investigate, eliminate any hostile environment in existence, and prevent the recurrence of such hostile environment.

UNOH is committed to using a fair and impartial process that is mindful of the rights of individuals who have been accused of sexual misconduct or retaliation and individuals who have complained of sexual misconduct or retaliation or may be victims thereof. UNOH recognizes that steps may be necessary to ensure equal treatment of these individuals and that interim or protective measures may be needed.

UNOH further recognizes that an individual's involvement in a complaint for sexual misconduct or retaliation in any capacity may be stressful, difficult, and emotional. At all times from the filing of a report or complaint through the adjudication and resolution of the complaint and the appeals process, UNOH will make every effort to treat the complainant, respondent, witnesses, and any other involved individuals with respect, dignity, and sensitivity.

If the University discovers that sexual misconduct or retaliation has occurred in violation of this Policy, it will impose disciplinary sanctions and provide the complainant and the campus community with appropriate remedies.

**C. Jurisdiction**

This Policy applies to any person participating in a program or activity affiliated in any way with the University, residing on or visiting the University's campus, in the course of employment with the University, enrolled as a student at UNOH, or involved in or subject to sexual misconduct or retaliation in any other way arising from contact or involvement with the University, whether or not sexual misconduct or retaliation occurred on University property and regardless of such individual's gender, sex, sexual orientation, gender identity, results of genetic testing, race, color, marital status, ethnicity, religion, creed, ancestry, national origin, disability, age, veteran status, service in the military, or other characteristic protected by applicable federal, state, or local laws. This Policy further applies to all acts of sexual misconduct or retaliation, including those involving non-students or non-employees, which occur on UNOH's campus or at any location on or off-campus involving a UNOH-sponsored event or activity. An off-campus incident of sexual misconduct or retaliation between two or more UNOH students and/or employees will be addressed in the same manner as if the incident occurred on campus.

There may be circumstances when the jurisdiction of this Policy limits the scope of or prevents investigation into alleged conduct of a community member, campus visitor, or other third party. Similarly, the full spectrum of sanctions, accommodations, remedies, and resources may be limited in a situation involving a community member, campus visitor, or third party who falls outside this Policy's jurisdiction. In such situations, UNOH typically will not conduct an investigation, but may address the situation and provide appropriate resources to the individuals involved and, if appropriate, to the UNOH campus.

#### **D. Retaliation**

UNOH will not tolerate unlawful retaliation, including retaliatory harassment, upon its students or employees participating in a program or activity affiliated in any way with the University, residing on or visiting the University's campus, in the course of employment with the University, enrolled as a student at UNOH, or in any other way arising from contact or involvement with the University, whether or not sexual misconduct or retaliation occurred on University property. UNOH not only will take steps to prevent unlawful retaliation, but also will take strong responsive action if it occurs.

Unlawful retaliation includes, but is not limited to, harassing, intimidating, coercing, or other retaliation against an individual because he or she engaged in one or more activities protected under Title IX, including:

- (1) Reporting sexual misconduct;
- (2) Filing a complaint for sexual misconduct;
- (3) Assisting someone in reporting sexual misconduct or filing a complaint;
- (4) Participating in any way in an investigation of sexual misconduct (*e.g.*, as a witness);
- (5) Protesting any form of sex discrimination (*e.g.*, lack of equity in athletics).

A student who engages in harassment, intimidation, coercion, or other retaliation or misconduct directed at a complainant or witness arising out of the complainant or witness's filing of a complaint or participation in the complaint resolution process under this Policy will be subject to disciplinary action under the *Student Code of Conduct*.

An employee who engages in harassment, intimidation, or other retaliation or misconduct directed at a complainant or witness arising out of the complainant or witness's filing of a complaint or participation in the complaint resolution process under this Policy will be subject to disciplinary action under the personnel policy, other applicable policy, or federal or Ohio state law.

#### **IV. Purpose**

Through this Policy, UNOH seeks to comply with and acknowledge its duties under state and federal law to provide a thorough framework for accepting, processing, investigating, addressing, and resolving complaints involving sexual misconduct and retaliation. UNOH further provides this Policy to inform the UNOH community, including students and employees, as to how to make a complaint, how to seek and receive support and assistance, and what to expect from UNOH's investigation process.

#### **V. Scope**

UNOH intends this Policy to supersede any other policies or portions of other policies that include definitions, provisions, or procedures that may conflict with this Policy.

This Policy applies to all students, student organizations, faculty, staff, and third parties (*e.g.*, visitors and vendors), regardless of gender, sex, sexual orientation, gender identity, results of genetic testing, race, color, marital status, ethnicity, religion, creed, ancestry, national origin, disability, age, veteran status, service in the military. This Policy covers sexual misconduct and retaliation occurring while an individual is participating in a program or activity affiliated in any way with the University, while an individual is residing on or visiting the University's campus, in the course of employment with the University, while enrolled as a student at UNOH, or in any other way arising from contact or involvement with the University, whether or not the sexual misconduct or retaliation occurs on University property.

Any and all reports of sexual misconduct or retaliation in the course of a University program or activity, *i.e.*, reports of sexual misconduct or retaliation within any UNOH department or athletic program or college, whether or not such sexual misconduct or retaliation actually occurs on the UNOH campus, will be investigated as set forth in the Policy. The sexual misconduct and retaliation investigation processes outlined in this Policy shall supersede any such process set forth in any other policy, including but not limited to in any other UNOH policy.

UNOH is committed to upholding the requirements of the Constitution of the United States of America. This Policy should not be interpreted to impose discipline for speech protected under the First Amendment to the U.S. Constitution or to impinge on any other constitutional right or privilege, including those set forth in the First and Fifth Amendments to the U.S. Constitution.

#### **VI. Examples and Definitions**

*(See Appendices B and C for additional definitions and examples)*

**“Based on sex”** or **“On the basis of sex”** – Conduct including but not limited to that based on an individual’s gender, sex, gender identity, gender expression, sexual orientation, or results of genetic testing.

**“Complainant”** – An individual alleged to have experienced sexual misconduct or retaliation, as defined herein, whether or not such individual or any other person made a report of such sexual misconduct or retaliation

**“Consent”** – Consent must be freely given, informed, and mutual, and it may be withdrawn at any time. Consent requires mutual agreement and unambiguous communication regarding the sexual act taking place. An individual cannot provide consent if he or she is physically or mentally impaired or incapacitated such that the individual cannot understand the nature, extent, or fact of the sexual activity or situation. Such impairment or incapacitation includes, but is not limited to, impairment or incapacitation due to alcohol or drug consumption, age, or being unconscious or asleep. Likewise, an individual cannot provide consent if deception, threats, duress, intimidation, or force (express or implied) are used on the individual. The absence of resistance or silence does not necessarily indicate consent. Under this Policy, “no” always means “no,” but “yes” may not always mean “yes.” If an individual consents to some sexual acts, that does not imply consent to other acts. Further, prior consent to sexual acts does not imply ongoing or future consent with the same person or consent to the same sexual act with another person. If an individual takes advantage of a position of authority or influence over another individual, it may be a factor in evaluating consent.

**“Dating Violence”** – Violence perpetrated by an individual who is or was in a social relationship of an intimate or romantic nature with the complainant. To evaluate whether such a relationship exists or existed, the following factors should be considered: the length of the relationship, the frequency of interaction between the individuals involved in the relationship, and the type of relationship. Dating violence includes, but is not limited to, physical or sexual abuse or the threat of such abuse.

