

 <p><b>Category:</b> Administration</p> <p><b>Policy applicable for:</b> Faculty/Staff/Students/ Third Parties</p>	<p><i>Policy Title:</i> <b>Jeanne Clery Disclosure of Campus Safety Policy</b></p> <p><b>Effective Date:</b> 9/30/2015</p> <p><b>Enabling Acts:</b> University Rule</p>	<p><i>Policy Number:</i> <b>1.8.7</b></p> <p><b>Policy Owner:</b> Sr. V.P. for Administration and Finance</p> <p><b>Responsible Office(s):</b> Department of Public Safety Office of General Counsel</p>
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## **Background**

This policy serves to meet the university’s compliance obligation under the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998” (commonly referred to as the “Clery Act”) at all University of Cincinnati (“UC”) locations. This policy, in combination with the University of Cincinnati Department of Public Safety (“Department of Public Safety”) policies, is intended to govern the preparation, publication, and distribution of the Annual Security and Fire Report, and ensure that all elements of the process are carried out in a manner that meets federal regulations. The Department of Public Safety encompasses, amongst other offices, the UC Police Department (“UCPD”), 911 communications, emergency management, and staff with administrative functions. For purposes of this policy and the Clery Act, individuals are often directed to UCPD within the Department of Public Safety. The Department of Public Safety, through its offices, implements portions of this directive based upon internal policies and procedures.

The Clery Act, requires institutions of higher education receiving federal financial aid to report specified crime statistics on college campuses and areas within the same reasonably contiguous geographic area of college campuses, and to provide other safety and crime information to members of the campus community. The Violence Against Women Reauthorization Act of 2013 (“VAWA”), mandates additional requirements as to how colleges and universities are to provide information to the students, faculty, staff, prospective students and employees, and visitors.

## **Scope of Clery Compliance Policy**

It is the policy of the Department of Public Safety and UCPD to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the UC Department of Public Safety and UCPD and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the Department of Education’s Handbook for Campus

Safety and Security that are relevant to their responsibilities, and will be provided training annually and/or upon request by contacting the UC Clery Compliance Manager.

This policy covers reports and complaints of a criminal nature, including sexual offenses. As such, this policy applies to situations in which either party is a UC student, UC employee, a third party (for purposes of this policy, a third party is anyone who visits UC's campuses or participates in a university program or activity) or anyone within the university's Clery geography. Further, the policy provides information for prospective students and employees.

In the event that an allegation arises involving university faculty or staff, the university will apply the disciplinary measures and grievance policies and procedures as set forth in the university's HR policies or the appropriate collective bargaining agreement to which the employee is subject. In all circumstances, the university provides a disciplinary proceeding that is a prompt, fair, and impartial process. Both Complainant and Respondent may have the advisor of their choice at all times during the process and procedures.

## **I. General Clery Act Policy**

The Department of Public Safety and UCPD encourage accurate and prompt reporting of all crimes and take all such reports seriously. Reports will be accepted in any manner, including in person or in writing. Reports will be accepted anonymously, by phone at the EthicsPoint Hotline at 1-800-889-1547 or by email at <http://www.uc.edu/af/intaudit/ethicshotline.html>. In addition, anonymous reports can be made via email at [pubsafety@uc.edu](mailto:pubsafety@uc.edu) to the extent that the users email address does not provide identifying information. It is the policy of the Department of Public Safety and UCPD to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the UC Department of Public Safety and the UCPD and the administration of the institution.

The University of Cincinnati takes seriously its obligation to comply with the Clery Act. All criminal incidents are classified in accordance with federal guidelines. All Clery crimes reported to the Department of Public Safety and Campus Security Authorities (CSAs), as defined herein, are recorded in the university's crime statistics, which are published in the campus' Annual Security and Fire Report.

The university's compliance with the provisions of the Clery Act and VAWA does not constitute a violation of Family Educational Rights and Privacy Act.

## **II. Law Enforcement**

Pursuant to Ohio Revised Code Section 3345.04, the university employs its own sworn law enforcement officers. Therefore, all university police officers have arrest authority and have sworn an oath to uphold the laws of the State of Ohio. The jurisdiction of the UCPD includes each university campus and contiguous public property. The Department of Public Safety also employs non-sworn, security officers, who do not have arrest authority. The UC security officers report to the Chief of Police and provide non-

law enforcement functions. UCPD is located in Three Edwards Center, 51 W. Corry Blvd. The UC police also maintain satellite offices at UC Blue Ash and UC Clermont. At UC Blue Ash, the satellite office is located at Muntz Hall- Room 134. At UC Clermont, the satellite office is located at the Snyder Building room s-170.

With its main campus being within the City of Cincinnati, and Hamilton County, Ohio, the university believes in the importance of working with local law enforcement agencies. Currently, the university is a part of the Hamilton County Law Enforcement Mutual Aid Agreement and has a Memorandum of Understanding (MOU) with the City of Cincinnati. The Hamilton County Law Enforcement Mutual Aid Agreements permits members of local law enforcement to assist in policing areas traditionally outside of their jurisdiction, when necessary. It also permits for use of specialized tactical units. The MOU with the City acknowledges the need of the City and the UCPD to work together, so that the university may ensure it meets the needs of its students, employees and visitors.

In addition, the UCPD has a working mutual aid agreement and memorandum of understanding with the Blue Ash Police Department and the Clermont County Sheriff's Office that allow the University of Cincinnati Police to act on criminal matters that occur within the neighboring areas around campus. These areas would include properties and addresses that are required to be included in the annual security report. In addition to the MOU and Mutual aid agreement, the University of Cincinnati Police work cooperatively with the investigative sections of the local law enforcement agencies to investigate criminal matters.

UC encourages accurate and prompt reporting of all crimes to UCPD and appropriate police agencies, when the victim of a crime elects to, or is unable to, make such a report. Professional counselors are encouraged to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics, if and when the counselors deem it appropriate.

### **III. Definitions**

#### **A. General Clery Definitions**

**Advisor**- Any individual who provides the Respondent or Complainant support, guidance, or advice.

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

**Bystander intervention**- Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking.

Bystander intervention includes:

- Recognizing situations of potential harm, and
- Understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene

**Campus Security Authority (CSA)** - Individuals at the university who, because of their function for the university, have an obligation under the Clery Act to notify the university of alleged Clery Crimes that are reported to them in good faith, or alleged Clery Crimes that they may have personally witnessed. These individuals, by virtue of their position due to official job duties, ad hoc responsibilities, or volunteer engagements, are required by federal law to "report" crime when it has been observed by, or reported to them by another individual. The individuals typically fall under one of the following categories:

1. A member of a campus police/security department.
2. Individuals having responsibility for campus security in some capacity, but are not members of a campus police/security department (e.g., an individual who is responsible for monitoring the entrance to university property).
3. People or offices that are not members of a campus police/security department, but where policy directs individuals to report criminal offenses to them or their office.
4. Officials having significant responsibility for student and campus activities, including but not limited to, student housing, student discipline and campus judicial proceedings.

Designated Clery Act crimes reported to the following individuals or offices will be included in the annual report:

University of Cincinnati and Regional Campuses

- University President
- Provost and Assistant Provosts
- Vice Presidents and Assistant/Associate Vice Presidents
- Deans and Assistant Deans
- University Judicial Affairs
- Resident Education and Development staff (including hall directors, advisors, and resident assistants)
- Vice President for Student Affairs & Services
- Director of Education Abroad
- Academic Advisors
- Advisors to Recognized Student Organizations
- Director and Assistant Directors of Intercollegiate Athletics
- Coaches of Intercollegiate Athletic teams
- Office of Title IX personnel
- University of Cincinnati Public Safety personnel
- Human Resources

For a more complete list of CSA offices and the accompanying phone numbers, see Appendix C. Appendix C is reviewed and updated annually.

**Campus/On-Campus** - Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**Clery Act Crimes ("Clery Crimes")** - Crimes required by the Clery Act to be reported annually to the university community, including: criminal homicide (murder and negligent/non-negligent manslaughter); sex offenses (forcible and non-forcible); robbery; aggravated assault; burglary; motor vehicle theft; arson; hate crimes (including previously listed crimes plus larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property that are motivated by bias); dating violence; domestic violence; stalking; and arrests and referrals for disciplinary action for any of the following: (a) liquor law violations, (b) drug law violations, and (c) weapons law violations.

**Clery Geography** – Locations where Clery Crimes must be recorded: 1) on campus, 2) on public property within or immediately adjacent to and accessible from the campus, and 3) in or on noncampus buildings or property that the institution owns or controls.

**Department of Public Safety Clery Compliance Manager** – University employee who works collaboratively with various offices at the university to develop, implement and oversee programs that ensure the university's overall compliance with the Clery Act and associated regulations at all university locations.

**Emergency Notification**- Upon confirmation, an announcement to inform the relevant campus community about a "significant emergency or dangerous situation involving an immediate and possibly imminent threat to the health or safety of students or employees occurring on the campus." An emergency response expands upon the definition of "timely warning" (see below), as it includes both Clery Act crimes and other types of emergencies (examples: a fire, infectious disease outbreak, terrorist attack, natural disaster, weather emergency).

**Family Educational Rights and Privacy Act of 1974 ("FERPA")** - A Federal law codified under 20 U.S.C. § 1232g; 34 CFR Part 99 that protects the privacy of student education records.

**Non-Campus Property** - Any building or property owned or controlled by a student organization that is officially recognized by the university; or any building or property owned or controlled by UC that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Ongoing prevention and awareness campaigns**- Programming, initiatives, and strategies that are sustained over time and focus on increasing 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 university.

**Pastoral Counselors-** Individuals who are associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor. Pastoral Counselors, when acting within the scope of the official responsibilities are not CSAs.

**Physician-Client Confidentiality** – Communications between a licensed, treating physician and his/her patient are typically considered confidential. Therefore, treating physicians are not considered CSAs.

**Primary prevention programs-** Programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe direction.

**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.

**Professional Counselors-** Individuals whose official responsibilities include providing mental health counseling to members of the institution's community and who are functioning within the scope of his or her license or certification. Professional Counselors, when acting within the scope of the official responsibilities are not CSAs.

**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 culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and
- 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 completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause and with written notice to the accuser and the accused of the delay and the reason for the delay;

Conducted in a manner that:

- Is consistent with the institution's policies and transparent to the accuser and accused;
- Includes timely notice of meetings at which the accuser or accused, or both, may be present;
- 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
- Is by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

**Public Property** - All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

**Reasonably Contiguous (as pertaining to a college campus)**- Buildings or property owned or controlled by the institution, located in an area that is considered and treated as an integral part of campus and covered by the same security policies as the uptown campus.

**Residential Facility (Subset of "On-Campus" Statistics)** - Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

**Result-** Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result includes any sanctions imposed by the university.

**Risk reduction-** Options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence

**Timely Warning-** An announcement made to alert the campus community about Clery Crimes and other serious incidents in the event that a reported crime may pose a serious or continuing threat to the campus and surrounding community in order to aid in the prevention of similar crimes. At the university, a timely warning is referred to as "safety alert."

## **B. Clery Act Crime Definitions**

For purposes of this Policy, the University of Cincinnati utilizes the following definitions based upon federal regulations and Ohio state law, where applicable.

**Aggravated Assault** - 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. It is not necessary that injury result from an aggravated assault when a gun, knife

or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

**Arson** - The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another kind.

**Burglary** - The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Complainant** - The individual who files a report or on whose behalf a report is filed.

**Consent** - The State of Ohio, through the Ohio Revised Code does not define consent. The university, for purposes of disciplinary proceedings, defines consent as informed, freely given, mutual, and can be withdrawn at any time. A person cannot give consent if they are mentally or physically incapacitated or impaired such that the person cannot understand the fact, nature or extent of the sexual situation; this includes impairment or incapacitation due to age, alcohol or drug consumption, or being asleep or unconscious. Similarly, a person cannot give consent if force, expressed or implied, duress, intimidation, threats or deception are used on the complainant. Silence or the absence of resistance does not necessarily imply consent. Consent to some sexual acts does not imply consent to other acts, nor does prior consent to sexual activities imply ongoing future consent with that person or consent to that same sexual activity with another person. Whether an individual has taken advantage of a position of influence or authority over an alleged victim may be a factor in determining consent.

**Dating Violence\*** - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

\*Ohio Revised Code does not define dating violence.

**Domestic Violence** - A felony or misdemeanor crime of violence committed by:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;

- A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- 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 in which the crime of violence occurred.

Pursuant to Ohio Revised Code § 2919.25 Domestic Violence\*:

- a. No person shall knowingly cause or attempt to cause physical harm to a family or household member.
- b. No person shall recklessly cause serious physical harm to a family or household member.
- c. No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member.

\* For the complete text of Ohio Revised Code §2919.25 see:

<http://codes.ohio.gov/orc/2919.25>

**Drug Abuse Violations** - Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadones); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Hate Crimes** - Any Clery reportable offense and larceny-theft, simple assault, intimidation, destruction, damage or vandalism of property for which the evidence shows that the victim was intentionally selected because of the perpetrator's bias or because the perpetrator perceived the victim to be a member of one of the bias categories. The bias categories include: race, gender, gender identity, religion, sexual orientation, ethnicity, national origin and disability.

**Liquor Law Violations** - Violations of state or local laws or ordinance prohibiting: the manufacture, sale, transportation, furnishing, possession of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

**Motor Vehicle Theft** - Theft or attempted theft of a motor vehicle, including mopeds, motorized scooters, and golf carts. (All cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned - including joy riding, will be classified as motor vehicle theft.)

**Murder/Non-Negligent Manslaughter** - The willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

**Robbery** - Taking or attempting to take anything from value of 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.

**Sexual Assault** - An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

**Sex Offenses-** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- Rape- The 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 consent of the victim.
- Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape – Sexual intercourse with a person who is under the statutory age of consent.

**Stalking** - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress. For the purposes of this definition, the following will apply:

- Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Pursuant to Ohio Revised Code §2903.211 Menacing by Stalking\*:

(A)

- (1) No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or cause mental distress to the other person. In addition to any other basis for the other person's belief that the offender will cause physical harm to the other person or the other person's mental distress, the other person's belief or mental distress may be based on words or conduct of the offender

- that are directed at or identify a corporation, association, or other organization that employs the other person or to which the other person belongs.
- (2) No person, through the use of any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, or computer system, shall post a message with purpose to urge or incite another to commit a violation of division (A)(1) of this section.
  - (3) No person, with a sexual motivation, shall violate division (A) (1) or (2) of this section.

\*For the complete text of Ohio Revised Code §2902.211 see:

<http://codes.ohio.gov/orc/2903.211>

**Unfounded Crimes** A crime may be withheld or subsequently removed from the crime log and the statistics in the rare situation in which: 1) a sworn or commissioned law enforcement officer conducted a full investigation of the reported crime; and 2) based upon the full investigation and evidence, made a formal determination that the crime report is false or baseless and therefore, unfounded.

**VAWA Crimes** – Sexual assault, dating violence, domestic violence, and stalking.

**Weapon Law Violations** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

#### **IV. Reporting Crimes and UCPD Collection of Crime Statistics**

##### **A. Reporting a Crime**

- 1) UC encourages accurate and prompt reporting of all crimes to the UCPD.
  - a. Reports can be made to the department by phone at 513-556-1111 or via email at [pubsafety@uc.edu](mailto:pubsafety@uc.edu).
- 2) Reports will be accepted anonymously at EthicsPoint at <http://www.uc.edu/af/intaudit/ethicshotline.html> or by phone at 1-800-889-1547.
- 3) Mandatory Reporting - Ohio Revised Code Section 2921.22, "Failure to report a crime..." mandates that anyone, other than a pastoral or professional counselor, who is aware that a felony took place in the State of Ohio, must report the crime to the police.
- 4) A crime will be considered for purposes of Clery reporting and statistics when it is brought to the attention of a campus security authority or local law enforcement by: 1) the victim; 2) a witness; 3) a third party; or 4) the offender.
- 5) Reports made to any CSA as listed herein may be used for consideration for timely warnings, statistical disclosure & time logged entry provided enough information is obtained.

##### **B. Anonymous and De-Identified Reporting**

- 1) Public Records Law - The university as a state-sponsored, public entity is subject to the Ohio Public Records Act in Section 149.43 of the Ohio Revised Code. As such, the UCPD cannot offer confidential incident reports.
- 2) Reports will be accepted anonymously at EthicsPoint at <http://www.uc.edu/af/intaudit/ethicshotline.html>, via the EthicsPoint anonymous reporting hotline at 1-800-889-1547, or by phone at 513-556-1111.
- 3) Women's Center RECLAIM Advocates - RECLAIM peer advocates at the University Women's Center will provide resources and/or assistance to survivors of sexual offenses, and provide de-identified Clery related information to UCPD.

### **C. Collection of Crime Statistics**

The Clery Compliance Manager is responsible for maintaining UC Department of Public Safety and University Police statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act. Use of the statistics for Clery related purposes is contingent upon the statistics being provided in a timely, accurate, and properly categorized manner. Local law enforcement agencies from which records are requested, include, but are not limited to Cincinnati Police Department, Batavia Police, Blue Ash Police, and Reading Police.

Statistics in the Annual Security and Fire Report are based upon the allegations reported to the university through its Department of Public Safety and CSAs, and compiled by the Clery Compliance Manager based upon communications with local law enforcement and CSAs. These statistics shall be compiled using definitions from the FBI's Uniform Crime Reporting (UCR), VAWA, and the Ohio Revised Code, where applicable.

#### **1. Compilation of Crime Statistics**

The statistics shall be compiled as follows:

- (a) Statistics concerning the occurrence of Clery reportable crimes reported to the UCPD or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property immediately adjacent to and accessible from the campus;
- (b) Statistics for hate crimes;
- (c) Statistics will be included by the calendar year in which the crime was reported to the UCPD or CSA;
- (d) Statistics will be included for the three most recent calendar years; and
- (e) Statistics will not identify the victims of crimes or persons accused of crimes.

#### **2. Categories of Crime Location**

The statistics will be categorized separately as offenses that occur in the following places:

- a. On-campus - On-campus buildings or property that are owned or controlled by the university, within the same reasonably contiguous geographic area, and are

used by the university in direct support of, or in a manner related to, the university's educational purposes, or the building or property is within or reasonably contiguous and/or is owned by the university but controlled by another person, is frequently used by students, and supports institutional purposes;

- b. On-Campus Residence Halls - Dormitories or other on-campus, residential or student facilities.
- c. Non-campus - Buildings or property owned or controlled by a student organization that is officially recognized by the university; or any building or property owned or controlled by the university that is used in direct support of, or in relation to, the university's educational purposes, is frequently used by students, and is not within the same adjacent or contiguous geographic area of the university; and
- d. Public property – Public property including parks, thoroughfares, streets, sidewalks, and parking facilities, within the campus or immediately adjacent to, and accessible from the campus.
- e. Out of State and International Sites - The Department of Public Safety Clery Compliance Manager requests and gathers crime statistics from law enforcement as well as university program coordinators within the sites jurisdiction and reports the data to the Department of Public Safety.
- f. Contact Information – The Clery Compliance Manager can be reached by phone at 513-556-4900.

### 3. Hierarchy Rule

For purposes of Clery crime statistics, the university will apply the FBI Uniform Crime Reporting (UCR) Hierarchy Rule, which indicates that in cases of multiple offenses occurring out of the same set of facts (i.e. same time and place, insignificant time interval between the offenses, unbroken time duration, or same or adjoining locations) the university will count only the most serious offense. This applies only to crime reporting and does not affect the number of charges filed against the defendant.

The UCR hierarchy rule does not apply to arson, domestic violence, dating violence, hate crimes, stalking, or sex offenses; therefore, some instances of the aforementioned are counted in multiple categories. Hence, a singular criminal incident may be listed under a variety of Clery crime statistics, if facets of the incident meet criteria defined herein. As always, please refer to the Daily Crime Log for information regarding the most recent criminal occurrences.

## **D. Campus Security Authorities**

Campus Security Authorities (CSAs), as defined herein, have the responsibility to report all allegations made to that CSA in good faith to the University Department of Public Safety or the UCPD via phone, in person or by emailing or mailing the complete Clery form. For extra copies of the form, please contact the Clery Compliance Manager.

For purposes of the Clery Act, a crime is considered reported when it is brought to the attention of a CSA. Further, when a CSA has a reasonable basis for believing that the information related to a crime is true (i.e. not rumor or hearsay); the CSA has an obligation to report that crime to the UCPD, UC Department of Public Safety, or the Clery Compliance Manager.

All CSAs at the university will be contacted and informed of this classification. UC Department of Public Safety provides CSAs with training on an annual and as needed basis. If a CSA would like to schedule a supplemental training, please contact the Clery Compliance Manager at 513-556-4900.

### **E. Daily Crime Log**

The university shall maintain a daily crime log of all reported crimes. This log will be available for public inspection at the security desk of any UC campus, as defined herein, upon request. For a printed copy, please contact the Clery Compliance Manager at 513-556-4900.

- The daily crime log will record all crimes reported to UC Department of Public Safety, UCPD, and CSAs including the nature of the crime, date and time the crime occurred, date and time crime was reported, general location of each crime, and the disposition, if known. Crimes shall be entered in the crime log in the order that they are received.
- All entries shall be made within two business days of the initial report being made to the Department of Public Safety through the following sources: direct report to the department; campus security authorities; judicial affairs; and local law enforcement.
- If, within 60 days, new information becomes available about a reported crime, the crime log shall be updated.
- Information is not required to be disclosed in the daily crime log when:
  - Disclosure of the information is prohibited by law;
  - Disclosure would jeopardize the confidentiality of the victim; or
  - There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of the information.

### **F. Unfounded Crimes**

Crimes are considered to be “unfounded” in the very limited circumstances in which a sworn law enforcement officer investigated the reported crime, and based upon the results of the full investigation, determined that the investigation and evidence show that the crime report was false and baseless. Only in those circumstances will the crime considered to be “unfounded” and the crime may be withheld or removed from the university’s statistics.

## **V. Timely Warning Notice and Immediate Notification**

### **A. Timely Warning Notice**

The Clery Act requires that UC notify the campus community of certain crimes and other emergencies that occur within the core campus boundaries (which includes university owned or controlled property on campus and public property that is within or immediately adjacent to the campus) and in non-campus properties as defined by the Clery Act. Although not required by Federal Law, additional notices may also be distributed for crimes that occur in areas outside of the Clery Act geographic areas, if the crime is deemed to pose an ongoing threat to the campus community.

