



WILBERFORCE  
UNIVERSITY

**Public Safety Department**  
Committed to Safety and Excellence

# **Annual Security & Fire Safety Report**

October 1, 2020  
2017-2019

Lawrence Mack  
Director of Emergency  
Preparedness and Safety  
Wilberforce University



***Message from Office of Emergency Preparedness and Safety***

Safety is a core value in everything that we do. The Office of Emergency Preparedness and Safety strive to maintain a positive culture and to be proactive in addressing hazards. We want every student, visitor and employee, including contractors, to go home in the same condition they arrived at the university. Think before you act- we strongly encourage you to think safety while on and away from campus. We believe this can be accomplished but you must take personal responsibility for your safety.

Make a conscious decision to be safe and turn your safe thoughts into actions. Safety is an ongoing process that requires focus and concentration. You should also take some responsibility to ensure the safety of your classmates and co-workers. In a positive way, you should help and assist your classmates, co-workers live and work safely.

The Office of Emergency Preparedness and Safety primary mission is to strengthen the university resilience by incorporating a whole community approach in our daily operations. We do this internally by coordinating training and exercises of emergency operations with students, staff and faculty. Externally by work with our local partners to develop and exercise plans that support the university ability to prepare for, respond to, mitigate, and recover from all types of critical incidents. Working together, we can keep our campus safe. ***Remember: See something, say something.***

Sincerely,

Lawrence Mack  
Director of Emergency Preparedness and Safety

## About Wilberforce University

Founded in 1856, Wilberforce University can trace its origin to a period of history before the Civil War, when the Ohio Underground Railroad was established as a means of escape for all those blacks who sought their freedom in the North from the yoke of slavery, one of the destination points of this railroad became Wilberforce University.

As the Underground Railroad provided a route from physical bondage, the University was formed to provide an intellectual Mecca and refuge from slavery's first rule: ignorance. Wilberforce University, the nation's oldest private, historically black university, was named to honor the great 18th century abolitionist, William Wilberforce.

Early in 1856, the Methodist Episcopal Church purchased property for the new institution at Tawawa Springs, near Xenia, Ohio. The school met with early success until the Civil War when enrollment and financial support dwindled. The original Wilberforce closed its doors in 1862. In March of the following year, Bishop Daniel A. Payne of the African Methodist Episcopal Church negotiated to purchase the University's facilities. Payne, a member of the original 1856 corporation, secured the cooperation of John G. Mitchell, principal of the Eastern District Public School of Cincinnati, Ohio and James A. Shorter, pastor of the A.M.E. Church of Zanesville, Ohio. The property was soon turned over to them as agents of the church.

The University was newly incorporated on July 10, 1863. In 1887 the State of Ohio began to fund the University by establishing a combined normal and industrial department. This department later became the University's sister institution, Central State University. Wilberforce also spawned another institution, Payne Theological Seminary. It was founded in 1891 as an outgrowth of the Theological Department at Wilberforce University.

Today, Wilberforce University continues to build on its sacred tradition. It is a four-year, fully accredited liberal arts institution. The 1990s were good years for the University, ushering in a period of growth and financial accountability. Wilberforce University offers some 20 fully accredited liberal arts concentrations to students in business, communications, computing and engineering sciences, humanities, natural sciences and social sciences. It offers dual degree programs in architecture, aerospace, and nuclear engineering in conjunction with the University of Cincinnati. Other dual degree programs are available in electrical and mechanical engineering in cooperation with the University of Dayton, and in law with St. John's University School of Law. The University's Adult and Continuing Education Program, CLIMB (Credentials for Leadership in Management and Business), annually attracts some 200 nontraditional students interested in completing Bachelor of

Science degrees in organizational management, health care administration and information technology.

During the last few years, six new facilities have been built and dedicated: the Wolfe Administration Building, which houses the administrative offices of the University; the Alumni Multiplex, which provides state-of-the-art academic, sports and recreational facilities for the campus and intercollegiate sports at the University; a Student Health Center, which provides medical services from on-site physicians and health care providers; a Communications Complex, which houses the Mass Media Communications Program, the campus television studio and campus newspaper production facilities; the new John L. Henderson Hall, capable of housing 110 students; and the new Louis Stokes Health and Wellness Center.

The University continues to attract an increasing number of student scholars who are active on the campus newspaper, the Forensic Team, Campus Ministry programs, the University Choir, the Jazz Band, the Men's and Women's Basketball Teams, WURS-Radio Station, Greek and honorary societies and student government.

Wilberforce University has made excellent progress in its programmatic and outreach thrust. It has a specialized Institute for African American/Israel Exchange Program; Study Abroad programs in Egypt and Lancaster, England; a Caribbean student exchange program; articulation agreements with major two-year colleges across the country; and a 10-year student-faculty Collaboration Program with Antioch University.

The University has established a number of outreach programs, as well as national and international initiatives such as the expansion of its study abroad programs; the procurement in October 1998 of a \$2.5 million Congressional appropriation grant to renovate the health care facility on campus and a \$1 million grant to develop a new academic program focusing on computer science and engineering; a \$1.3 million grant from NASA in 1992 to establish what is now a teaching collaboration and research center at Wilberforce University; the creation of The Minority Male Health Consortium through the University Family Life Center; and the development of the Wilberforce Intensive Summer Experience (WISE) Program that brings some 50 incoming freshmen students to campus each summer for an intensive five-week, major-focused program of study.

The brush stroke that completes the picture of Wilberforce University is its mandatory Cooperative Education Program. Wilberforce bears the distinction of being only one of two four-year institutions in the country to require internships as a requirement for graduation. Cooperative Education has been the heartbeat of academics at Wilberforce. The program has seen many others attempt to duplicate its success story, but to date no other has been able. Wilberforce University has been cited for its excellence in many publications such as Black Enterprise, Better Homes & Gardens, Career, and the Black Employment & Education Journal.

## **WUPD POLICY DISCLOSURES**

### **Reporting Crimes and Other**

#### ***Encourage Prompt and Accurate Reporting of Crimes***

The WU Campus Police Department encourages anyone with knowledge of a crime on campus to report it. In order to maximize safety on campus and assist in prompt investigations, we ask that you report to the campus police any incident that may qualify as homicide, sex offense, robbery, aggravated assault, burglary, motor vehicle theft, arson and any hate crime involving bodily injury for inclusion in the Annual Campus Security and Fire Safety Report.

#### ***Reporting on Campus Crimes and Other Emergencies***

To maximize safety on campus, the WU Campus Police Department strongly encourages anyone with knowledge about any crime, suspicious activity, or unsafe action or conditions on campus (either as a witness or as a victim) to make an immediate report to the campus police in person or by telephone. Reporting does not mean you must take legal action—it may, however, help police officers stop further incidents as well as help them keep the community informed about criminal activity.

Reports can be filed at the campus police department located in Building six (6) directly beside Henderson Hall. To make a report by phone, call (937) 708-5780 and describe the situation to the police officer on duty. All emergencies, including fires, call 911. WU students requiring non-emergency medical care may contact the Student Health Center at ext. 5506. Students seeking counseling services may contact Rev. John E. Freeman, (937) 708-5611.

If you are uncomfortable making a crime report to the campus police but would like to help ensure the most accurate accounting of all criminal incidents on or around campus, we encourage you to report the criminal incident to one of the Wilberforce University campus authorities.

### **Timely Warnings**

The University has partnered with ONE CALL NOW to employ an emergency notification system. ONE CALL NOW is an emergency notification system used to send messages and updates within the Wilberforce University network. Notification messages will be sent by email or by text to cell phones of faculty, staff, and students. Registration is available in the Office of Emergency Preparedness. The senior leadership will determine when to send timely warnings.

## **Campus Law Enforcement**

### ***Enforcement Authority***

The Wilberforce University Campus Police Department became a law enforcement agency in May 1991 by action of the Wilberforce University Board of Trustees. All officers have received the required hours of basic training and are certified by the State of Ohio Peace Officers Training Council. Officers are armed and are required to complete an annual State Firearm Qualification Course. Each officer is vested with the same powers and authority that are vested in a police officer of a municipal corporation or a county sheriff under Title [29] of the Revised Code. They have the power to arrest and bring before the proper court persons violating the law on university property. WU Campus Police also have a mutual aid agreement with the Greene County Prosecutor's office to assist other jurisdictional police within Greene County, Ohio.

## **Buildings and Grounds Security**

### ***Introduction***

Wilberforce University is committed to providing the members of the campus community and visitors with the safest and most secure environment possible. However, even the most extensive initiatives cannot succeed without the awareness and cooperation of the community members who work, study and live on campus.

### ***Residence Halls***

Wilberforce University is a residential institution, providing a variety of on campus housing facilities for students. There are Two residence halls: One male (Henderson Hall) and one female (Living Learning Center). Campus Police and the residence life staff provide information on safety and security within the living environment. Safety/Security policies and procedures regarding locking rooms, building entrances and related precautions are discussed with residents during routine floor meetings and imprinted materials, which are posted and distributed by staff.

Residence life staff are required to report criminal actions, suspicious activities, emergencies and other incidents to the WU Campus Police. Students are encouraged to carry their room key and Wilberforce University ID. More information is available in the Residence Life Guide.

## **Emergency Notification**

The Senior Police Officer on duty, after conferring with the Chief of Police, will advise members of the campus community on a timely basis about a significant emergency or dangerous situation involving the immediate threat to the health and safety of the campus community. The police officer will activate the Alertus System. The Alertus Mobile Recipient App allows users to receive push notifications to their Android or iOS tablets or smartphones. The Recipient App Panic Button feature also puts a mobile panic button in your pocket for immediate access to emergency personnel during an incident. Students, staff and faculty will be provided the information to download the App to their devices at the beginning of each semester.

## **Personal Safety**

- Lock your room when you leave for class.
- Keep your purse, wallet, keys, or other valuable items with you always.
- Always let someone know where you will be. Mark personal items with your name or initials and an identification number.
- Always lock your car and roll the windows up all the way.
- Never give anyone your bank account number, social security number, or other personal information.
- Avoid walking or jogging alone, especially at night.
- Don't leave your cell phone or computer unattended.
- Shred your documents when disposing of them.

## **Reducing Crime and Improving Campus Community Life**

### ***Investigation/Crime Prevention***

All WU Campus Police Officers receive basic training in criminal investigative techniques. They are authorized to take written complaints and investigate all violations of state laws or university regulations. Reports may be filed at the campus police office or by contacting any of the officers. Reports relative to some incidents may also be taken by the members of the Student Services.

All reports are thoroughly investigated, reviewed and finalized. Incidents involving infraction of state laws are adjudicated through the court and may involve arrest.

Students who violate university policies and procedures will be referred to the Dean of Students. A Student Judiciary Hearing Board will hear matters concerning student violations. Arrest for any infraction of state or local statutes does not preclude independent action taken by the hearing board.

### ***Crime Prevention***

As part of the university's educational mission, the campus police attempt to inform members of the campus community of ways in which they can reduce their chances of suffering from a violation of their property or themselves. The department's crime prevention program is based upon the concept of eliminating or minimizing criminal opportunities, whenever possible, and encouraging students and employees to be responsible for their own security and the security of others.

A WU Campus Police Officer is designated as the Crime Prevention officer. This officer assists with the coordination of crime prevention activities and the distribution of materials related to crime awareness.

The Office of Emergency Preparedness and Safety will focus on eliminating or minimizing criminal opportunities to include heightened safety awareness for students, employees and will facilitate the following prevention programs and projects:

**New Student Orientation:** The Office of Emergency Preparedness will provide safety and security materials to new students and their parents.

**Residence Hall:** The Public Safety Liaison Officer will conduct daily tours through housing units and meet with Resident Director to discuss any safety concerns.

**Crime Prevention Presentations:** The Office of Emergency Preparedness and Safety will conduct safety workshops throughout the year regarding campus safety for both students and employees such as Campus Safety and beyond, CPR training, Women Self-Defense.

**Workshops and Seminars:** Workshops and seminars are presented on sexual assault awareness, violence prevention, drug prevention, and underage drinking, upon request.

**Local Support Agencies:** The university have developed a partnership with local support agencies which will conduct safety outreach for campus community such as Traffic Safety.

**Public Safety Awareness Week:** The Office of Emergency Preparedness and Campus Police host several safety and security events throughout the week. Local Support Agencies are invited to participate in the Public Safety Awareness Week. The purpose of these events is to disseminate information related to safety and help the campus community understand local support agencies functions and capabilities.

**Fire, Safety and Sanitation Inspection:** The Office of Emergency Preparedness and Safety conducts weekly Fire, Safety and Sanitation inspection. The report is submitted to the Vice President for Administration and Human Resource and the Director of Plant Logistics at the

beginning of the next week.

### ***Physical Plant Services and Campus Security***

Physical Plant Services maintains the university buildings and grounds with concern for safety and security. Campus buildings and grounds are inspected regularly, and repairs of potential hazards are made. WU Campus Police Officers assist by reporting any non-functioning lights or doors or other hazards which affects safety and security.

Students residing on campus should report needed repairs to a resident assistant or plant service worker, so that any repair can be entered into the work request system. If an emergency occurs after normal working hours, students are then to notify their resident director

Staff and students are encouraged to contact the Office of Emergency Preparedness and Safety at to report potential safety and security hazards in any university building or on grounds, parking lots, and or roads.

### ***Counselor information about crime Reporting***

The university recognizes that the college years are times of transition and growth for students. Therefore, counseling services are available by referral. Services are provided by trained counselors and all information divulged is confidential, unless the counselor deems that you are a threat to yourself or the community.

Under the Clery Act - A Licensed Professional Mental Health Counselor, a chemical dependency program counselor, or a sexual assault victim services program counselor are exempt from the crime reporting requirements. Counselors encourage students to report crimes to the WU Campus Police Department on a voluntary basis

### **Smoking Policy**

Wilberforce University strives to maintain a healthy workplace and productive environment for all faculty, staff, students, and visitors.

Under the Ohio State Smoking ban law, ORC 3794, all “public places” and “places of employment” are to have special conspicuous “No Smoking” signs posted at each entrance to a building. The signs must be clearly legible and contain a toll-free number (866-559-OHIO) for reporting violations to the State Health Department.

Rationale: Wilberforce University recognizes the serious health consequences of tobacco use. Tobacco is the leading cause of preventable death and disability in the United States.

Breathing secondhand smoke is proven to result in a variety of negative health effects. We want to provide our faculty, staff, students and visitors with a tobacco-free environment. To protect the health and safety of our campus community, Wilberforce University is adopting a 100% tobacco-free campus policy.

Definition: For the purpose of this policy, “tobacco product” means any substance containing tobacco leaf, including but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, blunts, clove cigarettes, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body by inhalation.

Tobacco Use Prohibited: Tobacco use is prohibited;

By students, staff, faculty, visitors, vendors and contractors;

At all times, 24 hours a day, seven days a week;

In or on all property owned, leased, or rented by Wilberforce University including; in any building or facility (including, but not limited to, campus housing, classroom buildings, libraries, dining halls, etc.); on all grounds (including, but not limited to athletic grounds and stadiums, parking lots or garages, walkways, etc.); in any vehicle owned, leased or chartered by Wilberforce University.

Tobacco-use should also be discouraged at any school-sponsored or related event, when such an event occurs off property owned by Wilberforce University.

Enforcement: Infractions of this policy by students, staff and visitors will be addressed by established Wilberforce University policies and procedures. Language regarding adherence to this policy shall be included in all executed contracts (e.g. vendors, contractors).

Students will be provided notice of this policy through student handbooks. Faculty and staff will be provided notice of this policy through personnel handbooks. All campus vehicles (whether owned, rented or leased) will display the international “No Smoking” insignia.

Educational Reinforcement: Tobacco education and cessation shall be closely coordinated with other components of Wilberforce University health program. Preparation and professional development activities shall provide basic knowledge about the effects of tobacco use and effects of peer pressure on tobacco use combined with effective instructional techniques and strategies, program-specific activities and offering of (or referral to) cessation programs (e.g. 1-800-QUIT-NOW or campus’ own cessation program). Announcements regarding the policy will be made during university-sponsored events, as well as at all campus functions where deemed appropriate. Event programs will include a written reminder of the

policy.