**“Days”** – For purposes of this Policy, “days” means calendar days.

**“Domestic Violence”** – Violence perpetrated by the victim’s current or former spouse; intimate partner; person with whom the victim shares a child in common; person cohabitating or formerly cohabitating with the victim as a spouse or intimate partner; or any other person against a youth or adult victim who is protected from such acts under Ohio’s family or domestic violence laws.

**“Employee”** – Faculty, staff, or other individuals hired by UNOH in an employment capacity to provide services to UNOH.

**“Incapacitation”** – Incapacitation occurs when an individual is unable to provide consent. For example, incapacitation may occur due to use of drugs or alcohol, when a person is unconscious or asleep, or when a mental or physical disability prevents an individual from having the capacity



to provide or deny consent. In considering whether an individual is incapacitated due to the consumption or use of drugs or alcohol, UNOH will evaluate the circumstances, including but not limited to the following factors: whether the available evidence demonstrates slurred speech, stumbling, vomiting, inability to walk, or periods of “blacking out.” The presence of only one of these factors may be enough to establish incapacitation, depending upon the circumstances, but the presence of one factor alone is not necessarily definitive evidence of incapacitation. Rather, whether an individual was incapacitated must be examined based upon a totality of the circumstances.

**“Respondent”** – The person alleged to have engaged in sexual misconduct or retaliation, as defined herein.

**“Retaliation”** – Retaliation is a form of discrimination, which occurs when a person has engaged in a protected activity (*e.g.*, participating in an investigation of sexual misconduct or filing a sexual misconduct complaint) and is subject to adverse action because of the person’s involvement in the protected activity.

Example #1: A student files a complaint for sexual misconduct against a professor. The professor lowers the student’s grade in response to the complaint.

Example #2: A student files a complaint for sexual misconduct against another student. The respondent’s friends make verbal threats against the complainant and follow him or her around campus due to the complaint.

**“Sexual Assault”** – Unwelcome physical conduct of a sexual nature. Sexual assault includes, but is not limited to, the following which occur in the absence of consent: unwanted touching; kissing; oral, vaginal, or anal sex; penetration, no matter how slight, of the vagina or anus with any body part or objection; and oral penetration of the vagina or anus by another person’s sex organ.

**“Sex Discrimination”** – Adverse or negative treatment based on gender, sex, gender identity, gender expression, sexual orientation, or results of genetic testing.

**“Sexual Harassment”** – Unwelcome conduct of a sexual nature, including unwelcome sexual advances; requests for sexual favors; and other verbal, non-verbal, or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment. When the facts show that there is an institutional difference in power between individuals involved in an allegation of sexual harassment, UNOH will use close scrutiny in evaluating a respondent’s defense that the encounter was consensual. There are two forms of sexual harassment:

**“Hostile Environment”** – Occurs when the conduct is sufficiently serious such that it interferes with or limits a student’s ability to benefit from or participate in UNOH programs or activities, or interferes with or limits an employee’s ability to perform his or her job. The more severe the conduct, the less necessary it is to demonstrate a repetitive series of

events to establish a hostile environment, particularly where the harassment in question is physical. A single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. For example, a single incident of rape is sufficiently severe to constitute and create a hostile environment.

**“Quid Pro Quo”** – Occurs when an individual’s participation in or receipt of a benefit from a UNOH program or activity is made contingent on the individual’s provision of sexual favors for or by a person with authority to make decisions about the individual’s participation or receipt of benefits, and when the individual’s rejection of a sexual advance or request for sexual favors results in the individual’s denial of participation in or receipt of a benefit from a UNOH program or activity.

Example #1: A professor repeatedly asks a student to engage in sexual activity with him or her and offers to improve the student’s grade if the student agrees.

Example #2: A student sexually assaults another student.

Example #3: A student living on campus makes comments based on sex to another student in class and threatens physical harm against that student in the residence hall.

**“Sexual Misconduct”** – Conduct including sex discrimination (including sexual harassment and sexual violence). Sexual misconduct further includes sexual assault, conduct exploiting another in a sexual or non-consensual way, voyeurism, stalking, non-consensual recording, domestic violence, dating violence, and indecent exposure. Sexual misconduct also includes harassment, discrimination, or violence based upon gender, sex, gender identity, gender expression, sexual orientation, or results of genetic testing. Sexual misconduct may occur while an individual is participating in a program or activity affiliated in any way with the University, while residing on or visiting the University’s campus, in the course of employment with the University, while enrolled as a student at UNOH, or in any other way arising from contact or involvement with the University, whether or not the sexual misconduct occurred on University property.

**“Sexual Violence”** – Physical sexual acts committed against an individual’s will or where the individual is incapable of providing consent (*e.g.* due to the individual’s age, use of drugs or alcohol, or a physical or mental disability that prevents the individual from providing or denying consent). Sexual violence also includes rape, sexual battery, sexual assault, sexual coercion, and sexual abuse.

**“Stalking”** – Engaging in a course of action directed against a particular individual that would (1) cause a reasonable person to fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress. Examples of stalking include, but are not limited to, monitoring, following, threatening, conducting surveillance, communicating to or about an individual, or interfering with an individual’s property that could cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

“**Student**” – Individuals currently enrolled in part- or full-time coursework with UNOH, otherwise defined as a “student” in this or other UNOH policies, and student employees.

## VII. **Making a Report**

### A. **How to File a Complaint**

1. **Deadline for Filing** –Complaints for sexual misconduct and/or retaliation must be filed within three hundred (300) days of the last instance of alleged discrimination. An individual seeking to file a complaint after this deadline expires may submit a written request for a waiver to the appropriate UNOH Title IX Coordinator, setting forth the reason(s) why the individual failed to file the complaint before the 300-day deadline expired. UNOH encourages individuals to timely report complaints. Delays in reporting may prevent UNOH from fully investigating the complaint, as witnesses may be unavailable or unable to recall details and evidence may be unavailable or destroyed.
2. **Where to File** – Individuals may make complaints by submitting the complaint form available on the UNOH website at: <https://www.unoh.edu/title-ix/submit-a-report.shtml>. The completed form may be emailed to [titleix@unoh.edu](mailto:titleix@unoh.edu) or mailed to Title IX Coordinator, UNOH; 1441 N. Cable Road; Lima, OH 45805.

Students are encouraged to report any suspected violations of this Policy to the Title IX Coordinator for Students, Danielle McClure, at (419) 998-3157, by email at [dmcclure@unoh.edu](mailto:dmcclure@unoh.edu), or in person at the first floor of the 13000 Building, and/or by calling the Office of Safety Services at (419) 998-3167.

Employees are encouraged to report any suspected violations of this Policy to the Title IX Coordinator for Employees, Geri Morris, at (419) 998-3106, by email at [geri@unoh.edu](mailto:geri@unoh.edu), or in person at the first floor of the 1000 Building, and/or by calling the Office of Safety Services at (419) 998-3167.

When making a complaint/report, individuals will be asked to provide details regarding the incident, the parties involved, and potential witnesses.

3. **Anonymous Complaints** – Although anonymous complaints are permitted, doing so may limit UNOH’s ability to investigate and respond to a complaint. Similarly, if a complainant requests that his or her name or identifying information be withheld from the respondent, doing so may limit UNOH’s ability to investigate and respond to the complaint.

### B. **Confidentiality**

UNOH understands and takes seriously the need for respecting the privacy of complainants, respondents, witnesses, and others in responding to complaints and reports of sexual misconduct or retaliation. UNOH operates in accordance with state and federal privacy laws and the Ohio Public Records Act and, to the extent possible, shares information only on a limited “need to know” basis.