A timely warning will be considered for distribution to the UC community for all Clery crimes that are 1) reported to a CSA, local police, or the UCPD; and 2) are determined by the university to represent a serious or continuing threat to the students and employees. The decision to issue a timely warning notice for an off campus crime will be made on a case by case basis depending on an assessment of various factors, which include but are not limited to: the nature of the crime, the exact location, the time of the incident, the local police response and guidance to campus officials and the potential direct effect on the campus community.

Timely Warnings must be issued as soon as the pertinent information is available. Timely Warnings are not necessarily limited to violent crimes or crimes against persons. A series of property crimes may also present a continuing threat to the campus community. The intent of the Timely Warning is to enable members of the campus community to protect themselves.

#### **1. Crimes Requiring a Timely Warning**

A timely warning (also referred to as a Safety Alert) notice will be distributed when it is determined that the incident may pose an ongoing or serious threat to members of the university community. These warnings will be distributed if the incident is reported either to UCPD directly or indirectly through a campus security authority or a local police agency.

The department issues/posts Safety Alerts for incidents of:

- a. Murder/Non-Negligent Manslaughter;
- b. Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger UC community);
- c. Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Safety Alert, but will be assessed on a case-by-case basis);

- d. Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the UCPD);
- e. Major incidents of arson; or
- f. Any Clery crime occurring in the university Clery geography that is determined to pose a threat by the Chief of Police, or designee.

## 2. Information Included in a Timely Warning

A timely warning notice will typically include the following, unless issuing any of this information would risk compromising law enforcement efforts:

- a. Date and time or timeframe of the incident;
- b. A brief description of the incident;
- c. Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips);
- d. Suspect description(s) when deemed appropriate and if there is sufficient detail;
- e. Police/Department of Public Safety agency contact information; and
- f. Other information as deemed appropriate by the Chief of Police or designee.

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert. The name and identifying information of the victim will never be distributed in a timely warning.

## 3. Issuing a Timely Warning

In addition to information reported to the UCPD, the following will occur to ensure that timely warnings are issued when appropriate:

- a. The Clery Compliance Manager or designee will review both UC crime reports as well as any reports shared by local law enforcement agencies on a daily basis to ascertain if any offenses require a Safety Alert.
- b. Every shift supervisor will monitor their shift, as well as external agency response, for offenses that may require a timely warning/safety alert. In the event that a response is made to an offense that may require a timely warning/safety alert, the shift supervisor will notify the Public Information Officer and Clery Compliance Manager.

Upon determining that a timely warning issuance is necessary, the Public Information Officer or designee, will prepare and issue the warning.

- a. Timely warnings or safety alerts will be issued by blast email to all members of the campus community, utilizing the email list managed by UCIT for this purpose.
- b. Updates to the community about any particular case resulting in a safety alert may also be distributed electronically via blast email or posted on the university's web site.

- c. Safety alerts may also be posted in campus buildings, when deemed necessary. When an alert is posted in campus buildings, it shall be printed on orange paper and be posted in the lobby/entrance area of the affected building(s) for seven (7) days.

The department does not issue Safety Alerts for the above listed crimes if:

- a. The department apprehends the subject(s) and the threat of imminent danger for members of the UC community has been mitigated by the apprehension.
- b. If UCPD was not notified of the crime in a manner that would allow the department to post a “timely” warning for the community. A general guideline will include a report that is filed more than five days after the date of the alleged incident may not allow UCPD to post a “timely” warning to the community. This type of situation will be evaluated on a case-by-case basis.
- c. The event is not determined to be an ongoing threat by the Chief of Police or designee.

#### 4. Public Safety Advisories

Public Safety Advisories (also referred to as UC Aware) may be distributed for crimes (ex. a pattern of larcenies or vandalism cases) that do not rise to the level of causing a serious or continuing threat to the university community or for Clery crimes that occur outside of university’s Clery geography. In addition, they may be distributed for other safety concerns (mulch or cooking fires, etc.).

### **B. Immediate Notifications/Emergency Notifications**

The Clery Act requires UC to have and disclose emergency response and evacuation procedures in response to a confirmed significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. This includes both criminal and non-criminal issues.

For an Emergency Notification to be issued, there should be a confirmed report of the emergency or dangerous situation. This means that a UC official has verified a legitimate emergency or dangerous situation exists. It does not mean that all the details are known or even available.

UC will consider an event to be a significant emergency or dangerous situation if there is imminent threat to life or safety of persons on the campus or UC property. This would include such things as a report of a shooting in progress, a warning of a tornado, a bomb threat, or a chemical spill.

For purposes of an Emergency Notification, an event will be considered to be occurring on campus when the incident is occurring on, or threatening the campus. An incident may be occurring near the campus that threatens the campus.

#### Issuing an Emergency Notification

1. Emergency Notifications are issued via the UC Emergency Alert System (EAS). A full description of the EAS and its component parts is contained in the UC Emergency Operations Plan (EOP), and should be referenced. The EAS utilizes multiple communications paths, including voice announcements, text messaging, and email. Other communications paths are used for follow up communication, and are outlined in the EOP.
2. The UC 911 dispatcher, the shift supervisor, and the on-call administrator are all authorized to initiate an Emergency Notification.
  - a. The 911 dispatcher will normally initiate the Emergency Notification. If the shift supervisor or on-call administrator initiates the Emergency Notification, they will instruct the 911 dispatcher to begin the process.
3. The 911 dispatcher will make a voice announcement of the emergency, and give instructions to the building occupants as to what actions they need to take, using the pre-written scripts for the type of emergency.
  - a. If the emergency affects only one building (such as a fire, or chemical spill), this announcement will be only to the involved building. The voice announcement is the only stage of the EAS activated in this case.
  - b. If the emergency affects multiple buildings or an entire campus, the announcement will be made to all buildings on the involved campus. The voice announcement is then followed by the rest of the EAS activation.
4. The 911 dispatcher will send the Emergency Notification via text messaging (using Nixle system) to all user groups.
  - a. The text messaging platform is limited to 140 characters.
  - b. The dispatcher will use the pre-written scripts for the type of emergency to format the text message.
5. The electronic message boards throughout the university will display the Emergency Notification information.
6. If the emergency is ongoing in nature, follow up Emergency Notification messages will be sent every 15 minutes.
  - a. The follow up messages will confirm that the emergency is still ongoing, and that members of the campus community still need to take an appropriate action, such as remain in shelter.
  - b. The final follow up message will confirm that the emergency situation is resolved, and that the danger is past.
7. Should the incident be of a longer term nature, the on-call administrator will send any necessary updates via email to all members of the campus community, utilizing the email list managed by UCit for this purpose.
  - a. The email message will contain updates and more detailed information than can be sent via text message.

### **C. Emergency Preparedness Plan**

In the event of a campus-wide emergency, the university's detailed emergency preparedness plan provides notification instructions and operating procedures at <http://www.uc.edu/publicsafety/staying-safe/preparedness.html>. This web page provides access links to emergency alerts and procedures, as well as university resources and policies relating to emergency preparedness.

## 1. Emergency Response

Anyone who notices a forthcoming or ongoing emergency should contact the Department of Public Safety, emergency response line by calling 513-556-1111 or 911.

Once such an emergency has occurred and has been confirmed by the Department of Public Safety and/or another law enforcement agency, the Emergency Operations Center (EOC) will convene and determine the scope of the incident. Upon their determination, the president of UC or designee will activate the Emergency Management and Continuity of Operations Plan. Once the emergency preparedness plan has been activated, the EOC will oversee the response team in conducting recovery and restoration operations. The EOC will fulfill many operational functions during an emergency and is the primary vehicle for implementing and managing the emergency response, and works within the incident command system in the event it is necessary to work with additional city, county, state, or federal agencies. The on-duty public safety supervisor is responsible for confirming that there is a significant emergency or dangerous situation and may initiate the emergency notification systems upon such confirmation.

UC will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of faculty, students, or staff occurring on the campus. In a campus-wide emergency response, the EOC will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless the notification will, in the professional judgment of the EOC, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. The Department of Public Safety will work in concert with the EOC to provide a coordinated and effective response to the university community.

## 2. UC Alerts

The university operates a campus notification system, UC Alerts, which will provide immediate text alerts and updates to students, faculty, and staff, with information and instructions, if there is an emergency. The Department of Public Safety will use these text alerts to notify the campus community of the nature of the emergency and procedures to follow. Because we can send the alerts to any cell phone or email address regardless of physical location, parents find them an invaluable resource for keeping informed if an emergency occurs on campus. UC Alerts work in conjunction with local alarm systems (such as fire alarms) and indoor / outdoor mass notification systems.

In the event of an emergency, any or all of UC's notification capabilities mentioned herein can be utilized simultaneously. All enrolled UC students are automatically enrolled in the UC Alert system. Faculty and staff are enrolled when they complete and/or update their directory listing by including their cell phone numbers. Visitors and other community members can sign up to receive the alerts through the Department of Public Safety's Campus Safety Network, which is powered by Nixle. Access to the

Campus Safety Network is available on the Department of Public Safety's website under the Records and Reports tab.

The UC Emergency Preparedness website, <http://www.uc.edu/publicsafety/staying-safe/preparedness.html>, also contains numerous resources for emergency planning (e.g., shelter-in-place and mass-care procedures).

### 3. Shelter in Place

In certain emergency situations, the campus community may be advised to "shelter in place" to avoid or minimize exposure to outside risks. Risks could include chemical or radioactive releases and some weather-related emergencies.

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to "shelter in place" means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

Once shelter-in-place instructions have been communicated, students, faculty, and staff should stay in the same building they were in when they first received the message. If they are outside, they should go to the nearest building and await further instructions. While it may be advisable to shelter in place in certain situations, no one can be forced to do so. Campus community members who choose not to shelter in place should vacate the premises immediately, so the building can be secured as soon as possible.

## **D. Emergency Notification for UC Students with Disabilities**

Students with disabilities are oriented to all procedures related to their safety in all university buildings, including residence halls and academic buildings, during an intake meeting with an academic counselor in the Disability Services Office. Students participate in a required intake meeting when they request reasonable accommodations. Information about the Disability Services Office can be found at <http://www.uc.edu/aess/disability.html> or by calling 513-556-6823.

A member from the Disability Services Office (DSO) meets with students during their intake process and discusses the general emergency procedures. DSO and the housing department will discuss emergency procedures in further details with students who have mobility or sensory disabilities.

The DSO, in coordination with Housing and Food Services, creates and updates an emergency evacuation list that includes the names of students with disabilities, their residence hall and room location, and type of disability.

## **E. Emergency Notification for UC Guests**

Visitors to campus can prepare for emergency or dangerous situations on campus and the surrounding area before they happen, so they can access up-to-the-minute alerts and advisories, by taking the following proactive steps:

- 1) Follow the Department of Public Safety on Twitter @ucpublicsafety. (Anyone can create a free Twitter account at twitter.com or download the free Twitter mobile app.)
- 2) Register for text alerts and Twitter feeds from the following local and regional jurisdictions:
  - a. City of Cincinnati Police@cincinnatiPd
  - b. Safer Ohio App - Ohio's multi-function, mobile public safety tool for reporting suspicious activity, requesting emergency or roadside help, and monitoring traffic conditions. Get it at the App Store or on Google Play.
- 3) Contact the Department of Public Safety directly at 513-556-4900 – For those UC guests who do not have access to a smartphone or are unable to join Twitter.
- 4) Visitors and other community members can sign up to receive UC alerts through the Department of Public Safety's Campus Safety Network, which is powered by Nixle. Access to the Campus Safety Network is available on the Department of Public Safety's website under the Records and Reports tab.

## **VI. Campus Security and Access to Buildings**

### **1. Blue Light Help Phones**

Blue light help phones are located throughout campus for safety purposes. Through this device, persons can be automatically connected with UC dispatch. UC has over 200 blue light help phones or emergency phones throughout campus. For assistance with locating the blue light help phones closest to your classes, college, job, etc. or along your path throughout campus, contact the Department of Public Safety at 513-556-4900.

### **2. Campus**

UC is a public institution and therefore has an open environment that allows individuals to move freely around the campus. This open environment makes all members of the university community responsible for immediately reporting suspicious activity to the Department of Public Safety. Report of suspicious incidents, activities, or persons to the UCPD (6-1111 on campus, 911 off campus) as soon as possible. Individual vigilance is essential in helping the Department of Public Safety promote campus safety and reduce campus crime.

### **3. Outside Athletic Facilities**

The outside athletic facilities and adjacent unlit areas are closed at dark, unless otherwise being utilized for a UC sporting event or practice. University police officers may question individuals observed using the field after hours, displaying suspicious behavior, or suspected of unlawful acts. The Department of Public Safety stresses that

individuals should not hesitate to contact the department with any suspicion regarding their own or someone else's safety.

#### 4. Academic and Administration Buildings

Typically, academic and administration buildings are open during regular business and class hours. Instructional facilities are generally open from 7 a.m. to 11 p.m., Monday through Friday, with modified weekend hours. The functional usage of the building may necessitate the building being open 24-hours a day/ 7 days a week, such as medical facilities, computer labs, libraries, etc. Other areas may be open for 24-hour use during exam periods or for other special needs. UCPD officers lock and unlock exterior building entrances in accordance with the building's schedule. They admit individuals to locked buildings and areas only if the individuals have valid identification and written authorization. Most university buildings are open during normal university business hours. For more information about the exact hours of a building, please contact the department that you wish to visit.

#### 5. Student Housing

On-campus student housing is locked 24 hours per day, with an electronic system controlling access. Residents and visitors must enter through the main entrance only. Residents use an access card to open the building door. Visitors must be escorted by a resident. While the university makes every effort to prevent access by uninvited visitors, residents must also take an active role in that effort. Residents should report strangers to the hall staff and avoid holding doors open for nonresidents to enter. Residents are held responsible for the actions of their guests. We encourage students to lock their room doors at all times.

UC provides off-campus student housing at multiple locales around Cincinnati. While these buildings are not located on any UC campus (and may be only partially leased through UC), the university employs full-time Resident Assistants who reside in the building. Residents of the university-provided housing must comply with the university's Student Conduct Code, including Drug and Alcohol Policies. All criminal activities at these locations should be reported to UCPD and Residence Hall staff, if there is student involvement.

#### 6. Students Living Off-Campus, Non-University Housing

When a UC student is involved in an off-campus offense, university police officers may assist with the investigation in cooperation with local, state, or federal law enforcement. University police may patrol off campus areas to assist local law enforcement agencies. Cincinnati Police and other agencies surrounding UC's campuses routinely work with and communicate with university police regarding any serious incidents occurring in the immediate areas surrounding the campuses. Criminal activity reported to the UCPD by other police agencies may also be referred to the Judicial Affairs office for disciplinary action under the Student Code of Conduct. (The Student Code of conduct is attached hereto as Appendix E). Many students live in the neighborhood surrounding the Uptown campus, which is under the primary jurisdiction of the Cincinnati Police.

## VII. Crime Prevention and Security Awareness Programs and Education

### A. Crime Prevention Programs

The university strives to educate students about the importance of preventing crime. Therefore, the university offers many programs throughout the year to reinforce the importance of crime prevention and security awareness. Some examples of programming and education includes:

1. Student Safety Board (SSB) – A collaboration between the UCPD and approximately 30 undergraduate students. The group works together to implement safety related educational and outreach events during the school year.
2. Safety Week – Each year, UCPD develops and implements Safety Week to create awareness about staying safe, and educating students about safety-related resources. Each day of Safety Week is focused on a different safety topic such as personal safety, self-defense, mental health and fire safety.
3. Social Media Outreach – UCPD conducts outreach to the UC community via social media including Twitter and Facebook. UCPD can be followed on Twitter at @UCPublicSafety, and Facebook at <https://www.facebook.com/pages/University-of-Cincinnati-Public-Safety/404082486012?fref=nf>.
4. Door hangings & signs – Typically in fall, winter, and spring each academic year, UCPD puts out door hangers to educate students about crime prevention technics, including how to prevent thefts from autos, and burglary prevention.
5. Safety Talks – UCPD conducts many safety talks throughout the year, including to but not limited to talks for the following groups: Freshman Orientation; international student orientation; medical student orientation; English as second language students; sorority and fraternities; residence halls; and any other students groups or organizations who contact the UCPD and request a safety talk. These talks are offered numerous times throughout the year to students and employees.
6. Safety Tables - UCPD teams with Resident Education and Development (RED) to host safety tables in each residence hall in the early weeks of each academic year. Community Outreach Officers and members of SSB hand out safety information about available safety resources and talk to students about utilizing the resources to stay safe.
7. The NightRide Program – UCPD, through volunteers, operates a NightRide Program from 8:00 p.m. to midnight, Sunday through Wednesday and 8:00 p.m. to 2:00 a.m. Thursday through Saturday, for the safety of anyone that needs a ride on or around the Uptown Campus during the evenings. By calling 513-556-RIDE, individuals will summon an escort team to your location who will provide a ride anywhere on campus or within a one mile radius around UC campus.
8. Campus Watch – UCPD trains and employs students to assist the police in patrolling campus parking lots and garages, residence halls, and other vital areas. These patrol teams report suspicious individuals and/or activities, via

radio, to the police dispatcher. Campus Watch personnel can be identified by distinctive jackets and Campus Watch Student IDs.

9. Shuttle Bus Service - The Bearcats Transportation System and Campus Transit System provide students, faculty, staff, and visitors with safe and convenient transportation.

## **B. Crime Prevention Tips**

Crime prevention incorporates the theory that crime can be reduced by lessening the opportunity for crime. Below are some suggestions promoted by UC Department of Public Safety:

### Residence Halls

1. Lock doors when leaving rooms.
2. Do not leave large sums of money or valuables in any room.

### Commuters

1. Lock valuables in the trunk or leave them at home.
2. Lock the vehicle and take the keys.
3. Park in well-lighted areas.

### General Information

1. Never leave personal items unattended (including libraries and study areas).
2. Report any suspicious people or unusual activities to the police.
3. Each individual should let someone – a parent, friend, or spouse – know their schedule in case of an emergency

## **VIII. Drug and Alcohol Awareness**

The University of Cincinnati is committed to providing a safe and healthy learning environment for all our faculty, staff, and students. Our institution recognizes that the improper use of alcohol and drugs will interfere with the school's mission and vision by negatively affecting the health and safety of our faculty, staff, and students.

All faculty, staff, and students are governed by university rules, as well as by federal, state, and local laws, and will be held accountable for any illegal use or possession of alcohol or other drugs. It is the responsibility of all faculty, staff, and students to be aware of these laws. Employees, students, and campus visitors may not unlawfully manufacture, consume, possess, sell, distribute, transfer or be under the influence of alcohol, drugs, or other controlled substances on school property, while driving a university vehicle or while otherwise engaged in any university activity or business.

### **A. Drug and Alcohol Abuse – Health Risks**

The abuse of alcohol and use of drugs increases the risk for a number of health-related and other medical, behavioral and social problems. Below is a general description of the health risks associated with alcohol and drug use.

1. Alcohol — Can cause short term effects such as loss of concentration and judgment, slowed reflexes, disorientation leading to higher risk of accidents, and problem behavior. Long term effects include risk of liver and heart damage, malnutrition, cancer and other illnesses. Alcohol can be highly addictive to some persons.
2. Amphetamines — Can cause short term effects such as rushed, careless behavior and pushing beyond your physical capacity, leading to exhaustion. Tolerance to amphetamines increases rapidly. Long term effects include physical and psychological dependence, and continued high doses can cause heart problems, infections, malnutrition and death. Withdrawal can also lead to depression and suicidal ideations.
3. Cannabis — Can cause short term effects such as slow reflexes, increase in forgetfulness, altered judgment of space and distance, and aggravation of pre-existing heart and/or mental health problems. Long term health effects include permanent damage to lungs, reproductive organs and brain function. Cannabis can interfere with physical, psychological, social development of young users.
4. Cocaine(crack) — Can cause short terms effects such as impaired judgment, increased breathing, increased heart rate, heart palpitations, anxiety, restlessness, hostility, paranoia, and confusion. Long term effects may include damage to respiratory and immune systems, malnutrition, seizures and loss of brain function. This drug is highly addictive.
5. Designer Drugs/Synthetic Cannabinoids — (bath salts, K2, spice) Can cause short term effects such as elevated heart rate, elevated blood pressure, chest pain, hallucinations, seizures, violent behavior and paranoia, lack of appetite, vomiting, and tremors. The long-term effects include kidney/liver failure, increased risk of suicide, and death.
6. Hallucinogens (PCP, LSD, ecstasy, dextromethorphan) — Can cause extreme distortions of what a person sees and hears, induces sudden changes in behavior, results in a loss of concentration and memory, increases risk of birth defects in user's children. Overdoses can cause psychosis, convulsions, coma and death. Frequent and long-term use can cause permanent loss of mental function.
7. Inhalants (nitrous oxide, amyl nitrite, butyl nitrite, chlorohydrocarbons, and hydrocarbons) — Can cause short term effects such as nausea, dizziness, fatigue, slurred speech, hallucinations or delusions, rapid and irregular heart rhythms, heart failure, and death. Long-term use may result in loss of feeling, hearing and vision, and can result in permanent damage to the brain, heart, lungs, liver and kidneys.
8. Sedatives — Can cause reduced reaction time and confusion. An overdose on sedatives can cause coma, respiratory arrest, convulsions and death. Withdrawal can be equally dangerous, because in combination with other controlled substances, it can quickly cause coma and death. The long-term use of sedatives can produce physical and psychological dependence, and a person's tolerance to these drugs can develop quickly.
9. Tobacco (cigarettes, cigars, chewing tobacco) — Can cause diseases of the cardiovascular system. In particular, smoking is a major risk factor for a myocardial infarction (heart attack), diseases of the respiratory tract such as Chronic Obstructive Pulmonary Disease (COPD) and emphysema, and cancer,

particularly lung cancer and cancers of the larynx and mouth. Nicotine is highly addictive.

## **B. University Policy on Alcoholic Beverages**

3361:10-17-07 Conduct and ethics: university alcohol policy.

### (A) Introduction.

It is the goal of the University of Cincinnati to maintain an on campus environment that is conducive to intellectual, emotional, and social growth of all members of its community. The University of Cincinnati has established the following policy governing the possession, sale, and consumption of alcohol on its campuses. It is the university's intention through these policies to be clear about university consequences attributed to irresponsible or illegal usage of alcohol on campus.