**Tobacco Promotion Prohibited:** Tobacco advertising, sales (including vending machines), and distribution are prohibited on college campus grounds, in all sponsored publications and at all college campus sponsored events. All Wilberforce University campuses that are affiliated organizations are prohibited from accepting any form of contribution including, but not limited to, financial support, gifts (such as curriculum, book covers, speakers, etc.) or in-kind support from the tobacco industry for the sponsorship or promotion of any event or activity affiliated in any manner with Wilberforce University.

**Tobacco Contribution Prohibited:** This policy prohibits accepting any form of contribution from tobacco companies including, but not limited to: financial support, gifts (book covers, curriculum, speaking engagements, signage), or in-kind support from the tobacco industry for the sponsorship or promotion of any event or activity affiliated with Wilberforce University.

\*Exemptions can include FDA approved cessation devices, nicotine replacement therapy (NRT), Native American use or for religious reasons, and public, private or university-sponsored research, where use is limited to a controlled laboratory environment.

This policy shall be effective on: September 1, 2017

### **Drug and Alcohol Policy**

Wilberforce University is a community characterized by a sense of purpose, serious study and wholesome recreation. Students are required to be familiar with the rules that regulate their behavior on campus. The University Code of Student Conduct specifically states that the possession, use, and/or distribution of alcohol and drugs on university property or at university sponsored activities are strictly prohibited. Students violating these policies may be suspended or dismissed from the university. In addition, students may also be subject to risk for violation of county, state and federal laws regarding the use of alcohol and drugs.

The State of Ohio prohibits the sale to or consumption of any type of alcoholic beverage by any person under the age of twenty-one. This law also prohibits the sale of alcoholic beverages to any person who is intoxicated or appears to be such. Ignorance of the purchaser or consumer is not a defense. A person who misrepresents his/ her age in order to obtain alcohol is subject to a maximum fine of \$1,000.

Persons in the Greene County area are prohibited from drinking alcoholic beverages in “any street, alley, park, or parking lot, or in any vehicle in or upon the same.” The penalty for this violation is a fine plus court costs or imprisonment.

Wilberforce University is unequivocally opposed to the possession, use and sale of illegal drugs. The university has the responsibility of upholding federal, state and local laws regarding the use of drugs. Students who choose to possess, use or sell illegal drugs subject themselves to both arrest and prosecution and university judicial action.

Wilberforce University complies with the Federal Drug Free Work Place of 1988: Section 1213 of the Higher Education Act of 1965, as amended and other federal, state and local laws.

### **Weapons Possession**

The campus police are committed to protecting the campus community. The unapproved carrying, possession, use, sale, or barter of a gun, knife or other lethal weapon, ammunition or other explosives or creating a threat to persons or property by the misuse of a combustible material is prohibited and subject to university discipline as well as to criminal sanctions. Students who are found with any lethal weapon are immediately dismissed from the university and will be arrested.

### **Policy on Sexual Misconduct**

Wilberforce University will not tolerate sexual assault of any kind. Therefore, any unwelcome sexual advance, request for a sexual favor, obscene phone call, indecent exposure, act of date or courtship violence, sexual harassment, or other sexual misconduct that is against another's will or that substantially interferes with another's academic efforts, employment, participation in university-sponsored programs or activities is a violation of accepted standards of the university.

Sexual offenses on the part of any member of the university community, students, faculty or staff are prohibited and subject to institutional disciplinary action and/or criminal prosecution. The Ohio Revised Code outlines sexual assault to include:

- 2907.02 Rape
- 2907.03 Sexual Battery
- 2907.04 Corruption of a Minor
- 2907.05 Gross Sexual Imposition
- 2907.06 Sexual Imposition
- 2907.07 Importuning
- 2907.21 Compelling Prostitution, or any unwanted touching or act that is nonconsensual and committed by the by the offender for the purpose of sexual gratification.

These are criminal offenses and are subject to criminal charges in the State of Ohio. The violations of state law noted above are also violations of the University Code of Student

Conduct and may be adjudicated through the university's judicial system. Certain types of these offenses, including rape and sexual battery, may trigger a mandatory academic dismissal hearing pursuant to Ohio Revised Code 3345.22.

### ***Sexual Assault Program***

Wilberforce University recognizes its responsibility of providing educational programs to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses to its students, faculty, staff, and administrators. The campus police offer educational programs to the faculty, staff and students on topics that include rape, date rape, and violence. For more information, call ext. 5701

### ***Procedures to Follow if a Sex Offense Occurs***

If you are a victim of a sexual assault, the university urges you to get support and information immediately by reporting to either the Director of Residence Life; 911, Campus Police, (937) 313-9049; Dean of Students, x5611, or WU Health Center, x5506. You can feel confident that any of these university personnel will help and support you through any incident. They will advise you about your rights, inform you how to preserve evidence, and discuss your formal and informal complaint options, and ask you to seek medical services through the WU Health Center or the Greene County Hospital Emergency Room. In addition, university personnel will assist you in reporting a sexual offense to campus police or Greene County Sheriff department if you so desire. You should note the importance of preserving evidence as may be necessary to the proof of a criminal offense. Students who perceive themselves to be the victims of sexual harassment or abuse and who request a change in their academic or living situation will be accommodated when alternatives are reasonably available.

### ***Preventing Acquaintance Rape***

Rape is an act of violence. Many of us believe that rape is a crime committed by strangers in dark alleys, but in fact, most rapes are committed by acquaintances or even dates. While it is never your fault if you are raped, there are some things you can do to decrease your chances of being a victim. Don't accept a date from someone you don't know at all, especially one that would involve being alone with a person before getting to know him. Avoid going to unfamiliar surroundings with someone you don't know very well. And remember, when alcohol and drugs are involved, your chances of being sexually assaulted greatly increase. Use common sense and good judgment; never be overconfident when it comes to your safety. Taking away the opportunity for sexual assault is a big part of protecting yourself. If you choose to protect yourself with weapons, you must accept the risk that the weapons could be used against you.

Men should try to clarify sexual expectations ahead of time. Remember that you are responsible for your actions at all times and being intoxicated is not a legal defense for rape. Don't make assumptions when it comes to sexual contact. Communicate clearly and always get consent. A person has the right to say "no" at any point and to have that respected.

### ***Preventing Drug-Induced Sexual Assaults***

Unfortunately, university students nationwide have become victims of drug-induced sexual assaults. A person who has been drugged with Rohypnol, GHB, or Scopolamine may experience drowsiness, dizziness, and disorientation. Speech and motor skills may also be affected, with the drugged individual being unable to remember periods of time if ten hours. To protect yourself against drug-induced sexual assault, never leave your drink unattended, only drink from unopened cans or bottles, only consume drinks you have prepared yourself, and avoid group drinks (e.g. punch). If you think you may have been drugged and sexually assaulted, seek medical treatment as outlined in the "Reporting Sexual Assaults" section.

### ***Reporting Sexual Assaults***

If you've been sexually assaulted on campus, report the crime to campus police or the Dean of Students. If the assault happened off campus, report the incident to the appropriate police jurisdiction (a campus police officer will assist you in notifying them if you prefer). Reporting doesn't mean you must take legal action. You can make that choice later. By reporting the crime, however, you may help to stop a rapist, chances are that he has raped before and will rape again, until apprehended.

If you have been raped, preserve physical evidence that could be useful later. Do not change clothes, bathe, douche, or use the toilet. Do seek medical care immediately, whether you report the crime. In addition to taking care of obvious injuries, you need medical care to protect you from sexually transmitted diseases. A physician can also counsel you about the possibility of pregnancy.

If you have been raped and might consider taking legal action against the rapist, you need to receive medical care and have a medical exam at a local emergency room so the evidence of rape can be obtained and preserved for legal action. Without this evidence, the chances for successful prosecution drop. The exam should occur as soon as possible. You should bring a change of clothes, because clothes worn during the assault will be kept as evidence. If you've already changed clothes, bring along any articles that may have physical evidence.

Sexual assaults can be reported directly to the following Wilberforce University departments:

**Campus Police** (937) 708-5780

Also, the Greene County Sheriff's Dept. at (937) 372- 5111

All reports are treated as confidential and students are entitled to know the various options that are available to them in reporting sexual assault cases.

### ***Counseling Services***

Students who have been sexually assaulted are encouraged to seek counseling by contacting

the Dean of Students.

Additional counseling services are available at the following counseling service locations:

**Additional counseling services are available through:**

Greene County Mental Health Services (937) 376-8700 Greene County Victim Witness (937) 372-5442

TCN Crisis Hotline (937) 376-8702

**Procedures for University Disciplinary Action**

The procedures for the administration of student conduct shall be readily accessible to students and student organizations and shall adhere to the following procedural standards.

1. The hearing board or hearing officer shall conduct hearings in accordance with this Code of Student Conduct.
2. Formal disciplinary action shall be instituted against a student only after a designated University official has determined that such action, rather than medical or counseling referral, is appropriate.
3. A student against whom a complaint has been made under this policy shall be informed in writing of the complaint and of the time, place and circumstance of the resulting hearing at least twenty-four hours in advance, excluding week-ends.
4. A student may admit the facts contained in a complaint. The admission shall be in writing and shall be given to the designated University official. In such a case, the student shall be advised in writing of the time and place to appear before a hearing officer or the hearing board to assume any sanctions.
5. In proceedings involving more than one accused student, severance, if requested in writing, shall be granted by the conduct officer, hearing board chair, or hearing officer. Also, upon reasonable request submitted in writing, a delay in the hearing may be granted by the conduct officer, hearing board chair or hearing officer.
6. The student against whom a complaint has been made shall be offered the opportunity at the hearing to appear alone or with another person, who may serve in an advisory capacity. A person serving in an advisory capacity may not participate directly in the hearing or address the board on behalf of the student unless, at the sole discretion of the hearing board or hearing officer, there exists a communication difficulty sufficiently severe as to prevent a fair hearing.
7. All hearings shall be closed to protect the student's right to confidentiality.
8. The hearing board or hearing officer shall evaluate the points of view presented by the parties in conflict and shall determine which is the more convincing, the more credible, and of greater weight. The consideration of information presented will be conducted in a closed session.
9. Sexual misconduct will be heard by a specially convened panel of listeners appointed by the Coordinator of Judicial Affairs.

10. A copy of the findings, including the procedures for appeal, shall be given to the student.

## **Student Rights**

Throughout the investigation and the hearing, it is important to recognize that both the accuser and the accused have certain rights. Listed below are those rights.

### **Rights of the Accuser:**

1. The right to an explanation of options of redress available
2. The right to an explanation of the hearing process.
3. The right to a fair, impartial, speedy hearing.
4. The right to decide to be heard by a hearing board or a hearing officer.
5. The right to file a campus restraining order to prohibit harassment of the accuser by the accused or acquaintances or supporters, or even contact with the accused.
6. The right to challenge the hearing panel on conflicts of interest.
7. The right to know ahead of time the names of witnesses to be called in the hearing.
8. The right to know the status of the case at any point during the judicial process.
9. The right not to have their identity revealed outside the confidential proceedings without consent.
10. The right not to have irrelevant past sexual history discussed during the hearing.

### **Rights of the Accused:**

1. The right to an explanation of options of redress available.
2. The right to an explanation of the hearing process.
3. The right to a fair, impartial, speedy hearing.
4. The right to decide to be heard by a hearing board or a hearing officer.
5. The right to file a campus restraining order to prohibit harassment of the accused by the accuser or acquaintances or supporters, or even contact with the accuser.
6. The right to challenge the hearing panel on conflicts of interest.
7. The right to know ahead of time the names of witnesses to be called in the hearing.
8. The right to have someone accompany them through the hearing.
9. The right to a closed hearing.
10. The right to remain silent.
11. The right to testify on their own behalf.
12. The right not to have irrelevant past sexual history discussed during the hearing.
13. The right to be informed in a timely manner about the outcome of the hearing.
14. The right to know the status of the case at any point during the judicial process.
15. The right not to have their identity revealed outside the confidential proceedings without consent.
16. The right to appeal the decision of the hearing board or the hearing officer.

## **Sanctions**

In the event there is reason to believe that the student who has been accused of as the student against whom the complaint has been made poses a danger to the safety of the community, the accuser or to him/herself, the Coordinator of Judicial Affairs will place the student on immediate Interim Suspension from the university until the case has been resolved.

Students found guilty of a sexual offense may receive any of the following sanctions; Disciplinary Dismissal (permanent separation from the University), Disciplinary Suspension (separation from the university for a designated period), and Disciplinary Probation (restriction of certain rights and privileges). Additional stipulations are the prerogative of the hearing officer.

The options that may be considered are as follows:

- a. Fines
- b. Counseling
- c. Room or hall changes
- d. Restitution for damages
- e. Educative/rehabilitative programs referrals
- f. Research assignments
- g. Community service projects
- h. Special workshop participation
- i. Campus work duties
- j. Other stipulations

## **Sex Offender Information**

As a result of House Bill 189 (Megan's Law), sex offenders are required to register with the county in which they reside. Registered sex offenders can be found online at <http://www.co.greene.oh.us/sheriff/>. Sexual offenders employed by the university must

### **CRIME STATISTIC DISCLOSURES**

#### ***Daily Crime Logs/Information about Criminal Incidents***

The Wilberforce University Office of Emergency Preparedness compiles statistical information from the contents of crime reports made to campus police. From these reports, a daily crime log is provided that contains information of nature of crime, date the crime was reported and date/ time it occurred, location of the crime, and disposition of the complaint, if known. Disclosures that are prohibited by law or that would jeopardize the confidentiality of a victim are not included in the daily crime log. Daily crime logs are accessible on-site at the Office of Emergency Preparedness. Requests for information more than 60 days old, will be provided

within 2 business days.

### ***Additional Sources of Statistical Information***

Disciplinary actions/judicial referrals—liquor law violations, drug law violations, and illegal weapons possession violations—made to the Office of Judicial Affairs are also disclosed in the statistical information published in this report.

Consistent with Department of Education federal regulations that become effective July 1, 2000, crime statistics from all reports made to the following campus authorities: The Office of Judicial Affairs, Intercollegiate Athletics, the Office of the Dean of Students, student organization advisers, and the Office of Residential Life are included in this report.

### ***Procedures for Gathering Crime Statistics***

The Office of Emergency Preparedness and Safety is charged with the responsibility of collecting crime data and preparing an annual crime report. The crime statistical data consists of calendar years (January—December) for 2013, 2014 and 2015. At the beginning of each calendar year, the Office of Emergency Preparedness completes an analysis of crimes reported to the police department. Data is also collected from the Office of the Dean of Students, Office of Judicial Affairs, Office of Residential Life and Intercollegiate Athletics. Names and dates of offenses are compared to assure over reporting is not occurring. Data is also collected from the surrounding area police departments in which the university has owned or controlled properties for data regarding public property immediately adjacent to the campus such as sidewalks and streets and parking lots.

### ***Distribution of Annual Report***

The Annual Security and Fire Safety Report is compiled and distributed annually to all currently enrolled students and employees prior to October 1. Current students and employees at Wilberforce University are sent the following message by electronic Student, Faculty, and Staff users email. The current Annual Security and Fire Report has been posted on the Wilberforce University website. The report and any updates will be posted online ([http://www.wilberforce.edu/administration/campus\\_police.html](http://www.wilberforce.edu/administration/campus_police.html))

### **FIRE SAFETY**

and security policy statements.

Printed copies may be obtained from the WU Office of Emergency Preparedness, 1055 N. Bickett Road, P.O. Box 1001, Wilberforce, Ohio 45384, Phone

Every resident hall is equipped with a fire-alarm smoke detectors and sprinkler system. Fire drills are conducted one time each semester in each hall. Students who fail to evacuate will be fined. All residence halls are equipped with wall mounted fire extinguishers. Fire hydrants are located outside each residence hall. All campus extinguishers are inspected annually by Cintas Fire Protection Company. Fire protection and ambulatory service is provided by the Xenia Township fire department.