Complainants sometimes may ask UNOH to handle their complaints confidentially. The University will take reasonable steps to respect such requests for confidentiality, but there may be some instances when the University cannot honor such a request. UNOH’s Title IX Coordinators review requests for confidentiality and evaluate factors including the number of complaints against the respondent, the seriousness of the alleged misconduct, the complainant’s age, whether the safety of others or the campus as a whole will be jeopardized, the respondent’s rights to receive information about the allegations under the Family Educational Rights and Privacy Act (“FERPA”), and UNOH’s duties under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”). UNOH will notify the individual requesting confidentiality of the determination in that regard as soon as possible. If UNOH cannot take disciplinary action against a respondent because the complainant insists on confidentiality, UNOH may pursue other steps to limit the effects of the alleged misconduct and prevent its recurrence.

UNOH is required to share information with the University’s Safety Services Office regarding certain conduct (*e.g.*, reports of stalking, dating violence, domestic violence, and sexual assault) unless such reports are exclusively made to confidential sources. To maintain a report’s confidentiality, complainants should use the UNOH Counseling Center, UNOH Student Assistance Program (“SAP”), or the off-campus counseling resources listed below. Appendix A contains contact information for some available confidential resources.

### **C. Student Amnesty**

UNOH encourages individuals to report sexual misconduct and retaliation and acknowledges that some individuals may be reluctant to make complaints or reports or to fully cooperate in an investigation. So long as a student’s conduct did not result in a threat to the safety or health of others, a student involved in the Title IX process as a complainant, respondent, or witness typically will not be subject to discipline as a result of his or her personal consumption or use of drugs or alcohol at the time the incident occurred. UNOH may determine that a complainant, respondent, or witness who has been involved in other *Student Code of Conduct* violations at the time the incident occurred should not be subject to discipline, at UNOH’s sole discretion, if the other violations are non-discriminatory and non-violent in nature. This amnesty does not extend, however, to other potential violations of the *Student Code of Conduct* that may have been committed, even if the individual was under the influence of drugs or alcohol when the alleged violations were committed.

Regardless of the aforementioned amnesty, UNOH may impose educational remedies related to a student's use or consumption of drugs or alcohol or involvement in non-discriminatory and non-violent *Student Code of Conduct* violations.

**D. Mandatory Reporting**

1. **Who Must Report** -- Responsible employees must immediately report to a UNOH Title IX Coordinator any incident of sexual misconduct of which they are aware that occurs during or is related to a program or activity affiliated in any way with the University, while an individual is residing on or visiting the University's campus, in the course of an individual's employment with the University, while an individual is enrolled as a student at UNOH, or in any other way arising from contact or involvement with the University, whether or not the sexual misconduct occurred on University property. Reports should be submitted within forty-eight (48) hours after the employee is notified of the alleged incident through the UNOH online reporting form at <https://www.unoh.edu/title-ix/submit-a-report.shtml>.

“Responsible employee” includes any employee with authority to act to redress sexual misconduct; who has a duty or authority to report to a UNOH Title IX Coordinator or other University representative incidents of sexual misconduct or other misconduct by students, employees, or others; or whom an employee or student reasonably could believe has such an authority or duty.

At UNOH, with the exception of certain employees at the UNOH Counseling Center and Student Assistance Program (“SAP”), ALL employees are responsible employees. This definition of “responsible employee” is consistent with certain Ohio state law requirements, including R.C. §2921.22, which, with some exceptions, states that “no person, knowing that a felony has been or is being committed, shall knowingly fail to report such information to law enforcement authorities.”

2. **What Must Be Reported** -- Responsible employees making a report of sexual misconduct must report to a UNOH Title IX Coordinator through the UNOH online reporting form at <https://www.unoh.edu/title-ix/submit-a-report.shtml>. The report should include the details of the incident within the responsible employee's knowledge, including any information regarding the identity of the complainant and respondent; the nature of the incident; the date, time, and place of the incident; and any other available facts concerning the incident. Responsible employees should not conduct

an independent investigation or inquiry into allegations or incidents of sexual misconduct.

**E. UNOH Safety Services and Local Law Enforcement**

- 1. Making Reports to Law Enforcement** -- UNOH is dedicated to working collaboratively with UNOH Safety Services and local law enforcement agencies. An individual who experiences or witnesses sexual misconduct or retaliation may make a report to UNOH Safety Services at (419) 998-3167; the Lima Police Department at (419) 227-4444; the Allen County Sheriff's Office at (419) 227-3535; or any other applicable local law enforcement agency. In an emergency, individuals should dial 9-1-1. Complainants may choose to make a report to UNOH Safety Services, a UNOH Title IX Coordinator, or local law enforcement, or any combination thereof.

Reports of sexual misconduct or retaliation made to UNOH Safety Services will be communicated to a UNOH Title IX Coordinator. The assigned Title IX Coordinator, in turn, will share information regarding sexual misconduct or retaliation cases with UNOH Safety Services to ensure that the University is in compliance with the Clery Act and to help ensure campus safety.

- 2. Coordinating with Local Law Enforcement** -- Where a complainant simultaneously makes a report to the University (through UNOH Safety Services or a UNOH Title IX Coordinator) and local law enforcement, UNOH will coordinate with law enforcement, as needed, to make sure law enforcement has a reasonable time to gather information and evidence. As part of such coordination, UNOH may place its investigation on hold during this reasonable time, and promptly resume its investigation after such reasonable time has passed. UNOH, at its discretion, may implement interim measures or other remedies to protect the involved complainant, respondent, witnesses, or other third parties during the time in which law enforcement is gathering information and evidence.
- 3. Protective Measure from Law Enforcement** -- In addition to the interim measures listed below, a complainant may be able to obtain protective measures from local courts, including but not limited to civil protection orders. UNOH is not involved in such proceedings, but has provided information about potentially available interim remedies below.
- 4. Considerations When Filing a Report with a Local Law Enforcement Agency** -- An individual who experiences sexual assault is strongly encouraged to seek immediate medical attention. Such individuals should

consider requesting a forensic examination from a Sexual Assault Nurse Examiner (“SANE”) at St. Rita’s Medical Center; 730 W. Market St.; Lima, OH 45801; (419)227-3361 or at another area hospital. An individual choosing to have a forensic examination should bring a change of clothing and avoid showering, eating, drinking, douching, changing clothes, or brushing teeth or hair before the examination, to assist in preserving evidence in the event of a criminal proceeding.

### **VIII. Interim Measures**

Interim measures are available to complainants reporting an alleged incident of sexual misconduct or retaliation. The assigned UNOH Title IX Coordinator will coordinate such interim measures, which may include, but are not limited to, changes to academic situations, changes to living situations, “no contact” directives, and counseling services.

For employees, interim measures additionally may include reassignment, modification to the manner or place of performing employment, leave, or other actions.

UNOH uses interim measures in a manner intended to minimize the burden on the complainant, but also, as appropriate, taking into consideration due process with regard to the respondent and others.

#### **A. No Contact Directives**

UNOH’s Title IX Coordinators and Director of Safety Services may issue a no contact directive prohibiting contact between students and/or employees when a reasonable concern exists that physical or psychological harm may result from such contact, including under circumstances including, but not limited to:

- (1) when there are allegations, threats, or evidence of physical violence by one student or employee against another;
- (2) when there are allegations, threats, or evidence of emotional abuse or harassment by one student or employee against another;
- (3) when there is a substantial risk of emotional or other harm from continued contact between students or employees;
- (4) when continued contact between students or employees may have a material impact on campus discretionary proceedings;
- (5) when requested or agreed to in good faith by the students or employees involved;  
and

(6) when there are allegations of serious college policy violations.