### (B) Alcohol Policy

The university shall implement and enforce the laws of the state of Ohio as stated in the Ohio Revised Code. It is the responsibility of each student, staff, and faculty member to be familiar with the requirements of the Ohio Revised Code and the provisions of this policy and to conduct themselves accordingly.

As permitted by law individual students, faculty and/or staff may purchase, possess and/or consume beer or intoxicating liquor on campus at certain campus events, in designated campus facilities and in campus facilities having permits issued by the Ohio department of liquor control.

Restrictions in the Ohio Revised Code include the following:

1. It is unlawful for a person under 21 years of age to purchase, consume, possess, or transport any beer or intoxicating liquor.
2. It is unlawful to knowingly and falsely misrepresent one's age to obtain alcoholic beverages and/or to misrepresent that another is of legal age for such purpose.
3. It is unlawful to have in one's possession in a public place without a permit an open container of beer or intoxicating liquor.
4. It is unlawful to possess an open container and/or consume any beer or intoxicating liquor in a motor vehicle.
5. It is unlawful to serve, distribute beer and/or intoxicating liquor to a minor.

These laws are contained in Chapter 4301 of the Ohio Revised Code. The complete text of the state liquor laws and administrative regulations may be obtained from the department of campus security, campus library, or the Ohio department of liquor control.

Student organizations will be permitted to schedule and/or sponsor on-campus events at which alcohol would be available only at those locations having permits issued by the Ohio department of liquor control.

Student organizations that sponsor off-campus events are expected to adhere to state law. Organizations found to have violated state law may be subjected to the loss of registered status.

Administrative and academic units (colleges, departments) are permitted to schedule and/or sponsor on-campus student events at which beer or intoxicating liquor would be available only in designated areas within those units and only with the approval of the unit head. These events may not be all campus events and must adhere to regulations for on-campus events

(C) Policy for campus events.

The following regulations must be followed at on-campus events at which beer or intoxicating liquor are served and/or sold:

1. The events must be properly authorized by the administrative unit responsible for the facility(s) to be used.
2. Consumption and/or sales are permitted only within the approved area for the event
3. Non-alcoholic beverages must be available at the same place as alcoholic beverages and featured as prominently as the alcoholic beverages.
4. The sponsors of the event will implement precautionary measures to ensure that alcoholic beverages are not accessible or served to persons under the legal drinking age or to persons who are intoxicated.
5. The sponsors of the event must require proof of legal age for those individual in question as to legal age.
6. Marketing, advertising and promotion of events with alcoholic beverages being served should not emphasize the serving of alcohol and/or have any drinking games there associated with the event.
7. Management of licensed facilities on-campus reserve the right to limit consumption and/or sales at events in the designated facilities.

(D) Policy violations and sanctions

Individuals and organizations found in violation of university regulations will be subject to disciplinary action and may be subject to action outlined in the Ohio Revised Code.

To be enacted.

Effective: March 29, 1993

Replaces: Rule 3361:40-5-06 (which was effective 2/15/91)

Certification: Sally A. Clark signature

Sally A. Clark

Interim Clerk, Board of Trustees

Date: March 9, 1993

Promulgated under R.C. Section 111.15

Rule Amplifies: R.C. 3345.21-25

R.C. 3361.03

### **C. University Policy on Illegal Drug Possession and Use**

In compliance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989, the university maintains a drug-free campus for all university employees and students and prohibits the unlawful manufacture, distribution, dispensing, possession, or use of illicit drugs or alcohol on its campuses or as a part of any university activity. University police strictly enforce Ohio law in regard to illegal drugs. Students, faculty, and staff are also subject to university disciplinary action in relation to illegal drugs.

### **D. Penalties**

The unlawful use of alcohol and drugs may result in disciplinary action by the university, as well as criminal charges and legal penalties. These may include, but are not limited to:

1. Suspension or Dismissal from the university;
2. Suspension or Termination from employment;
3. Required attendance at substance abuse education or treatment program;
4. Fines as determined under local, state, or federal laws;
5. Loss of driving privileges;
6. Imprisonment;
7. Forfeiture of personal and real property; and/or
8. Denial of federal benefits such as student financial aid

### **E. Drug and Alcohol Awareness Education**

1. AlcoholEdu for College - AlcoholEdu for College is an online alcohol prevention program used for college students and is used at many different campuses nationwide. The program is designed to challenge students' expectations about alcohol while enabling students to make healthy and safe decisions. The program contains two parts; part one was completed by incoming students before arriving on UC's campus, and part two was completed by students approximately 90 days after arriving on campus. The AlcoholEdu program proved to be a useful tool to correct misconceptions of alcohol use and changing student behaviors of first year students.
2. Bearcats Know How to Party Smart Initiative - The Student Wellness Center works with a variety of offices on campus to conduct alcohol initiatives focusing on correcting misconceptions and providing tools and resources for off-campus students hosting parties. Campus collaborators include University Judicial Affairs, Health Promotion and Education department, Student Government, UC Women's Center, Counseling and Psychological Services, and Eta Sigma Gamma. The overall goal of the program is to reduce the harm resulting from high-risk drinking, increase student awareness of the consequences of high-risk drinking, and increase knowledge of how to drink responsibly. The Bearcats Party Smart initiative consisted of two different

- components to address the needs of our students; a social norms campaign and Party Smart Kits.
3. Commission on Alcohol and Other Drug Education (CAODE) - The Commission on Alcohol and Other Drug Education was developed in 1999. It was charged to survey the university to determine what alcohol-related activities and programs are currently occurring, make recommendations to improve current programs and activities, keep the campus informed about relevant programs, maintain an alcohol use and other drug abuse educational presence on the UC campus and in the greater UC community, and report to the President of the university annually. The group is made up of staff, faculty and students from across the institution and meet quarterly.
  4. Friday Night Live - Friday Night Live is a late night, alcohol-free entertainment event that was held twice a semester. The goal of Friday Night Live is to provide students with alcohol-free entertainment on the weekends, so as to express to students that college entertainment does not have to focus on alcohol. The Student Wellness Center worked with a variety of departments and student groups on campus to develop and implement the events.
  5. Greek Life Initiatives - Student Activities and Leadership Development (SALD) conducts a variety of alcohol education to fraternity and sorority members. The purpose of these initiatives are to deter Greek students from engaging in high risk behaviors. There are also environmental changes being made to address high-risk drinking among Greek students. The awareness initiatives conducted by SALD include:
    - a. Joint Homecoming Policy – All chapters are expected to follow Fraternity Information Programming Group (FIPG) Guidelines for BYOB/third party vendors. In addition, all chapters must take part in a Safe Social Practices workshop.
    - b. Risk Management Guidelines and Community Expectations – SALD partners with UCPD to provide officers with training to include an overview of risk management guidelines and community expectations.
    - c. Ladder of Risk for Interfraternity Counsel (IFC) and College Panhellenic Council (CPH) Judicial Boards
    - d. Safe Social Practices and FIPG workshops for all council executive officers and risk management officers.
  6. Impact Solutions Employee Assistance Program (EAP) - The purpose of the University of Cincinnati EAP is to offer assessment, counseling and referral services that are confidential and professional, and which include services related to drug and alcohol prevention. Services are available to benefit-eligible employees, spouses/domestic partners, children and other individuals who live in the employee's home. Impact's services are provided 24/7/365 at no cost to employees.
  7. Online Alcohol Screening - Counseling and Psychological Services (CAPS) offers an online alcohol screening to the university community. The goal of this screening is to provide a quick, confidential way to determine if you or someone you care about should connect with a mental health professional. The program

- is completely anonymous and confidential, and immediately following the brief questionnaire you will see your results, recommendations, and key resources.
8. Poster Program – The Student Wellness Center developed this initiative to offer health and wellness 11 x 17 posters to Resident Advisors (RA's), Greek houses and advisors to hang in their halls, houses and offices. The posters are on a variety of health and wellness issues and are created by peer educators. The purpose of this program is to bring awareness to these issues and create a culture of health and wellness across campus.
  9. RECLAIM Peer Advocate Program - The RECLAIM program is offered through the UC Women's Center. RECLAIM is an advocacy program designed to deliver support to survivors of sexual and gender based violence as well as provide campus based advocacy and awareness of sexual and gender based violence in the community. All educational programs offered through the Women's Center on sexual and gender-based violence focuses on consent, healthy relationships and the role of alcohol (and other drugs) in sexual and gender-based violence. Training for advocates as well as the ongoing leadership development curriculum includes educating them on the role that alcohol plays in sexual and gender-based violence. Advocates are educated on high-risk, binge drinking and armed with skills to drink and party smart. Advocates also explore addiction and high-risk behaviors as a possible response to victimization and are educated on resources available so they may make appropriate, sensitive referrals.
  10. RA Bulletin Board Program - The Student Wellness Center peer educations develop a variety of bulletin boards on health and wellness topics that can be used in the residence halls by RA's. They include all information for the board and a schematic to help with arrangement of the board. The purpose of this program is to increase awareness of health and wellness issues and make sure RA's are putting up correct information about the topics. Topics have included alcohol, marijuana, predatory drugs, and prescription drugs.
  11. Residence Hall Alcohol and Drug Programming - A variety of educational programming is conducted in the residences halls for residents. Program content includes basic alcohol information, such as standard drink size and Blood Alcohol Concentration, as well as low-risk drinking skills. These presentations also discussed residence hall expectation and open dialog about alcohol and other drugs.
  12. Student Wellness Center Peer Education Workshops - The workshops are conducted by peer educators from the Student Wellness Center for a variety of groups and settings including: classrooms, residence halls, Greek houses, and student organizations. The peer educators conduct programming on alcohol and concentrate on basic alcohol facts and how to avoid the high-risk consequences of alcohol use. These programs also include providing students with campus resources to address these issues.
  13. Substance Abuse Psycho Education Program - Counseling and Psychological Services (CAPS) offers a fee-based Substance Abuse Psycho Education Program with referrals from University Judicial Affairs and the court system Diversion Program. CAPS offers a two-part psycho-educational program about alcohol and other substance use. The screening segment of the program consists of a private, individual interview and completion of a questionnaire and other materials for gathering information. This component focuses on screening

and personalized feedback about a person's self-reported substance use, related consequences and risks, daily psychological and social functioning, and recommendations for follow up, including treatment when indicated. The second component consists of a discussion class that includes a brief video, review of the effects of substance use on the brain, and other topics to assist people in contemplating their use and change.

14. 21<sup>st</sup> Birthday Card Program - The Student Wellness Center sends electronic 21st birthday cards to all students turning 21. The cards contain information about celebrating your 21st birthday safely. The card contains low-risk drinking tips for those that choose to use alcohol on their birthday.

## **F. Drug Abuse, Liquor Law and Weapon Law Violations**

In compliance with the Clery Act, the university will count and disclose the number of arrests and the number of students referred to Judicial Affairs for drug abuse, liquor law, and weapons law violations. If both an arrest and a disciplinary action referral occur for the same incident, the university will only count the arrest, even if the arrest and the referral are for different violations (i.e. arrested for drug offense, but referred to Judicial Affairs for liquor offense).

The Clery Compliance Manager will count violations of state and local laws for purposes of the drug, liquor and weapons law violations section of the Clery statistics. Ohio Revised Code (R.C.) Chapter 4301 regulates the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages. For purposes of Clery counting, driving under the influence or (public) drunkenness will not be included. (R.C. 4301 can be located in its entirety at <http://codes.ohio.gov/orc/4301>.)

Drug abuse offenses are located in both the state and local laws. R.C. Chapter 2925 regulates the possession, sale, use, growth, manufacturing and making of narcotics. (R.C. Chapter 2925 can be located in its entirety at <http://codes.ohio.gov/orc/2925>.)

Further, the Cincinnati Municipal Code (CMC) regulates the possession of drug paraphernalia and drugs in Chapter 601 and 879. (A complete version of the CMC is located at [https://www.municode.com/library/oh/cincinnati/codes/code\\_of\\_ordinances](https://www.municode.com/library/oh/cincinnati/codes/code_of_ordinances).)

Weapons offenses are located in both the R.C. and the CMC as well. The City, through the CMC, regulates the discharge of firearms in the City limits in Chapter 708. The state regulates all other aspects of weapons law through R.C. Chapter 2923. (R.C. 2923 can be located in its entirety at <http://codes.ohio.gov/orc/2923>.)

## **G. Hazing Prevention**

Through university rules, the student code of conduct, programming, and in accordance with state and federal laws, the university adamantly prohibits any form of hazing associated with university extracurricular activities. All student activities, including, but not limited to, student organization membership orientation and initiation, shall be expected to be unquestionable in their purpose and intention as related to hazing.

The university defines hazing as participating in or allowing any or coercing another, including the victim, to do any act that creates a substantial risk of causing mental or physical harm to any person. A forced or coerced activity shall also be considered hazing when the initiation or admission into, or continued affiliation with, a university organization is directly or indirectly conditional upon performing that activity. In no event shall the willingness of an individual to participate in the activity serve as a defense in cases of hazing.

For a complete copy of the university hazing policy, please visit [http://www.uc.edu/content/dam/uc/trustees/docs/rules\\_40/40-03-12.pdf](http://www.uc.edu/content/dam/uc/trustees/docs/rules_40/40-03-12.pdf)

### Hazing Prevention Coalition

The Hazing Prevention Coalition works to empower the University of Cincinnati community to prevent hazing through active education, prevention and intervention. We are committed to the cultivation of an environment that is safe and enjoyable, building relationships through the facilitation of activities which do not compromise principles or respect for individuals. In addition, the Coalition seeks to ensure that the environment is safe for those who are seeking support in developing hazing prevention strategies for themselves and their organizations.

For updates on the Hazing Prevention Coalition, visit the hazing prevention section of the Student Activities and Leadership Development website at <http://www.uc.edu/sald/about/hazing-prevention.html>.

## **IX. Higher Education Opportunity Act**

### **A. Drills, Exercises and Tests**

1. Fire Drills - Consistent with Clery and the Ohio Fire Code, fire drills are conducted in the academic buildings as well as the resident halls. The university conducts fire drills in the academic buildings annually. In the residence halls, the university conducts four drills per academic school year, and at least one drill is conducted after sunset and before sunrise.
2. Severe Weather Notification – The severe weather notification system is tested the first Wednesday of every month, except when severe weather is determined to be imminent by the Department of Public Safety. These tests are audio, email and text messaging notifications.
3. Smoke Detector Tests - Smoke detectors are tested monthly in all our resident halls. These tests are conducted by UC Fire Inspectors.
4. Sprinkler and Suppression System Testing - These tests are conducted according to the NFPA standard which may be monthly, quarterly, or annually. These tests may be conducted by UC Alarm Technicians or by an outside agency.

5. Active Shooter Exercises – These exercises include tabletop and full-scale exercises and, in total, are conducted four times per year.

## **B. Fire Safety**

### Fire Safety Report

The University of Cincinnati is required to comply with the Higher Education Opportunity Act (HEOA). The 2008 HEOA Amendments require Title IV Institutions to collect and publish statistics related to fire and/or smoke events as well as fire prevention policies and fire safety equipment as these items pertain to residence halls owned and controlled by the institution. In accordance with the fire statistics, safety and prevention requirements of the HEOA, the University of Cincinnati's Department of Public Safety prepares an Annual Fire Safety Report.

This report is released annually on or before October 1 of each year. Paper copies of the Annual Fire Safety Report will be provided upon request at (513) 556-4300.

### Fire Log

Being a university with on-campus student housing facilities, the University of Cincinnati will maintain a fire log. This log will only apply to the main, Uptown Campus, as the other UC campuses do not have residential student housing on-campus.

1. The log will record: the nature of the fire; the date and time of the fire; the date the fire was reported; and the general location of the fire.
2. The log will report any time that any fire occurs in an on-campus student-housing facility.
3. All log entries shall be made within two business days of receipt of the information.
4. The 60 day, most recent fire log will be available for public inspection during normal business hours at the Department of Public Safety. Any portion older than 60 days, will be available within two business days from the request.
5. In compliance with the Higher Education Opportunity Act, the university will also create and publish an annual fire safety report as part of its Annual Security and Fire Safety Report.

## **C. University's Missing Resident in Campus Housing Facilities Policy**

Policy Number: 4.1.2

### **Background**

The University of Cincinnati maintains campus residence hall facilities and is required by law to establish a policy for missing student notification.

### **Policy**

#### Proactive measures

1. Each student living in any on-campus housing facility has the right to register a confidential contact person (CCP) to be notified in the event that the student is determined to be missing.
  - A. Each student shall be provided a written notice of the availability of CCP registration.
    - Said notice will be communicated via email to the student's individual UC email account. In addition, the option of this process shall be included on the Student Life web site.
    - These registrations shall be maintained by the lead administrator of the facility where the student lives.
    - Registration information will include the CCP's full name and phone number.
    - Each student shall be provided the opportunity to register a CCP within 48 hours of keys being issued to the student.
    - If a student wishes to change his/her CCP registration, he or she must make written notice to the lead administrator of the facility where he/she lives.
  - B. The process for access to registration information on all CCPs is restricted to designated employees of the university or the manager of the on-campus facility not operated by the university. The information on a CCP is confidential and shall be accessed only by authorized personnel and released to relevant law enforcement agencies only in furtherance of the missing person investigation.
  - C. Procedures for reporting possible missing students shall be posted on the following web sites:
    - Resident Education and Development/Housing & Food Services
    - Student Life
    - Public Safety

These reporting procedures will also be included in writing in the following publications or platforms:

- UC Student Handbook;
- Right to Know publication;
- Residence hall handbook;

### Reporting missing residents

1. When a resident of on-campus student housing is believed to be missing, concerned persons should notify any of the following resources:
  - A. University of Cincinnati Police Department (UCPD), 556-1111; and
  - B. The residence coordinator (RC) or assistant residence coordinator (ARC) where the missing person lives; in University Park apartments these officials are referred to as the community manager or assistant community manager; in Bellevue Gardens the official is the property manager; or
  - C. During university business hours,

- Dean of Students Office (513 556-5250);
  - Office of Resident Education and Development (RED) (513 556-6476).
2. Any university employee of the units listed above (or their counterparts in on-campus housing facilities run by other organizations) who receives a report of a missing resident shall immediately contact UCPD at 513 556-1111; notify his/her own immediate supervisor; and document the incident. If UCPD identifies that it does not have jurisdiction based on the circumstances, they shall assist the reporting person(s) in making contact with the appropriate law enforcement jurisdiction. UCPD will notify the Dean of Students Office.

Parental/Confidential Contact Person notification

In the event that a student is reported to be missing, that student’s designated confidential contact person must be contacted within 24 hours. If the student is an unemancipated student under age 18 that student’s parent(s)/guardian also must be contacted within 24 hours. The University of Cincinnati Police Department is the university office designated to make this notification. Such notice may be made in cooperation with the responsible law enforcement jurisdiction, if applicable.

**Definitions**

For the purposes of this policy, “on-campus student housing” includes any residential facility for students that is located on an institution’s campus even if the building is owned or maintained by a student organization or another party. Therefore, as of the publication date of this policy, “campus housing facilities” at the University of Cincinnati include the following buildings: Calhoun Hall, Campus Recreation Center (CRC) Hall, Dabney Hall, Daniels Hall, Schneider Hall, Siddall Hall, Turner Hall, the Stratford Heights Complex, University Park Apartments and Bellevue Gardens Apartments.

**Related links:**

Policy 4.1.1 Student Related Critical Incidents Response Policy

**Phone Contacts:**

<b>UC Police</b>	513-556-1111
<b>Dean of Students</b>	513-556-5250
<b>Resident Education &amp; Development</b>	513-556-6476

**X. Violence Against Women Act (VAWA) Crimes & Sexual Offenses**

**A. VAWA Educational Awareness and Prevention Programs**

The university prohibits domestic violence, dating violence, sexual assaults, and stalking. The university’s Title IX grievance procedures are attached hereto as Appendix D. These policies are continuously reviewed; for the most up to date version of the procedures, please see <http://www.uc.edu/titleix.html>.

In order to educate our community about these crimes, the university engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

The university's educational awareness and prevention programs begin with the university's primary prevention programs. These programs are designed and intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur. The university's primary prevention programs are required for all incoming students and all new employees. All new employees receive on-line training that covers sexual harassment as well as how to recognize and report other types of sex and gender based harassment, discrimination, and violence. New employees complete two on-line trainings. "Report and Prevent Sexual Misconduct" is required for all staff, faculty, targeted student workers, and all supervisors. "Anti-Harassment, Discrimination, and Retaliation for Universities" is required for all staff and faculty. Supervisors complete "EDU: Supervisor Anti-Harassment, Discrimination and Retaliation". These trainings are required within ninety (90) days of beginning work at the university.

All new students, including first year, transfer, graduate, and distance learners, are required to complete an on-line training that covers sexual/gender-based harassment, discrimination, and violence issues. The training includes interactive scenarios, frank discussions about alcohol and drug use, strategies for engaging in risk reduction and bystander intervention, and information about the university's policies, procedures, and resources. All incoming students are required to complete the training within sixty (60) days of receipt. A follow up survey is provided to assess how incoming students used the information during their first term at the university.

The University of Cincinnati's educational outreach is a collaborative effort through the offices of UC Department of Public Safety, the Title IX office, Student Affairs and University Health Services as well as UC Women Center's RECLAIM Program, Counseling and Psychological Services (CAPS) and the Department of Women's Gender and Sexuality Studies among others.

#### UC's Education Outreach includes:

1. Educational outreach and safety talks with: residence hall supervisors; student safety board; Greek organizations; student orientation; and faculty and staff groups and organizations. Typically, these safety talks are offered at least one group during each month during the regular school year. (This does not account for summer vacation.) The safety talks are issued by the Office of Student Affairs free of charge.