FIRES 2019		
<b>Major Facility Damages and/or Injury resulting in death</b>	Residence Halls	0
	Dining Facilities	0
	Classroom Buildings	0
<b>Minor Facility Damages and/ or injury</b>	Residence Halls	0
	Dining Facilities	0
	Classroom Buildings	0
<b>General Incidents (i.e. microwave, toasters) No damages/ No injury</b>	Residence Halls	0
	Dining Facilities	0
	Classroom Buildings	0

Fires on Campus Student Housing Facilities			
Name of Facility	Number of Fires		
	2017	2018	2019
Askew Hall (off line)	0	0	0
Jackson Hall (off line)	0	0	0
Valentine Hall (off Line)	0	0	0
Wright Hall (off Line)	0	0	0
Henderson Hall	1	1	0
Life Learning Center (LLC)	2	0	0
	-	-	-
<b>Total</b>	<b>3</b>	<b>1</b>	<b>0</b>

INFORMATION FOR FIRE LOG					
January 2017 to 2019					
Case Number	Cause of Fire	Nature of Fire	Date/Time Occurred	Date/Time Reported	General Location

17-447-04	Unintentional	Minor Fire	4/22/2017	4/22/2017	Henderson Hall
17-931-10	Unintentional	Minor Fire	10/27/2017	10/27/2017 1230	Living Learning Center
17-163-02	Unintentional	Minor Fire	2/1/2017	2/1/2017 1529	Living Learning Center
18-24-02	Unintentional	Minor Fire	1/19/2018	1/19/2018 1936	Henderson Hall

## CRIME STATISTICS - ANNUAL SECURITY REPORT

OFFENCES				
		2017	2018	2019
<b>Criminal Homicide</b>	On Campus	0	0	3
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
<b>Negligent Manslaughter</b>	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
<b>Sex Offenses (forcible)</b>	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
<b>Sex Offenses (non-forcible)</b>	On Campus	0	1	0
	Residence Halls	0	1	0
	Non-Campus	0	0	0
	Public Property	0	0	0
<b>Robbery</b>	On Campus	0	0	0
	Residence Halls	1	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
	On Campus	0	0	3

<b>Aggravated Assault</b>	Residence Halls	0	0	0
	Non-Campus	0	0	3
	Public Property	0	0	1
<b>Burglary</b>	On Campus	0	0	17
	Residence Halls	0	0	13
	Non-Campus	0	0	4
	Public Property	0	0	0
<b>Motor Vehicle Theft</b>	On Campus	0	0	1
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
<b>Arson</b>	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
<b>REFERRALS FOR DISCIPLINARY SANCTIONS</b>				
		2017	2018	2019
<b>Liquor Law Violations</b>	On Campus	1	6	1
	Residence Halls	0	5	1
	Non-Campus	0	0	0
	Public Property	0	0	0
<b>Drug Law Violations</b>	On Campus	13	8	7
	Residence Halls	7	8	6
	Non-Campus	0	0	1
	Public Property	0	0	0
<b>Weapons Possessions</b>	On Campus	1	0	1
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0

<b>ARRESTS</b>				
		2017	2018	2019
<b>Liquor Law Violations</b>	On Campus	0	0	2
	Residence Halls	0	0	0
	Non-Campus	0	0	2
	Public Property	0	0	0
<b>Drug Law Violations</b>	On Campus	0	2	1
	Residence Halls	0	1	0
	Non-Campus	0	1	0

	Public Property	0	0	1
<b>Weapons Possessions</b>	On Campus	1	0	1
	Residence Halls	0	0	0
	Non-Campus	0	0	1
	Public Property	0	0	0

<b>HATE CRIMES</b>				
		2017	2018	2019
<b>Race</b>	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
<b>Religion</b>	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
<b>Sexual Orientation</b>	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
<b>Disability</b>	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
<b>Ethnicity</b>	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
<b>Gender</b>	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0

# Violence Against Women Act

## Overview of VAWA

The Violence Against Women Act (VAWA) was initially passed by the U.S. Congress in 1994 and reauthorized on March 7, 2013 by President Obama. The Act amended the Jeanne

Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and requires institutions of higher education to compile statistics for incidents of domestic violence, dating violence, sexual assault, and stalking.

## Definitions

The Higher Education Act defines the VAWA new crime categories of domestic violence, dating violence, and stalking as follows:

“Domestic violence” means 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

OFFENSES				
		2017	2018	2019
<b>Domestic Violence</b>	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
<b>Dating Violence</b>	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	1	0
<b>Stalking</b>	On Campus	0	0	0
	Residence Halls	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0

or family violence laws of the jurisdiction receiving grant monies [under VAWA], 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.”

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

“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.

Wilberforce University is committed to making a good- faith effort to include the

following statistics for calendar years 2013, 2014 and 2015



#### **Position Responsible for Clery Act**

**Authority: Director of Emergency Preparedness and Safety**

#### **POSITION RESPONSIBLE FOR CLERY ACT**

**Policy Statement:** The Wilberforce University Office of Emergency Preparedness maintains a written directive that establishes a position responsible for compliance with the Clery Act and includes:

- Annual Reporting;
- Timely warnings to the campus community about crimes that are a threat to students and employees;
- Public Crime Log;
- Submission of data to the United States Department of Education;
- Establishing the rights of victims of sexual assaults; and
- Meeting other operational and reporting requirements as stipulated by the United States Department of Education.

**Procedure:** Prior to October 1<sup>st</sup>. of each year the Wilberforce University Office of Emergency Preparedness shall publish on their web site, and provide a hard copy upon request, the Jeanne Clery Annual Security Report of their campus. The report shall include crimes, arrest, and disciplinary statistics of crimes reported to the Wilberforce University Police Department from the past three years; safety and security policy statements of the University, safety tips, and other topics. Much of the information in the annual report is required to be included by the United States Department of Education, while other material in the report is presented to

provide an informative guide to help those interested, those attending, and those working at Wilberforce University an understanding of the safety and security operations associated with Wilberforce University.

**Timely Warnings to the Campus Community about crimes that are a threat to students and employees:** It is the duty of the Wilberforce University Police Department to provide timely warnings or crime alerts to the campus community for serious incidents that represent a continuing threat to individuals and property. These timely warnings, in addition to complying with the Clery Act, enhance the safety of students and staff alike. They can be posted on the Wilberforce University web site as well as various locations around the university. They can also be distributed via Wilberforce University “web blast” or via “one call”.

**Types of notifications:**

**Emergency Notification:** To warn the campus community of a significant and imminent critical incident, which represents a sustained and impending life or property threat across the university, the Wilberforce University Police Department Administration, Senior V.P. of Business and Finance, and V.P. of Administration and Human Resources are authorized to issue an immediate warning without unreasonable delay to allow the campus community to take immediate precautions. Warnings can be issued through email, media, and other available emergency messaging systems.

**Timely Warning:** To promote safety, and prevent additional crimes, the Wilberforce University Police Department and the Senior Leadership will warn the campus community of a crime as specified by federal law when those alleged crimes represent a potential and continuing danger to the campus community. Those Clery crimes include such crimes as: murder/non-negligent manslaughter, negligent manslaughter, forcible sex offenses, non-forcible sex offenses (incest and statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, arson, stalking, domestic violence, and dating violence; as well as hate crimes that include all of the aforesaid crimes plus crimes of larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property when motivated by bias. Issuing a timely warning is decided on a case by case basis by the Senior Leadership considering all the facts surrounding the crime, including the nature of the crime, the continuing danger to the campus community, Clery criteria, and the possible risk of compromising a law enforcement investigation. Once the known facts are assessed, warnings can be issued through appropriate messaging system.

**Procedure for Publishing a Timely Warning/ Emergency Notification:**

- The Shift Supervisor or Highest-Ranking Police Officer shall be responsible for being aware of all police and incident reports of the shift ensuring Clery crime timely warning and critical information reaches the Chief of Police.
- Upon determination that a reported crime or incident presents a continuing danger to the campus security and individual safety, the Shift Supervisor or Highest-Ranking Police Officer will prepare a timely warning and notify the Chief of Police.

- If the University is notified of a crime by an outside agency, and the reported crime or incident presents a continuing danger to campus and the individual safety, the Shift Supervisor or highest-Ranking Police Officer will prepare a emergency notification and notify the Chief of Police.
- If a Clery Warning is deemed appropriate the Chief of Police/designee will publish the warning.
- Reasons not to publish a Clery Timely Warning:
  1. In cases when there is no imminent danger to individual safety, campus security, or property.
  2. A crime alert would hinder the investigation if there is clear and convincing evidence that releasing the information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence.

### **Contents of a Timely Warning/ Emergency Notification**

- The Chief of Police or their designee shall prepare, approve, and send a timely warning containing the following items:
  1. Description of the incident, including location, time, date.
  2. Physical description of the suspect(s)
  3. Photograph, if available, or composite, if information is specific
  4. Apparent connection to previous incidents, if applicable.

### **Distributing Clery Timely Warning/ Emergency Notification to the Campus Community**

- The warning must be “timely”, and reasonably likely to reach the entire campus community and aid in the prevention of similar Crimes. Therefore, timely warnings must be issued in a manner that gets the word out quickly to the campus community. They may not be issued in a manner or posted in a location that requires the campus community to make request for them or to search for them.
- The Family Educational Rights and Privacy Act (FERPA) recognizes that information can, in case of emergency, be released without consent when needed to protect the health and safety of others. In addition, if institutions utilize information from the records of a campus law enforcement unit to issue a timely warning, FERPA is not implicated as those records are not protected by FERPA.
- Clery timely warnings may be distributed by one or more of the following:
  1. Campus e-mail
  2. Flyer Postings in high traffic areas.
  3. Wilberforce University Web Site
  4. One callNow
  5. Media
  6. Other channels as approved.

### **Maintenance of Clery Timely Warnings**

- All forms and copies of warnings shall be maintained by Chief of Police/designee.

### **Testing Emergency Response and Evacuation Procedures**

- The university emergency notification system will be tested annually. Results of the test will be maintained by the university Police Department.

### **Public Crime Log**

- The daily crime log records all criminal incidents and alleged criminal incidents that have been reported to the Wilberforce University Police Department. The crime log is available to be viewed Monday – Friday from 8:00 AM until 5:00 PM from the Office of Emergency Preparedness and Safety.

### **Submission of Data to the United States Department of Education:**

- Data is submitted annually to the United States Department of Education via the Department of Education’s online template.

### **Preparation and Disclosure of Crime Statistics:**

- The Wilberforce University Police Department solicits crime statistics from law enforcement agencies where the University holds class or laboratory functions. Clery crime statistics are included in the Annual Security Report.

### **How to Report Criminal Offenses:**

- Criminal Offenses can be reported to the Wilberforce University Police Department in person at the Police Department located on the South end of campus across from Henderson Hall. University Police can also be reached at (937) 313-9049 or (937) 708-5780 (Landline) or 911 which connects the caller with the Xenia-Greene Communications Center and then dispatched to WUPD. **You can also report criminal offenses to a Campus Security Authority.**

### **Limited Voluntary Confidential Reporting:**

- In 20 United States Code Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus “Professional Counselors”, when acting as such, are not considered to be campus security authorities and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged; when they deem it

appropriate, to inform persons being counseled of the procedure to report crimes on a voluntary basis for inclusion into the annual crime statistics.

- A mental health professional is an employee whose official responsibilities include providing clinical mental health and substance abuse counseling services to members of the institutions community and who is functioning within the scope of his or her professional license or certification.

### **Campus Law Enforcement Authority**

- University Law Enforcement Officers are granted their authority by Ohio Revised Code, Section 1713.50 are recognized by the Ohio Attorney General as Police Officers with full arrest authority.

### **Working relationship with Local Law Enforcement**

- The Wilberforce University Police Department has a close working relationship with Central State University Police Department, Greene County Sheriff's Department, Xenia Police Department, and The Ohio State Highway Patrol.

### **Encouragement of Accurate and Prompt Crime Reporting**

- The Wilberforce university Police Department encourages anyone who is a victim of or a witness to any crime to promptly report the incident. By Ohio Law police reports are public record and such confidentiality cannot be guaranteed. Also, under law any person who has knowledge of a felony are required to report the crime to police. Failure to report a crime is a crime itself.
- If you are a victim of a crime and do not want to pursue action under the Student code of Conduct or the criminal justice system, you may still want to consider making a confidential report. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information the University can keep accurate records of the number of reported incidents, involving students; determine where there is a pattern of crime regarding a location, method, or assailant; alert the campus community to any potential danger.
- To report a crime or an emergency call 911, then Wilberforce Police at 937-708-5780 or 937-313-9049.
- All criminal incident reports involving former or current students are forwarded to Student Conduct and the Police Department will also investigate the incident when deemed appropriate.
- If assistance is needed from area law enforcement the university police department will notify appropriate agency.
- If a sexual assault or rape should occur units will be dispatched to investigate the incident and may summon local law enforcement for assistance if needed.

- Crimes should be reported to the Wilberforce University Police Department to ensure inclusion in the annual crime statistics and to aid in the timely warning notification to the community.

### **Counselors and Confidential Crime Reporting**

- Counselors are not considered Campus Security Authorities but may discuss procedures for voluntary reporting of crimes and do not have a primary obligation to protect the student's right to confidentiality as established by law and their professional standards of practice. Confidential information shared with counselors shall only be revealed to others when the student or other persons legally authorized to give consent on behalf of the student, have given their informed consent, except in those cases in which failure to do so would violate other laws or result in clear and present danger to the student or others.

### **Criminal Activity Off Campus**

- Criminal activity occurring off campus is reported to the jurisdictional law enforcement agency.

### **Substance Abuse Education**

- Wilberforce University provides counseling services for the campus community.

### **Notice of Annual Security Report Available**

- The Annual Security Report is compiled by the Office of Emergency Preparedness and contains information relating to crime statistics, sexual assault/harassment, safety and security on campus, access to campus facilities, and other requirements set forth by the Clery Act.

### **Combined Annual Security Report and Annual Fire Safety Report**

- The Annual Security Report and fire Safety Report will be reported in the Annual Report as required by Clery.

### **Missing Student Notification Policy and Procedure.**

Student safety is paramount at Wilberforce University, therefore, to assist the Wilberforce University Police Department, to identify effective police practice and procedure when a student is reported missing. This policy provides WUPD with specific guidelines. The policy further addresses the university notification requirements when it has been determine that a student is legally missing (24 hours).

#### **Policy:**

Any student or employee that believes a student is missing shall report their concerns to the Wilberforce University Police Department or to the appropriate Residence Life Administrator. The **WUPD** will immediately

open an investigation “no” student shall be considered missing unless; they have not been seen or heard from for 24 hours.

**Notification:**

Upon opening an official missing student investigation the Wilberforce University Police Department shall notify the following Administrators:

1. University President
2. Senior Vice President Student Engagement
3. Residence Director
4. Vice President for Administration & Human Resources

**Greene County Dispatch Center:**

When appropriate the Greene County Sheriff Dispatch Center will make a missing person broadcast. The Wilberforce University Police Chief and the Greene County Sheriff Office will determine when that broadcast is appropriate.

The Senior Vice President of Student Engagement or his/her designee will contact the resident’s designate emergency contact person.

**Investigation:**

Upon receiving the report of a missing student the WUPD shall utilize all available resources to assist in locating the missing student which shall include the following:

- A. Call resident’s room.
- B. Conduct a search of student room
- C. Interview the student Resident Aid, roommate, know associates, friends and floor mates to determine the following the date, time, and location the resident was last seen.
- D. Obtain a picture of the student
- E. Call and text the student’s cellular phone, if known call any other numbers on record.
- F. Send the student an email and make contact via Facebook or Twitter if possible.
- G. If the student has a car, determine the make, model and license plate number.
- H. Search Parking lot for the student vehicle.
- I. Review Wilberforce network to determine student last log in/or access.
- J. Obtain the student’s class schedule and make contact with each professor to determine if the student is presently attending class or the last day he/she attended
- K. Contact local hospitals and jails

**Foul Play:**

In the course of the investigation foul play is evident or strongly indicated. WUPD shall immediately notify the Greene County Sheriff Office. WUPD will work cooperatively with local law enforcement agencies in full compliance with legal obligations and good police practice.