All no contact directives shall provide that the subject students or employees may not have contact with the other. “Contact” includes, but is not limited to, in-person contact, telephone calls, email, texts, and other forms of electronic communication, social media-based messages or postings, and third party communications including through proxies. Social media includes, but is not limited to, Facebook, Snap Chat, Twitter, and Instagram.

No contact directives may include additional protective measures or other terms specific to the safety, well-being, or other needs of any student or employee subject to the no contact directive, when deemed necessary by UNOH. Any additional terms shall be expressly stated in the no contact directive. Additional protective measures or other terms need not be reciprocal. They may include, but are not limited to, the following:

- (1) Restricting a student or employee from being in close proximity to the other student or employee;
- (2) Restricting a student or employee’s access to certain campus locations, including a residence hall;
- (3) Restricting the times a student or employee may be present in on-campus dining facilities and learning facilities;
- (4) Requiring that the student or employee not be enrolled in or teach the same academic course(s);
- (5) Requiring that the student or employee not be involved in the same co-curricular or extra-curricular activities; and
- (6) Requiring an offending student to move residence locations if both parties live in the same dorm locations.

UNOH will review all interim no contact directives at the conclusion of the investigation and adjudication/resolution to determine whether a no contact directive pursuant to this section should be converted to a No Contact Order (“NCO”) pursuant to the UNOH *Student Code of Conduct*. Each no contact directive will remain in effect unless the no contact directive expressly provides otherwise or is modified or rescinded by UNOH. A student or an employee seeking the modification or rescission of a no contact directive shall submit the request in writing to the individual who issued the directive. The written request should set forth the reason(s) the no contact directive should be modified or rescinded. The issuing individual shall consult with both parties before determining whether or not to modify or rescind the no contact directive. Violations of no contact directives are considered violations of this Policy and the *Student Code of Conduct*, and the violator is subject to



discipline and sanctions under this Policy and the *Student Code of Conduct*. Students who have interpersonal conflicts that do not raise concerns for individual health and safety will not be granted no contact directives. These individuals may seek assistance through the Student Assistance Program or the Counseling Center.

## **IX. Procedures for Complaint Investigation and Adjudication/Resolution**

UNOH email will be the primary method of communication throughout the investigation and adjudication/resolution process, and complainants and respondents are encouraged to check their UNOH email accounts regularly. UNOH will take action to appropriately address allegations of sexual misconduct or retaliation, including when a party does not respond to a communication from UNOH regarding the incident or the process. This may include proceeding with the disciplinary process if either or both parties do not respond within a reasonable period of time.

**A. Standard of Review** -- UNOH applies a preponderance of the evidence or “more likely than not” standard of review to its investigation and resolution of complaints of sexual misconduct and retaliation.

### **B. Title IX Coordinator’s Evaluation of Report and Response**

Within seven (7) days of receiving a report of alleged sexual misconduct or retaliation, the assigned UNOH Title IX Coordinator will decide how to respond to the report.

If a complainant requests that an investigation not go forward, and the Title IX Coordinator determines that the alleged actions do not put the campus at risk, then no further action will be taken.

If a complainant desires to proceed with an investigation, or if the assigned Title IX Coordinator decides any investigation is otherwise necessary, the Title IX Coordinator will request the student or other complainant to file a formal complaint. The Title IX Coordinator further will notify an appropriate Deputy Title IX Officer, a.k.a., UNOH Title IX investigator, and ask the investigator to complete an investigation. The Title IX investigators are as follows:

Dorothy Kiel, Director of Assessment & Institutional Effectiveness

Ginny Burkholder, Accounting Manager

Erin Fitzpatrick, Student Success Coach

### **C. Title IX Investigator’s Investigation**

Within seven (7) days of UNOH’s receipt of a report of alleged sexual misconduct or retaliation, the assigned investigator will contact the complainant and respondent to schedule interviews, which may occur in person or telephonically. Within the same

timeframe, the assigned investigator will provide the complainant and respondent with written information concerning the investigation process, interim measures, available resources, and how to raise and resolve issues regarding interim measures or conflicts of interest throughout the process.

The assigned investigator's investigation generally will be concluded within thirty (30) days after UNOH's receipt of a report of alleged sexual misconduct or retaliation. This period may be extended, however, if appropriate under the circumstances (*e.g.*, during school breaks). The assigned investigator or Title IX Coordinator will notify the parties of any delays and the reasons therefor. Within this 30-day period, the following generally must occur:

- (1) The assigned investigator, as appropriate, will interview witnesses and review available evidence;
- (2) During the investigation, the assigned investigator will provide the parties with updates at regular intervals regarding the status of the investigation;
- (3) Once the investigation is concluded, the assigned investigator will prepare a written and concise investigatory report, with recommended sanctions;
- (4) The assigned investigator's report and recommended sanctions will be shared with the assigned Title IX Coordinator and the Vice President for Academic Affairs/Provost; and
- (5) Subject to the confidentiality requirements of FERPA and the rules of the Clery Act, the complainant and respondent will be timely and simultaneously notified in writing of the outcome of the investigation, within five (5) days of the conclusion of the investigation.

If the assigned investigator determines that there is insufficient evidence to support a finding that the conduct in question was based on sex or sexual in nature, the report will contain that finding, and no appeal will be permitted.

If the assigned investigator determines that there is sufficient evidence to support a finding that the conduct in question was based on sex or sexual in nature, the report will contain that finding, with recommended sanctions, and the case will proceed to the adjudication/resolution phase.

#### **D. Adjudication/Resolution**

Absent extenuating circumstances, UNOH generally will conclude the resolution/adjudication process within sixty (60) days of receiving a complaint of sexual misconduct or retaliation. Once an investigation is concluded and the investigator has

completed a report finding that the conduct in question was based on sex or sexual in nature, with recommended sanctions, as set forth above, the following will occur:

**1. Where the Respondent Is a UNOH Student**

When the respondent is a student, and the respondent does not accept responsibility for the alleged violation at the conclusion of the investigation, the matter will proceed to UNOH's Title IX Hearing Board for adjudication. Every matter will be evaluated on a case-by-case basis.

In such cases, a written "Notification of Alleged Violation(s) and Pending Title IX Disciplinary Hearing" will be delivered in person, or sent to the student's local address of record by certified mail return receipt requested. The student shall have three (3) University working days from the receipt of the notification of the alleged violation(s) to request a hearing.

The following hearing procedures will apply:

- a. The Title IX Hearing Board will consist of three (3) members, plus one alternate. One of these three (3) members will be assigned as chairperson by the assigned Title IX Coordinator.
- b. At the student's request, the Title IX Hearing Board will provide the student with copies of documents relevant to the case, excluding any marked "Confidential."
- c. The assigned Title IX investigator will present the case for the University.
- d. Prospective witnesses, other than the complainant and the respondent, may be excluded from the hearing during the testimony of other witnesses. All participants shall be excluded from the Title IX Hearing Board's deliberations.
- e. The hearing will be held in two parts: (1) Determination of violation; and (2) Determination of sanction.
- f. The chairperson will exercise control over the proceedings. Any person disrupting a hearing or who fails to adhere to the rulings of the chairperson may be excluded from the proceedings.
- g. Before the hearing begins, any party may challenge in writing a Title IX Hearing Board member on the grounds of bias or a personal relationship that might affect impartial consideration of the case. If a party does not make such a challenge before the hearing begins,

the party waives the opportunity to do so, barring a substantial change in circumstances during the hearing as determined at the discretion of the assigned Title IX Coordinator.