## 2. Awareness Campaigns:

- a. Healthy Relationships Week – Is generally offered the week leading up to Valentine’s Day and it fosters conversation about healthy relationships (consent, sex, gender, and identity). It is a week of free programming, opened to all students. Participating groups include Title IX, LGBTQ Center, Office of Judicial Affairs, Student Government, Greek Organizations and RAPP.
  - b. #It’s on Us Campaign – White House program designed to create a movement to prevent sexual assault and sexual violence. The campaign encourages members of the UC community to stand up, step in, and reach out to make a difference when it comes to sexual assault prevention. The programs related to #ItsOnUs are free of charge, and occasionally involves guest speakers.
  - c. Reclaim Week – A week of activities centered around developing a Consent Culture. This event is offered every year, free of charge. This week is used as a tool to promote Sexual Assault Awareness Month as well. All events are free of charge and open to the university community (including film screenings and seminars).
  - d. Start by Believing Campaign – This campaign is slated to begin in spring 2016, and is an awareness campaign uniquely focused on the public response to sexual assault
  - e. #Consent Culture Campaign - The #ConsentCulture Campaign is an initiative to start a campus wide dialogue about healthy sex and consent. It aims to bring the UC student community together to promote consensual sex, clear misconceptions, and raise awareness of the resources available to the university community.
  - f. The Female Orgasm Program – The Female Orgasm Program combines sex education and women's empowerment with a hearty dose of laughter. The program brings a playful, honest, approach to this topic, packing the house on college campuses. The program is inclusive of people of all genders and sexual orientations.
3. Lecture Series - Features prominent guest speakers. The lecture series is free to the university community and usually takes place multiple times per year.
  4. Women’s Center Symposium of Sexual/Gender Based Violence - UC Women's Center hosted its first Symposium on Campus Response to Sexual and Gender Based Violence, which brought together 35 individuals who represented 8 institutions from across the region. It is offered annually and is free of charge.
  5. Student online training – UC uses the program Think About It! - Think About It! is the on-line training for new incoming students at UC. Think About It! covers dating violence, domestic violence, sexual violence, stalking, bystander intervention, risk reduction, and healthy decision making.
  6. Title IX 101 – Training offered by the university’s Title IX office. It is offered frequently throughout the year to responsible employees and students and it is

free of charge. Anyone can request Title IX 101 training by contacting the Title IX office at 513-556-3349.

### Counseling and Health Support Services:

- a. Sexual Assault Programs - These programs, offered through CAPS, confidential crisis intervention, support groups, and ongoing individual counseling services to survivors of sexual violence, sexual harassment, stalking, and/or domestic and dating violence.
- b. After-hours helpline – This helpline is staffed by professional counselors available at (513) 556-0648.
- c. Domestic Violence and Protective Order Clinic 556-0180.
- d. UC Department of Public Safety has created a Special Investigations Unit to provide support services for members of the UC community who are victims of sexual assault, sexual violence and stalking. The Special Investigations unit is comprised of a victim services coordinator and special investigator who work closely with UC's Title IX Coordinator.

## **B. Reporting a VAWA Crime/Filing a VAWA related Complaint**

The university has procedures in place that serve to be sensitive and responsive to those who report sexual assault, domestic violence, dating violence, and stalking. The university will provide complainant with written notification of rights and options that includes information regarding services available to students and employees including counseling, victim advocates, student financial aid, legal assistance, visa and immigration assistance and other services that are available both on and off campus. In addition, the written notification will explain how the complainant may request interim measures to prevent contact between the complainant and the respondent, which could include housing, academic, transportation and/or working accommodations, if they are reasonably available. Such interim measures will be granted if they are reasonably available and requested by the complainant, regardless of whether the victim chooses to report the crime to law enforcement.

The university encourages accurate and prompt reporting of all crimes to campus police and local law enforcement, when appropriate, when the victim elects to, or is unable to, make such a report. Although the university strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. If the complainant so desires to report the matter to law enforcement, the CSA shall provide assistance to the complainant in doing so.

### 1. Reports to law enforcement\*

Reports may be made to the UCPD at: (513) 556-1111, 51 West Corry Blvd, <http://www.uc.edu/publicsafety.html>. Reports may be made simultaneously to law enforcement and the Title IX Coordinator/Deputy Title IX Coordinator. When there are concurrent reports the Title IX Office and the investigating law enforcement agency will work in collaboration whenever possible.

\*Speaking to a law enforcement officer or the Department of Public Safety does NOT obligate a person to file any complaint.

## 2. Reports to UCPD Victim Services Coordinator

Reports may be made to the UCPD Victim Services Coordinator at: (513) 556-4905, 45 Corry Blvd, Suite 3115. The Victim Services Coordinator can assist a complainant in accessing the criminal justice process through a report to UCPD or the appropriate law enforcement agency. The Victim Services Coordinator will also continue to work with a complainant and witnesses as appropriate as they navigate the criminal justice process. When the Victim Services Coordinator receives a report it will also be sent to the Title IX Coordinator to ensure the complainant is aware of their rights under university policy.

## 3. Anonymous Reporting

Individuals who have experienced sex or gender-based discrimination, harassment, or violence are encouraged to report their information to the university. Individuals can report information anonymously via the EthicsPoint anonymous reporting hotline (1-800-889-1547) or the EthicsPoint website at <http://www.uc.edu/af/intaudit/ethicshotline.html>.

## 4. Reports to the Title IX Grievance Procedure

Reports involving employees are addressed as set forth in the university Policy Statement on Sexual Harassment, the university Policy Statement on Sex Offenses, the university Policy on Discriminatory Harassment and the university Policy on Non-discrimination.

Reports involving students are addressed as set forth in the University of Cincinnati Title IX Grievance Procedures. Reports to the Title IX office may be made by phone at 513-556-3349. For a complete copy of the University of Cincinnati's Title IX procedures, please visit: <http://www.uc.edu/titleix/policies-procedures.html>.

All current contact information for the university staff members and departments mentioned throughout the policy as well as resources for services can be found in appendices A and B below.

## 5. Campus Security Authorities (CSA)

CSAs are individuals at the university who, because of their function for the university, have an obligation under the Clery Act to notify the university of alleged Clery Crimes (including sexual misconduct/VAWA crimes) that are reported to them in good faith, or alleged Clery Crimes that they may have personally witnessed. . University employees who are responsible for reporting possible sex discrimination, sexual harassment, and retaliation include faculty & staff advisors, administrators, staff, residence coordinators, and residence advisors.

## 6. Amnesty

The university community encourages the reporting of student code of conduct violations and crimes by victims, especially sexual misconduct. Sometimes, victims are hesitant to report such conduct to university officials because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report code violations to university officials. To encourage reporting, the University of Cincinnati has the discretion to not charge alleged victims, bystanders or witnesses, or others who participate in the student code of conduct process with non-violent violations, such as personal use of alcoholic beverages or drugs or narcotics, related to the incident.

Amnesty will be determined on a case by case basis at the discretion of the Dean of Students or designee, except that in Title IX Matters, the Dean of Students will obtain input from the Title IX Coordinator. The University may impose educational responses rather than sanctions. Amnesty applies to students of the university.

## 7. Mandatory reporters

Ohio law requires that any person learning of a felony report the crime to the police. All university employees must report a felony of which they are aware to the UCPD (exceptions to this are employees of the Counseling Center and Psychological Services and University Health Services). Questions regarding identifying felony behavior can be directed to the Office of General Counsel or the UCPD. For a list of reportable offenses, please see the sexual offenses and related crimes chart.

Further, for purposes of Title IX, all university employees, except those specifically designated as confidential resources (recognized campus counseling centers, health services), must report to the Title IX Coordinator any incidents of possible sexual harassment, sex discrimination, or retaliation on campus of which they are aware. Reports must be made within 24 hours using the online reporting form or to the Title IX Coordinator or a Deputy using the contact information provided above. University employees who are responsible for reporting possible sex discrimination, sexual harassment, and retaliation include all faculty, administrators, staff, residence coordinators, and residence advisors.

## 8. Medical Treatment & Evidence Collection

After an incident of sexual assault or domestic or dating violence, the victim should consider seeking medical attention as soon as possible to make sure they are physically well and so that evidence may be collected, even if the victim chooses not to make a report to law enforcement.

A medical-forensic exam involves gathering physical evidence from a victim's body, their clothing, and from other items that may have been used during an assault. Typically, medical-forensic exams are performed at the UC Medical Center. Although it is natural to want to do certain things after an assault, such as take a shower, change clothes, or wash bed linens, whenever possible, a victim should avoid these kinds of actions because they may remove valuable physical evidence.

In the state of Ohio a victim has up to 96 hours after an assault to obtain a medical-forensic exam. Medical-forensic exams can be completed even if a victim has showered, brushed their teeth, douched, or changed clothing, although evidence may be more difficult to obtain.

A medical-forensic exam can be completed without filing a police report and is free for the victim. During a medical-forensic exam medical professionals will also discuss options to reduce the risk of pregnancy and/or sexually transmitted diseases and can address other physical injuries related to an assault. If a victim does not opt for a medical-forensic exam, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease.

Victims are encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, and by keeping pictures, logs or other copies of documents, if they have any, that would be useful in a university and/or criminal investigation.

### **C. Prohibition Against Retaliation**

The university does not tolerate intimidation, retaliation, or retaliatory harassment against individuals because they filed a complaint associated with part of this policy, participated in an investigation, or otherwise asserted rights protected by Title IX, Clery, or VAWA. Individuals found responsible for retaliation will be held accountable under the Student Code of Conduct, human resources policies and procedures, or their respective collective bargaining agreement. Remedies may be available to complainants, witnesses, and participants who experience retaliation.

### **D. Confidentiality**

The university is a public institution in the State of Ohio, and thereby subject to Ohio Public Records Law. Therefore, with respect to VAWA offenses, sexual misconduct, and other Title IX matters, the university will, to the extent possible and consistent with state and federal law, treat the information shared or received by the involved parties as private and confidential. The university will provide the following consistent with Clery, VAWA, FERPA, state and federal law:

1. Daily Crime Log - The university will not publish the complainant's name or identifying information in Daily Crime log, Clery timely warnings or online.

2. Interim Measures - Only individuals who have a legitimate need to know will be provided with information about interim measures implemented at any point after a report is made.
3. Disclosure of Student information – Generally, if the university discloses a student’s information during the course of an investigation, the student will be notified, including to whom it will be disclosed and why.
4. Remedies - The respondent will not be notified of individual remedies offered or provided to the complainant.
5. Reports to Confidential Resources - Reports made to the confidential resources listed on the UC Title IX website ([www.uc.edu/titleix/confidentiality](http://www.uc.edu/titleix/confidentiality)) should not be shared with the university except when: the reporter provides permission; there is a case of immediate threat; or as otherwise required by the confidential resources’ license or state law. Confidential resources may provide de-identified information related to trends in victimization or the needs of complainants, respondents, or others in the community that can assist the university in providing the more effective prevention and response programs.
6. Complainant Request to Not Investigate - If a complainant discloses an incident to a responsible employee or CSA, but wishes to maintain confidentiality, or requests that no investigation into a particular incident be conducted or disciplinary action be taken, the university must weigh that request against the university’s obligation to provide a safe, non-discriminatory environment for everyone, including the complainant. If the university honors the request for confidentiality, the Complainant must understand that the university’s ability to meaningfully investigate the incident and pursue disciplinary action against the respondent may be limited. Although rare, there are times when the university may not be able to honor a victim’s request in order to provide a safe, non-discriminatory environment.
7. Removal of Student Name from Directory Information - Consistent with FERPA, a complainant may also request the removal of their name from university directory information.

## **E. University Procedures for Reported Sexual Misconduct – Including VAWA Crimes**

### **1. Overview**

If a report of sexual misconduct is made to a Title IX required reporter or a CSA, the report will be sent within one calendar day to the Title IX Coordinator. At any point after making a report, a required reporter or a CSA can assist the complainant in contacting law enforcement if the complainant so desires. Upon receiving a report, the Title IX required reporter or CSA will help the complainant determine if they have any immediate medical and safety needs and to connect the complainant with support for those immediate needs.

The Title IX Office or its designee, upon receipt of a report, will provide the Complainant with a list of resources, including on and off-campus support. The Title IX Office or

designee will also assist the complainant in reviewing and assessing different options for formal reporting, implement appropriate interim measures (outlined in Section 2, below), and implement appropriate safety plans in partnership with campus agencies and law enforcement as appropriate. If the complainant reports the issue to law enforcement, the Title IX Office will work in partnership with the law enforcement agency to make sure the complainant is aware of their rights under university policy and the law.

For complaints involving allegation of domestic violence, dating violence, sexual assault, and stalking by a represented staff or faculty member, the university will conduct any investigation based upon a complaint in compliance with any relevant collective bargain agreement (cba) terms.

For complaints involving allegation of domestic violence, dating violence, sexual assault, and stalking by a non-represented staff/employee, the university will conduct any investigation and grievance proceedings in compliance with the Human Resources policies and procedures.

For complaints involving allegation of domestic violence, dating violence, sexual assault, and stalking by a student, the proceedings are set forth below in section 4.

## 2. Protective measures

Protective measures (also referred to as interim measures in Title IX) are available upon receipt of a report of sexual misconduct and other Title IX issues, and prior to the resolution of a complaint, as appropriate. The Title IX Coordinator or designee oversees the identification, implementation, and removal of protective measures related to sexual misconduct or other Title IX issues. Available protective measures include, but are not limited to, restrictions on contact between the respondent and complainant (“no contact” orders); changes in academic or living situations where appropriate; access to counseling, health, and mental health services at no cost; academic support; and walk-along services. Failure to abide by restrictions implemented as a protective measure may constitute a violation of UC policy.

The university will maintain the protective measures provided to the victim as confidential to the extent that maintaining that confidentiality will not impair the ability of the university to provide the accommodations or protective measure.

Individuals who would like to request additional protective measures or who experience difficulty obtaining protective measures that they have been approved to receive should contact the Title IX Coordinator or Deputy Title IX Coordinator.

Protective measures are available whether or not the individual chooses to report the crime to the police. The protect measures may also be available by filing a complaint with law enforcement, or filing for a protective order in a civil court.

## 3. Interim Measure: Protection Order

Protection orders are signed orders by the court directing one individual to stay away from another individual. In Ohio, protection orders can be issued in the criminal case,

and are referred to as temporary protection orders (TPO), or issued in a civil case and are referred to as civil protection orders (CPO).

In some instances, for example domestic violence, the victim may want to pursue both a TPO and a CPO for maximum protection. Often, in criminal cases, TPOs will be issued by the judge at the defendant's arraignment (first appearance). In order to obtain a CPO, however, the victim must request the order from a judge via motion. Once the victim files the motion with the court, the court will set up a time for both parties to be present for a hearing on the matter. At that hearing, the judge must find, by a preponderance of the evidence that the protection order is necessary.

\*Please note that if there is a pending criminal case, the judge who presides over the criminal case will not necessarily be the judge who is presiding over the CPO hearing.

In instances that present an "immediate danger" to the victim, the judge may issue an ex parte (issued only after speaking to the victim/petitioner) temporary/emergency civil protection order. If an emergency protection order is issued, the judge will typically arrange for a hearing, with both the accused and the victim present, as soon as possible.

If a person is found to violate a protective order, he or she could be jailed and charged with a separate crime.

For more information about Protective Orders and/or how the UCPD can help, please contact 513-556-1111 or the Domestic Violence and Protective Order Clinic with contact information on Appendix B. Please note that speaking to law enforcement does not, in any way, obligate anyone to file for a Temporary Civil Protection Order.

#### 4. Formal Resolution For Complaints Involving Alleged Sexual Misconduct by a Student

The Title IX Office serves as the primary investigator of reports of sexual assault, dating violence, domestic violence, and stalking when the respondent is a student or third party. The Title IX Office works in partnership with the Office of Equal Opportunity Access and the Provost's Office when the respondent is a staff or faculty member. All these offices work in collaboration with the UCPD and other law enforcement agencies when there is a concurrent criminal investigation.

Unless the complainant expresses a desire not to proceed with the formal resolution process and the university concurs, the formal process shall begin when a student, employee, or visitor to the university files a formal complaint with the Title IX office alleging that a University of Cincinnati student has engaged in sexual misconduct.

For complaints involving allegations of dating violence, domestic violence, sexual assault and stalking by a university faculty or staff member, the processes are outlined in either the employee's respective collective bargaining agreement or the university's human resources policies. The university's human resources, labor relations and policy development webpage can be found at <http://www.uc.edu/hr/lrpd.html>.

For complaints involving allegation of domestic violence, dating violence, sexual assault, and stalking by a student, the procedure will apply for the university's disciplinary proceeding. The proceedings provide a prompt, fair and impartial investigation and resolution conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

a. Title IX Procedures

- i. Timeframe - The university strongly encourages individuals who experience sex discrimination to file complaints as soon as reasonably possible after the alleged sex discrimination occurs to allow for prompt resolution of inappropriate conduct. Complaints should be filed under this procedure within two years of the last act of alleged discrimination, unless extenuating circumstances precluded reporting a complaint within that time frame. The purpose of the timeframe is to ensure that the passage of time does not limit the university's ability to conduct an investigation or locate witnesses, as memory lapses and other time-sensitive factors may impair an investigation. Complaints filed outside the two year time frame may be eligible for a discretionary waiver of the filing requirement. Waiver decisions will be made by the Title IX Coordinator in consultation with the General Counsel.
- ii. Initiate Title IX Process - A complainant may initiate the formal Title IX process by filing a complaint with the Title IX Coordinator or designee. During this meeting, the complainant will receive a copy of the university's Title IX policies and procedures, and information about the Title IX process, how to file a complaint with law enforcement, how to obtain protective measures, and information about on- and off-campus resources.
- iii. Title IX Meetings - Within seven days of the filing of a report, a Deputy Title IX Coordinator or designee will generally initiate a meeting with the Respondent. During this meeting, the Respondent will receive notice of the complaint allegations, a copy of the university's Title IX policies and procedures, and information about the Title IX process. The Respondent also will be provided an opportunity to discuss the nature of the complaint allegations.
- iv. Interview Witnesses - Within 14 days of the filing of a complaint, a Deputy Title IX Coordinator or designee will begin interviewing witnesses, as appropriate, and review relevant evidence. The Complainant and the Respondent will have an equal opportunity to provide documents and witnesses during the investigation and adjudication of the complaint.
- v. Investigatory Report - At the conclusion of the investigation, the Title IX Coordinator or designee will prepare an interim investigatory report for review by the Complainant and Respondent. The Complainant and Respondent will be provided an equal opportunity to review, ask written questions about, and comment in writing on the report. Written input from the Complainant and Respondent will be incorporated into the report. If necessary, the Deputy Title IX Coordinator or designee will conduct additional investigation prior to

finalizing the report. The final report will be provided to the adjudicators (see adjudication process below) within five weeks of the filing of the formal complaint.

- b. Adjudication Proceedings - Student Code of Conduct – Office of University Judicial Affairs - The university maintains a pool of faculty, staff and students who receive training at least annually on sexual assault, dating violence, domestic violence, stalking, and the requirements of Title IX. Adjudication of complaint under this procedure will take place as set forth in the Student Code of Conduct. Both the Complainant and the Respondent will receive concurrent written notice of the outcome of the adjudicatory process. FERPA does not prohibit an institution of postsecondary education from disclosing the final results of any disciplinary proceeding conducted by the institution against a student who is an alleged perpetrator of any crime of violence or a nonforcible sex offense, if the institution determines as a result of that disciplinary proceeding that the student committed a violation of the institution's rules or policies with respect to such crime or offense. The university's adjudication proceedings are separate from any criminal investigation(s), charge(s), and/or prosecution(s); the institutional adjudication proceedings will be conducted simultaneous to any criminal investigation or processes. The following are portions of the adjudicatory proceedings:
- i. Complainant and Respondent are entitled to simultaneous notice. - In complaints involving harassment or discrimination, the purpose of the procedural review is to allow both the Complainant and the Respondent the opportunity to review the alleged violation(s) and ask questions about the disciplinary process. Both the Complainant and the Respondent will receive simultaneous notification of their right to a procedural review. Complaints involving harassment or discrimination are heard by an administrative review committee (ARC), regardless of whether the Complainant or Respondent appears at the procedural review. Only the ARC will determine whether a policy violation occurred. If the Respondent chooses to accept responsibility, they may do so either in person, to the ARC, or via a written statement, which will be submitted to the ARC. In complaints involving harassment or discrimination where multiple students or student organizations are charged, students or student organizations charged in the same incident will have separate ARC hearings. In Title IX cases the Title IX Coordinator or designee may recommend to the Director of Office of University Judicial Affairs (OUJA) that the cases be separated or heard together.
- ii. Complainant and Respondent are entitled to the same opportunities to have others present during a disciplinary proceeding. The Complainant and Respondent may elect to have an adviser present who may consult with the student verbally or in writing in a quiet, non-disruptive manner but the advisor may not actively participate as a spokesperson or vocal advocate in the hearing. The Complainant and the Respondent are required to notify the hearing committee chair 24 hours prior to the hearing if the adviser is an attorney. A student or student organization should select an advisor whose schedule allows attendance at the scheduled date and time for the ARC

hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor.

- iii. Both the Complainant and Respondent will receive timely and equal access to information used in meetings and hearings.
- iv. Both the Complainant and Respondent will be informed, in writing, of the outcome of any disciplinary proceeding. (Outcome means the institution's final determination with respect to the alleged sex offense and any sanction that is imposed against the Respondent.) The ARC will seek to reach consensus in adjudicating cases. In the event there is no consensus, a majority vote will determine the outcome. In the event of a tie of the votes, the hearing chair will render a vote. The parties will receive concurrent written notice of the outcome, consistent with federal and state law.

In complaints involving crimes of violence and sexual violence, the complainant will receive written notification of sanctions that the respondent may receive, consistent with federal and state law.

- c. Standard of Review - The university applies the preponderance of the evidence or a "more likely than not" standard in investigating, adjudicating and resolving complaints of sex discrimination, including allegations of sexual assault, dating violence, domestic violence, stalking, sexual harassment and violence.
- d. Appeal-The Complainant and Respondent have equal rights to file an appeal. The University Appeal Administrator is appointed by the vice president for student affairs and receives regular training. The appeal process will be carried out consistent with the Student Code of Conduct. The complainant and respondent will receive concurrent written notice of the outcome of the appeal process.
- e. Sanctions -Students found responsible for sexual misconduct under the Student Code of Conduct are subject to a range of sanctions up to, and including, suspension and dismissal from the university, as set forth in the Student Code of Conduct. Other sanctions may include removal from housing, changes in academic programming, and restrictions on access to the complainant or campus. Sanctions include the following:
  - i. University disciplinary reprimand - Notifies the student in writing that their behavior is unacceptable and that any other violation may warrant further sanctions.
  - ii. University disciplinary probation - Imposes specific restrictions or places extra requirements on the student for a specified period. These may vary with each case and may include restrictions related to participation in intercollegiate athletics, extracurricular and residence life activities. Such restrictions may also involve other requirements not academically restrictive in nature. They should be consistent with the philosophy of providing constructive learning experiences as a part of the probation. A student may be required to meet periodically with designated persons. Any further misconduct on the student's part during the period of probation may result in disciplinary suspension or dismissal.