**Release of Information:**

University President will determine the appropriate time to provide a press release or release any information

to the local media.

**Follow-up Measures:**

Once the student is located the action shall be taken:

1. Senior Vice President of Student Engagement or his/her designee shall conduct an interview with the missing student.
2. Wilberforce University Police Chief shall terminate the investigation and notify all involved support agencies.
3. Wilberforce University Police Chief shall terminate the missing person broadcast if needed.
4. The University President or his/her designee shall provide the media with a press release if necessary.
5. The University Police Chief shall submit a detail report to the Vice President for Administration & Human Resources within three working days after the incident.

**Fire Safety Education and Training Programs**

- Identified employees of the university are given annual refresher training on basic fire suppression.

**List of Contact Numbers to report a Fire to:**

- 911 (Xenia-Greene Communications)
- 937-313-9049 (Wilberforce Police Cell)
- 937-708-5780 (Wilberforce Police)

**EMERGENCY NOTIFICATION SYSTEM**

**AUTHORITY: CHIEF OF POLICE**

**Policy Statement:** The Wilberforce University maintains a written directive for an emergency notification system, which defines.

- Authorization for system use;
- Conditions that will initiate the notification system;
- Methods by which the information will be released;
- Who activates the notification system;

- Testing;
- Administrative issues.

**Procedure:**

**Authorization for system use:** This procedure establishes uniformity relating to the authorization and immediate activation of the mass notification alert systems to warn the Wilberforce University students, staff, and visitors of a significant critical incident which represents a sustained and impending life or property threat across the university, as mandated by 20 U.S.C. 1092(f) as amended by Public Law 110-

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**Authorization for system use:** This procedure establishes uniformity relating to the authorization and immediate activation of the mass notification alert systems to warn the Wilberforce University students, staff, and visitors of a significant critical incident which represents a sustained and impending life or property threat across the university, as mandated by 20 U.S.C. 1092(f) as amended by Public Law 110-315 “Clery Law”. Such warning allows the community to take appropriate and immediate precautions.

All operators of the emergency notification systems shall be trained in the technical, legal, and ethical parameters of appropriate system use.

The following Wilberforce University positions have authority to activate the university’s mass notification system to “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 students or staff on the campus”, as required by 20 U.S.C. 1092(f) as amended by Public Law 110-315 (the Higher Education Opportunity Act), and as time and events allow. Those with the authority to do so include:

- Wilberforce University President
- Senior Vice President for Business and Finance
- Chief of Police/Designee

In most incidents, notification will originate within the Wilberforce University chain of command, after internal verification.

**Activation Procedure:**

- Activation of the “One Call” incident mass communication systems is appropriate for such events as active shooter, explosion, natural disaster, widespread hazardous materials release, acts of terror, or other critical incident which present a sustained, immediate, and significant threat to life and property across the university.

**Conditions that will initiate the notification system:**

- The following conditions may initiate the use of the Emergency Notification System, but are not limited to; active shooter, bomb threat, earth quake, power outage, tornado

warning, fire, gas leak, Clery warnings, emergency notifications, and any incident that presents an imminent and ongoing threat to the campus community. The Chief of Police or designee shall review each situation on a case by case basis to verify that a legitimate emergency or dangerous situation exists.

**Methods by which the information will be released:**

- Activation of the “One Call” notification system.
- E-mail Blast
- Mass Media Notification

**Who activates the notification system?**

- The Chief of Police or designee will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

**Testing:**

- The Office of Emergency Preparedness will test the notification systems on an annual basis, generally in April, to ensure they are working properly. Prior to each test the campus community will be notified in advance of the tests.

**Administrative issues:**

- The Chief of Police is responsible for overseeing all administrative issues for each type of notification system. **SEXUAL ASSAULT RESPONSE PROTOCOL**

**AUTHORITY: CHIEF OF POLICE**

**Policy Statement:** Wilberforce University does not tolerate Sexual Assault. This procedure is intended to provide a caring and comprehensive method to report sexual assaults that occur on campus to law enforcement or other college personnel that have been identified as Campus Security Authorities.

**Definitions:**

- Sexual Conduct: “Vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.” (Ohio Revised Code 2907.01A)
- Sexual Contact: “Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.” (Ohio Revised Code 2907.01B)
- Sexual Activity: “Sexual conduct or sexual contact, or both.” (Ohio Revised Code 2907.01C)
- Clery Act: For disclosure of campus Security Policy and Campus Crime Statistics sexual acts include the general category of sexual assault to include forcible rape, sodomy, sexual assault with an object, incest, and statutory rape. Consent is an agreement reached without force, coercion, or intimidation between persons. Forcible sexual activity occurs when consent is not reached or when the victim is mentally incapacitated, intoxicated, or physically helpless.

**Procedure:**

**The following are duties of Wilberforce University Police Department personnel when receiving and responding to a report of a sexual assault on Wilberforce University property.**

- Collect all necessary information from the victim/caller
- Name
- Phone number
- Location
- Nature of incident
- Description of suspect
- Call-back number

- Maintain phone contact with the victim/caller until police arrive
- Contact victim and determine:
  - Is emergency medical treatment needed
  - Location(s) and time of incident(s)
  - Is there an ongoing threat to the community, i.e. assault just occurred and suspect at large?
- Secure the crime scene(s)
- Evaluate the scene for possible threats
- Start a crime scene log
- Limit access to required personnel only
- Protect scene from contamination
- If the sexual assault occurred within 96 hours, have contact local Emergency Medical Services to transport the victim to the hospital
- A police officer shall go to the hospital with the victim
- Collect names and contact information of witnesses
- Provide information to the investigating law enforcement agency
- Assist the investigating law enforcement agency as requested
- Advise the victim of counseling and support services available to them from the University and community.
- Complete a Sexual Assault Criminal report.
- Contact Chief of Police
- Quickly determine if a Clery Timely Warning should be sent out to the campus
- If a Timely Warning is warranted, insure the "One Call" Alert message is promptly sent
- If a Clery Timely Warning is issued, post it on the Police web-site as soon as possible.

- Establish which law enforcement agency will be investigating the incident(s)
- Advise personnel which law enforcement agency will be investigating the incident(s)
- Assume or designate a liaison to the investigating law enforcement agency
- Coordinate Department personnel
- Contact Administration
- Dependent on the incident, consider establishing:
  1. Inner and outer perimeters
  2. Command Post
  3. Staging area
  4. Media staging and briefing location
- Contact Residence Life “On-Call” personnel to initiate counseling services.
- Follow-up with the Chief of Police

## **PREPARING THE ANNUAL SECURITY REPORT: DISCLOSURE OF CRIME STATISTICS**

### **AUTHORITY: DIRECTOR OF EMERGENCY PREPAREDNESS AND SAFETY**

**Policy Statement:** Wilberforce University maintains a written directive that establishes a position responsible for compliance with the Clery Act and Annual Reporting, including;

- Annual Security Report Preparation
- Crime Statistics Sources
- Who Prepares the Annual Security Report

### **Procedure:**

#### **Annual Security Report Preparation:**

- The Wilberforce University Police Department’s Chief of Police is responsible for compliance with the *Jeanne Clery Disclosure of Campus Security Policy, Campus Crime Statistics Act (Clery Act)*, and the preparation of the Annual Security Report.

- **Crime Statistics Sources:** The Wilberforce University Police Department works in collaboration with Student Life, Human Resources, Counseling Services, Disability Services, and Law Enforcement agencies within the University's Clery geography jurisdiction to gather: 1) crimes, arrest, and disciplinary statistics for crimes reported to the Wilberforce University Police Department within the last three (3) years.

### **Who Prepares the Annual Security Report?**

- The Wilberforce University Police Department prepares, publishes, and distributes an Annual Security Report (ASR) that is designed to be an informative guide that provides an understanding of safety and security operations on Wilberforce University's Campus
- This report is completed by October 1<sup>st</sup>, each year and is posted on the Wilberforce University website, and printed copies are available in the Wilberforce University Police Department

### **POLICY FOR TIMELY WARNINGS**

#### **AUTHORITY: CHIEF OF POLICE**

**Policy Statement:** The Wilberforce University Department maintains a written directive that establishes a policy for Timely Warnings and includes;

- Circumstances in which a warning will be issued.
- The way the warning will be distributed.
- The individual or office responsible for issuing the warning

#### **Procedure:**

- It is the duty of the Wilberforce University Police Department to provide timely warnings or crime alerts to the campus community for serious incidents that represent a continuing threat to individuals and property. These timely warnings, in addition to complying with the Clery Act, enhance the safety of students and staff alike. They can be posted on the Wilberforce University web site as well as various locations around campus. They can also be distributed via the Wilberforce University e-mail network or other channels as approved pursuant to this procedure.

- The federal Campus Safety and Security Act and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), requires that colleges and universities provide timely and relevant information about campus crimes to prospective students, parents, employees, and other interested parties.
- A crime is reported when it is brought to the attention of a Campus Security Authority (CSA) or the local police by a victim, witness, third party, or even the offender. (The CSA and police are officials of the institution with significant responsibility for student and campus activities).

### **Types of Notices:**

- Emergency Notification:

To warn the campus community of a significant and imminent critical incident, which represents a sustained and impending life or property threat across the university, the Wilberforce University Police Department administration, administrative support and preparedness coordinator, President, Provost, and Vice President are authorized to issue an immediate warning without an unreasonable delay to allow the campus community to take immediate precautions. Warnings can be issued through “One Call”, email, media, and other appropriate emergency message systems

- Timely Warning:

To promote safety and prevent additional crimes, the Wilberforce University Police Department will issue a Timely Warning for any *Clery Act* crime that occurs within the Wilberforce University Clery geography that is 1) reported to Wilberforce University or local police agencies, and 2) is considered to represent a serious or continuing threat to students and employees. Those Clery crimes include such crimes as murder/non-negligent manslaughter, negligent manslaughter, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, arson, stalking, domestic violence, and dating violence; as well as hate crimes that include all of the previously mentioned crimes plus crimes of larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property when motivated by bias. Issuing a timely crime warning is decided on a case by case basis by the police administration considering all the facts surrounding a crime, including the nature of the crime, the continuing danger to the campus community, Clery criteria, and the possible risk of compromising a law enforcement investigation. Once the known facts are assessed, warnings can be issued through the college email system, media, or other appropriate message system.

### **Procedure of Publishing a Timely Warning:**

- The Shift Supervisor or designee is responsible for the following:
- Being aware of all police and incident reports that require a Clery crime timely warning.
- Determining if a crime or incident, on or off campus, presents a continuing danger to campus security and individual safety.
- Will prepare and send a timely warning when needed.
- Notify the Chief of Police or designee.
- Reasons Not to Publish a Clery Timely Warning:
  - In cases where there is no imminent danger to individual safety, campus security, or property.
  - A crime alert would hinder the investigation if there is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence.

**Contents of a Clery Timely Warning:**

- The Shift Supervisor or their designee shall prepare, approve, and send a timely warning containing the following items:
  1. Description of the incident, including
  2. Location
  3. Time
  4. Date
  5. Physical description of the suspect(s)
  6. Photograph, if available, or composite, if information is specific
  7. Apparent connection to previous incidents, if applicable.

**Distributing Clery Timely Warnings to the Campus Community:**

- The warning must be timely, and reasonably likely to reach the entire campus community and aid in the prevention of similar Crimes. Therefore, timely warnings must be issued in a manner that gets out the word quickly to the campus community. They may not be issued in a manner or posted in a location that requires the campus community to make requests for them or to search for them.
- The Family Educational Rights and Privacy Act (FERPA) recognizes that information can, in case of an emergency, be released without consent when needed to protect the health and safety of others. In addition, if institutions utilize information from the records of a campus law enforcement unit to issue a Timely Warning, FERPA is not implicated as those records are not protected by FERPA.

**Clery Timely Warnings may be distributed by one or more of the following:**

- “One Call” notification
- Campus e-mail
- Flyer Postings in high traffic areas
- Wilberforce University web site
- University newsletters or updates
- Media, through Institutional Advancement
- Other channels as approved, pursuant to this procedure.

**Maintenance of Clery Timely Warnings:**

- All forms and copies of warnings shall be maintained by the Chief of Police.

**Testing Emergency Response and Evacuation Procedures:**

- The University Emergency Notification system will be tested annually, generally the start of the semester. Results of the test will be maintained by the Chief of Police

**PUBLIC CRIME LOG**

#### **AUTHORITY: CHIEF OF POLICE**

**Policy Statement:** The Wilberforce University Police Department maintains a written directive that establishes policies for a public crime log.

#### **Procedure:**

The Daily Crime Log records all criminal incidents and alleged criminal incidents that have been reported to the Wilberforce University Police Department. The crime log is available in the Office of Emergency Preparedness and Safety.

#### **ESTABLISHING THE RIGHTS OF VICTIMS OF SEXUAL ASSAULTS**

#### **AUTHORITY: CHIEF OF POLICE**

**Policy Statement:** Wilberforce University Police Department maintains a written directive that establishes the rights of victims of sexual assaults.

#### **Procedure:**

- Wilberforce University upholds the rights of sexual assault victims when an incident occurs on university owned or leased property.

#### **REPORTING OF CRIMINAL OFFENSES**

#### **AUTHORITY: CHIEF OF POLICE**

**Policy Statement:** The Wilberforce University Police Department maintains a written directive that establishes titles of positions or offices the University has identified as Campus Security Authorities (CSA) for the campus community to report crimes.

#### **Procedure:**

Criminal acts or emergencies must be immediately reported to the Wilberforce University Police Department or local law enforcement agency within the jurisdiction

#### **VOLUNTARY CONFIDENTIAL REPORTING**

#### **AUTHORITY: CHIEF OF POLICE**

**Policy Statement:** The Wilberforce University Police Department maintains a written directive

that establishes:

- Procedures that allow victims or witnesses to report crimes on a voluntary and confidential basis.
- The procedure is described in the Annual Security Report (ASR).

**Procedure:**

- Wilberforce University Police Department policy outlines how victims or witnesses to a crime on College owned or leased property may report the crime on a voluntary and confidential basis.
- The above procedure is described in the University's Annual Security Report.

**CONFIDENTIAL (PASTORAL AND PROFESSIONAL COUNSELOR) REPORTING**

**AUTHORITY: CHIEF OF POLICE**

**Policy Statement:** The Wilberforce University Police Department maintains a written directive that establishes:

- Procedures for confidential reporting for pastoral and professional counselors.
- The confidential reporting procedure is described in the Annual Security Report (ASR).

**Procedure:**

- This procedure is described in the College's Annual Security Report.

**ACCURATE AND PROMPT REPORTING**

**AUTHORITY: CHIEF OF POLICE**

**Policy Statement:** The Wilberforce University Police Department maintains a written directive that encourages accurate and prompt reporting of all crimes to campus or local law enforcement.

**Procedure:**

- The Wilberforce University Police Department encourages everyone to promptly report a crime if they are a victim, witness, or Campus Security Authority (CSA).

According to the Ohio Revised Code (ORC 149.43), police reports are public record and confidentiality cannot be guaranteed. In addition, people who have knowledge of a felony are required to report the crime to the police and failure to report a felony could be a crime (ORC 2921.22).

- All crimes on Wilberforce University property should be reported to the Wilberforce Police Department. These crimes will be included in the University's annual crime statistics and will allow a timely warning to be provided when appropriate.

## **MONITORING AND REPORTING OF CRIMINAL ACTIVITY OFF-CAMPUS**

### **AUTHORITY: CHIEF OF POLICE**

**Policy Statement:** The Wilberforce University Police Department maintains a written directive that requires recording of criminal activity that involves university recognized student organizations that are located off campus.

The University does not own, rent, or lease any facility housing at a recognized student organization facility. Crime data from off campus organizations would be reported to Greene County Sheriff's Department and that data (if any) would be recorded.