- h. The Title IX Hearing Board shall determine what evidence is admissible. Evidence will be admissible if it relates to the guilt or innocence of a party or the severity of the sanction. Formal rules of evidence will not apply.
- i. The parties and witnesses may speak on their own behalves; however, they will not be forced to testify against themselves and their silence will not be used to their detriment.
- j. At the conclusion of the presentations, the Title IX Hearing Board will deliberate in closed session.
- k. The Title IX Hearing Board may hear evidence concerning the appropriate sanction if the student is found to have violated this Policy. The student's prior disciplinary record may be considered only in order to recommend an appropriate sanction. The Title IX Hearing Board may impose any appropriate sanction listed in UNOH's *Student Code of Conduct*, as determined by the Title IX Hearing Board.
- l. Decisions of the Title IX Hearing Board will be by majority vote. The chairperson will only vote in the case of a tie.
- m. After the hearing, the Title IX Hearing Board will give the final written decision to the assigned Title IX Coordinator or his/her designee to issue to the parties. A copy will be retained by the assigned Title IX Coordinator.

If the respondent chooses to accept responsibility for the alleged violation at the conclusion of the Title IX investigator's investigation and agrees to sign a statement admitting guilt to the offense, the parties will be offered the opportunity to resolve the complaint administratively. If both parties agree to do so, the case will be transferred to UNOH's Title IX Hearing Board for sanctioning. In this scenario, the parties will not testify before the Title IX Hearing Board, and the decision concerning sanctions will be based upon consideration of the investigatory report, the respondent's acceptance of responsibility, and additional relevant factors.

The sanctioning decision generally will be made within sixty (60) days after UNOH receives the complaint of sexual misconduct or retaliation. This period may be

extended, however, if appropriate under the circumstances (*e.g.*, during school breaks). The parties will be notified of any delays and the reasons therefor.

Information about the case, including the finding and any sanctions, will be shared with the respondent's College, department, and/or program to allow the College, department, and/or program to evaluate whether the finding and sanctions implicate any standards specific to the College, department, and/or program, and to make any necessary decisions regarding the respondent's fitness for such College, department, and/or program. This process will occur after UNOH's adjudication/resolution process set forth in this Policy and may not alter UNOH's findings or sanctions, but can only result in additional conclusions regarding whether the respondent should be further sanctioned based upon the applicable College, department, and/or program expectations. Although additional notice is not part of UNOH's formal Title IX process, the College, department, and/or program will provide the complainant and the respondent with notice that additional discipline for the respondent is under consideration; will permit the complainant and respondent to submit information; and will provide the complainant and respondent notice of the outcome of the College, department, and/or program's process.

## **2. Where the Respondent Is a UNOH Employee**

The disciplinary process for UNOH employees in the personnel policy or other applicable policy will be followed, subject to subsection (5) below.

## **3. Where the Respondent Is a Third Party**

Within fourteen (14) days after the investigation is concluded, the assigned Title IX Coordinator will analyze the investigatory report and decide the appropriate outcome. If the respondent is not a UNOH student or employee, the scope and variety of sanctions available to UNOH may be limited. UNOH may, however, impose sanctions including, but not limited to, restrictions on contact with the complainant and may provide the complainant with appropriate remedies, including, but not limited to, academic accommodations.

## **4. Where the Respondent Is an Employee and a Student**

The case will be treated first as an employment matter. The findings and outcome of that process will be submitted to the Title IX Hearing Board and used to decide what sanctions, if any, will be imposed under the *Student Code of Conduct*. The Title IX Hearing Board's process will related solely to sanctions. To avoid unduly burdening the complainant or the respondent, any information gathered by UNOH

during the investigation and discipline process for employment purposes will be used to the extent possible in the student process.

#### **5. Additional Requirements Concerning Employee Discipline**

The disciplinary policies or procedures generally applicable to UNOH employees set forth the procedures that UNOH will follow for disciplinary matters. However, all of the applicable Title IX requirements contained in this Section IX of this Policy will be followed for any disciplinary process arising from allegations of sexual misconduct or retaliation. UNOH will pursue employee discipline if the assigned Title IX Coordinator and the administrator with authority over the respondent determine that discipline is necessary. If UNOH decides not to move forward with disciplinary action, the assigned Title IX Coordinator will notify the complainant and the respondent of that decision in writing, as set forth above.

#### **E. Witnesses and Evidence**

The complainant and respondent will have an equal opportunity to present evidence and witnesses during the investigation and adjudication of complaints for sexual misconduct or retaliation. Generally, the complainant's sexual history with anyone but the respondent will not be considered.

#### **F. Participation of Advisors**

The complainant and respondent may each bring one advisor of his or her choice to meetings and hearings during this process. If either advisor is an attorney, the assigned Title IX Coordinator must be advised at least twenty-four (24) hours before the meeting or hearing that that attorney advisor will be present and the name of such attorney advisor. Advisors, including attorney advisors, may be present for meetings and hearings, but may not speak, interrupt, or participate in the process. If an advisor does not comply, he or she will be asked to leave. Advisors are expected to be available on the dates and times on which meetings and hearings are scheduled, and meetings and hearings will not be rescheduled to accommodate any party's advisor. Neither the parties nor their advisors may record, photograph, or make audio recordings of meetings, hearings, or other proceedings conducted under this Policy.

#### **G. Advisors within the UNOH Community**

UNOH has advisors for complainants and respondents available to assist during sexual misconduct or retaliation investigation. Complainants or respondents wishing to utilize an advisor should contact the assigned Title IX Coordinator.

#### **H. Conflicts of Interest and Fairness of Process**

This Policy contains procedures for the reliable, prompt, and impartial investigation and adjudication/resolution of sexual misconduct or retaliation complaints. The parties will receive timely and similar access to information throughout this process. Any concerns about conflicts of interest -- real or perceived -- regarding any person's participation in the process should be brought immediately to the attention of the assigned investigator or a UNOH Title IX Coordinator.

**I. Mediation**

UNOH will not use mediation in cases where sexual violence is alleged, or where the respondent is in a position of authority over the complainant. In such cases, the complainant will not be required to attempt to work out a dispute directly with a respondent, even if the complainant volunteers to do so.

**J. Recordkeeping**

UNOH maintains records related to sexual misconduct and retaliation investigations and proceedings pursuant to federal and Ohio state law requirements.

**K. Training**

On at least an annual basis, appropriate and applicable training will be provided to UNOH's Title IX Coordinators, investigators, and any administrators who have responsibilities pursuant to this Policy.

**X. Sanctions and Remedies**

The remedies and sanctions that may be available or imposed depend upon the nature of the relevant party's relationship to UNOH. A student found responsible for an incident of sexual misconduct or retaliation may be subject to discipline pursuant to the *Student Code of Conduct*, from probation with a written reprimand through expulsion, or federal or Ohio state law. An employee found responsible for an incident of sexual misconduct or retaliation may be subject to discipline as set forth in the personnel policy, other applicable policy, or federal or Ohio state law, from an oral or written reprimand through termination.

UNOH provides remedies, as appropriate, to individuals who have experienced sexual misconduct or retaliation and to the UNOH campus community. Such remedies may include changes to policies and procedures; changes to educational programming; counseling; providing an escort; academic support services; and modifications to work, educational, or living situations.

**XI. Appeal Process**

The complainant and respondent will both be provided equitable rights to appeal, consistent with applicable policies. The appeal must be in writing to the assigned Title IX Coordinator within three

(3) days of the date of the written notification of the outcome. The assigned Title IX Coordinator will determine whether the individual requesting the appeal has standing for appeal consideration.

**A. Appeals by Students**

The appeal must be submitted by the student (not a parent or guardian). The student's written statement must indicate the grounds for appeal. In his or her written statement, the student may also request a meeting with the Disciplinary Appeals Board.