- iii. University disciplinary suspension - Prohibits the student from attending the university and from being present without permission of the director of the OUJA or designee on any university owned, leased, or controlled property for a specified period of time. University disciplinary suspensions shall have effective beginning and ending dates. Students placed on university disciplinary suspension must comply with all suspension requirements. A student seeking to attend the university after the conclusion of the suspension shall first request permission to re-enroll from the OUJA.
  - iv. University disciplinary dismissal - Permanently prohibits the student from attending the university and from being present, without permission, on any university owned, leased, or controlled property.
  - v. Other disciplinary educational sanctions - Sanctions designed to develop the student's behavior include: service to the university or university community; restrictions on the right of access to campus facilities, events, and student organizations; restitution for damage or expenses caused by the misconduct; and referral for psychological or psychiatric evaluation or other educational or developmental programs.
- f. Remedies - Following the adjudication of a complaint, remedies may be available for the Complainant and campus community, as appropriate. Remedies may include counseling, housing changes, academic support, training and other educational programming.
  - g. Conflicts of Interest – If either party believes that the Title IX Coordinator, Deputy Title IX Coordinator, investigator, or adjudicator involved in the case has a conflict of interest, the party should inform the Title IX Coordinator, or if the conflict involves the Title IX Coordinator, the Dean of Students, to permit a determination of whether a conflict exists and the designation of a replacement for that person.

## **F. Assistance for Victims: Resources, Rights and Options**

The University of Cincinnati complies with the State of Ohio laws in recognizing and enforcing orders of protection. Any person or complainant who receives an order of protection or a court ordered “stay-away” should provide a copy of the order to UCPD and the Title IX Coordinator. The Complainant may seek to meet with UCPD and create a safety plan to reduce the potential risk of harm while on-campus, coming to, or going from campus. The university may also issue an institutional no-contact order if requested by the Complainant or Respondent, or deemed necessary by the university.

The university is a public institution; therefore, to the extent possible, the university and the UCPD will treat the information and accommodations shared or received by the involved parties as private and confidential, consistent with state and federal law. Furthermore, the university will not publish the complainant's name or identifying information in Daily Crime log, Clery timely warnings or online. Consistent with FERPA, a complainant may also request the removal of their name from directory information.

The university maintains a full list of on- and off-campus resources for individuals who have experienced sex discrimination, including sexual misconduct, available on the Title IX Resources page as well as in Appendix B below.

## **G. Bystander Intervention**

Bystanders play a critical role in the prevention of sexual and relationship violence. A bystander is anyone who observes an emergency or a situation that looks like someone could use some help. Even if you feel it is not your place to get involved, if it appears that someone is in immediate danger, you may choose to intervene if it is safe to do so, or get help by calling the police. It is important to notify the police if you feel you or someone else's safety has been threatened or is in danger.

Safe and positive options for bystander intervention include:

- Calling law enforcement, security, or another person in authority to assess the situation and intervene as appropriate.
- Asking for help from other bystanders, in particular people who may know the person engaging in the concerning behavior.

Beginning in the fall 2015 semester, the university will implement "Bringing in the Bystander," a nationally recognized bystander intervention program focused on preventing sexual violence, dating and domestic violence, and stalking. Rather than focusing strictly on the roles of perpetrator and victim, this highly interactive, researched, and evaluated curriculum uses a community of responsibility approach. It teaches bystanders how to safely intervene in instances where an incident may be occurring or where there may be risk. This program is run through the Department of Public Safety in partnership with the Title IX Office and multiple Student Affairs programs.

## **H. Healthy Relationships and Risk Reduction**

The safety and well-being of each individual within the UC community is of the utmost importance. Although UC police play a major role in the prevention of crime, students, faculty and staff, and community residents must work together to maintain a safe place to live, work and study. Therefore, UCPD maintains list of current safety tips for crime prevention and risk reduction on its webpage. The university recommends that all students, faculty, and staff visit UC Department of Public Safety on the web, and review the safety tips.

With regards to healthy relationship information and risk reduction for VAWA crimes, the university, through its Women's Center and CAPS programs, has created the following information to share with the UC community:

### Healthy Relationships

The foundation of a healthy relationship is comprised of open communication, mutual benefit from the relationship, and setting and respecting the boundaries. Healthy relationships enable a partner to openly communicate and assert their needs in a relationship. Some signs of healthy communication in a relationship are:

- Speaking openly about concerns
- Consideration and respect of a partner's needs, feelings, and values
- Being able to compromise
- Offering support and encouragement
- Setting boundaries to communicate needs and expectations

Having a healthy relationship does not mean that there will be an absence of disagreements or problems. Partners in healthy relationships are able to communicate with one another when they are feeling upset or hurt. Similarly, partners in healthy relationships feel that they are able to set boundaries with their partner that will be respected. Healthy communication in a relationship enables a partner to feel comfortable with communicating their needs without fear of what their partner might do in response.

### Unhealthy Relationships

Unhealthy relationships are characterized by elements of power and control, rather than respect and equality. Such relationships typically exhibit a pattern of behaviors to exert this power and control over a partner. Abusive partners can manipulate various elements to exert control including isolation and exclusion, threats and intimidation, financial control, minimization and blaming, anger and emotional abuse, and sexual coercion. Recognizing these patterns in your own relationship can often be challenging. Here are some warning signs of unhealthy relationships:

- Violating personal space and property such as a partner's room, cell phone, or computer
- Threatening to harm themselves or others
- Controlling what another person does, who they talk to, and where they go
- Threatening to spread rumors or expose a person's weaknesses
- Name-calling or putting a partner down
- Physically harming a partner
- Pressuring or forcing a partner into sexual activity

### Risk Reduction

While it is never someone's fault to be abused or harmed, there are several strategies that can be utilized to reduce one's risk of being assaulted or harmed.

- Trust your gut: if you feel unsafe, contact the authorities immediately
- Travel and attend social gatherings with a group of people you trust
- Have a code word to communicate to your support system that you are feeling unsafe

- Have an escape route
- Communicate your needs and feelings clearly
- Educate yourself about consent
- Limit your alcohol intake and educate yourself about alcohol and consent
- Ask for and give clarification when things are not clear

We all have a responsibility to keep our campus and community safe. Being aware of different strategies and taking action when you feel someone is unsafe can help someone get a potentially dangerous situation. Here are some safe strategies that bystanders can take to make a difference:

- Ask if the person needs help
- Contact the authorities
- Don't leave the person alone
- Ask the perpetrator to leave the victim alone
- Use a buddy system, speak up when you are worried about a friend's safety
- Support those in your life who may have been assaulted, let them know you are there and help connect them with resources
- Educate yourself about sexual and dating violence and examine your own biases on these topics
- Know your campus resources for help- Counseling & Psychological Services (CAPS), Division of Student Affairs, 513-556-0648 (24/7 Helpline), UCPD 513-556-1111, NightRide 513-556-RIDE

### Safety Planning

In the event that one is feeling unsafe, it is important to develop a plan to manage future crises where it may be difficult to make a healthy decision. Safety planning enables someone to take charge in a crisis situation and decrease their risk of being harmed.

- When someone is hurting you
- Know who your support is
- Be familiar with safe places
- Create a code-word for danger with your support network
- Prepare an excuse and have a plan to leave the situation

When leaving an unhealthy relationship

- Prepare a safe route and destination
- Notify the authorities
- Make an "escape bag"
- Inform your support network

If you are experiencing stalking or harassment

- Tell someone you trust
- Reach out to the authorities
- Keep documentation of threats and invasions of privacy
- Keep variety in your routine

## **I. Sex Offender Registration**

The Federal Campus Sex Crimes Prevention Act requires institutions of higher education to issue a statement advising the campus community where state law enforcement agency information regarding registered sex offenders may be obtained. The Act also requires sex offenders, who must register in the State, to provide notice as required by Ohio law, to each institution of higher education where the person is employed, carries on vocations, volunteers, or is a student.

In the State of Ohio, convicted sex offenders must register with the sheriff in the county within the timeframe governed by the Ohio Revised Code. Chapter 2950 of the Ohio Revised Code regulates convicted sex offenders, establishes the sex offender registry, and provides the registration requirements for all persons convicted under this statute in the State of Ohio.

The University of Cincinnati, Clifton Campus, Blue Ash Campus, and Reading Campus are located in Hamilton County, Ohio. The Hamilton County Sheriff provides the following website for the community to search all registered sex offenders in the County. <http://apps.hcso.org/SexOffender.aspx>

The University of Cincinnati, Clermont College Campus is located in Clermont County, Ohio. The Clermont County Sheriff provides the following website for the community to search all registered sex offenders in the County. <http://www.clermontsheriff.org/sexoffenders.aspx>



Reports or complaints of possible Title IX violations where the alleged perpetrator is a UC student can be made by contacting the Title IX Coordinator or appropriate Deputy Title IX Coordinator at the following:

- Title IX Coordinator, Jyl Shaffer, by phone at (513) 556-3349 by email at [jyl.shaffer@uc.edu](mailto:jyl.shaffer@uc.edu) or by visit at 3115 Edwards 1, 45 Corry Blvd., Cincinnati, Ohio 45221
- Deputy Title IX Coordinator for UC Blue Ash College, Greg Metz, (513)-745-5670 or by email at [gregory.metz@uc.edu](mailto:gregory.metz@uc.edu).
- Deputy Title IX Coordinator for UC Clermont College, Jennifer Radt, (513)732-8964 or 513-732-5319 or by email at [Jennifer.radt@uc.edu](mailto:Jennifer.radt@uc.edu).

Reports or complaints of possible Title IX violations where the alleged perpetrator is a UC employee can be made by contacting:

- Deputy Title IX Coordinator for faculty and staff, Karla Phillips, (513) 556-2788 or by email at [karla.phillips@uc.edu](mailto:karla.phillips@uc.edu).



<u>On-Campus</u>	<u>Off-Campus</u>
<p><b>Counseling and Psychological Services (CAPS)</b> Free and Confidential Sexual Assault Support Services 225 Calhoun Street, Suite 200 513.556.0648 Emergency walk-in services: 8:30 am to 4:30 pm or call 24 hours phone consultation</p>	<p><b>Women Helping Women</b> 24-hour hotline Free and Confidential 513.381.5810</p>
<p><b>Women's Center</b> Student Life Center 571 Steger 513.556.4328</p>	<p><b>YWCA Greater Cincinnati</b> 898 Walnut Street Cincinnati, Ohio 45202 513.241.7090 Protect Hotline (YWCA Shelter)</p>
<p><b>University Health Services</b> 2751 O'Varsity Way, Lindner Center, 3<sup>rd</sup> Floor 513.556.2564 Provides medical and mental health treatment</p>	<p><b>University of Cincinnati Medical Center</b> Sexual Assault Nurse Examiner Program 513.584.4201 Nurses on call 24 hours, trained to assist sexual assault survivor</p>
<p><b>Night Ride</b> 513.556.RIDE Free transportation service to and from locations, a one-mile radius around the UC Uptown Campus. Available for students, faculty and staff. UC ID is required.</p>	<p><b>City of Cincinnati Police</b> 513.765.1212 Investigates, reports, refers cases for criminal prosecution.</p>
<p><b>UC Police within the Department of Public Safety</b> 51 West Corry Boulevard 513.556.1111 UCPD have a dedicated victim support team available for sexual assault survivors.</p>	<p><b>Blue Ash Police Department</b> 4343 Cooper Road Cincinnati, Ohio 513.745.8555</p>
<p><b>UCPD Victim's Services</b> 51 West Corry Boulevard 513.556.4905</p>	<p><b>Batavia Police Department</b> 389 E. Main Street 513.732.5692</p>
<p><b>Domestic Violence and Protective Order Clinic</b> Kenyatta Mickles 513.556.0180 Provides free representation to victims of domestic violence, stalking, sexual assault and human trafficking in civil protection order hearings.</p>	<p><b>Clermont County Sheriff's Dept.</b> 447 OH-222 Batavia, Ohio 45103 513.732.7500</p>

<u><b>On-Campus</b></u>	<u><b>Off-Campus</b></u>
<p><b>UC International Services</b>  3134 One Edwards Center  513.556.4278  <a href="mailto:international.students@uc.edu">international.students@uc.edu</a>  Provides information to UC students about visas and school status. Some information is also available on their website.  <a href="http://www.uc.edu/international/services.html">http://www.uc.edu/international/services.html</a>.</p>	<p><b>Reading Police</b>  1000 Market Street  Cincinnati, Ohio  513.732.4122</p>
<p><b>Counseling and Therapy Services Blue Ash</b>  Muntz Hall, Room 118A  513.745.5670  Email: <a href="mailto:loweryfk@ucmail.uc.edu">loweryfk@ucmail.uc.edu</a></p>	<p><b>Life Point Solutions</b>  43 East Main Street  Amelia, Ohio 45102</p>
<p><b>Employee Assistance Plan – Impact Solutions</b>  Offers employees unlimited phone consultation with a live mental health professional  24 hours a day, 365 days a year  Phone: 1.800.227.6007  <a href="http://www.uc.edu/hr/benefits/choice_benefits/eap.html">http://www.uc.edu/hr/benefits/choice_benefits/eap.html</a></p>	<p><b>Life Point Solutions</b>  512 High Street  Milford, Ohio 45150</p>
	<p><b>YWCA House of Peace Shelter</b>  Eastern Area  55 South Fourth Street  Batavia, Ohio 45103  513.732.0450</p>
	<p><b>YWCA Eastern Area Domestic Violence Hotline</b>  24 Hour Hotline Assistance  Toll Free: 1.800.540.4764  Local: 513.753.7281</p>
	<p><b>Legal Aid of Greater Cincinnati</b>  To request legal advice, call  Toll free: 1.800.582.2652  Local: 513.241.9400</p>
	<p><b>Clermont County Victim Assistance</b>  Upon request, the Office will provide direct services to the victims of misdemeanors and felonies.  Phone: 513.732.7979</p>



Jeanne Clery Disclosure of  
Campus Safety Policy 0.0.0

**Appendix C**  
Campus Security  
Authority (CSA)  
General Contact  
Information

Campus Security Authority	Location	Email Address	Phone Number
<b>ACADEMIC ADVISORS</b>			
Allied Health Science Advisor	French-East 300	<a href="mailto:Cahs.advising@uc.edu">Cahs.advising@uc.edu</a>	513-556-8556
Arts & Sciences, McMicken	French-West, 2 <sup>nd</sup> floor	<a href="mailto:artsciadvisor@artscie.uc.edu">artsciadvisor@artscie.uc.edu</a>	513-556-5860
Athletics Academic Services Office	Lindner Center 580		513-556-3388
Carl H. Lindner College of Business	Lindner Hall 105		513-556-7030
Center for Continuing Exploratory Studies	French – West		513-556-6540
Clermont College	Cler Stu Services 100		513-732-5319
College Credit Plus	University Pavilion		513-556-1100
College Conservatory of Music	Emery 3235		513-556-9473
College of Law – Department of Curriculum and Student Affairs	Clifton Ave & Calhoun Street		513-556-0063
College of Medicine	MSB 2401C		513-558-9897
Design, Architecture, Art and Planning	Aronoff 5470		513-556-1376
College of Education, Criminal Justice, and Human Services	511 Teachers College	<a href="mailto:cechssc@email.uc.edu">cechssc@email.uc.edu</a>	513-556-2336
Engineering and Applied Sciences	Baldwin Hall 665		513-556-3465
Center for Exploratory Studies	French-West, 2 <sup>nd</sup> Floor	<a href="mailto:Explore@uc.edu">Explore@uc.edu</a>	513-556-6540
Graduate School			

University Honors Program	Swift 705		513-556-6254
Nursing	Procter 405		513-558-3600
James L. Winkle College of Pharmacy	HPB 136		513-558-3784
Pre-Professional Advising Center (Pre-Med, Pre-Law, etc.)	120 University Pavilion		513-556-2166
Office of Nationally Competitive Awards	702 Swift Hall		513-556-4236
UC Blue Ash	Muntz 125	<a href="mailto:advising@ucblueash.edu">advising@ucblueash.edu</a>	513-745-5753
Transfer & Lifelong Learning Center	440 University Pavilion	<a href="mailto:transfer@uc.edu">transfer@uc.edu</a>	513-556-2247
<b>STUDENT AFFAIRS OFFICES</b>			
Bearcat Bands	Rockwern Band Center, ML#3	<a href="mailto:webmaster@ucband.edu">webmaster@ucband.edu</a>	513-556-2263
Disability Services – Clifton Campus	210 University Pavilion	disabisv@ucmail.uc.edu	513-556-6823
Disability Services – Blue Ash Campus	Muntz Hall, Room 112L	BaDisabl@ucmail.uc.edu	513-792-8625
Disability Services – Clermont Campus	Student Services Ste. 100, ML 162		513-732-8964
Fraternity and Sorority Life	455 Steger Student Life Center		513-556-6115
LGBTQ Center	565 Steger Student Life Center		513-556-4329
Resident Education and Development*	Stratford Heights, Building #16	resedev@uc.edu	513-556-6476
Student Activities & Leadership Development (SALD) – Student Organization**	455 Steger Student Life Center		513-556-6115
Student Life Office – Blue Ash Campus	Muntz Hall, Room 123	bastdlfe@uc.edu	513- 745-5773
<b>CAREER SERVICE OFFICES</b>			
Career Development Center - Clifton	140 University Pavilion	cdc@uc.edu	513-556-3471
Propel – Clifton	7 <sup>th</sup> Floor Steger Student Life Center		513-556-2667

College-Conservatory of Music	MEH 3235F	ccplacement@uc.edu	513-556-9481
College of Law – Center for Professional Development	Clifton Ave & Calhoun Street, Suite 201G		513-556-6810
Lindner College of Business	607 Carl H. Lindner Hall	LindnerCareerServices@uc.edu	513-556-5147
Career Services – Clermont College	West Woods 250.23, ML 162		513-558-5299
<b>OFFICES</b>			
Uptown Athletics Department	Richard E. Lindner Center, Suite 880		513-556-4603
Clermont Athletics Department			
Ombuds Office – all campuses	607 Swift Hall		513-556-5956
Transition and Access Program – Clifton	2647 Stratford Ave. Cincinnati, Ohio 45220		513-556-6611
Housing and Food Services - Clifton	2634 Stratford Ave., Building #16	UCFood@uc.edu	513-556-6461

\*All resident assistants, resident directors, community coordinators, and athletic coaching staff are mandated to provide information concerning all criminal activity to the Department of Public Safety directly or through their supervisors. Training is provided to these individuals with regard to their reporting responsibility annually and as requested. Reporting to supervisory personnel is further dictated in the departmental policy of Housing and Dining as well as Athletics.

\*\*Student Activities Leadership Development represents all student organizations on this list, because the university recognizes that student organization advisors change throughout the school year. Therefore, the university has chosen to provide one number who can assist in supplying contact information for any student organization at the university.

	Jeanne Clery Disclosure of Campus Safety Policy 0.0.0	<p style="text-align: center;"><b>Appendix D</b> UC Title IX Grievance Procedure for Students and Third Parties</p>
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## Introduction

This procedure applies to complaints of sex discrimination, including sexual assault, where neither party is a University of Cincinnati employee. It applies where both parties are UC students, or where one party is a UC student and the other is a third party (for purposes of this policy, a third party is anyone who visits UC’s campus or participates in a university program or activity.) For complaints of sex discrimination, including sexual assault, involving UC employees, please use the procedures set forth in the [University’s Policy Statement on Sexual Harassment](#), the [University Policy Statement on Sex Offenses](#), the [University Policy on Discriminatory Harassment](#) and the [University Policy on Non-discrimination](#). The definitions in this procedure supersede the definitions that may exist in other university policies and procedures with dates prior to October 2014.

[Title IX of the Education Amendments of 1972](#) (Title IX) is a federal civil rights law that prohibits discrimination on the basis of sex, gender, or gender identity in the university’s programs and activities. Sexual harassment, including sexual violence and retaliation are forms of discrimination prohibited by Title IX. Individuals who experience sex discrimination are encouraged to report such incidents to the university. Employees are required to report information about possible sex discrimination of which they have notice (see explanation of mandatory reporting below.)

### I Anti-discrimination statement

The University of Cincinnati does not tolerate discrimination on the basis of sex, including sexual harassment, sexual violence, or retaliation. UC takes steps to ensure that the campus community is not subject to a hostile environment and to respond promptly and appropriately to allegations of discrimination or harassment on the basis of sex. The university promptly investigates incidents of discrimination or harassment on the basis of sex, takes appropriate action (including disciplinary action) against students found to have violated this policy, and provides remedies as appropriate to complainants and the campus community. The university takes immediate action to end a hostile environment if one has been created, prevent its recurrence, and remedy the effects of any hostile environment on affected members of the campus community.

The university is committed to upholding First Amendment principles and this policy does not impair the exercise of rights protected under the First Amendment. For more information about harassment and the First Amendment, please see the [University Policy on Discriminatory Harassment](#).

## II Definitions and examples

**Complainant** is the individual who files a report or on whose behalf a report is filed.

**Consent** is informed, freely given, mutual, and can be withdrawn at any time. A person cannot give consent if he or she is mentally or physically incapacitated or impaired such that the person cannot understand the fact, nature or extent of the sexual situation; this includes impairment or incapacitation due to age, alcohol or drug consumption, or being asleep or unconscious. Similarly, a person cannot give consent if force, expressed or implied, duress, intimidation, threats or deception are used on the complainant. Silence or the absence of resistance does not necessarily imply consent. Consent to some sexual acts does not imply consent to other acts, nor does prior consent to sexual activities imply ongoing future consent with that person or consent to that same sexual activity with another person. Whether an individual has taken advantage of a position of influence or authority over an alleged victim may be a factor in determining consent.

**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. The existence of such a relationship shall be determined based on a 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 sexual or physical abuse or the threat of such abuse.