## **AUTHORITY TO ARREST AND RELATIONSHIPS**

### **AUTHORITY: CHIEF OF POLICE**

**Policy Statement:** The Wilberforce University Police Department maintains a written directive that describes:

- The arrest authority of Wilberforce University Police Department Police Officers.
- Working relationship with state and local police agencies, including formal agreements that exist.

### **Procedure:**

- Ohio Revised Code (ORC) section 1713.50 authorizes the appointment and duty of University Police Officers. These university law enforcement officers shall take an oath of office, wear the badge of office, and serve as peace officers for the university with full arrest authority. These officers are assigned to the Wilberforce University Campus.

- The Wilberforce University Police Department has close relationships with federal, state, and local law enforcement agencies that have jurisdiction on property that is owned or leased by Columbus State Community College. These agencies include: 1) Greene County Sheriff's Department, Xenia Ohio Police Department, The Ohio State Highway Patrol, and the Central State University Police Department. These agencies assist the Wilberforce University Police with investigations, such as sexual assaults, homicides, arson, missing persons, or other investigations that require specialized equipment or training to investigate.

## **SECURITY AWARENESS PROGRAMS**

### **AUTHORITY: CHIEF OF POLICE**

**Policy Statement:** The Wilberforce University Police Department maintains a written directive that describes the type and frequency of programs designed to inform the campus community about campus security procedures. These practices are designed to encourage the campus community to be responsible for their security and the security of others.

### **Procedure:**

- Wilberforce University Police Department is dedicated to eliminating and minimizing criminal activities through police officer and security specialist visibility, targeted patrol activities, and community involvement. This focuses on utilizing faculty, staff, students, and campus partners taking responsibility for the campus' safety.
- Crime prevention programs and brochures emphasizing security and safety procedures are presented throughout the year and are available if requested by individuals or groups. Crime prevention, security information, and safety tips can be found in the Student Handbook, on the Wilberforce University Police Department website, and in the Annual Security Report. Some of these crime prevention programs include:
  - Active Shooter: What should you do if an active shooter enters your classroom, office, or workplace? This seminar provides options and a plan should you find yourself in this situation. This presentation is effective because it is conducted from the perspective of a potential victim, not responding law enforcement. It focuses on what you can do to enhance your survivability before law enforcement arrives. In short,

you will learn simple but highly effective strategies that will increase your survivability during a crisis.

- **Sexual Assault Prevention:** This seminar focuses on the definition of sexual assault, prevention and safety tactics, the role of bystanders, what to expect from police, what to expect from the Student Conduct Office, how to find local resources, the University's emergency notification system.
- **Tactical Communications:** This seminar focuses on effective communication skills, dealing with difficult people, how to control the communications process, and how to deal with verbally abusive people.
- **Police Department gives security awareness presentations to the campus community and civic groups when requested**

## **CRIME PREVENTION PROGRAMS**

### **AUTHORITY: CHIEF OF POLICE**

**Policy Statement:** The Wilberforce University Police Department maintains a written directive that describes programs to inform students and employees about crime prevention.

### **Procedure:**

- Crime prevention programs are described in procedure "Security Awareness Programs  
**SECURITY OF AND ACCESS TO CAMPUS FACILITIES**

### **AUTHORITY: CHIEF OF POLICE**

**Policy Statement:** The Wilberforce Police Department maintains a written directive that describes:

- Security of and access to campus facilities.
- Security considerations used in the maintenance of campus facilities.

### **Procedure:**

- Security of and access to campus facilities: University hours of business operations are 8:00AM M-F until 5:00 PM excluding closings and holidays. (Outlined in Employee Handbook)
- Classrooms are locked at the completion of the academic day and secured by members of the Wilberforce University Police Department.
- Residence Life Facilities Hours of operation are outlined in the Wilberforce University Student Handbook. Specific hours of operation are outlined according to visitation, quiet times, and weekends.
- Security considerations used in the maintenance of campus facilities: Facilities Management (FM) is responsible for the maintenance of buildings and grounds. Wilberforce University Police Department personnel, as part of their patrol procedures, report work orders to FM when any defective lighting or unsafe condition related to facilities on campus is noted. Students, faculty, and staff are encouraged to report any safety hazards directly to Facilities Management.
- Access Control: The purpose of this procedure is to establish accountability and an audit trail for the issuance of metal keys, electronic access cards, or other means of entry into secured buildings owned or controlled by Wilberforce University. All locks, keys, electronic access cards and access codes are the sole property of Wilberforce University. Wilberforce University reserves the right to change locks, keys and access codes as needed. No one may place a lock on a Wilberforce University facility, interior or exterior, that is not on an approved Wilberforce University system without the written permission of the Facilities Department. All keys, access codes and access cards must be returned to the Wilberforce University Police Department or Human Resource upon termination of employment, or immediately upon request.

### **Issuance of Keys**

- Faculty and staff members may be issued keys to Wilberforce University facilities based upon need of access. Faculty and staff members must be authorized by the appropriate Dean/Chair/Supervisor of the department. Request Key Issuance/Change Form or Key Card Access Request Form will be evidence of their authorization.
- Signing the Key Request form means acceptance of the following terms:

1. The keys are for the individual's use as it relates to an authorized college purpose and will not be loaned to others at any time.
  2. Lost/Stolen keys will be reported to the Wilberforce University Police Department immediately.
  3. Persons using their keys after closing hours are responsible, upon entering and leaving, to make sure doors are closed and locked.
- The FM Access Coordinator shall issue keys to new employees upon completion of the appropriate documentation.
    1. All lost or stolen keys or keycards must be immediately reported to Wilberforce University Police Department.
    2. Faculty, staff and students may not loan, or transfer assigned keys, codes or access cards.
    3. Anyone found in the possession of another's keys, cards or codes shall have the keys or cards confiscated by the Wilberforce University Police.
    4. After-hours access to any area will only be granted upon permission from authorized personnel.

## **EMERGENCY DRILLS, TESTING AND EVACUATION PROCEDURES**

### **AUTHORITY: DIRECTOR OF EMERGENCY PREPAREDNESS AND SAFETY**

**Policy Statement:** The Wilberforce University Office of Emergency Preparedness maintains a written directive that describes:

- Procedures to annually schedule drills, exercises, and appropriate follow-through activities designed for assessment and evaluation of emergency plans and capabilities.
- Procedures to annually publicize emergency response and evacuation in conjunction with an annual test.
- Documentation, for each test, a description of the exercise, the date, time and whether it was announced or unannounced.

### **Procedure:**

A. The Clery regulations define a **test** as *regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities*. Wilberforce University must conduct at least one test a year and can choose to have an announced or unannounced test. To comply with the Clery requirements the test must meet the following criteria:

- The test must be scheduled. An actual emergency or false emergency alarm cannot serve as a test of the institution's procedures. The test will generally be held in March or December and will be scheduled by the Director of Emergency Preparedness and Safety in collaboration with the Chief of Police.
- The test must contain drills. This is a drill of an activity that tests a single procedural operation. (For example, a test of initiating the emergency alert system or conducting a campus lockdown).
- The test must contain exercises. An exercise is a test involving the coordination of efforts. (For example, a test to coordinate first responders which includes police, firefighters, and emergency medical technicians).
- The test must contain follow-through activities. A follow-through activity is designed to review the test. (For example, a survey or interview designed to gather feedback from participants).
- The test must be designed for assessment of emergency plans and capabilities. This means the test should have measurable goals. For example, "Everyone involved in the emergency response and notification procedures will understand their role and responsibility."
- The test must be designed to evaluate the effectiveness of emergency plans and capabilities. The test is designed so that, using the assessments, it can be determined if the test met its goals. For example, "The evacuation process did/or did not account for the diverse needs of the campus community."
- Wilberforce University has flexibility in designing tests. For example, a tabletop exercise (i.e., a simulated scenario) or a live test may be conducted. Whichever method is used, the test must address emergency response and evacuation on a campus-wide scale, which means it must include the plan for evacuating all of the campus buildings. This does not mean the plan must involve evacuating the entire campus at once, just have a plan for each building. It is recognized that a shelter-in-place contingency might be the best procedure to use in certain circumstances when evacuation is not a reasonable option.

- In conjunction with the annual test, the Wilberforce University Office of Emergency Preparedness will send emails and notices to our campus community that will contain a link to the University's emergency procedures.

## **SUBMISSION OF DATA TO THE UNITED STATES DEPARTMENT OF EDUCATION**

### **AUTHORITY: DIRECTOR OF EMERGENCY PREPAREDNESS AND SAFETY**

**Policy Statement:** The Wilberforce University Office of Emergency Preparedness Department maintains a written directive that establishes a position responsible for submitting data to the United States Department of Education.

#### **Procedure:**

The Wilberforce University Director of Emergency Preparedness and Safety is responsible for maintaining compliance with the *Jeanne Clery Disclosure of Campus Security Policy, Campus Crime Statistics Act (Clery Act)*, and the submission of crime, arrest, and disciplinary statistics to the United States Department of Education (DoE) by October 1<sup>st</sup> of each year.

## **SEX OFFENDER REGISTRY**

### **AUTHORITY: CHIEF OF POLICE**

**Policy Statement:** The Wilberforce University Police Department maintains a written directive about where registered sex offenders' information can be located.

#### **Procedure:**

The Ohio Attorney General's Office maintains a searchable Electronic Sex Offender Registration & Notification (eSORN) database. This database contains information and photographs from local sheriff's offices on all registered sex offenders in the State of Ohio. This information is on the Ohio Attorney General's Office Offender Watch Website.

In addition, the United States Department of Justice (DOJ) maintains the National Sex Offender Public Registry (NSOPR) at the following website: <http://www.nsopw.gov/en>.

## **DRUG, ALCOHOL, AND SUBSTANCE ABUSE POLICY STATEMENTS**

### **AUTHORITY: CHIEF OF POLICE**

**Policy Statement:** The Wilberforce University Police Department maintains a written directive that describes Wilberforce University's policy regarding:

- The use of and sale of alcoholic beverages.
- Enforcement of state underage drinking laws.
- The possession, use, and sale of illegal drugs.
- Enforcement of federal and state drug laws.

**Procedure:**

- Wilberforce University's Student Handbook (Policy on Drugs/Alcohol) outlines the University's policy on the use of and sale of alcoholic beverages.

**VIOLENCE AGAINST WOMEN ACT**

**AUTHORITY: Assoc. Vice President for Student and Success**

**Executive Vice President and Chief Innovation Officer**

**POLICY STATEMENT:**

- Wilberforce University is committed to fostering a climate free from sexual and gender-based discrimination, harassment and violence, intimate partner violence and stalking through clear and effective policies, a coordinated education and prevention program, and prompt and equitable procedures for resolution of reports of conduct prohibited under this policy. The University encourages all members of its community to participate in the process of creating a safe, welcoming and respectful environment on campus.
- Sexual and gender-based discrimination, harassment and violence, intimate partner violence and stalking, in any form, are serious violations of University and community standards and values and will not be tolerated at Wilberforce. The University is committed to taking all appropriate steps to eliminate prohibited conduct, prevent its recurrence and address its effects. Individuals found responsible under this policy may face disciplinary sanctions up to and including dismissal from the University and/or termination of employment.
- The University will not tolerate retaliation against an individual who makes a report or participates in any proceedings under this policy. Wilberforce University policy prohibits any form of retaliation and community members engaging in retaliation will be subject to disciplinary action, whether such acts are implicit or explicit, or committed directly or indirectly.

- This policy provides the Wilberforce community with (1) resources and recourse for individuals who experience prohibited conduct, (2) guidance to a complainant, a respondent, or other affected community members (see note 1), (3) Wilberforce’s expectations for healthy respectful interpersonal interaction and communication, and (4) a procedural outline for addressing behaviors that are counter to Wilberforce’s mission and prohibited by this policy.

All University proceedings under this policy are conducted in compliance with the requirements of Title IX, the Clery Act, as amended by the Violence Against Women Act, the Family Educational Rights and Privacy Act (FERPA), and state and federal law. No information shall be released from such proceedings except as required or permitted by law and College policy.

### **SCOPE OF POLICY**

This policy applies to all students, faculty, staff, administrators, members of the Board of Trustees, consultants, vendors, others engaged in business with the University, guests and visitors. Every individual is responsible for acting in accordance with this policy and other University policies and procedures. Any individual can be a complainant, even if the complaint the person is making regarding prohibited conduct is against someone who has brought a complaint against that person.

This policy specifically prohibits Sexual Harassment, Non-Consensual Sexual Intercourse, Non-Consensual Sexual Contact, Sexual Exploitation, Stalking, Physical Harm and Intimidation, Harassment, Bullying and Cyberbullying, Intimate Partner Violence and Retaliation (together, “Prohibited Conduct,” see note 2) against individuals of any gender, gender identity, gender expression or sexual orientation. This policy also prohibits gender-based harassment that does not involve conduct of a sexual nature, including hazing and failure to provide equal opportunities in admissions, employment or athletics.

This policy applies to all forms of Prohibited Conduct that:

- Occur on campus;
- Occur in the context of any Wilberforce University education or employment activities and programs;
- Have continuing adverse effects on campus, on any member of the Wilberforce University, or in the context of any Wilberforce University education or employment activities and programs, regardless of where the conduct occurred.

Regardless of whether off-campus behavior meets any of the above characteristics, the University may hold individuals and groups responsible for off-campus behavior that is prohibited by the Student, Staff or Faculty Handbooks.

Regardless of when, where or with whom the conduct occurred, the University will offer resources and assistance to any individuals who have been affected by Prohibited Conduct.

### **NOTICE OF NON-DISCRIMINATION**

Wilberforce University does not discriminate in its educational programs and activities on the basis of race, color, national origin, ancestry, sex, gender, gender identity, gender expression, sexual orientation, physical and/or mental disability, age, religion, medical condition, genetic information, veteran status, marital status, or any other characteristic protected by institutional policy or state, local, or federal law. The requirement of non-discrimination in educational programs and activities extends to employment and admission.

Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides that: No person in the United States shall, based on sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Prohibited Conduct under this policy is also prohibited under the Clery Act as amended by VAWA, Title VII of the Civil Rights Act of 1964, Ohio Revised Code Chapter 4112, and other applicable statutes, regulations and administrative code provisions.

### **ROLE OF THE TITLE IX COORDINATOR**

The College has designated Dr. Tasha Bradley Executive Vice President as the Title IX Coordinator for Students, and Ms. Anita Jefferson-Gomez, Vice President of Administration and Human Resources. As the Title IX Coordinator for Staff and Faculty. The Title IX Coordinator will be informed of all non-confidential reports of Prohibited Conduct, and will oversee the University's centralized review, investigation, and resolution of those reports to ensure the University's compliance with Title IX and the effective implementation of this policy. All references to actions by the Title IX Coordinator may be performed by the Title IX Coordinator or a designee.

The Title IX Coordinator is:

- Knowledgeable and trained in University policies and procedures and relevant state and federal laws;
- Available to advise any individual, including a complainant or a respondent, about the courses of action, formal or informal, available at the University and in the community;

- Available to aid any University employee regarding how to respond appropriately to a report of Prohibited Conduct;
- Responsible for monitoring full compliance with all procedural requirements, record keeping, and timeframes outlined in this policy;
- Responsible for overseeing training, prevention and education efforts and annual reviews of climate and culture.
- Responsible for facilitating periodic review of this policy as needed to maintain compliance with state and federal law.

Inquiries or complaints concerning the application of Title IX may be referred to the University's Title IX Coordinator and/or the United States Department of Education:

Title IX Coordinator

Office for Civil Rights, Cleveland Office

U.S. Department of Education

1350 Euclid Avenue, Suite 325

Cleveland, OH 44115

(216) 522-4970; (216) 522-2573 (fax) | OCR.Cleveland@ed.gov

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## **PRIVACY AND CONFIDENTIALITY**

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- [Confidential Resources](#)

### **Definitions**

Privacy and confidentiality have distinct meanings under this policy.