The Disciplinary Appeals Board will *only* consider appeals under this Policy on the following grounds:

1. There is new information that was not considered by the Title IX Hearing Board.
2. There is evidence that the Title IX Hearing Board was influenced by undue bias in making its decision.
3. There is evidence that University procedures were not followed by the Title IX Coordinator, investigator, or other University authority in the enforcement of this Policy or the Student Code of Conduct.
4. There is evidence that the Title IX Hearing Board did not follow University policy.
5. There is reason to believe the sanction is excessive relative to the violation.

At the time of filing his or her appeal, the student will be given a Statement of Understanding of Appeal Guidelines that state what will be considered new information.

Upon receipt of the written appeal, the Title IX Coordinator or his/her designee will immediately forward the written appeal to the Disciplinary Appeals Board. The Disciplinary Appeals Board will review the written appeal and all relevant documents and decide if the appeal should be considered and/or a hearing granted based on the preceding criteria for appeal. If the appeal does not identify any evidence that falls into one of the five categories above, the Board may reject the appeal without further proceedings. It will inform the student that the grounds for appeal were inadequate and that the decision of the Title IX Hearing Board is final.

If the appeal criteria are met, the Disciplinary Appeals Board will consider the appeal and/or meet with the student, if so requested. It will do so within seven (7) University working days of receipt of the appeal. Before reaching its decision, the Disciplinary Appeals Board shall advise the Title IX Hearing Board that it has accepted the appeal and ask the Title IX Hearing Board for a response to the evidence identified by the appealing student. The Title IX Hearing Board will have three (3) business days to provide its



response to the Disciplinary Appeals Board. In reaching its decision, the Disciplinary Appeals Board shall consider the evidence submitted by the student and by the Title IX Hearing Board.

The Disciplinary Appeals Board will submit its decision in writing to the Director of Safety Services or his/her designee, who will forward the written decision to the student and the Title IX Hearing Board. A copy of the decision will be given to the assigned Title IX Hearing Board chairperson within five (5) days of the Disciplinary Appeals Board's decision.

All decisions of the Disciplinary Appeals Board shall be final.

#### **B. Appeals by Employees**

For employees, except as otherwise set forth herein, the appeal process is contained in the personnel policy or other applicable policy. Where the respondent is an employee, a determination not to proceed with disciplinary action is appealable by either party.

### **XII. Resources**

A list of UNOH campus resources for individuals who have experienced or witnessed sexual misconduct or retaliation is available in Appendix A to this Policy and at:

<http://www.unoh.edu/title-ix/campus-resources.shtml>

A list of community resources for individuals who have experienced or witnessed sexual misconduct or retaliation is available in Appendix A to this Policy and at:

<http://www.unoh.edu/title-ix/community-resources.shtml>

### **XIII. Awareness and Prevention Programs**

All members of the UNOH community play an important part in preventing sexual misconduct and retaliation. UNOH provides prevention and awareness programs for students and employees addressing topics such as sexual assault, dating violence, domestic violence, stalking, and bystander intervention.

<hr/> <p>Date</p> <p>Review/Revision Completed By:</p>	<p><b>Policies Superseded by This Policy:</b></p> <p>Initial Effective Date:</p> <p>Review/Revision Date:</p> <p>Next Review Date:</p>
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## Appendix A

**Resources – The following list of resources are some of those available after an incident of sexual misconduct or retaliation.**

Additional on-campus resources are listed at:

<http://www.unoh.edu/title-ix/campus-resources.shtml>.

Additional community resources are listed at:

<http://www.unoh.edu/title-ix/community-resources.shtml>.

### **On-Campus Resources:**

1. UNOH Safety Services -- (419) 998-3167 (24 hours/day; 7 days/week)
2. UNOH Office of Title IX -- (419) 998-3157 (Danielle McClure); [www.unoh.edu/title-ix](http://www.unoh.edu/title-ix)
3. UNOH Counseling Center

The University of Northwestern Ohio's Counseling Center provides professional counseling services for all students. The Counseling Center is dedicated to the personal, social, and academic development of all UNOH students. It provides counseling services within a safe, supportive, and confidential environment and strives to empower students to develop the awareness, values, and skills they will need to meet future challenges and lead meaningful lives. The primary focus of the Counseling Center is to provide the highest quality individual and group counseling to students struggling with problems common to a college population. It also serves as an assessment and referral source for students with more serious and chronic psychological difficulties.

Location: 13000 Student Commons Building

Hours: Monday - Friday, 9:00 a.m. – 5:00 p.m.

Contact Information:           Jaclyn Jarvis, Psy.D. - Director of Counseling Center  
419-998-8456  
[jjarvis2@unoh.edu](mailto:jjarvis2@unoh.edu)

4. UNOH Student Assistance Program

In addition to the UNOH Counseling Center, students can utilize professional counseling services, provided free of charge, on campus through the Student Assistance Program ("SAP").

SAP offers free counseling to all UNOH students through a partnership with St. Rita's Medical Center. Students who would like to speak with a counselor regarding personal,

social, drug, or alcohol related issues can visit the Counseling department in the 13000 Student Commons Building for a referral. All appointments are located on the UNOH campus and confidential. Referrals are made through the Counseling Center or by contacting Dr. Jaclyn Jarvis.

Location: First floor of the 13000 Student Commons Building

Contact Information: Jaclyn Jarvis, Psy.D. - Director of Counseling Center  
419-998-8456  
[jjarvis2@unoh.edu](mailto:jjarvis2@unoh.edu)

5. UNOH Student Success Center -- (419) 998-8440 (academic support and resources)

6. UNOH OutReach

OutReach is a support group for members and allies of the GLBTQ (Gay, Lesbian, Bisexual, Transgendered, and Questioning) community. This group meets twice a month to address personal and campus concerns, along with events happening throughout the world and in the media. The purpose of the group is to form friendships and support in a comfortable and safe environment.

For more information on the group, when it convenes and location, please contact James Nastally at [janastal@unoh.edu](mailto:janastal@unoh.edu).

7. University of Northwestern Ohio Food Bank

Contact Information: UNOH Housing Department  
(419) 998-3170

### **Off-Campus Resources**

*The following information is a listing of some of the available emergency services in the Lima area.*

Lima Police Department – (419) 227-4444  
Allen County Sheriff’s Department -- (419) 227-3535

St. Rita's Medical Center (including Emergency Department) – (419) 227-3361 (within 72 hours of assault a Physical Evidence Recovery Kit (“PERK”) can be performed; Sexual Assault Nurse Examiner (“SANE”) available)

Lima Memorial Hospital – (419) 228-3335

St. Rita’s Westside Urgent Care – (419) 227-2245 (treatment of minor illnesses and emergencies)

Crime Victims Services – (419) 222-8666 (Allen County) or 1-877-867-7273  
(www.crimevictimservices.org)

Rape Victims can call 1-877-STOP-RAPE or 1-877-867-7273

Crossroads Crisis Center -- (419) 228-HELP

Coleman Behavioral Services – (419) 229-2222

Lima Community Center – (419) 221-3072 (treatment for those with no family physician, accepts Medicare/Medicaid, operates on sliding fee scale)

Allen County American Red Cross – (419) 227-5121 (disaster relief)

National Hope Line Network 1-800-784-2433

***The following information is a listing of some of the available professional services in the Lima area.***

Behavioral Access Center at St. Rita's – (419) 996-5517

Allen County Veterans Service Commission – (419) 223-8522

Hope Line -- 1-800-567-4673 (free call crisis counseling and referral)