**Domestic Violence** is 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; or 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 Ohio. Pursuant to Ohio Revised Code § 2919.25 Domestic Violence:

(A) No person shall knowingly cause or attempt to cause physical harm to a family or household member.

(B) No person shall recklessly cause serious physical harm to a family or household member.

(C) No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member.

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\* For the complete text of Ohio Revised Code §2919.25 see:

<http://codes.ohio.gov/orc/2919.25>

**Respondent** is the individual against whom a report has been filed.

**Sex discrimination** takes place where a UC student or third party receives negative or adverse treatment based on sex, gender, or gender identity and the conduct denies or limits the individual's ability to obtain the benefits of UC's programs or activities.

**Sexual/gender-based harassment** is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

- ▶ Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic success; or
- ▶ Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or
- ▶ Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or study environment.

In addition, harassment without an overt sexual component can also violate the law and university policies where it is shown that the harassment is directed at an individual because of the individual's gender or gender identity. In determining whether alleged conduct constitutes sexual harassment, the University will look at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination whether a particular action violates this policy will be made from the facts, on a case by case basis. In cases in which a hostile environment is alleged, a determination of a violation requires not only a finding that the victim regarded the environment as hostile, but also that such conduct was severe, persistent or pervasive and would be considered hostile by any reasonable person. Offensive conduct that does not rise to the level of harassment, however, may be grounds for discipline under other applicable policies.

**Sexual/gender-based violence** refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the person's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including rape, sexual assault, and sexual coercion. All such acts of sexual violence are forms of sexual harassment covered under Title IX. Gender-based violence may be directed at a person because of the person's gender, gender identity or perceived gender/gender identity.

- ▶ **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 consent of the complainant.
- ▶ **Sexual assault:** Offenses including rape, fondling, or statutory rape. Sexual assault includes non-consensual intercourse (see definition of rape above) as well as non-consensual sexual contact (intentional sexual contact of the body parts of another person without that person's consent.)
- ▶ **Sexual coercion:** This occurs when a respondent unreasonably pressures a complainant to engage in sexual activity despite the complainant indicating that he or she does not want to engage in sexual interaction. Sexual coercion can occur through the use of words/pressure, substances such as drugs or alcohol, force, or manipulation. Sexual coercion can also occur where the respondent is in a position of influence or authority over the complainant, or where the complainant is a minor.

**Stalking** means engaging in a course of conduct directed at a specific person that would: cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

Pursuant to Ohio Revised Code §2903.211 Menacing by Stalking:

(A)

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

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

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

\* For the complete text of Ohio Revised Code §2902.211 see:

<http://codes.ohio.gov/orc/2903.211>

**Please note:** The university's policies and definitions may differ from Ohio state law. Conduct may be both punishable under the criminal statutes and university policy. These processes are separate and distinct from one another, but can run concurrently. Definitions cited from the Ohio Revised Code may be revised at any time.

### **Examples of prohibited conduct**

Please note that this is not a comprehensive list but provides guidance to individuals seeking to understand some of the definitions provided above:

▶ Student 1 and Student 2 have many drinks at a party and go to Student 1's room in a residence hall on-campus, where the students lie down in Student 1's bed. Student 1 passes out and Student 2 has sexual intercourse with Student 1. Student 2's conduct violates this policy because Student 1 was incapacitated and unable to give consent.

▶ Student 1 has been in a consensual sexual relationship with Student 2. In the middle of a sexual encounter with Student 2, Student 1 pushes Student 2 away, expressing fatigue. Student 2 continues the sexual encounter by touching Student 1 intimately, and Student 1 pushes Student 2 away again and pretends

to be asleep. Student 2's conduct violates this policy by continuing with sexual contact despite Student 1's withdrawal of consent.

▶ Student 1 files a sexual harassment complaint against Student 2. When they hear about this, Student 2's friends begin to follow Student 1 around campus and make derogatory comments to Student 1. Student 1 becomes afraid to go to classes. The conduct by Student 2's friends is prohibited by this policy as it constitutes harassment in retaliation for filing a Title IX complaint.

▶ Student 1 goes to a party and meets Student 2. The two students hang out for a couple of hours. Student 1 drinks five cups of an alcoholic juice served at the party and has three shots of tequila. Student 1 begins to throw up and Student 2 walks Student 1 to Student 1's apartment. On the way, Student 1 stumbles and has trouble walking. Student 1's speech is slurred and Student 1 needs assistance to swipe into the apartment. Student 2 has sex with Student 1 when they go to the apartment. Student 2's conduct violates this policy because Student 1's alcohol consumption and actions (e.g., throwing up, slurred speech) reasonably suggest that Student 1 is incapacitated and unable to give consent.

▶ Students 1 and 2 are in the same Biology class. Student 2 sits behind Student 1 in class and observes Student 1's cell phone number. Student 2 begins texting Student 1 daily and sometimes stands outside Student 1's classes. Student 1 tells Student 2 to stop. Student 2 moves to a different seat in Biology class but continues to text Student 1 every day and to stand outside Student 1's classes. Student 2's conduct constitutes stalking in violation of this policy.

### III Where to make a report or file a complaint

1. **Reports to the Title IX process:** Reports or complaints of possible Title IX violations where the alleged perpetrator is not a UC employee can be made by contacting the Title IX Coordinator or appropriate Deputy Title IX Coordinator:

Title IX Coordinator, [Jyl Shaffer](#), (513) 556-3349

Deputy Title IX Coordinator for UC Blue Ash College, [Greg Metz](#), (513)-745-5670

Deputy Title IX Coordinator for UC Clermont College, [Jennifer Radt](#), (513)732-8964 or 513-732-5319

Deputy Title IX Coordinator for faculty and staff, [Karla Phillips](#), (513) 5562788

Reports involving employees are addressed as set forth in the [University's Policy Statement on Sexual Harassment](#), the [University Policy Statement on Sex Offenses](#), the [University Policy on Discriminatory Harassment](#) and the [University Policy on Non-discrimination](#).

2. **Reports to law enforcement:** Reports also may be made to the University of Cincinnati Police Department at: (513) 556-1111, 51 West Corry Blvd, <http://www.uc.edu/publicsafety.html>.

Reports may be made simultaneously to law enforcement and the Title IX Coordinator/Deputy Title IX Coordinator.

3. Upon the Title IX Coordinator's receipt of a report, the Title IX Coordinator or designee will generally contact the reporter (or complainant) via email and/or telephone within 48 hours.

**Amnesty:** The university community encourages the reporting of conduct code violations and crimes. Sometimes, individuals who experience sexual misconduct are reluctant to report such conduct to university officials because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. To encourage reporting, the University of Cincinnati does not refer complainants with non-violent violations, such as unauthorized use of alcoholic beverages or drugs or narcotics related to the incident. The university may, however, impose educational responses rather than sanctions, at the discretion of the Department of Student Life.

**Confidentiality:** If you have experienced sexual misconduct and would like to speak confidentially with someone about your reporting options, please consider contacting one of the [confidential resources](#). The university will generally honor a complainant's request for confidentiality. However, complainants should be advised that this may limit the University's ability to respond fully to the report. Reports made to university employees other than those specifically identified as confidential sources must be reported to the Title IX Coordinator, who will evaluate the reports to determine whether action must be taken to protect the University community.

**Mandatory reporters:** All university employees, except those specifically designated as confidential resources ([CAPS](#), [Health Services](#), [RECLAIM advocates](#)), must report to the Title IX Coordinator any incidents of possible sexual harassment, sex discrimination, or retaliation on campus of which they are aware. Reports must be made within 24 hours using the [online reporting form](#) or to the Title IX Coordinator or a Deputy using the contact information provided above. University employees who are responsible for reporting possible sex discrimination, sexual harassment, and retaliation include all faculty, administrators, staff, residence coordinators, and residence advisors. Ohio law requires that any person learning of a felony report the crime to the police. All university employees must report a felony of which they are aware to the University of Cincinnati Police Department (exceptions to this are employees of the Counseling Center and University Health Services). Questions regarding identifying felony behavior can be directed to the Office of General Counsel or the University of Cincinnati Police Department. For a list of reportable offenses, please see the [sexual offenses and related crimes chart](#).

## IV Formal resolution

This procedure provides for the prompt, reliable, impartial resolution of complaints of sex discrimination. Complaints will generally be resolved within 60 days of the filing of a complaint; however, in some circumstances, complaints may take longer to resolve (e.g., if filed during university breaks.) If there is a need to extend the timelines set forth below, the Title IX Coordinator will make the determination and notify the parties. Complainants and respondents will receive regular updates regarding the status of their complaints.

1. The university strongly encourages individuals who experience sex discrimination to file complaints as soon as reasonably possible after the alleged sex discrimination occurs to allow for prompt resolution of inappropriate conduct. Complaints should be filed under this procedure within two years of the last act of alleged discrimination, unless extenuating circumstances precluded reporting a complaint within that time frame. The purpose of the time frame is to ensure that the passage of time does not limit the University's ability to conduct an investigation or locate witnesses, as memory lapses and other time-sensitive factors may impair an investigation. Complaints filed outside the two year time frame may be eligible for a discretionary waiver of the filing requirement. Waiver decisions will be made by the Title IX Coordinator in consultation with the General Counsel.
2. A complainant may initiate the formal Title IX process by filing a complaint with the Title IX Coordinator or a Deputy Coordinator (contact information provided above). During this meeting, the complainant will receive a copy of the university's Title IX policies and procedures, and information about the Title IX process, how to file a complaint with law enforcement, how to obtain interim measures, and information about on- and off-campus resources.
3. Within seven days of the filing of a complaint, a Deputy Title IX Coordinator or designee will generally initiate a meeting with the respondent. During this meeting, the respondent will receive notice of the complaint allegations, a copy of the university's Title IX policies and procedures, and information about the Title IX process. The respondent also will be provided an opportunity to discuss the nature of the complaint allegations.
4. Within 14 days of the filing of a complaint, a Deputy Title IX Coordinator or designee will begin interviewing witnesses, as appropriate, and review relevant evidence. The complainant and the respondent will have an equal opportunity to provide documents and witnesses during the investigation and adjudication of the complaint.
5. At the conclusion of the investigation, the Deputy Title IX Coordinator will prepare an interim investigatory report for review by the complainant and respondent. The complainant and respondent will be provided an equal opportunity to review, ask written questions about, and comment in writing on the report. Written input from the complainant and respondent will be incorporated into the report. If necessary, the Deputy Title IX Coordinator will conduct additional investigation prior to finalizing the report. The final report will be provided to the adjudicators (see adjudication process below) within five weeks of the filing of the formal complaint.
6. At any time prior to the adjudication of the complaint, a respondent may choose to accept responsibility, at which point the Director of Judicial Affairs may conduct an administrative review to determine appropriate sanctions. Such administrative

review generally will be concluded within 60 days of the filing of the formal complaint.

**7. Adjudication process:**

1. The university maintains a pool of faculty and staff who receive training at least annually on sexual violence, sexual harassment, and the requirements of Title IX. Adjudication of complaint under this procedure will take place as set forth in the [Student Code of Conduct](#).
  2. The complainant and respondent will receive concurrent written notice of the outcome of the adjudicatory process.
- 8. Conflicts of interest:** If either party believes that a Deputy Title IX Coordinator, investigator, or adjudicator involved in the case has a conflict of interest, the party should inform the Title IX Coordinator to permit a determination of whether a conflict exists and the designation of a replacement for that person.
- 9. Confidentiality:** Information shared by the parties as part of the Title IX process will be kept private, consistent with state and federal law.
- 10. Advisors:** The parties may be accompanied by an advisor of their choice during the Title IX process. Advisors are not permitted to speak on behalf of the parties during meetings or hearings. See [Student Code of Conduct](#) for further discussion of the role of the advisor.
- 11. Mediation:** The university does not mediate sexual assault complaints and does not require the complainant to work out an issue directly with the respondent.
- 12. Investigator:** The university reserves the right to utilize outside investigators to conduct fact finding during this process.

## **V Interim measures**

Interim measures are available upon receipt of a report of sex discrimination, including sexual violence, and prior to the resolution of a complaint, as appropriate. Available interim measures include, but are not limited to, restrictions on contact between the respondent and complainant (“no contact” orders); changes in academic or living situations where appropriate; access to counseling, health, and mental health services at no cost; academic support; and escort services. Failure to abide by restrictions placed during the Title IX complaint resolution process constitute a violation of UC policy.

The Title IX Coordinator or Deputy Title IX Coordinator generally will offer interim measures upon receipt of a report of sex discrimination, if appropriate. Individuals who would like to request additional interim measures or who experience difficulty obtaining interim measures that they have been approved to receive should contact the Title IX Coordinator or Deputy Title IX Coordinator.

Protective measures also may be available by filing a complaint with law enforcement. For example, police departments may provide civil protection orders and other measures when criminal complaints are filed.

## **VI Prohibition against retaliation**

The University does not tolerate intimidation, retaliation, or retaliatory harassment against individuals because they filed a complaint, participated in a Title IX

investigation, or otherwise asserted rights protected by Title IX. Individuals found responsible for retaliation in violation of Title IX will be held accountable under the [Student Code of Conduct](#). Remedies may be available to complainants, witnesses, and participants in the Title IX process who experience retaliation.

## **VII Standard of review**

The university applies the preponderance of the evidence or “more likely than not” standard in investigating, adjudicating, and resolving complaints of sex discrimination, including allegations of sexual harassment or violence.

## **VIII Appeal**

The complainant and respondent have equal rights to file an appeal. The university maintains a trained pool of individuals who may serve as appeal board panelists. The appeal process will be carried out consistent with the [Conduct](#). The complainant and respondent will receive concurrent written notice of the outcome of the appeal process.

## **IX Sanctions**

Students found responsible for sex discrimination, including sexual violence, under this policy are subject to a range of sanctions up to, and including, suspension and dismissal from the university, as set forth in the [Student Code of Conduct](#). Other sanctions may include removal from housing or changes in academic programming and restrictions on access to the complainant or campus. Third parties may be subject to bans from campus or termination of contractual arrangements with the university.

## **X Remedies**

Following the adjudication of a complaint, remedies may be available for the complainant and campus community, as appropriate. Remedies may include counseling, housing changes, academic support, training and other educational programming.

## **XI Resources**

The University maintains a full list of on- and off-campus resources for individuals who have experienced sex discrimination, including sexual misconduct, available on the [Title IX Resources](#) page. Frequently used on- and off-campus resources are listed below.

On-campus

[Counseling and Psychological Services \(CAPS\)](#)

**Free and Confidential Sexual Assault Support Services**

225 Calhoun Street, Suite 200, (513) 556-0648

Emergency walk-in services 8:30am-4:30pm or call for 24 hour phone consultation

[Women’s Center](#)

571 Steger Student Life Center,

(513) 556-4401

- Provides free support and advocacy services including accompaniment and /or assistance in navigating any reporting, Title IX, judicial affairs or police processes.

### University Health Services

2751 O'Varsity Way, 3<sup>rd</sup> Floor, (513) 556-2564

- Provides medical and mental health treatment

### Night Ride

(513) 556-RIDE

- Free transportation service to and from locations within a one mile radius around the UC Uptown campus. Available for students, faculty and staff. UC ID is required.

### UC Police within the Department of Public Safety

51 West Corry Blvd

(513)556-1111

- The UC Police have a dedicated victim support team available for sexual assault survivors.
- Making a police report and ensuring that evidence is collected is important to preserve the option of prosecution, but it does not mean you have to prosecute.
- *Contact Jennifer Rowe, UCPD Victim Services Coordinator - [jennifer.rowe@uc.edu](mailto:jennifer.rowe@uc.edu), (513) 556-4905*

### Domestic Violence and Protective Order Clinic (513) 556-0180

- Provides free representation to victims of domestic violence, stalking, sexual assault and human trafficking in civil protection order hearings
- Contact: Kenyatta Mickles at (513) 556-0180

### Off-Campus

### Women Helping Women

**24-Hour Hotline**

**Free and Confidential**

(513) 381-5610

- Support and advocacy
- *Dedicated to serving women and men of all backgrounds, sexual orientations and abilities*

### YWCA Greater Cincinnati

898 Walnut Street

Cincinnati, Ohio 45202

(513) 241-7090

Protect Hotline (YWCA Shelter)

Free and Confidential

(513) 872-9259

- *Support, advocacy and shelter*

## University of Cincinnati Medical Center/ Sexual Assault Nurse Examiner Program

(513) 584-4201

- Nurses on-call 24 hours, trained to help sexual assault survivors

## City of Cincinnati Police

(513) 765-1212

- Investigate reports, refer cases for criminal prosecution

## **XII Documentation**

The university will retain through its data management systems all recordings of Title IX hearings and related documentation, consistent with the university's record retention policy.

## **XIII Bystander Intervention**

Bystanders play a critical role in the prevention of sexual and relationship violence. A bystander is anyone who observes an emergency or a situation that looks like someone could use some help. Even if you feel it is not your place to get involved, if it appears that someone is in immediate danger, you may choose to intervene if it is safe to do so, or get help by calling the police. It is important to notify the police if you feel you or someone else's safety has been threatened or is in danger.

	Jeanne Clery Disclosure of Campus Safety Policy 0.0.0	<b>Appendix E</b> Student Code of Conduct
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**Title:** Conduct, rights and responsibilities: Student code of conduct.  
**Division:** 40: Students  
**Number:** 40-5-05

(A) Introduction

(1) Preamble

- (a) The Student Code of Conduct (“SCOC”) is intended to provide broad guidance in identifying and discouraging behavior that conflicts with the building of a strong and just community that respects and protects the diverse interests and goals of all students, all student organizations, and the university of Cincinnati’s mission “to provide the highest-quality learning environment, world-renowned scholarship, innovation and community service, and to serve as a place where freedom of intellectual interchange flourishes.”
- (b) The SCOC is administered consistently with the university’s policy entitled “Conduct, rights and responsibilities: Statement of student conduct, policies and procedures,” rule 3361:40-5-03 of the Administrative Code. Paragraph (A)(1)(b) of that rule states: “In a university, the paramount value involved in student conduct should be self-governance with each student bearing the responsibility for his/her own behavior. Although it is thus assumed that students are mature and responsible individuals and that the university does not occupy a parental role, formal disciplinary sanctions nonetheless may be imposed whenever student conduct interferes with the university’s duty to afford its members an opportunity to attain educational and other stated institutional objectives. In pursuance of the goals of the university, disciplinary policies, procedures, and standards should be primarily educational rather than punitive in nature and should be consistent with both the customs of a free society and the nature and function of an institution of higher learning.”
- (c) The authority for the SCOC is contained in rule 3361:40-5-04 of the Administrative Code and section 3345.21 of the Revised Code. The university may proceed through the disciplinary process as outlined in the SCOC, regardless of any action by other authorities including city or state police, or local, state, or federal courts.

- (d) Ten representatives of the administration, faculty and students constituting a SCOC Review Committee provide a democratic mechanism for the review of student conduct standards, as required by rule 3361:40-5-03 of the Administrative Code.
  - (e) It is each student's responsibility to know and comply with the university's SCOC and other rules and policies of the University of Cincinnati. The provisions of the SCOC are not to be regarded as a contract between the university and the student. The university reserves the right to change the SCOC at any time during the student's term of enrollment, but no ex post facto rule of misconduct will be applied.
  - (f) It is the university's responsibility to make reasonable efforts to make the SCOC available for students. Toward that end, the division of student affairs and services will regularly circulate the SCOC along with other rules, regulations, and policies, which directly affect students at the University of Cincinnati. The SCOC will be available for review in the following locations: the office of the university ombuds, the university judicial affairs office, and the university web page.
- (2) Charter of student rights and responsibilities
- (a) Application of the SCOC shall be consistent with rule 3361:40-5-01 of the Administrative Code. Paragraph (A) of that rule states: "Students are members of society as well as members of the academic community. As members of society, students have the same responsibilities as other members of society and enjoy the same freedom of speech and peaceful assembly, and the right of petition that other members of society enjoy. As members of the academic community, they shall have the rights and be subject to the responsibilities which accrue to them by virtue of this membership. Institutional authority shall not be employed to inhibit such intellectual and personal development of students as is often promoted by the exercise of their rights and responsibilities both on and off the campus." The SCOC shall not be interpreted to impinge upon constitutionally protected rights and privileges, such as those under the First and Fifth Amendments of the United States Constitution. For example, the SCOC will not be interpreted in a manner that inhibits a student's right to freedom of speech and will not be used to compel students to make self-incriminating statements.
  - (b) Paragraph (D) of rule 3361:40-5-01 states: "Students shall be free from unreasonable searches and seizures by university personnel."

- (c) The first sentence of paragraph (E) of rule 3361:40-5-01 states: “Students shall be responsible for maintaining established standards of scholarship and conduct essential to the educational mission and community life of the university.”
- (3) The SCOC is administered in accordance with applicable Federal and State laws as well as the university’s policy on non-discrimination. In order to comply with federal civil rights laws including but not limited to Title IX of the Education Amendments of 1972, the SCOC has specific procedures for complaints of harassment and discrimination, which include complaints on the basis of race, color, religion, national origin, ancestry, disability, medical condition, genetic information, marital status, sex, age, sexual orientation, veteran status, or gender identity and expression. These procedures also apply to sex or gender based violence, dating violence, domestic violence and stalking which are covered under Title IX.
- (4) Jurisdiction

The University of Cincinnati reserves the right to take reasonable action to engage conduct that undermines, interferes with, or obstructs the safety and security of the University community or that adversely affects the integrity or interests of the educational mission or functions of the University.

- (a) Students/Student Organizations

- (i) Undergraduate and graduate students who violate the SCOC shall be subject to appropriate disciplinary sanctions. Law and Medical students are only subject to their respective Honor Codes for conduct covered under such codes. Conduct not covered under such codes shall be subject to the SCOC. All other colleges with licensure or professional codes governing conduct shall adhere to the procedural requirements of this SCOC.
- (ii) Student organizations that violate the SCOC shall be subject to appropriate disciplinary sanctions. “Student Organization” refers to any number of persons who have complied with the formal requirements set forth to be registered and recognized as such or who are actively seeking registration/recognition.
- (iii) By admission to or attendance at the university, a student accepts the responsibility to comply with the SCOC and the rules and policies of the University of Cincinnati. The term “student” as used in the SCOC means an individual who has been accepted for admission to the university, registered for classes, enrolled at the university, or otherwise entered into any other relationship with the university to take or audit instruction and is pursuing undergraduate, graduate, or professional studies either on a full-or part-time basis. Student

status lasts until an individual graduates, withdraws from the university, is dismissed, or is not in attendance for two complete semesters.