Privacy generally means that information related to a report of Prohibited Conduct will only be shared with those University employees who “need to know” in order to assist in the active

review, investigation, or resolution of the report, including the issuance of interim measures. Wilberforce University will determine which employees have a legitimate need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act (FERPA) and will share information accordingly.

Wilberforce University may notify the parents or guardians of any dependent students who are respondents regarding conduct charges or sanctions, particularly disciplinary probation, loss of housing, suspension and dismissal.

Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without express permission of the individual or as otherwise permitted or required by law. These designated professionals have the right to maintain privileged conversations under state law. Confidential resources include medical professionals, mental health professionals, rape crisis or domestic violence counselors and clergy.

### **Limits to Confidentiality**

- Limits to confidentiality include:
- Mandatory Reporting of Child Abuse
- All Wilberforce employees, including confidential resources, are required to immediately report any knowledge or reasonable suspicion that a minor (someone under 18 years old) is experiencing abuse or neglect based on information shared by the minor, any other individual, or one's own observations or knowledge. Any Wilberforce employee suspecting abuse or neglect is required to bring all suspicions to the immediate attention of the Chief of Police and the Title IX Coordinator. Wilberforce community members who are not employees are strongly encouraged to report any knowledge or reasonable suspicion of child abuse to the Wilberforce University Police Department in addition to notifying the Title IX Coordinator and Chief of Police, University employees must make a direct report to the Greene County Children's Services Child Abuse Hotline (24 hours) at (937) 562-6600
- Under Ohio law, all individuals, excluding confidential resources, must report felonies, including sexual violence. Under Ohio Revised Code Section 2921.22, medical professionals, mental health professionals and clergy are not required to report felonies. This legal requirement means that the Title IX Coordinator must report any felony to the Wilberforce University Police Department. Where the University makes a report to law enforcement under this section, the University will communicate with the complainant what information and when the information was reported to law enforcement. To the extent reasonably possible, the University will communicate with the complainant in

advance of any report to law enforcement. The complainant may choose whether and how to participate in any subsequent criminal investigation.

- In Ohio, medical professionals have distinct legally mandated reporting responsibilities. Where a medical professional knows or has reasonable cause to believe that serious physical harm resulted from an offense of violence, the medical professional is required to make a report to law enforcement. Medical professionals must deem a patient medically stable before reporting and must communicate to the patient that the patient does not have to report and/or speak to the police. If the patient chooses not to speak to police at the time of the medical examination, the medical professional does not need to report the patient's name - only the date, general time, and general location of the incident.
- Mental health professionals are required to disclose information where there is an imminent threat of harm to self (the client) or others.
- Pursuant to the Clery Act, anonymous statistical information for certain offenses that have been reported at campus locations must be shared with the Wilberforce University Police Department. The information does not include the names or any other identifying information about the persons involved in such incidents.

### **Confidential Resources**

- The resources designated below can provide counseling, information, and support under confidentiality protections. These confidential resources will not share information about a complainant or respondent (including whether that individual has received services) with the Title IX Coordinator or any other employee of the University without the individual's express permission or as permitted or required above (Limits to Confidentiality).

#### **On campus:**

- Wilberforce University Counseling Center
- The Stokes Health and Wellness Center,  
M-F, 8:30 a.m. - 4:30 p.m. | (937) 708 – 5443
- The Counseling Center on campus is ideal for customizing and implementing the College Response Program.

#### **Off campus:**

- Family Violence Prevention Center of Green County  
24-hour hotline: (937) 426-2334/ (937) 372-4552

- Victim Witness Division Greene County Prosecutors Office  
(937) 562-5087
- National Domestic Violence Hotline (NDV)  
(800) 799-7233 (SAFE) | [www.thehotline.org](http://www.thehotline.org)
- Rape, Abuse and Incest National Network (RAINN)  
(800) 656-4673 | [www.rainn.org](http://www.rainn.org)

## **PROHIBITED CONDUCT**

The University prohibits a broad spectrum of behavior, including all forms of sexual and gender-based discrimination, harassment and violence, stalking, and intimate partner violence. The following conduct is specifically prohibited under this policy:

- Sexual Harassment
- Non-Consensual Sexual Intercourse
- Non-Consensual Sexual Contact
- Sexual Exploitation
- Stalking
- Physical Harm and Intimidation
- Harassment, Bullying or Cyberbullying
- Intimate Partner Violence
- Retaliation

### **Sexual Harassment**

Sexual Harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted verbal or physical conduct of a sexual nature when one or more of the following conditions are present:

- Submission to or rejection of such conduct is an explicit or implicit condition of an individual's employment, evaluation of academic work, or any aspect of a University program or activity; or
- Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e. it is sufficiently serious, pervasive, or persistent as to create an intimidating, hostile, demeaning, or sexually offensive working, academic, residential, or social environment under both an objective and subjective standard.

Sexual Harassment also includes harassment based on gender, sexual orientation, gender identity, or gender expression, that may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender or gender-stereotyping, even if the acts do not involve conduct of a sexual nature. Such harassment constitutes Sexual Harassment when it has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e. it is sufficiently, serious, pervasive or persistent as to create an intimidating, hostile, demeaning or sexually offensive working, academic, residential or social environment under both an objective and subjective standard.

A single incident of Sexual Harassment alone may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a pattern of incidents to create a hostile environment. The determination of whether an environment is "hostile" will be based on the totality of the circumstances, including, but not limited to:

- The frequency of the speech or conduct;
- The nature and severity of the speech or conduct;
- Whether the speech or conduct was physically threatening;
- Whether the speech or conduct was demeaning;
- The effect of the speech or conduct on the complainant's mental and/or emotional state;
- Whether the speech or conduct was directed at more than one person;
- Whether the speech or conduct arose in the context of other discriminatory conduct;
- Whether the speech or conduct unreasonably interfered with the complainant's educational opportunities or performance (including off campus study), Wilberforce-controlled living environment, work opportunities or performance;
- Whether a statement is a mere utterance of an epithet that engenders offense in an employee or a student or offends by mere discourtesy or rudeness; and/or
- Whether the speech or conduct is protected by the First Amendment and/or deserves the protections of academic freedom.

**Sexual Harassment can take many forms. Sexual Harassment:**

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated;

- Does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents;
- May be committed by anyone, regardless of gender, age, position, or authority;
- May be committed by a stranger, an acquaintance, or someone with whom the complainant has an intimate or sexual relationship;
- May be committed by or against an individual or may be a result of the actions of an organization or group;
- May occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation;
- May occur in the classroom, in the workplace, in residential settings, over electronic media (including the internet, telephone, and text), or in any other setting; and
- May affect the complainant and/or third parties who witness or observe harassment

### **Non-Consensual Sexual Intercourse**

Non-Consensual Sexual Intercourse is defined as having or attempting to have sexual intercourse with another individual:

- By force or threat of force;
- Without consent; or
- Where that individual is incapacitated.

Sexual intercourse includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand) or object, or oral penetration involving mouth to genital contact or mouth to anus contact.

A finding of responsibility for non-consensual sexual intercourse will result in suspension, dismissal or termination of employment.

### **Non-Consensual Sexual Contact**

Non-Consensual Sexual Contact is defined as having sexual contact with another individual:

- By force or threat of force;
- Without consent; or
- Where that individual is incapacitated.

Sexual contact includes any intentional touching of the intimate parts of another, causing another to touch one's intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth or any other part of the body that is touched in a sexual manner. Sexual contact may be over the clothes or skin-to-skin.

### **Sexual Exploitation**

Sexual Exploitation is knowingly, intentionally or purposefully taking advantage of the sexuality of another person without consent or in a manner that extends the bounds of consensual sexual activity without the knowledge of the other individual for any purpose, including sexual gratification, financial gain, or personal benefit. Examples of Sexual Exploitation include:

- Observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- Voyeurism;
- Non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- Non-consensual recording of individuals in locations in which they have a reasonable expectation of privacy, such as restrooms or locker rooms, regardless of whether the images captured reveal sexual activity or nudity;
- Prostituting another individual;
- Exposing one's genitals in non-consensual circumstances;
- Knowingly exposing another individual to a sexually transmitted infection or virus without that individual's knowledge; and
- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity, e.g., by using alcohol or other drugs (such as Rohypnol or GHB).

### **Stalking**

Stalking occurs when a person engages in a course of conduct or repeatedly commits acts toward another person, under circumstances that demonstrate either of the following:

- Placing the person in reasonable fear of bodily injury to oneself or others, or of damage to their property; or
- Reasonably causing substantial emotional distress to the person.

Cyber-stalking is a form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used. Cyber-stalking is considered stalking under this policy if it meets either of the conditions above.

### **Physical Harm and Intimidation**

Physical harm and/or intimidation include threatening, or causing physical harm, written or verbal abuse or other conduct that threatens or endangers the health or safety of any person; or implied threats or acts that cause an unreasonable fear of harm in another. When these acts occur in the context of intimate partner violence or when the behavior is perpetrated based on sex or gender, the conduct will be resolved under this policy.

### **Harassment Bullying or Cyberbullying**

Harassment, bullying or cyberbullying are defined as repeated and/or severe aggressive behavior likely to intimidate, threaten, or intentionally hurt, control or diminish another person, physically or mentally that includes, but is not limited to: creating web pages with a negative focus; posting insults or lewd photos on social networking sites; and/or spreading rumors with malicious intent. When these acts occur in the context of intimate partner violence or when the behavior is perpetrated based on sex or gender, the conduct will be resolved under this policy

### **Intimate Partner Violence**

Intimate Partner Violence (including dating violence and domestic violence) includes any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship. Intimate Partner Violence may include any form of Prohibited Conduct under this policy.

The University will evaluate the existence of an intimate relationship based upon the complainant's statements and taking in to consideration the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

### **Retaliation**

Retaliation is any real or perceived act or attempt to take an adverse action against or seek retribution from any individual or group of individuals involved in the investigation and/or resolution of a report under this policy. Retaliation can take many forms, including abuse, violence, threats and intimidation. Any individual or group of individuals, including but not limited to a complainant or respondent, can be held accountable for retaliation under this policy.

#### **RELATED DEFINITIONS AND CONCEPTS**

- Consent
- Force
- Coercion
- Incapacitation

#### **Consent**

Individuals who choose to engage in sexual activity of any type with each other must first obtain clear consent. Consent is clear, knowing, and voluntary permission. It can only be given by someone of legal age. Consent is demonstrated through mutually understandable words or actions that clearly indicate a willingness to engage freely in sexual activity. Silence cannot be assumed to indicate consent. Some additional considerations about consent include:

- Each participant in a sexual encounter is expected to obtain and give consent to each act of sexual activity for the activity to be considered consensual. Consent to one form of sexual activity does not constitute consent to engage in all forms of sexual activity.
- Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. While consent can be given by words or actions, non-verbal consent is more ambiguous than explicitly stating one's wants and limitations. Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of resistance, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
- When consent is requested verbally, absence of any explicit verbal response or a clear non-verbal response is absent constitutes lack of consent. A verbal "no" constitutes lack of consent, even if it sounds insincere or indecisive. Under this policy, "no" always

means “no.” “Yes” only means “yes” when it is voluntarily and knowingly given by an individual who has the capacity to give consent.

- If at any time during the sexual activity, any confusion or ambiguity arises as to the willingness of other individuals to proceed, all parties should stop and clarify, verbally, the other’s willingness to continue before proceeding with such activity.
- Any party may withdraw consent prior to the completion of the act. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.
- Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in sexual activity each time.
- Consent is not effective if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual’s ability to exercise free will to choose whether to have sexual contact.
- Individuals who consent to sexual activity must be able to fully understand what they are doing. An individual who is physically incapacitated by alcohol or other drug consumption (voluntarily or involuntarily) or is asleep, fading in and out of consciousness, unconscious, unaware, or otherwise physically helpless is considered unable to give consent. See Incapacitation for further discussion.

In the State of Ohio, the age of majority is 18. Under state law, consent cannot be given by any individual under the age of 16 to participate in sexual activity with an individual over the age of 18. In addition, consent can never be given by minors under the age of 13.

### **Force**

Force is the use or threat of physical violence or intimidation to overcome an individual’s freedom of will to choose whether to participate in sexual activity. There is no requirement that a party resists the sexual advance or request. Consent cannot be obtained by Force.

### **Coercion**

Coercion is the use of unreasonable and persistent pressure to compel another individual to initiate or continue sexual activity against an individual’s will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats and blackmail. Coercion may be emotional, intellectual, psychological or moral.

Examples of coercion include threatening to disclose another individual's private sexual information and threatening to harm oneself if the other party does not engage in the sexual activity. Coercing an individual into engaging in sexual activity violates this policy in the same way as physically forcing someone into engaging in sexual activity. Consent cannot be obtained by Coercion.

### **Incapacitation**

An individual who is incapacitated lacks the ability to make informed, rational judgments and cannot consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. In addition, persons with certain intellectual or developmental disabilities may not have the capacity to give consent. Consent cannot be obtained by taking advantage of another individual's Incapacitation.

Where alcohol or other drugs are involved, Incapacitation is a state beyond mere intoxication. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person may be approaching Incapacitation may include slurred speech, vomiting, unsteady balance, strong odor of alcohol, combativeness, or emotional volatility.

Evaluating Incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual's:

- Decision-making ability;
- Awareness of consequences;
- Ability to make informed judgments;
- Capacity to appreciate the nature and the quality of the act; or
- Level of consciousness.

In other words, a person may be considered unable to give valid consent due to Incapacitation if the person cannot appreciate the who, what, where, when, why, or how of a sexual interaction.

Evaluating Incapacitation also requires an assessment of whether a respondent was or should have been aware of the complainant's Incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the respondent's position.

Being intoxicated or impaired by drugs or alcohol is never an excuse for any Prohibited Conduct under this policy and does not diminish one's responsibility to obtain informed and freely given consent.

## **PROHIBITED RELATIONSHIPS**

Relationships in which there is a power differential produce risks for all members of the Wilberforce community and undermine the professionalism of faculty and supervisors. Such relationships may raise sexual harassment concerns or suspicions that the person in power is behaving unprofessionally towards the other person in the relationship and towards other people in the classroom or workplace. Third parties may be impacted by the perception of or actual favoritism or special treatment based on the relationship.

Sexual and dating relationships in which one person has a direct supervisory or evaluative role over the other person are unacceptable and constitute personal and professional misconduct, even if both parties purport to consent to the relationship. Because of the inherent power differentials:

- Faculty members, coaches and supervisors are prohibited from engaging in sexual or dating relationships with any student; and,
- Employees (staff, faculty, and administrators) are prohibited from engaging in sexual or dating relationships with anyone under their direct supervision (student or employee).

For the purposes of this prohibition, a 'relationship' includes a single date or sexual encounter. Initiating, attempting to initiate, participating in, or attempting to participate in such a relationship is a violation of this policy and may result in discipline, up to and including termination of employment.

However, the policy also recognizes that spouses and partners of employees may enroll as students at Wilberforce. This section is not meant to prohibit pre-existing relationships or to prohibit employee spouses/partners from educational opportunities, but to address prohibited relationships that raise concerns of Prohibited Conduct under this policy. Spouses and domestic partners (as defined for benefits; more information available in this Human Resources PDF) of a faculty member should avoid enrolling in that faculty member's classes and such relationships should be reported to the Provost. If circumstances require enrollment of one's spouse or domestic partner in a class, then arrangements should be made to have another faculty member evaluate the spouse/partner's work.

A supervisor involved in a relationship with an employee must immediately report that relationship to their own supervisor and must immediately discontinue their supervisory role.

Complaints regarding conflicts of interest or failure to report such spousal/domestic partner relationships that, in the discretion of the Title IX Coordinator in consultation with the Provost and/or Director of Human Resources, do not implicate Prohibited Conduct under this policy will be referred to the Provost (for matters involving faculty) or Director of Human Resources (for matters involving administrators or staff) for appropriate action and will be resolved outside of this policy.

Any individual may raise a concern under this provision, including an aggrieved party outside the relationship prohibited by this provision. Retaliation against persons who report concerns about such relationships is prohibited and constitutes a violation of this policy.