National Hope Line Network -- 1-800-784-2433

Professional Psychological Associates – (419) 999-2024 or 1-800-567-4673 (offers substance abuse and mental health counseling; accepts insurance)

Family Resource Centers -- 530 S. Main St.; (419) 222-1168 (offers substance abuse and mental health counseling; operates on a sliding fee scale based on income; accepts insurance; primarily works with individuals 18 years of age and younger; offers crisis intervention services at no cost)

Coleman Professional Services -- 799 S. Main St.; (419) 229-2222 (offers substance abuse and mental health counseling; operates on a sliding fee scale based on income)

Covenant Ministry Services -- 1130 W. Market St.; (419) 228-2070 (offers mental health counseling; operates on a sliding fee scale based on income; accepts insurance)

Applied Behavioral Services -- 2371 Western Ohio Ave.; (419) 228-4555 (offers substance abuse and mental health counseling; accepts insurance)

St. Rita's Addiction Services -- 730 W. Market; (419) 226-9828 (offers substance abuse treatment; offers immediate urgent mental health assistance in ER; support groups for Alzheimer's, chronic pain, fibromyalgia, Parkinson's, and more; please call for payment details)

Life Management Center -- 915 W. Market; (419) 224-6222 (offers anger management courses)

Crossroads Crisis Center -- (419) 228-4357 (offers counseling to battered women, rape victims, and abused children; free assistance; does not have caller ID)

Creative Counseling -- 2653 West Elm St.; (419) 222-5449 (offers counseling for mental health issues including grief and eating disorders; accepts insurance)

Women, Infants, Children (WIC) Program -- 940 N. Cable Rd. Suite 4; (419) 224-8200 or 1-800-755-GROW (provides highly supplemental foods, health care referral, immunization screening and referral, and nutrition education for pregnant women, breastfeeding mothers, women who have a baby less than six months old, and infants and children up to five-years-old; call for additional eligibility requirements)

Allen County Health Department -- 219 E. Market; (419) 224-8200

Women's Preventative Healthcare Project -- 300 S. Elizabeth St.; (419) 224-4500 or 1-800-901-9727 (provides breast and cervical cancer screening for women; call for eligibility requirements)

Samaritan House -- 328 W. McKibben; (419) 222-4663 (emergency shelter for women with or without children)

Lima Rescue Home -- 216 E. Wayne; (419) 224-6902 (emergency shelter for men)

Mental Health and Recovery Services -- 529 S. Elizabeth St. Lima, Oh 45804; (419) 222-5120 (support Groups for the mentally ill on the second & fourth Tuesdays of the month at 7:30 p.m.)

National Alliance for the Mentally Ill ("NAMI") -- (614) 224-2700 or 1-800-686-2646

National Drug Information Treatment and Referral Hotline -- 1-800-662-Help

Dayton Suicide Prevention Center -- 1110 Webster St.; Dayton, OH, 45404; (937) 229-7777; 24 Hours /7 Days a Week

St. Rita's Medical Center (Hospice) -- 1-800-332-4724 or (419) 226-9064 (offers several support groups for grief)

Compassionate Friends -- (630) 990-0010 or 1-877-969-0010;

www.compassionatefriends.org (support for parents (and siblings) who have had children die)

Baird Funeral Home -- 555 N. Market St.; Troy, Ohio 45373; (937) 339-2602 (offers a variety of services for grief issues)

Rehabilitation Service Commission -- 924 North Cable; (419) 228-1421 or 1-800-584-9768

***The following information is a listing of some of the available HIV/AIDS testing sites and information services in the Lima area.***

Allen County Health Department -- 219 East Market Street; (419) 228-4457 (testing on Tuesdays 4:00 p.m. - 5:30 p.m. and Fridays 2:30 p.m. - 3:30 p.m.; also does testing for other STDs; provides birth control education)

Allen County American Red Cross -- 610 South Collett Street; (419) 227-5121 (testing on the first Wednesday of each odd month from 10:00 a.m. -12:00 p.m.)

Information and Referral:

Ohio Aids Hotline -- 1-800-332-2437

National Aids Hotline -- 1-800-342-2437

Drug Treatment Referral -- 1-800-662-4357

Aids Resource Center (“ARC”) -- 329 N. West St., Suite B; (419) 222-0827 or 1-800-252-0827 (provides prevention, education and support services for persons infected, affected or at risk of HIV and AIDS; acts as the primary resource for persons infected with HIV/AIDS by providing case management, housing assistance, support services, education, information and referrals; provides financial assistance with housing, utilities, HIV/AIDS related health services, health insurance payment plans and HIV/AIDS related medications for those with HIV/AIDS who qualify)

Meningitis Information -- [www.nmaus.org](http://www.nmaus.org)

***The following information is a listing of some of the available social services in the Lima area.***

Goodwill Industries – 2350 Allentown Road; (419) 228-4821; or 2100 Harding Hwy.; (419) 224-0091

Salvation Army Thrift Store -- 614 E. Market; (419) 224-9055

St Vincent de Paul/God’s Storehouse -- 105 W. Pearl, Wapakoneta, Ohio; (419)738-7456 (Provides one-time assistance with bills, rent, and prescriptions; food pantry; call for eligibility requirements)

Our Daily Bread Kitchen -- 125 S. Central; (419) 224-2086

West Ohio Food Bank -- 1380 E. Kibby St.; (419) 222-7946

## Appendix B

UNOH makes the following definitions available under the Violence Against Women Act Amendments to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”). The definitions below may contain summaries of the statutory definitions. For the verbatim statutory definitions under the Violence Against Women Act, *see* <https://www.law.cornell.edu/uscode/text/42/13925>. *See, also*, The Handbook for Campus Safety and Security Reporting, 2016 Edition, U.S. Department of Education, Office of Postsecondary Education, <https://www2.ed.gov/admins/lead/safety/handbook.pdf>. These definitions are intended to supplement those contained in the body of this Policy. For purposes of this Policy, to the extent any definition set forth in this Appendix B may conflict with a definition contained in the Policy, the definition in the body of the Policy is intended to supersede this Appendix to the extent permitted by applicable law.

“Domestic Violence” -- Includes felony or misdemeanor crimes of violence committed:

- (a) by a current or former spouse or intimate partner of the victim;
- (b) by a person with whom the victim shares a child in common;
- (c) by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- (d) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies; or
- (e) By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

“Dating Violence” -- Violence committed by a person:

- (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (b) where the existence of such a relationship shall be determined based upon consideration of the following factors:
  - (i) the length of the relationship;
  - (ii) the type of relationship;
  - (iii) the frequency of interaction between the individuals involved in the relationship.

Dating violence is a crime for purposes of the Clery Act that includes, but is not limited to, physical or sexual abuse or the threat thereof, but does not include conduct falling within the definition of domestic violence.



“Sex Offenses” -- Any sexual act directed against another individual without that individual’s consent, including situations when the individual is incapable of providing consent. Sex offenses include but are not limited to:

(a) “Fondling” - The touching of another individual’s private body parts for the purpose of sexual gratification: (1) forcibly or against such other individual’s will; or (2) not forcibly or against such other individual’s will where the other individual is incapable of providing consent due to his or her age or because of his or her temporary or permanent mental or physical incapacity.

(b) “Incest” - Non-forcible sexual intercourse between individuals related to each other within the degrees under which marriage is prohibited under the laws of the state where the incident occurred.

(c) “Rape” - Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the victim’s consent, regardless of the gender of the victim or perpetrator. This definition includes instances when the victim is incapable of providing consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.