- (b) On and off campus behavior
  - (i) The SCOC applies to student conduct that occurs on campus or on university owned, leased, or controlled premises. University campuses include University of Cincinnati Uptown Campus, UC Blue Ash, Clermont College and UC East – UC Clermont college.
  - (ii) The SCOC applies to off-campus conduct under the following circumstances:
    - (a) When the student is on academic assignment, attending a university event or an event of a registered student group, or acting as a representative of the university at an off-campus event; or,
    - (b) When the university is notified by an arresting or prosecuting authority of misconduct within 2600 feet of any university campus resulting in a police report being filed, an arrest being made, summons being issued, or an indictment being returned against the student including but not limited to: a crime of violence as defined by paragraph (A)(9) of section 2901.01 of the Revised Code; for corrupting another with drugs as defined by section 2925.02 of the Revised Code; for trafficking in drugs or aggravated trafficking in drugs as defined by section 2925.03 of the Revised Code; for Underage Persons Offenses Concerning as defined by section 4301.69 of the Revised Code; for Opened Container of Beer or Intoxicating Liquor Prohibited At Certain Premises as defined by section 4301.62 of the Revised Code; for Purchase of Beer or Intoxicating Liquor by Persons under Twenty-One as defined by section 4301.63 of the Revised Code; for Prohibition Against Consumption of Beer or Intoxicating Liquor In Motor Vehicle as defined by section 4301.64 of the Revised Code; for Disorderly Conduct as defined by section 2917.11 of the Revised Code; for Resisting Arrest as defined by section 2921.33 of the Revised Code; for Possession of Controlled Substances as defined by section 2925.11 of the Revised Code; or, for violating substantially equivalent laws of other jurisdictions.
  - (iii) The university also reserves the right to take disciplinary

action for conduct when the student, or student organization, in the university's sole judgment, poses an obvious threat of serious harm to any member of the university community or when such conduct has continuing effects that create a hostile environment in a university program or activity.

(c) Riotous behavior

- (i) Section 3333.38 of the Revised Code focuses on the riotous behavior of students on and around university campuses. The law has two separate penalty provisions—denial of financial aid and expulsion.
- (ii) Regarding financial aid, paragraph (B) of section 3333.38 of the Revised Code generally provides that an individual who is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing aggravated riot, riot, failure to disperse, or misconduct at an emergency, shall be ineligible to receive any student financial assistance supported by state funds for two calendar years from the time the individual applies for financial assistance.
- (iii) Regarding expulsion, paragraph (C) of section 3333.38 of the Revised Code generally provides that a student who is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing aggravated riot or riot, shall immediately be dismissed from the university. Moreover, no Ohio public university or college shall admit an individual who has been convicted of either aggravated riot or riot for one academic year after the individual applies for admission.
- (iv) Action taken as a result of section 3333.38 of the Revised Code does not limit or affect the University of Cincinnati's ability to otherwise discipline students under the SCOC.

(d) Division of student affairs and services

- (i) If it is not self-evident whether an alleged violation constitutes academic or nonacademic misconduct, the dean of the student's home college or designee and the dean of students or designee shall confer to determine whether the matter shall be handled as academic or nonacademic misconduct, and shall notify the appropriate administrator and all parties.
- (ii) Without unnecessary delay from the date of discovery of the alleged offense, all nonacademic misconduct shall be reported to the office of university judicial affairs ("OUJA") and all

instances of academic misconduct shall be reported to the college conduct administrator as well as to the OUJA. Reports or inquiries can be made to the Director of Judicial Affairs or designee, University of Cincinnati, Steger 745, 2801 UC Main Street Cincinnati OH 45221-0193. (Phone) 513-556-6814. Complaints can also be filed using the online reporting form.

- (iii) At the start of each academic year, the vice president for student affairs and services will appoint a university appeals administrator (“UAA”).
  - (iv) When a student organization is alleged to have violated the SCOC, the organization, as well as individual members, may be referred for action under the SCOC.
  - (v) Matters involving conduct that is covered by Title IX must be referred to the Title IX Coordinator or designee.
- (e) Academic divisions: baccalaureate & graduate education and health affairs
- (i) Each college dean shall appoint a college conduct administrator (“CCA”) who shall be responsible for the administration of undergraduate academic misconduct procedures. The head of each graduate program or CCA will oversee the administration of academic misconduct procedures for graduate students in that graduate program. Undergraduate program directors may have departmental responsibility for advising instructors and students with misconduct issues.
  - (ii) Any case involving academic misconduct shall originate with the instructor in whose course the alleged misconduct occurred. The instructor will report sanctions for academic misconduct to the CCA who will report that misconduct to the CCA of the student’s home college and to the OUJA. College Hearing Panels (each a “CHP”) make disciplinary recommendations to the college dean, except in cases of dismissal from the university which must be approved by the appropriate provost.
- (5) Procedural overview
- (a) Timeliness
    - (i) Listed timelines exclude weekends, holidays, and term breaks when the university is not in session, with the exception of harassment or discrimination matters.

- (ii) In complaints involving conduct covered under Title IX, the university will generally conclude its investigation and adjudication within 60 calendar days.
- (iii) Title IX investigation timelines can be found in the Title IX Grievance Procedure for Students and Third Parties. (<http://www.uc.edu/titleix/policies-procedures.html>)
  - a. The Title IX Coordinator or designee will generally provide an investigation report to OUJA within 25 calendar days of receipt of a formal complaint.
  - b. OUJA generally within five calendar days of receipt of disciplinary complaint, will send written notice to any student or student organization identified as allegedly being in violation of university rules related to Title IX.
  - c. OUJA must request, and the Dean of Students or designee and the Title IX Coordinator or designee must within three days of such request either deny or approve, any extension of time that will delay notice to the student beyond fifteen calendar days. A copy of the request for an extension, and the final decision as to that request, shall be included in the student's disciplinary file.
  - d. A hearing will generally be completed within 24 calendar days from receipt of a disciplinary complaint.
  - e. Notice of the outcome and the right to appeal will generally be provided to all parties within 6 calendar days of the completion of a hearing.
- (iv) In discrimination or harassment cases not covered by Title IX, the university will generally conclude its investigation and adjudication within 60 calendar days. The OUJA will generally complete the investigatory report within 25 calendar days of receipt of the formal complaint.
  - a. OUJA generally within five calendar days of receipt of disciplinary complaint, will send written notice to any student or student organization identified as allegedly being in violation of university rules related to harassment or discrimination.
  - b. OUJA must request, and the Dean of Students or designee must within three days of such request either deny or approve, any extension of time that will delay notice to the

student beyond fifteen calendar days. A copy of the request for an extension, and the final decision as to that request, shall be included in the student's disciplinary file.

c. A hearing will generally be completed within 24 calendar days from receipt of a disciplinary complaint.

d. Notice of the outcome and the right to appeal will generally be provided to all parties within 6 calendar days of the completion of a hearing.

(b) Notification

All written notices to students shall be considered received upon delivery to a student's current local or permanent address on record with the university, by United States or campus mail, by bearcats on-line electronic messaging with delivery notification, or to the student in person. Such notice shall be deemed adequate unless the student shows just cause why the receipt of notice substantially impaired his or her ability to prepare for any review or hearing. It is the responsibility of the student to have his or her current local address on record with the university.

(c) Standard of proof

The standard of proof used to determine whether a student has violated the SCOC shall be based on a preponderance of evidence.

(d) Diminished capacity

Being under the influence of drugs or alcohol will not diminish or excuse a violation of the SCOC.

(e) Sanctions for violations

A student found to have violated the SCOC will be subject to sanctions ranging from university disciplinary academic action to university disciplinary dismissal. More than one sanction may be imposed for a single violation. A single act may constitute a violation of more than one regulation.

(f) Disciplinary records file

All disciplinary records and files, including those resulting in a finding of "responsible," are maintained in the OUJA for a period of seven years from the date of resolution. Records relating to a disciplinary action for academic misconduct are maintained by the director of the OUJA and CCAs as educational records separate

from a student's academic record and are subject to the protections and release provisions by the Family Educational Rights and Privacy Act (FERPA) of 1974 as it may be amended from time to time.

(g) Home college

The home college is the college in which the student is matriculated at the time of the alleged misconduct.

(h) Withdrawal

If a student withdraws from the university before a disciplinary process has been completed, the process may proceed in the absence of the student and a block may be placed on the student's future registration requiring that the disciplinary action would have to be completed before the student would be allowed to register again.

(i) Refund

In the event of a suspension or dismissal from the residence halls or university, the regular refund schedule outlined in university publications will apply.

(j) Policy on Amnesty

- (i) The University community encourages the reporting of conduct code violations and crimes by victims, especially sexual misconduct. Sometimes, victims are hesitant to report such conduct to university officials because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report code violations to university officials. To encourage reporting, the University of Cincinnati has the discretion to not charge alleged victims, bystanders or witnesses, or others who participate in the SCOC process with non-violent violations, such as personal use of alcoholic beverages or drugs or narcotics, related to the incident.
- (ii) Amnesty will be determined on a case by case basis at the discretion of the Dean of Students or designee, except that in Title IX matters, the Dean of Students will obtain input from the Title IX Coordinator.
- (iii) The university may impose educational responses rather than sanctions.

(B) Academic misconduct

(1) Academic integrity and honor pledge

- (a) In pursuit of its teaching, learning and research goals, the university of Cincinnati aspires for its students, faculty and administrators to attain the highest ethical standards defined by the center for academic integrity as “a commitment, even in the face of adversity, to five fundamental values: honesty, trust, fairness, respect, and responsibility.” ([www.academicintegrity.org/](http://www.academicintegrity.org/)). Although not all students are subject to a college honor code or pledge, every student is bound by the academic misconduct provisions of this code which are enforced, in part, to assure academic integrity. When dishonest students cheat to gain unfair competitive advantage over other students, they cheat themselves out of a decent education.
- (b) Some faculty members and academic units may require students before taking tests or when submitting assignments to sign a pledge. The pledge may contain language such as: “On my honor I pledge that this work of mine does not violate the University of Cincinnati Student Code of Conduct provisions on cheating and plagiarism.” Honor pledges serve primarily as a teaching tool; unless a college has a mandatory honor code, pledges are used at the discretion of the instructor without imposition of a disciplinary sanction for students who honestly do passing work but object to a signed affirmation. Alternative pledges as well as information about the Academic Integrity Campaign can be obtained from the OUJA and online at <http://www.uc.edu/conduct>.

(2) Academic misconduct definitions

- (a) Aiding and abetting academic misconduct . Knowingly helping, procuring or encouraging another person to engage in academic misconduct.
- (b) Cheating
- Any dishonesty or deception in fulfilling an academic requirement such as:
- (i) Use or possession of unauthorized material or technological devices during an examination, an “examination” meaning any written or oral work submitted for evaluation or grade.
- (ii) Obtaining assistance with or answers to examination questions from another person with or without that person’s knowledge.

- (iii) Furnishing assistance with or answers to examination questions to another person.
  - (iv) Possessing, using, distributing or selling unauthorized copies of an examination or computer program.
  - (v) Representing as one's own an examination taken by another person.
  - (vi) Taking an examination in place of another person.
  - (vii) Obtaining unauthorized access to the computer files of another person or agency or altering or destroying those files.
- (c) Fabrication
- The falsification of any information, research statistics, lab data, or citation in an academic exercise.
- (d) Plagiarism
- (i) Submitting another's published or unpublished work in whole, in part or in paraphrase, as one's own without fully and properly crediting the author with footnotes, quotation marks, citations, or bibliographic references.
  - (ii) Submitting as one's own original work, material obtained from an individual, agency, or the internet without reference to the person, agency or webpage as the source of the material.
  - (iii) Submitting as one's own original work material that has been produced through unacknowledged collaboration with others without release in writing from collaborators

(iv) Submitting one's own previously written or oral work without modification and instructor permission.

(e) Violating Ethical or Professional Standards

Violations of any ethical or professional standards as outlined by the academic college

(3) Procedures for academic misconduct

Students suspected of academic misconduct, whether acknowledging involvement or not, shall be allowed to continue in the course without prejudice pending completion of the disciplinary process.

(a) Faculty-student resolution

(i) Allegation

(a) The original jurisdiction of any case involving academic misconduct shall be with the instructor in whose course the alleged misconduct occurred and in the absence of the instructor with the Department Chair of the course. An instructor who suspects a student of academic misconduct or receives a complaint alleging misconduct that raises suspicion may consult the CCA to learn whether there is any record of prior academic misconduct. The instructor will inform the student verbally or in writing within ten days of discovering the misconduct and give the student five days to respond. If needed, the instructor may arrange a review meeting with the student, and the student may have an adviser at that meeting.

(b) If the student fails to respond within five days of notification, the instructor may impose a final academic sanction with a formal notice of action to the CCA and to the student. If the instructor takes no action within five days, the allegations shall be considered dismissed.

(ii) Notice

(a) Within five days of the student's response or a meeting the instructor will notify the student in writing of the sanctions and the college hearing options. Failure on the assignment sanction may be reported to the CCA at the

discretion of the instructor and may not be disputed if the student admits responsibility. Failure for the course or greater sanction must be reported to the CCA.

- (b) If the student fails to respond to the sanction notice within five days after responding or meeting with the instructor, the academic sanction is final.

- (iii) Response to notice

- (a) No later than five days from the time of the notice, the accused student shall notify the instructor in writing whether the student:
  - (i.) Accepts responsibility to the violations and agrees to accept the sanctions;
  - (ii.) Accepts responsibility but challenges a sanction; or
  - (iii.) Denies responsibility and requests resolution by the College Hearing Panel (CHP).
- (b) If the student denies responsibility or challenges the sanction, the instructor will ask the CCA of the college in which the misconduct occurred to convene a CHP.
- (c) If the student accepts responsibility and the sanction the instructor will notify the CCA of the college in which the misconduct occurred of how the matter was resolved and the action taken. The CCA will record that resolution and provide a copy to the director of the OUJA and to the CCA of the student's home college.

- (b) College hearing panel resolution

- (i) College hearing panel members
  - (a) When a faculty-student resolution is not possible, the CCA, without unnecessary delay, shall convene a CHP of the college in which the alleged misconduct occurred. The charge to this CHP shall be to investigate the alleged misconduct and to recommend appropriate sanctions.
  - (b) The CHP shall consist of: the hearing chair, one representative selected by the college faculty and one representative selected either by the college tribunal or student government for undergraduates, or by the

graduate college tribunals or graduate student governance association for graduate students. The hearing chair shall be the CCA or designee. The hearing chair shall vote only in the event of a tie.

- (c) Either the student charged or the instructor alleging misconduct may challenge participation of any panel member on the grounds of conflict of interest. Challenges must be submitted in writing to the hearing chair within three days after the parties have been notified of the panel composition. The challenge must specify reasons that would prevent the individual from being unbiased with respect to the hearing proceedings. The hearing chair shall decide whether the challenge has merit. If the challenge is granted, a substitute will be appointed and the same option to challenge shall exist. If the hearing chair is challenged, the dean of the college or his or her designee shall determine the validity of the challenge and either replace or retain the hearing chair.
- (ii) Hearing participants
    - (a) Presence at hearings shall be restricted to those individuals involved except as otherwise noted.
    - (b) The student may elect to have an adviser present who may consult with the student verbally or in writing in a quiet, non-disruptive manner, but the advisor may not actively participate as a spokesperson or vocal advocate in the hearing. Students are required to notify the hearing chair 24 hours prior to the hearing if the adviser is an attorney. A student should select an advisor whose schedule allows attendance at the scheduled date and time for the CHP resolution because delays will not normally be allowed due to the scheduling conflicts of an advisor.
    - (c) The university ombuds may be present as an observer.
    - (d) Witnesses are strongly encouraged to be present for hearings. However, if they are unable to attend, notarized statements may be submitted.

- (e) If the student, faculty or staff member chooses not to attend the hearing, his or her notarized written statements shall be reviewed at that time and evaluated based on the information available. No adviser may be present for any party who does not attend the hearing.
- (iii) Hearing procedures
- (a) The hearing chair and the CHP shall have the right to determine the acceptability of testimony and other evidence during the hearing and may place time limitations on testimony and on closing comments.
  - (b) When more than one student is involved in an allegation of misconduct, any involved student may request a separate hearing. Such requests shall be made to the hearing chair at least two days (48 hours) prior to the scheduled hearing.
  - (c) CHP hearings but not deliberations shall be recorded by the university. Any record of the hearing shall remain the property of the university. Either party may have post-hearing access to the recorded hearing. However, to maintain confidentiality, students are not permitted an audio copy of the recorded hearing.
  - (d) The CHP may alter or recommend to the dean sanctions of a disciplinary reprimand, probation, suspension or dismissal.
- (iv) Post-hearing procedures
- (a) Within three days after the conclusion of the hearing, the hearing chair shall send the panel's recommendation to the college dean and to the student. When students outside their home college are involved in an academic misconduct case, the hearing chair shall also forward a copy of the panel's recommendation to each student's home college dean or university dean within ten days after the hearing.
  - (b) Within five days after receipt of the panel's recommendation, the dean of the college or his or her designee shall concur with, modify, or reject the panel's recommendation and shall notify all parties in writing. Notification to the student shall include information

about the appeal process and the name and address of the university appeals administrator. If the student does not file an appeal within five days, the decision of the dean shall be final.

- (c) Records relating to a disciplinary action are maintained by the director of the OUJA and the appropriate college office as educational records separate from a student's academic record and are subject to the protections and release provisions by the FERPA.

(4) Disciplinary sanctions for academic misconduct

Sanctions shall be imposed according to the severity of the misconduct. Multiple sanctions may be imposed should the behavior call for the imposition of a more severe penalty. In all cases, the university reserves the right to require counseling or testing of students as deemed appropriate. Definitions of disciplinary sanctions include the following:

(a) Academic action

Includes altering a grade or assigning a failing grade for the assignment, examination, or course.

(b) Disciplinary report reprimand

Notifies the student in writing that the misconduct and sanction will be recorded in a disciplinary file and if misconduct recurs may be taken into consideration in determining further sanctions.

(c) Probation

Imposes specific restrictions or places extra requirements on the student for a specified period. These may vary with each case and may include action not academically restrictive in nature, such as restriction from participation in college activities or other requirements. Disciplinary action should be consistent with the philosophy of providing constructive learning experiences as a part of the probation. A student may be required to meet periodically with designated persons. Any further misconduct on the student's part during the period of probation may result in disciplinary suspension or dismissal.

(d) College or university suspension

Prohibits the student from attending the college or university.

University suspension prohibits the student from being present on specified university owned, leased, or controlled property without permission of the sanctioning administrator or his or her designee for a specified period of time. The sanctioning administrator shall determine the effective beginning and ending date of the suspension. Students placed on university disciplinary suspension must comply with all suspension requirements. A student seeking to attend the university after the conclusion of his or her suspension shall first request permission to re-enroll from the OUJA and then apply for readmission to his or her college.

(e) College or university dismissal

Permanently prohibits the student from attending classes in that college or permanently prohibits the student from re-enrolling at the university.

(f) Other Disciplinary Educational Sanctions

Sanction designed to develop the student's behavior. This includes service to the college and restrictions on the right of access to the college or university.

(C) Nonacademic misconduct

(1) Report nonacademic misconduct

All instances of alleged nonacademic misconduct shall be reported to the director of the OUJA. Matters involving Title IX will be referred to the Title IX Coordinator or designee. Any student found to have engaged in prohibited conduct, as defined in this SCOC, while within the university's jurisdiction shall be subject to disciplinary action by the university.

(2) Nonacademic misconduct definitions

(a) Aiding and abetting misconduct

Helping, procuring, or encouraging another person to engage in nonacademic misconduct.

(b) Alcoholic beverages, unauthorized use

Possessing or consuming alcoholic beverages on campus in unlicensed facilities, except during events or in circumstances authorized by university officials; failing to comply with state law or university policy regarding use, transportation, or sale of

alcoholic beverages.

(c) Destruction of property

Damaging, destroying, defacing, or altering the property of the university or the property of another person or entity.

(d) Dishonesty and misrepresentation

Furnishing false written or oral information including false identification to university officials, faculty, or staff; forgery, alteration, or misuse of university documents or records.

(e) Disruption or obstruction

Disrupting, obstructing, or interfering with university functions, activities, or the pursuit of the university mission, including, teaching, research, administration, or disciplinary proceedings.

(f) Disturbing the peace

Disturbing the peace of the university, including disorderly conduct, failure to comply with an order to disperse, fighting, or public intoxication.

(g) Drugs or narcotics

Manufacturing, distributing, buying, selling, offering for sale, or possessing any illegal drug or narcotic including: anabolic steroids, barbiturates, hallucinogens, amphetamines, cocaine, opium, heroin, or marijuana. Proper use of substances as prescribed to a student by a physician is exempt.

(h) Failure to comply or identify

Failure to comply with the directions of a university official or any law enforcement officer acting in the performance of their duties or posted or written rules; includes failure to evacuate during an emergency and failing to identify oneself to any of these persons when requested to do so. (i) Failure to comply with sanctions. Failure to comply with sanctions imposed in accordance with the procedures described herein.

(i) False charges or statements

Making false charges or allegations including statements

made at university judicial hearings.

(j) False report of emergency

Causing, making, or circulating a false report or warning of a fire, explosion, crime or other catastrophe or emergency; includes activating a false fire alarm.

(k) Harassment or Discrimination

Conduct that violates the University Policy on Non Discrimination, the University Policy on Discriminatory Harassment, the University Policy on Sexual Harassment, and the University Policy on Sex Offenses.

i. Discriminatory Harassment is conduct that has the purpose or foreseeable effect of unreasonably interfering with an identifiable individual's work or academic performance or of creating an intimidating, hostile or offensive work or learning environment and is based on the targeted individual's perceived or actual race, color, religion, national origin, ancestry, disability, medical condition, genetic information, marital status, sex, age, sexual orientation, veteran status, or gender identity and expression.

ii. Discrimination takes place when an individual receives negative or adverse treatment based on perceived or actual race, color, religion, national origin, ancestry, disability, medical condition, genetic information, marital status, sex, age, sexual orientation, veteran status, or gender identity and expression and the conduct denies or limits the individual's ability to obtain the benefits of university's programs or activities.