## **REPORTING**

The University encourages prompt reporting of Prohibited Conduct — in person, by telephone, in writing or by email. At the time a report is made, a complainant does not have to decide whether to request any course of action, nor does a complainant need to know how to identify what happened. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. The University provides support that can assist a complainant in making these important decisions, and to the extent possible, will respect a complainant's autonomy in deciding how to proceed. As explained in greater detail in Section XI, D (Complainant's Request for Anonymity or that No Action/Investigation Be Pursued), the University will balance a complainant's interest with its obligation to provide a safe and non-discriminatory environment for all members of the University community.

The University encourages all individuals to seek assistance from medical provider(s) and/or law enforcement immediately after an incident of Prohibited Conduct, whether the complainant plans to pursue criminal charges. This is the best option to ensure preservation of evidence and to begin a timely response by law enforcement.

If an individual believes that the Title IX Coordinator has engaged in Prohibited Conduct or has otherwise behaved inappropriately, the individual shall contact the Chief of Staff to discuss the complaint process.

- Reporting to Law Enforcement
- Campus Reporting Options
- Anonymous Reporting
- Protection of Minors
- Reporting Considerations

- Bystander Intervention

### **Reporting to Law Enforcement**

The Title IX Coordinator will assist a complainant, at the complainant's request, in contacting the Wilberforce University Police Department and will cooperate with law enforcement agencies if a complainant decides to pursue the criminal process. A complainant has the right to notify, or decline to notify law enforcement, under VAWA. Felonies reported to the University (except to confidential resources), however, must be reported to law enforcement by the University, as required by Ohio law (Ohio Revised Code 2921.22). Under most circumstances, the complainant may decline to participate in a law enforcement investigation.

The University's policy, definitions, and burden of proof may differ from Ohio criminal law. A complainant may seek resolution through the University's resolution process, may pursue criminal action, may choose one but not the other, or may choose both options. Neither law enforcement's determination whether to prosecute a respondent nor the outcome of any criminal prosecution are determinative of whether Prohibited Conduct has occurred under this policy. Proceedings under this policy may be carried out prior to, or concurrent with, civil or criminal proceedings off campus.

At the request of the Wilberforce University Police Department, the University may agree to briefly defer its Title IX fact gathering until after the evidence gathering stage of a criminal investigation. The University will nevertheless communicate with the complainant regarding Title IX rights, procedural options and the implementation of interim measures to assure safety and well-being. The University will promptly resume its Title IX fact gathering as soon as it is informed that The Wilberforce University Police Department has completed its initial gathering of evidence. The University may not, by federal law, wait to address reports of sexual and gender-based harassment and violence until any external legal processes are resolved.

### **Campus Reporting Options**

The University is committed to providing a variety of welcoming and accessible means so that all instances of Prohibited Conduct will be reported.

To enable the University to respond to all reports in a prompt and equitable manner, the University encourages all individuals to report any incident directly to the Title IX Coordinator. However, the University recognizes that a student or employee may choose to report to any trusted employee of the University.

All Wilberforce employees (except those who are designated as confidential resources) are considered "responsible employees" under Title IX and are required to share all known information related to a report, including the identities of the parties, with the Title IX

Coordinator. In addition, student employees/volunteers who have responsibility for the welfare of other students, including Community Advisors and Discrimination Advisors, are required to report all known information. Other student employees who receive information within the context of their jobs are required to report to the Title IX Coordinator.

Title IX Coordinator

Dr. Tasha Bradley, Executive Vice President and Chief Innovation Officer

Ms. Anita Jefferson-Goins, Vice President for Administration and Human Resources

Wilberforce University

1055 N Bickett Road

Reports can also be made directly to Wilberforce University Police Department (24-hour availability) during non-business hours

Wilberforce University Police Department

Campus emergency: Call 911 or (937) 313-9049 (24 hours)

Police non-emergency administrative line: (937) 708-5780

Callers may request a Title IX-trained officer.

### **Anonymous Reporting**

Any individual may make an anonymous report concerning an act of Prohibited Conduct. A report can be made without disclosing one's own name, identifying the respondent, or requesting any action. Depending on the level of information available about the incident or the individuals involved, anonymous reporting may limit the University's ability to respond or take further action.

Anonymous reports can be submitted through the University's website. [www.wilberforce.edu](http://www.wilberforce.edu) Follow-up communications with the person submitting the anonymous report are not possible unless contact information is provided.

As with all other reports, anonymous reports will be shared with the Title IX Coordinator. Where there is enough information, the University will ensure that anonymous reports are reviewed and included for compliance with the Clery Act.

Employees who have a duty to report information to the Title IX Coordinator under this policy may not make such reports anonymously.

## **Protection of Minors**

All College employees, including confidential resources, are required to immediately report any knowledge or reasonable suspicion of child abuse or neglect to the Title IX Coordinator and the Director of Campus Safety. In Ohio, a child is defined as anyone under 18. In addition to notifying the Title IX Coordinator and Director of Campus Safety, University employees must make a direct report to:

Greene County Children's Services Child Abuse Hotline

24-hour hotline: (937) 562-6600

The source of abuse does not need to be known in order to file a report, nor is there a requirement that there is actual evidence of abuse before making a report.

## **Reporting Considerations**

### **1. Timeliness of Report**

Complainants and witnesses are encouraged to report Prohibited Conduct as soon as possible in order to maximize the University's ability to respond promptly and effectively. There is no time limit on reporting violations of this policy, though prompt reporting by responsible employees is expected. If the complainant or respondent is no longer a student or employee at the time of the report, the University may not be able to take disciplinary action against the respondent, but it will still seek to meet its Title IX obligation by providing support for the complainant and taking other appropriate action to eliminate, prevent and address the effects of the Prohibited Conduct. The University will also assist a complainant in identifying external reporting options.

### **2. Amnesty for Personal Use of Alcohol or Other Drugs**

The University seeks to remove barriers to reporting. The University will offer any student who reports or experiences Prohibited Conduct limited immunity from being charged for policy violations related to the personal ingestion of alcohol or other drugs, provided that any such violations did not and do not place the health and safety of any person at risk. The University may choose, however, to pursue educational or therapeutic remedies for those individuals.

## **Bystander Intervention**

The University encourages all community members to offer help and assistance to others in need and take reasonable and prudent actions to prevent or stop an act of misconduct. Acting may include indirect or direct intervention when safe to do so, enlisting the assistance of

friends, contacting law enforcement, and/or seeking assistance from a person in authority, such as faculty members, coaches, administrators, safety and security, or police.

## **X. INTERIM MEASURES**

- Overview
- Range of Interim Measures
- College Imposed Interim Suspension

### **A. Overview**

Upon receipt of a report of Prohibited Conduct, the University may impose reasonable and appropriate interim measures designed to eliminate the reported hostile environment and protect the parties involved. Interim measures may be both remedial (designed to address either party's well-being and continued access to educational and employment opportunities) or protective (involving action against a responding party). Remedial measures are available regardless of whether the complainant chooses to pursue any action under this policy. The Title IX Coordinator will maintain the privacy of any interim measures provided under this policy to the extent possible and will promptly address any violation of the protective measures.

A complainant or respondent may request separation or other protection, or the University may choose to impose interim measures at its discretion to maintain the safety of all parties, eliminate a hostile environment, and/or protect the integrity of the process. The Title IX Coordinator will oversee and implement the provision of interim measures and remedies. If an interim measure involves immediate removal of the respondent from campus, the Title IX Coordinator will consult with the appropriate division head (i.e., Dean of Students for students, Provost for faculty, and Vice President and Director of Human Resources for staff). The Title IX Coordinator has the discretion to ensure the appropriateness of any interim measure based on all available information and is available to meet with a complainant or respondent to address any concerns about the provision of interim measures.

All individuals are encouraged to report concerns about the failure of another individual to abide by any restrictions imposed by an interim measure. The University will take immediate and responsive action to enforce a previously implemented interim measure and disciplinary sanctions may be imposed for failing to abide by a University-imposed measure.

### **B. Range of Interim Measures**

Potential interim measures, implemented on behalf of the complainant and/or the respondent to the extent reasonably available and warranted by the circumstances, include, but are not limited to:

- Access to counseling services and assistance in setting up an initial appointment, both on and off campus
- Imposition of a “no-contact order”
- Rescheduling of exams and assignments
- Providing alternative course completion options
- Change in class scheduling, including the ability to transfer course sections or withdraw from a course without penalty.
- Change in work schedule or job assignment
- Change in student’s University-owned, sponsored or controlled housing
- Assistance from University support staff in completing housing relocation
- Limiting an individual’s or organization’s access to certain University facilities or activities pending resolution of the matter.
- Voluntary leave of absence
- Providing an escort to ensure safe movement between classes and activities
- Providing medical services
- Providing academic support services, such as tutoring
- University-imposed administrative leave or separation
- Interim suspension (in consultation with the appropriate division head as described in Section X(A))
- Providing assistance with obtaining information about visa or immigration issues, legal issues and transportation options.
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy.

#### **University Imposed Interim Suspension**

The Title IX Coordinator, in consultation with the Vice President of \_\_\_\_\_, may impose interim (temporary) suspension of a student prior to the formal investigation or resolution of an alleged violation of University policy and/or pending the outcome of the resolution of a report whenever a student's or group's actions and/or activities are viewed as threatening or potentially injurious to the well-being or property of members of the Wilberforce University community or to the property or orderly functions of Wilberforce University. An individual or group may be required to curtail or modify behavior and/or activities prior to the investigation or formal resolution of alleged violation of policies whenever these behaviors and/or activities are viewed as threatening or potentially injurious to the well-being or property of members of the Wilberforce community or to the property or orderly functioning of the University. An interim suspension is not disciplinary in nature and is not recorded on the respondent's transcript.

Similarly, the Provost (faculty) and/or the Director of Human Resources (staff), in consultation with the Title IX Coordinator, may impose leave for any employee at their discretion prior to the formal investigation or resolution of a report. Such leave will be structured at the University's discretion in consultation with the appropriate department head.

#### **TITLE IX REVIEW, INVESTIGATION AND RESOLUTION OPTIONS**

The University's response to reports under this policy will be guided by principles of fairness and respect for all parties. In every case, the University will conduct a Title IX Assessment and determine the most appropriate manner of resolution under the policy. Resources are available for both students and employees, whether as complainants or respondents, to provide guidance throughout the investigation and resolution of the report. Both respondents and complainants are entitled to an advisor of their choice throughout the process. The Title IX Coordinator will provide the complainant and the respondent with an overview of available resources and options at their first meeting.

Withdrawal, resignation, graduation, retirement, or other departure of a complainant or respondent from the University after a Title IX report has been made will not discontinue the review, investigation, and/or resolution of the report or complainant. A respondent who separates from the University under any circumstance is not eligible for re-admittance or re-employment until they have successfully completed the terms of any sanctions imposed.

- Procedural Expectations: Complainant and Respondent
- Initial Title IX Assessment
- Advisor of Choice
- Complainant's Request for Anonymity or that No Action/Investigation Be Pursued

- Informal Resolution
- Formal Resolution
- Appeal

### **Procedural Expectations: Complainant and Respondent**

In any report, assessment, investigation or resolution under this policy, both a complainant and a respondent can expect:

1. A prompt and equitable response to reports of Prohibited Conduct.
2. To receive interim measures that may be reasonably available and necessary for protection and support.
3. Information about where to find confidential resources on and off campus and other forms of support available through the University and in the community.
4. Notice of the alleged conduct and the potential policy violations at issue.
5. An adequate, reliable, thorough and impartial investigation.
6. The opportunity for an advisor of choice who may attend all meetings and proceedings related to the assessment, investigation or resolution of the report.
7. Agency and autonomy to decline to participate in an investigation or resolution under the policy, although the University may choose to continue the process even if the complainant and/or respondent do not participate.
8. To identify witnesses and provide evidence during the investigation.
9. Prompt remedial action if Prohibited Conduct is determined to have occurred.
10. Regular communication about the progress of the process and of the resolution.
11. Timely written notice of the outcome, and sanctions, and the rationale for each.
12. The opportunity to appeal the outcome (determination as to responsibility) and sanction.
13. To be free from retaliation, harassment or intimidation relating to this policy.

### **Initial Title IX Assessment**

Upon receipt of a report, the Title IX Coordinator will conduct an initial Title IX assessment to provide an integrated and coordinated response to reports under this policy. During this initial assessment, the Title IX Coordinator will consider the interest of the complainant and their expressed preference for manner of resolution, as well as the University's broader obligation to maintain a safe campus free from harassment and discrimination. Where possible, the University will seek to resolve reports under this policy in a manner consistent with the complainant's request.

As part of the initial assessment, the Title IX Coordinator will:

- Assess the nature and circumstances of the allegation;
- Address immediate physical safety & emotional well-being;
- Notify the complainant of the right to contact law enforcement, to decline to contact law enforcement, and to seek medical treatment;
- Advise the complainant that even if they decline to contact law enforcement, the University may be required to report the incident to law enforcement under Ohio law (and under most circumstances, the complainant may decline to participate in a law enforcement investigation);
- Inform the complainant of the importance of preservation of evidence (i.e., medical, forensic, physical, electronic, etc.);
- Enter the incident into the University's daily crime log, if appropriate (without identifying information);
- Evaluate whether to issue a timely warning consistent with the Clery Act;
- Provide the complainant with information about on and off-campus resources;
- Notify the complainant of the range of interim measures;
- Provide the complainant with an explanation of the procedural options under the policy, including Informal Resolution and Formal Resolution;
- Notify the complainant of the ways they may choose to participate, or decline to participate, in the various steps of the process. This will include notification that the Title IX Coordinator may, in certain circumstances, proceed without complainant's participation and that non-participation by the complainant may limit the ability of the University to respond;
- Assess for pattern evidence or other similar conduct by respondent;

- Discuss the complainant's expressed preference for manner of resolution and any barriers to proceeding;
- Explain the University's policy prohibiting retaliation; and
- If the determination has been made to notify the respondent of the report, provide the respondent with information about resources, possible interim measures, and procedural options.

The initial review will proceed to the point at which a reasonable assessment of the safety of the individual and of the campus community can be made, and the Title IX Coordinator has enough information to determine the appropriate manner of resolution.

At the conclusion of the Title IX assessment, the Title IX Coordinator, will determine the appropriate manner of resolution. If the reported information would not support a policy violation, accepting all reported information as true, the Title IX Coordinator may decline to pursue an investigation. It is at the discretion of the Title IX Coordinator to determine which method of resolution is appropriate.

The Title IX Coordinator will communicate the decided upon manner of resolution to the complainant in writing. Depending on the circumstances and requested resolution, the respondent may or may not be notified of the report or resolution. A respondent will be notified when the action would impact a respondent, such as protective measures that restrict the respondent's movement on campus, the initiation of an investigation or the decision to involve the respondent in a formal process. If an investigation is initiated, the respondent and complainant will be informed of the nature of the alleged conduct and/or potential charges being investigated.

### **Advisor of Choice**

Both complainants and respondents may be supported by an advisor of choice during the resolution of a report under this policy. The advisor may be an attorney. Any person who serves as an advisor should be available for meetings, telephone calls, and/or video calls throughout the process. The advisor is a silent and non-participating presence who is there solely to observe and provide support during the investigative process. The University always has the right to determine what constitutes appropriate behavior on the part of an advisor. Prior to participating in any meeting, the advisor will be required to meet with or speak with the Title IX Coordinator (or designee) for an orientation to the University's policies and procedures, privacy protections and expected participation and decorum. The complainant or respondent may be present for this meeting. The advisor may not be a fact witness or otherwise have any conflicting role in the process.

### **Complainant's Request for Anonymity or that No Action/Investigation Be Pursued**

The Title IX Coordinator will take all reasonable steps to investigate and respond to the report consistent with the complainant's request where possible. Where a complainant makes a report but requests that a name or other identifiable information not be shared with the respondent or that no formal action be taken, the University's ability to respond may be limited by the request. The University will balance this request with its dual obligation to provide a safe and non-discriminatory environment for all Wilberforce University community members.