(d) “Statutory Rape” - Non-forcible sexual intercourse with a person who is under the statutory age of consent under the laws of the state where the incident occurred.

“Sexual Assault” -- Any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

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

- (a) fear for his or her safety or the safety of others; or
- (b) suffer substantial emotional distress.

Stalking is a crime for purposes of the Clery Act. Examples of stalking include, but are not limited to, monitoring, following, threatening, conducting surveillance, communicating to or about an individual, or interfering with an individual’s property that could cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

“Advisor” -- Any individual who provides the accuser or accused support, guidance, or advice.

“Awareness programs” -- Community-wide or audience-specific programming, strategies, and initiatives, that increase knowledge and share information and resources to promote safety, prevent violence, and reduce perpetration.

“Bystander intervention” -- Safe and positive options that may be carried out by an individual(s) to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes, but is not limited to, (1) recognizing situations of potential harm; (2) understanding institutional structures and cultural conditions that facilitate violence; (3) overcoming barriers to intervening; and (4) taking action to intervene.

“Ongoing prevention and awareness campaigns” -- Programming, initiatives, and strategies that are sustained over time and which focus on increasing the understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution. Such campaigns should also promote awareness of the services and programming that the University has available to address these issues; use multiple strategies in a coordinated way to reach all populations of students and employees at the University; and meet the same standards as the primary prevention and awareness programs provided to incoming students and new employees.

“Primary prevention programs” -- Programming, initiatives, and strategies intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through promotion of positive and healthy behaviors that foster healthy and mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions. Examples include, but are not limited to, programs promoting good listening and communication skills, common courtesy, and moderation in alcohol consumption.

“Proceeding” -- All activities related to a non-criminal resolution of an institutional 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 victims concerning accommodations or protective measures to be provided to a victim.

“Programs to prevent dating violence, domestic violence, sexual assault and stalking” -- Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that are: (1) culturally relevant; (2) inclusive of diverse communities and identities; (3) sustainable; (4) responsive to community needs; (5) informed by research or assessed for value, effectiveness, or outcome; and (6) consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

“Prompt, fair, and impartial proceeding” -- A proceeding that is:

(1) completed within reasonably prompt timeframes designated by the institution’s policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for delay; and

(2) conducted in a manner that:

(i) is consistent with the institution’s policies and transparent to the accuser and the accused;

(ii) includes timely notice of meetings at which the accuser or accused, or both, may be present; and

(iii) provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and

(3) conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

“Result” -- Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. This includes any sanctions imposed by the University. Notwithstanding Section 444 of the General Education Provisions Act (20 U.S.C. §1232g), commonly referred to as the Family Educational Rights and Privacy Act (“FERPA”), the result also must include the rationale for the result and sanctions.

“Risk Reduction” -- Options designed to (1) decrease perpetration and bystander inaction; (2) increase empowerment for victims in order to promote safety; and (3) help individuals and communities address conditions that facilitate violence.

### Appendix C

Pursuant to the Violence Against Women Act amendments to the Clery Act, UNOH makes the following Ohio state law definitions available:

The following reflect Ohio state law definitions as of December 2016. Revisions to these definitions may occur from time to time. The definitions listed below contain only portions of the identified statutes. For complete versions of these statutes and to determine whether updates to the definitions below may have occurred, visit <http://codes.ohio.gov/orc/>. These definitions are intended to supplement those contained in the body of this Policy. For purposes of this Policy, to the extent any definition set forth in this Appendix C may conflict with a definition contained in the Policy, the definition in the body of the Policy is intended to supersede this Appendix to the extent permitted by applicable law.

#### **Ohio R.C. §2907.03, “Sexual Battery” (see <http://codes.ohio.gov/orc/2907.03>)**

(A) No person shall engage in sexual conduct with another, not the spouse of the offender, when any of the following apply:

(1) The offender knowingly coerces the other person to submit by any means that would prevent resistance by a person of ordinary resolution.

(2) The offender knows that the other person's ability to appraise the nature of or control the other person's own conduct is substantially impaired.

- (3) The offender knows that the other person submits because the other person is unaware that the act is being committed.
- (4) The offender knows that the other person submits because the other person mistakenly identifies the offender as the other person's spouse.
- (5) The offender is the other person's natural or adoptive parent, or a stepparent, or guardian, custodian, or person in loco parentis of the other person.
- (6) The other person is in custody of law or a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the other person.
- (7) The offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, the other person is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school.
- (8) The other person is a minor, the offender is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the other person is enrolled in or attends that institution.
- (9) The other person is a minor, and the offender is the other person's athletic or other type of coach, is the other person's instructor, is the leader of a scouting troop of which the other person is a member, or is a person with temporary or occasional disciplinary control over the other person.
- (10) The offender is a mental health professional, the other person is a mental health client or patient of the offender, and the offender induces the other person to submit by falsely representing to the other person that the sexual conduct is necessary for mental health treatment purposes.
- (11) The other person is confined in a detention facility, and the offender is an employee of that detention facility.
- (12) The other person is a minor, the offender is a cleric, and the other person is a member of, or attends, the church or congregation served by the cleric.
- (13) The other person is a minor, the offender is a peace officer, and the offender is more than two years older than the other person.

**Ohio R.C. §2907.02, "Rape" (see <http://codes.ohio.gov/orc/2907.02>)**

(A)

(1) No person shall engage in sexual conduct with another who is not the spouse of the offender or who is the spouse of the offender but is living separate and apart from the offender, when any of the following applies:

(a) For the purpose of preventing resistance, the offender substantially impairs the other person's judgment or control by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception.

(b) The other person is less than thirteen years of age, whether or not the offender knows the age of the other person.

(c) The other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age.

(2) No person shall engage in sexual conduct with another when the offender purposely compels the other person to submit by force or threat of force.

**Ohio R.C. §2903.11, “Felonious Assault”** (see <http://codes.ohio.gov/orc/2903.11>)

(A) No person shall knowingly do either of the following:

(1) Cause serious physical harm to another or to another's unborn;

(2) Cause or attempt to cause physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance.

(B) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall knowingly do any of the following:

(1) Engage in sexual conduct with another person without disclosing that knowledge to the other person prior to engaging in the sexual conduct;

(2) Engage in sexual conduct with a person whom the offender knows or has reasonable cause to believe lacks the mental capacity to appreciate the significance of the knowledge that the offender has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome;

(3) Engage in sexual conduct with a person under eighteen years of age who is not the spouse of the offender.

**Ohio R.C. §3113.31, “Domestic violence definitions - hearings”** (*see* <http://codes.ohio.gov/orc/3113.31>)

(A) As used in this section:

(1) "Domestic violence" means the occurrence of one or more of the following acts against a family or household member:

(a) Attempting to cause or recklessly causing bodily injury;

(b) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code;

(c) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code;

(d) Committing a sexually oriented offense.

**Ohio R.C. §2903.211, “Menacing by Stalking”** (*see* <http://codes.ohio.gov/orc/2903.211>)

(A)

(1) No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or a family or household member of the other person or cause mental distress to the other person or a family or household member of the other person. In addition to any other basis for the other person's belief that the offender will cause physical harm to the other person or the other person's family or household member or mental distress to the other person or the other person's family or household member, the other person's belief or mental distress may be based on words or conduct of the offender that are directed at or identify a corporation, association, or other organization that employs the other person or to which the other person belongs.

(2) No person, through the use of any form of written communication or any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, r-computer system, or telecommunication device shall post a message or use any intentionally written or verbal graphic gesture with purpose to do either of the following:

(a) Violate division (A)(1) of this section:

(b) Urge or incite another to commit a violation of division (A)(1) of this section.

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