(l) Hazing

Failure to comply with rule 3361:40-3-12 of the Administrative Code, or state law regarding hazing where hazing generally means any act which endangers the mental or physical health or safety of a student, for the purpose of initiation, admission into, affiliation with, or as a condition of continued membership in a group or organization.

(m) Identification, misuse of

Unauthorized transferring, lending, using or altering a university identification card or any other record or instrument of identification.

(n) Information technology, misuse of

Theft, misuse or illegal use of information technology such as computer hardware or software, electronic mail or information, podcasts, voice mail, telephone, fax, including:

- (i) Unauthorized entry into a file to use, read or change the contents, or for any other purpose.
- (ii) Unauthorized transfer or distribution of a file.
- (iii) Unauthorized use of another individual's identification and password.
- (iv) Use of information technology to interfere with the work of another student, faculty member, or university official or with normal operations of the university.
- (v) Use of information technology for unauthorized posting of copyrighted materials or obscenities.

(o) Law, violation of

Violation of any federal, state, or local law where the effect is interference with university activities or an identifiable individual's university work or academic activities.

(p) Physical abuse or harm

Acts which cause or could cause physical harm to any person are prohibited. Actions that threaten or cause a person to believe that the offender may cause physical harm are also prohibited. Examples of prohibited behavior include assault, battery, stalking, telephone harassment, sex or gender-based violence, threats, intimidation, physical abuse of one's self or another, verbal abuse, dating violence, domestic violence, and any other conduct which threatens the health or safety of any person.

(q) Probation, violation of

Violating the SCOC while on university disciplinary

probation or violating the specific terms of that probation.

(r) Property or services, unauthorized use

Unauthorized use or possession of property or resources of the university or of any person or entity.

(s) Public endangering

Actions endangering others, including: dropping objects from buildings, activating a false fire alarm, or tampering with safety equipment.

(t) Residence hall rules and regulations

Violating the terms and conditions of the university housing agreement or of published rules and regulations of the office of resident education and development, or the office of housing or its dining facilities.

(u) Retaliation, intimidation

Threats or acts of retaliation or intimidation made to another person in response to the implementation of the SCOC or university rules and policies.

(v) Safety equipment, misuse of

Unauthorized use or alteration of firefighting equipment, safety devices, fire alarms, fire extinguishers or other emergency safety equipment.

(w) Smoking policy

Violating the university smoking regulations set forth in rule 3361:10-17-06 of the Administrative Code. Paragraph (B)(1) of that rule states: "Effective January 1, 2006, smoking shall be prohibited inside buildings, athletic facilities, and vehicles owned, operated or leased by the university of Cincinnati. Smoking shall also be prohibited within twenty-five feet of all university building entrances, exits, air intakes and operable windows. Smoking shall not be permitted on any bridge, overpass or enclosed walkway." ([www.uc.edu/trustees/rules](http://www.uc.edu/trustees/rules)).

(x) Theft or receipt of stolen property

Theft of property or services of the university or of any person or entity. Unauthorized possession of property known to be stolen or that may be identified as property of the university or of any person or entity.

(y) Trespass and unauthorized access

Unauthorized access into or onto any university building, room, structure or facility, or property of the university or any other entity.

(z) University keys, misuse of

Unauthorized use, distribution, duplication or possession of any keys issued for any university building, laboratory, facility, room, or vehicles.

(aa) University policies or rules

Any violation of published university Rules or Policies. University Rules can be found at: <http://www.uc.edu/trustees/rules/>. University Policies can be found at <http://www.uc.edu/about/policies/default.html>.

(bb) Weapons

Use, storage, or possession of a firearm, explosive device of any description, ammunition or anything used to threaten, harm, or disrupt the university community including but not limited to, firecrackers, compressed air or spring activated guns, pellet guns, BB guns, paintball guns, water guns, nerf guns and knives of any type or other items which are deemed threatening by the university.

(3) Hearing procedures for nonacademic misconduct

(a) Complaint and notice

(i) Complaint

Any person, department, organization or entity may file a complaint with the OUJA alleging a violation of the SCOC by a student or student organization. In complaints involving harassment or discrimination, both the Complainant and the Respondent shall receive concurrent notice of the complaint.

The Title IX Coordinator or designee will conduct an

investigation of Title IX matters--matters related to sex or gender based harassment or discrimination--prior to the initiation of the OUJA adjudication process

In harassment or discrimination matters not involving Title IX the OUJA shall conduct an investigation prior to the initiation of the OUJA adjudication process.

(ii) Notice

- (a) After reviewing a complaint, the Director of the OUJA or designee initiates the disciplinary process by giving the student or student organization written notice of the alleged violations. The written notice shall describe the day, time, and location of the alleged violations and inform the student or student organization about the reported circumstances underlying the alleged violations. The notice shall state the date, time, location of the procedural review, and the name of the review administrator.
- (b) In complaints involving harassment or discrimination, both the Complainant and the Respondent will receive notice of the opportunity to meet with the OUJA designee.

(iii) Procedural review

- (a) In complaints involving harassment or discrimination, the purpose of the procedural review is to allow both the Complainant and the Respondent the opportunity to review the alleged violation(s) and ask questions about the disciplinary process. Both the Complainant and the Respondent will receive concurrent notification of their right to a procedural review. Complaints involving harassment or discrimination are heard by an administrative review committee (ARC), regardless of whether the Complainant or Respondent appears at the procedural review. Only the ARC will determine whether a policy violation occurred. If the Respondent chooses to accept responsibility, they may do so either in person to the ARC or via a written statement which will be submitted to the ARC. In complaints involving harassment or discrimination where multiple students or student organizations are charged, students or student organizations charged in the same incident will have separate ARC hearings. In Title IX cases the Title IX Coordinator or designee may recommend to the Director of OUJA that the cases be separated or heard together.

- (b) The purpose of the procedural review in matters not involving harassment or discrimination is to review the alleged violations, provide an explanation of the disciplinary process, discuss the student's or student organization's options for resolution, receive the range of sanctions if responsible, determine responsibility, and advise the student or student organization of the review administrator's recommended sanctions for the alleged violations if found responsible.
  - (c) Students or student organizations may elect to have an adviser present who may be consulted with verbally or in writing in a quiet, non-disruptive manner but the advisor may not actively participate as a spokesperson or vocal advocate in the proceeding. Students or student organizations are required to notify the review administrator 24 hours prior to the procedural review if the adviser is an attorney.
  - (d) Procedural reviews may be rescheduled at the discretion of the review administrator.
  - (e) If a student or student organization fails to appear at the procedural review, the director of the OUJA, may schedule an administrative review committee (ARC) hearing.
  - (f) Notwithstanding the provisions above, the director of the OUJA may schedule an ARC without conducting the procedural review.
- (iv) Options for resolution through procedural review
- (a) A student or student organization may be found to be not responsible following a procedural review. If a student or student organization is found not responsible, their case will be considered resolved and closed.
  - (b) If a student or student organization is found to be responsible, then no later than three days from the review administrator's written notice of the recommended sanction, the student or student organization shall notify the review administrator in writing whether the student or student organization:

- i. Accepts responsibility for the violations and agrees to accept the sanctions imposed by the review administrator; or
    - ii. Accepts responsibility but disputes the proposed sanction and requests that the sanction be determined by an ARC; or
    - iii. Does not accept responsibility and requests a hearing before an ARC.
  - (c) If the student or student organization fails to notify the review administrator of the option selected within three days of the procedural review, an ARC hearing will be scheduled.
  - (d) The OUJA encourages students or student organizations charged in the same incident and who choose to have an ARC Hearing, to have their cases consolidated. The OUJA reserves the right to require consolidation of hearings.
- (b) Resolution by administrative review committee hearing
  - (i) Administrative Review Committee members
    - (a) A pool of members shall be made available to serve on the ARC. This pool shall consist of: five faculty and staff selected by the director of the OUJA in consultation with academic colleges, no fewer than ten student representatives selected by the OUJA in consultation with student government association, and no fewer than four graduate or professional students selected by the OUJA in consultation with the graduate student governance association.

The ARC shall consist of the hearing chair, two faculty or staff selected from the ARC pool, and four undergraduate student representatives selected from the ARC student pool for undergraduate cases or two graduate students selected from the ARC student graduate pool for graduate cases.

The ARC will receive at least annual training on issues related to harassment and discrimination as well as annual training on how to conduct the hearing process.

- (b) The hearing chair shall be the director of the OUJA or the director's designee.
  - (c) A quorum is present for undergraduate cases when the hearing chair, one faculty or staff, and three student representatives are present. A quorum is present for graduate cases when the hearing chair one faculty or staff and two student representatives are present. The hearing chair will only vote in the case of a tie by the committee.
  - (d) The complainant or accused may challenge participation of any committee member on the grounds of conflict of interest. Challenges must be submitted in writing to the hearing chair within three days of notice of the committee composition. The challenge must specify reasons that would prevent the individual from being unbiased with respect to the hearing proceedings. The hearing chair shall decide whether the challenge has merit. If the challenge is granted, a substitute will be appointed and the same option to challenge shall exist. If the hearing chair is challenged, the dean of students shall determine the validity of the challenge and either replace or retain the hearing chair.
- (ii) Hearing participants
- (a) Presence at hearings shall be restricted to the complainant and accused involved except as otherwise noted. The ARC hearing shall be closed to the public.
  - (b) The complainant and accused may elect to have an adviser present who may consult with the student verbally or in writing in a quiet, non-disruptive manner but the advisor may not actively participate as a spokesperson or vocal advocate in the hearing. The complainant and the accused are required to notify the hearing committee chair 24 hours prior to the hearing if the adviser is an attorney. A student or student organization should select an advisor whose schedule allows attendance at the scheduled date and time for the ARC hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor.
  - (c) The university ombuds may be present as an observer.

- (d) If either party chooses not to attend the hearing, his or her written statements shall be reviewed and evaluated based on the information available.
  - (e) Witnesses are strongly encouraged to be present for hearings. Both parties will be afforded the same opportunities to have witnesses present for hearings. Both parties must disclose to the hearing officer the identity of the witnesses, a summary of what each witness will speak to, and submit any other evidence at least ten (10) calendar days prior to the hearing. The hearing chair will provide a list of the witnesses and any other submitted evidence to the parties generally 5 calendar days prior to the hearing. The hearing chair, in consultation with the ARC, reserves the right to limit the number of witnesses. Witnesses shall be present only when giving testimony. However, if they are unable to attend, statements may be submitted.
  - (f) The hearing chair reserves the right to make appropriate accommodations to secure the safety and comfort of all parties and witnesses during a judicial proceeding.
  - (g) If the hearing chair elects to accept a witness's written statement in lieu of in-person testimony, the identity of the witness and his or her statements will be fully disclosed to the other party and they shall be given the opportunity to respond to such statements.
- (iii) Hearing procedures
- (a) Committee hearings shall be recorded by the university. Committee deliberations shall not be recorded. Any record of the hearing shall remain the property of the university. Either party may have post-hearing access to the recorded hearing. However, to maintain confidentiality, students are not permitted an audio copy of the recorded hearing.
  - (b) The hearing chair, in consultation with the ARC, shall have the right to determine the acceptability of testimony and other evidence during the hearing, and may place time limitations on testimony and on closing comments.
  - (c) The accused and the complainant shall have the right to submit evidence and written questions to be asked of all

adverse witnesses who testify in the matter. The hearing chair, in consultation with the ARC, has the right to review and determine which written questions will be asked.

- (d) Both sides shall be given an opportunity to present a closing statement. At the close of the hearing, the ARC shall deliberate privately to determine whether the accused violated the SCOC.
- (iv) Post-hearing procedures
- (a) The ARC will seek to reach consensus in adjudicating cases. In the event there is no consensus, a majority vote will determine the outcome. In the event of tie votes, the hearing chair will render a vote. The parties will receive concurrent written notice of the outcome, consistent with federal and state law.
  - (b) The hearing chair shall send the ARC's final recommendation to the dean of students.
  - (c) Within three days after receipt of the ARC's recommendations, the dean of students shall provide written notice to the parties, consistent with applicable federal and state laws and the director of the OUJA of the decision to:
    - (i.) Concur,
    - (ii.) Modify sanction or,
    - (iii.) Send back to the ARC for further review and recommendation
      - a. Should a matter be sent back to ARC, the dean of students shall allow an additional ten calendar days for the review.
      - b. Upon receipt from ARC of their finding, the process shall begin again at (c.), above.
      - c. Upon receipt for the second time from the ARC, the Dean of Students will make a final decision to concur or modify recommendations.

- (d) If the student does not appeal a sanction within five days, the sanctions approved by the dean of students shall take effect.
  - (e) In complaints involving harassment or discrimination both the Complainant and Respondent have the right to file an appeal.
  - (f) Records relating to a disciplinary action are maintained by the director of the OUJA as educational records and are protected by FERPA.
  - (g) Victims of crimes of violence or sexual violence, including violent crimes as defined in the section 2901.01 of the Revised Code, will receive concurrent notification of results of the campus disciplinary proceedings.
- (5) Sanctions and interim measures for nonacademic misconduct
- (a) The university may impose interim measures (e.g., cease and desist, restriction from dining halls, residence halls or specific buildings, no contact) to protect the rights and ensure the safety or address the concerns of students, staff, faculty, and the university community.
  - (b) Sanctions shall be imposed according to the severity of the misconduct. Multiple sanctions may be imposed should the behavior call for the imposition of a more severe penalty. Remedies also may be provided to the parties or the campus community, as appropriate.
  - (c) Implementation of sanctions is immediate or as defined.
  - (d) Alcohol or drug possession disclosure
    - (i) The University of Cincinnati may notify the parents or guardians of any student who is under the age of 21 and who has been found to be in violation of the SCOC with respect to any federal, state, or local law or university policy governing the use or possession of alcohol or a controlled substance.
    - (ii) Students will receive copies of notification letters sent to their parents or guardians.
    - (iii) The university also reserves the right to make any other parental disclosures as permitted by FERPA.

(iv) In complaints involving crimes of violence and sexual violence, the complainant will receive written notification of sanctions that the respondent may receive, consistent with federal and state law.

(v) Definitions of disciplinary sanctions include the following:

(i) University disciplinary reprimand

Notifies the student in writing that his or her behavior is unacceptable and that any other violation may warrant further sanctions.

(ii) University disciplinary probation

Imposes specific restrictions or places extra requirements on the student for a specified period. These may vary with each case and may include restrictions related to participation in intercollegiate athletics, extracurricular and residence life activities. Such restrictions may also involve other requirements not academically restrictive in nature. They should be consistent with the philosophy of providing constructive learning experiences as a part of the probation. A student may be required to meet periodically with designated persons. Any further misconduct on the student's part during the period of probation may result in disciplinary suspension or dismissal.

(iii) University disciplinary suspension

Prohibits the student from attending the university and from being present without permission of the director of the OUJA or his or her designee on any university owned, leased, or controlled property for a specified period of time. University disciplinary suspensions shall have effective beginning and ending dates. Students placed on university disciplinary suspension must comply with all suspension requirements. A student seeking to attend the university after the conclusion of his or her suspension shall first request permission to re-enroll from the OUJA.

(iv) University disciplinary dismissal

Permanently prohibits the student from attending the university and from being present, without permission, on any university owned, leased, or controlled property.

(v) Other disciplinary educational sanctions

Sanctions designed to develop the student's behavior include: service to the university or university community; restrictions on the right of access to campus facilities, events, and student organizations; restitution for damage or expenses caused by the misconduct; and referral for psychological or psychiatric evaluation or other educational or developmental programs.

(vi) Interim suspension

(a) An interim suspension is an interim action, effective immediately, designed to prohibit the presence of the student or student organization on campus and from participating in any university-related activities, registered student organization activities, and academic coursework until the student's disciplinary case can be resolved in accordance with prescribed disciplinary procedures. Such action shall be taken when the vice president for student affairs and services or his or her designee has reasonable cause to believe that the student's presence on university owned, leased, or controlled property or at a university-related or registered organization activity poses a substantial threat to the health or safety of others or to property. An interim suspension begins immediately upon written notice by the vice president for student affairs and services or designee and restricts a student's physical access to campus if deemed necessary in order to:

- (i.) Maintain order on university property and campuses.
- (ii.) Preserve the orderly functioning of the university and the pursuit of its mission.
- (iii.) Stop interference in any manner with the rights of citizens while on university owned, leased, or controlled property, while on professional practice assignment or while representing the university.

- (iv.) Stop actions that threaten the health or safety of any person including oneself.
    - (v.) Stop actions that destroy or damage property of the university or of any member of its community.
  - (b) Interim suspension may be imposed pending the application of the disciplinary process. A disciplinary hearing shall be scheduled by the university without undue delay. The student may, within three (3) calendar days of the imposition of the suspension, petition the vice president for student affairs and services for reinstatement. The petition must be in writing, and must include supporting documentation or evidence that the student does not pose, or no longer poses, a significant risk of substantial harm to the health or safety of others or to property. A hearing on such petition will be conducted without undue delay by the vice president for student affairs and services or his or her designee. The purpose of this hearing will be to determine if the interim suspension shall remain in effect, be modified, or be revoked pending a disciplinary hearing. In interim suspension related to harassment or discrimination matters, complainant will be notified of the petition and be provided the opportunity to provide a response. The Complainant will be allowed to participate in any hearing where the Respondent is allowed to participate. The Complainant and Respondent will receive concurrent written notification of the outcome of the hearing. The complainant's role in the interim suspension process may be limited consistent with federal and state laws.
- (6) Sanctioning of student organizations
  - (a) When a student organization is charged with a violation of the SCOC, it will be referred for action under the SCOC procedures.
  - (b) Student organizations found responsible for violation of SCOC shall be subject to sanctions including termination of university registration, restriction of or suspension of the use of university facilities or services, suspension of the privilege to sponsor activities or events, the loss of university funds, and restitution for damage. Educational sanctions may also be imposed.
- (D) Appeal process
  - (1) Filing an appeal
    - (a) A student or student organization found to be responsible for either

an academic or nonacademic violation of the SCOC shall have the right to appeal. An appeal must be submitted in writing to the director of the OUJA within five days of receipt of the sanction decision letter. Upon receipt of the appeal, the director of the OUJA will forward the appeal along with the student's file to the University Appeals Administrator (UAA), appointed by the vice president for student affairs and services.

- (b) A student or student organization may challenge participation of the UAA on the grounds of conflict of interest. Challenges must be submitted in writing to the director of the OUJA along with the appeal within the five days. The challenge must specify reasons that would prevent the individual from being unbiased with respect to the hearing proceedings. The director of the OUJA, in consultation with the Dean of Students, shall decide whether the challenge has merit. If the challenge is granted or if there is an inherent conflict of interest with the UAA, a substitute will be appointed by the vice president for student affairs and services, and the same option to challenge shall exist.
  - (c) In appeals involving harassment or discrimination, both the complainant and respondent may challenge participation of the UAA on the grounds of conflict of interest as per the process outlined in (b), above.
- (2) Grounds for appeal. The only permissible grounds for appeal shall be that:
- (a) New information was discovered, which was not available at the time of the hearing, and such evidence could affect the decision in the case;
  - (b) A substantial procedural error occurred in the process, which affected the decision in the case; or
  - (c) A sanction of suspension or dismissal from the university was imposed and is not commensurate with the violation.
  - (d) In appeals involving crimes of violence or sexual violence, any sanction may be appealed by either the complainant or respondent on the grounds that the sanction is not commensurate with the violation.
- (3) Procedure.
- (a) The UAA shall review all appeals. All steps in the appeal process shall occur without unnecessary delay.

- (b) The UAA shall review the appeal for appropriate grounds and shall reject and return to the student any appeal deemed groundless, with a brief written explanation of the reason the appeal was rejected. That decision shall be final.
- (c) In appeals involving harassment or discrimination, both the Complainant and Respondent will be notified of an appeal that is deemed groundless.
- (d) If the UAA determines that the new information described in the appeal was not available earlier and could affect the decision or that a substantial procedural error occurred in the process which could have affected the decision in the case, the UAA shall charge the ARC or CHP to hold a limited hearing for the sole purpose of reviewing the new information or correcting the procedural error. The hearing shall be limited in scope. It shall not include any review of evidence or testimony or modification of factual conclusions reached in the original hearing, unless they are affected by the new information or by the procedural error. The appeal and complete hearing file shall be provided to the ARC or CHP.
- (e) If members of the ARC or CHP, which initially heard the complaint, are not available for continued service, substitute members will be selected by the director of the OUJA from the original pool or by the CCA. The UAA is not a member of the ARC or CHP and does not participate in the review process.
- (f) Following this limited hearing, the ARC or CHP shall submit a report and possibly a revised recommendation to the UAA. The UAA shall review the file and recommendation. If it is the opinion of the UAA that the new evidence was considered or the procedural error corrected, the UAA shall forward the recommendation to the appropriate dean. If the UAA determines that the ARC or CHP failed to correct the procedural error or failed to consider the new evidence, the UAA shall return the matter to the ARC or CHP with instructions to reconsider.
- (g) For appeals of suspension for academic or non-academic matters based on a claim that the sanction is not commensurate to the violation, the UAA shall review the file and issue a final decision to concur with or modify the sanction, then send the file to the appropriate Dean.
- (h) For appeals of dismissal based on a claim that the sanction is not commensurate to the violation, the UAA shall review the file and issue a final decision to concur with or modify the sanction, then

send to file to the appropriate vice president.

- (i) For appeals that a sanction is not commensurate with the offense, the UAA shall review the file and issue a final decision to concur with or modify the sanction, then send the file to the Dean of Students and for sanctions of dismissal to the Vice President for Student Affairs and Services.

(4) Final Decision

- (a) The appropriate vice president or dean shall accept, reject or modify the recommended sanction and notify all parties in writing of the final decision. The final decision rests with: the dean of students for nonacademic misconduct sanctions other than dismissal; the vice president for student affairs and services for nonacademic misconduct sanctions of dismissal; the college deans for academic misconduct sanctions other than dismissal; the provosts for academic misconduct sanctions of dismissal.
- (b) In appeals involving harassment or discrimination, the Complainant and Respondent will receive concurrent notification in writing of the final decision.

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Reference University Rule 3361:40-5-05, located in the Langsam Library, Board of Trustees Office, Office of the Vice President for Student Affairs and Services, and college offices.