In making this determination, the Title IX Coordinator will consider, among other factors:

- Whether the complainant has requested confidentiality or will participate in an informal or formal process;
- The severity and impact of the conduct;
- The respective ages of the parties, including whether the complainant is a minor (under the age of 18);
- Whether the respondent has admitted to the conduct;
- Whether there have been other complaints or reports of harassment or violence under this policy;
- Whether circumstances suggest there is an increased risk of the respondent committing additional acts of sexual violence or other violence;
- Whether the respondent threatened further sexual violence or other violence against the Complainant or others;
- Whether the report indicates that multiple perpetrators were involved;
- Whether the report indicates that the conduct was perpetrated with a weapon, by force or by coercion; and
- Whether the school possesses independent means to obtain relevant evidence (e.g., witnesses, security cameras or personnel, or physical evidence).

Where the University is unable to take action consistent with the request of the complainant, the Title IX Coordinator will inform the complainant about the chosen course of action, which may include the University initiating an investigation into whether a policy violation occurred. Alternatively, the course of action may include a form of Informal Resolution, which will include steps to eliminate the effects of the Prohibited Conduct and prevent its recurrence that do not

involve formal disciplinary action against a respondent or revealing the identity of the complainant.

### **Informal Resolution**

The Informal Resolution process is designed to eliminate a hostile environment without taking formal disciplinary action against a respondent. Where the initial assessment concludes that Informal Resolution may be appropriate, the University will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the complainant's access to the educational, extracurricular and employment activities at the University and to eliminate a hostile environment.

Participation in Informal Resolution is voluntary, and a complainant or respondent can request to end Informal Resolution at any time. Pursuing Informal Resolution does not preclude later use of Formal Resolution if the Informal Resolution fails to achieve a resolution acceptable to the parties and the University. The Title IX Coordinator may refer a report for Formal Resolution at any time and retains the discretion to determine the type of Informal Resolution that may be appropriate in a specific case.

As part of Informal Resolution, the Title IX Coordinator may:

1. Resolve the report through the implementation of remedies when there is enough information about the nature and scope of the conduct to support such a response.
2. Act promptly to meet with the parties involved to inform them of the corrective actions.

Remedies may include any option outlined in Section XII (Interim Measures). Other potential remedies include targeted or broad-based educational programming or training, supported direct confrontation of the respondent and/or indirect action by the Title IX Coordinator or the University. Depending on the form of resolution, it may be possible for a complainant to maintain anonymity.

The University will offer mediation for appropriate cases but will not compel a complainant to engage in mediation, to directly confront the respondent, or to participate in any form of Informal Resolution. Mediation may not be used to resolve a report of Non-Consensual Sexual Intercourse. By state law, mediations are confidential. The parties and the Title IX Coordinator will sign a written document outlining any agreed upon resolution. The mediation will not be final until the parties and the Title IX Coordinator sign this document. The Title IX Coordinator may serve as the mediator. If the mediated agreement includes disciplinary probation, suspension, or dismissal, this will be recorded in the respondent's disciplinary record. Mediated agreements will be noted in an employee's file in the Office of Human Resources and/or the Provost's Office.

At the discretion of the Title IX Coordinator, after an investigation or Formal Resolution of a report has begun, a complainant and respondent may agree to pursue Informal Resolution.

The Title IX Coordinator will maintain records of all reports and conduct referred for Informal Resolution, which will typically be completed within thirty (30) calendar days of the initial report. When the respondent is a student, an Informal Resolution will not be recorded in the respondent's student file in the Vice President of \_\_\_\_\_, unless the respondent agrees to have it recorded. When the respondent is an employee, a notation will be made in the employee's file maintained by the Office of Human Resources and/or the Provost's Office.

### **Formal Resolution**

Where the Title IX Coordinator concludes that Formal Resolution is appropriate, the College will initiate an investigation. The Title IX Coordinator will identify the potential violations and prepare the initial notification of charges. Any non-Title IX conduct charges will be determined in consultation with the appropriate administrator (Director of Student Rights and Responsibilities, Human Resources Director, or Provost) and will be investigated and, if appropriate, adjudicated and/or appealed pursuant to this policy, provided that it does not unduly delay resolution under this policy.

- Investigation
- Review of Investigation and Initial Investigative Report
- Determination of Responsibility
- Adjudicator
- Sanctions
- Timeframe for Resolution
- Notice of Outcome

### **Investigation**

The complainant and respondent will receive written notice that an investigation has been initiated. The notice of investigation will identify the parties, a concise summary of the conduct, and the potential policy violations. The Title IX Coordinator, in consultation with the investigators, may amend the charges as part of the investigative process. The Title IX Coordinator will, if appropriate, issue amended charges to both parties.

The Title IX Coordinator will designate two investigators to conduct an adequate, reliable and impartial investigation, one of whom will be a College employee. Any investigator used by the University must have specific training and experience investigating reports of Prohibited Conduct. The University may engage an external investigator as one of the two assigned investigators. The investigators will be impartial and free of any actual conflict of interest.

The investigators will interview the complainant and the respondent to understand the details of the reported incident. The investigators, in their discretion, will conduct other fact finding and/or discussions with any other individuals who may have information relevant to the determination. The investigators will also gather any available physical evidence, including documents, communications between the parties, and other electronic records as appropriate. Audio and/or video recording of interviews is prohibited under the policy unless there is a special need for the recording, and it has been approved in advance by the Title IX Coordinator.

The complainant and respondent will have an equal opportunity to be heard; submit questions for the investigators to ask of the other party; submit information and evidence; and identify witnesses who may have relevant information. Witnesses must have observed the acts in question or have information relevant to the incident and cannot be participating solely to speak about an individual's character.

All parties and witnesses are expected to provide truthful information. Knowingly providing false or misleading information is a violation of University policy and can subject a student or employee to disciplinary action. Making a good faith report to the University that is not later substantiated does not constitute false or misleading information.

The investigators and Title IX Coordinator have the discretion to consolidate multiple reports against a respondent into one investigation in the interests of efficiency based on the relationship between the witnesses, incidents, and/or evidence. Where multiple complainants are involved in the same investigation, each complainant will be provided only with the appropriate portion(s) of the investigative documents that relate to their individual complaint.

A person's medical and counseling records are privileged and confidential documents that a complainant or respondent will not be required to disclose to investigators. However, where a party chooses to share medical and counseling records as part of the investigation, the records will be shared with the other party.

In gathering the facts, the investigators may consider similar prior or subsequent reports of, or findings of responsibility for, similar conduct by the respondent to the extent such information is relevant. The determination of relevance for pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar Prohibited Conduct. Prior or

subsequent conduct of the respondent may also be considered in determining other relevant issues, including knowledge, intent, motive, or absence of mistake.

The sexual history of the complainant and respondent will never be used to prove character or reputation. Moreover, evidence related to the prior sexual history of either of the parties is generally not relevant to the determination of a policy violation and will only be considered in very limited circumstances. For example, if the existence of consent is at issue, the sexual history between the parties may be relevant to help understand the manner and nature of communications between the parties and the context of the relationship, which may have bearing on whether consent was sought and given during the incident in question. However, even in the context of a relationship, consent to one sexual act does not, by itself, constitute consent to another sexual act, and consent on one occasion does not, by itself, constitute consent on a subsequent occasion. In addition, under very limited circumstances, prior sexual history may be relevant to explain the presence of a physical injury or to help resolve another question raised by the report.

Any party seeking to introduce information about prior sexual history or pattern evidence should bring this information to the attention of the investigators at the earliest opportunity. While the investigators may explore relevant areas of inquiry, the Title IX Coordinator has the discretion to make the final determination whether evidence of prior sexual history or other misconduct is relevant to the determination regarding responsibility.

At any time, the respondent may choose to agree to a finding of responsibility to some or all the charged conduct. The matter will be referred to an Adjudicator to determine the appropriate sanction as set forth below:

The University will seek to complete the investigation within forty-five (45) calendar days from the notice of investigation, but this time frame may be extended for good cause with written notice to the parties of the delay and the reason for the delay. Good cause may include the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

### **Review of Investigation and Initial Investigative Report**

At the conclusion of the investigation, the investigators will prepare a preliminary written investigation report that summarizes the relevant information gathered and synthesizes the areas of agreement and disagreement between the parties and any supporting information or accounts. In preparing the report, the investigators will:

- Review all facts gathered to determine whether the information is relevant given the allegation;
- Redact information that is irrelevant, more prejudicial than probative, immaterial, and/or information relating to any mediation that may have occurred between the parties;
- Redact statements of opinion, rather than direct observations or reasonable inferences from the facts, and statements as to general reputation for any character trait, including honesty;

The Title IX Coordinator will share the initial investigative report with the complainant and respondent to provide each the opportunity for review before the report is finalized.

The complainant and respondent may submit any additional comments, witnesses, evidence or follow-up questions to the investigators within five (5) business days of the opportunity to review the report. Upon receipt of any additional information by the complainant or respondent, or after the five (5) business day period has lapsed without comment, the investigators will conduct any additional follow-up that they deem appropriate.

### **Determination of Responsibility**

The investigators will decide, by a preponderance of the evidence, whether there is enough information to support a finding of responsibility. The investigators finding, and the rationale for the finding, will be included in the final investigative report which will be shared with the complainant and the respondent by the Title IX Coordinator. The preponderance of the evidence is the standard whereby all relevant and admissible information is found to support, more likely than not, the allegations. A preponderance is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence.

If the investigators determine by a preponderance of the evidence that there is insufficient information to find the respondent responsible for violating this or other policies, the case will be dismissed. The complainant may appeal this outcome following the procedures set forth in Section E (Appeals).

If the investigators determine, by a preponderance of the evidence, that there is enough information to find the respondent responsible for violating this or other policies, the matter will be referred to an Adjudicator to determine the appropriate sanction.

If the investigators determine, by a preponderance of the evidence, that there is sufficient information to find the respondent responsible for Non-Consensual Sexual Intercourse, the

respondent will be immediately placed on interim suspension, the restrictions of which will be determined by the Title IX Coordinator on a case-by-case basis.

### **Adjudicator**

The Adjudicator is determined by the status of the respondent:

- For reports against students, the Adjudicator is typically the Vice President of \_\_\_\_\_.
- For reports against staff, the Adjudicator is typically the Director of Human Resources or, if the Director of Human Resources is unable to serve, the Vice President of \_\_\_\_\_.
- For reports against faculty, the Adjudicator is typically the Provost or, if the Provost is unable to serve, the Vice President for Student Affairs.

The Adjudicator must be a neutral and impartial decision-maker. The parties will be informed, in writing, of the specific Adjudicator assigned to determine sanction. Within 1 business day of receiving the notice of referral to adjudication, the complainant and the respondent may submit a written request to the Title IX Coordinator to replace the named Adjudicator, if there are reasonable articulable grounds to establish bias, conflict of interest or an inability to be fair and impartial. A designated Adjudicator will only be replaced if the Title IX Coordinator concludes that their bias precludes impartiality. Additionally, Adjudicators who have reason to believe they cannot make an objective determination must recuse themselves.

### **Sanctions**

In determining the appropriate sanctions, the Adjudicator will:

- Afford the complainant and the respondent the opportunity to submit a written impact/mitigation statement to the Adjudicator for consideration within 3 business days of the notice of referral to adjudication;
- Consider a sanction(s) designed to eliminate the Prohibited Conduct, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and Title IX obligations;
- Impose any sanction deemed appropriate after a consideration of all the relevant information.

The Adjudicator will impose a sanction based upon a full consideration of the following factors: (1) the respondent's prior conduct history; (2) how the University has sanctioned similar incidents in the past; (3) the nature and violence of the conduct at issue; (4) the impact of the conduct on the complainant; (5) the impact of the conduct on the community, its members, or

its property; (6) whether the respondent has accepted responsibility for their actions; (7) whether the evidence, in conjunction with the prior conduct history, suggests that the respondent is reasonably likely to engage in the same or similar conduct in the future; (8) the need to deter similar conduct by others; and (9) any other mitigating or aggravating circumstances, including the University's values.

The imposition of sanctions will typically take effect immediately but may be stayed at the discretion of the Adjudicator in consultation with the Title IX Coordinator. A respondent who separates from the University under any circumstance is not eligible for re-admittance or re-employment until they have successfully completed the terms of any sanctions imposed.

### **Sanctions for Students**

For students, the sanction may include removal from specific courses or activities, removal from University housing, suspension from the University, or dismissal. While sanctions may be of a punitive nature, they are intended to be educational as well. The possible sanctions that may be issued, individually or in combination, for students found responsible for Prohibited Conduct include:

- o Statement of Concern. May be issued to students who are found in the presence of a policy violation, but who are not held formally accountable for that violation.
- o Warning. A warning is notification that a student has committed certain violations and that continuance of such conduct will result in more severe disciplinary action.
- o Educational Sanctions. These include but are not limited to education, mandatory counseling assessment and adherence to professional counseling recommendations, research paper or project, hall or building program with a residential life staff member, group education program, etc.
- o Behavioral Contract. The purpose is to allow a student to successfully manage himself or herself while remaining an active member of the Kenyon community. The contract may be entered only by the student affairs staff. Failure to complete the agreed-upon provisions of the contract would result in suspension from the University.
- o Administrative Hold on Student Accounts. Enforced most often when students have failed to comply with assigned tasks from a conduct hearing. This action precludes students from registering for classes and obtaining such documents as transcripts and

diplomas. Once the outstanding sanction has been satisfactorily completed, the hold will be lifted.

- o Disciplinary Service. Service hours expected to be completed in each area to give back to the campus or local community.
- o Fine/Restitution. A fine or restitution is a monetary penalty for violations such as vandalism or damage to University property or the property of others. All fines must be paid by personal or cashier's check; they will not be applied to a student's account.
- o University Restriction. Restriction from certain buildings, events, activities, etc.
- o University Housing Restriction. Residence re-assignment, removal from University housing, or restrictions on type of housing where a student may live.
- o Disciplinary Probation. This sanction means that for a specified period (ordinarily no less than the equivalent of one semester) a student is not in good standing with the University.
- o Administrative Withdrawal. Withdrawal from a specific course, major, or academic department may be invoked in cases where a student or group of students violates expectations of the academic arena (classroom incivility, disruption, harassment of faculty or other students in the classroom).
- o Deferred Suspension. This involves students who have been held responsible for behavior that warrants suspension but where mitigating circumstances and additional sanctions may allow a student to remain in the community while these sanctions are being completed. Failure to complete any of the additional expectations by the stated deadlines will lead to the immediate implementation of suspension without further hearing. In addition, if a student is found responsible for any further University policy violations, at minimum, the student will automatically be recommended for suspension for at least one full semester.
- o Suspension. The denial of the opportunity to continue in the University for a specified period (ordinarily no less than one semester), or indefinitely until the student's intervening record can support an application for readmission. While suspended, a student is not allowed to be on campus or to attend any official University event. The intent is for the student to have time away from the University to consider the implications of his or her behavior and to return to campus with a better understanding of his or her responsibility within the community. In the event that additional sanctions are imposed in conjunction with the suspension, these sanctions will most likely be expected to be completed prior to an application for readmission to be considered.

- o Dismissal. The denial of the opportunity to continue as a student at the University. A student who has been dismissed is not eligible to apply for readmission. A student who is dismissed is not allowed to be on campus or to be at any official University event at any time.

For a student employee who is acting within the scope of their employment at the time of the incident, the sanction may include any permissible sanction as a student or an employee.

### **Sanctions for Employees**

For employees, the sanction may include any form of responsive action or progressive discipline as set forth in the Employee Handbook, including training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, referral to counseling, reassignment, temporary suspension without pay or termination of employment.

### **Sanctions for Faculty**

For faculty, the sanction may include any form of disciplinary action as set forth in the Faculty Handbook, including a warning, a reprimand, referral to counseling, salary freeze, removal from certain responsibilities (e.g., supervising employees), paid leave, unpaid leave, non-renewal of contract, termination of tenure and/or termination of employment.

### **Timeframe for Resolution**

The University will seek to complete the adjudication (imposition of sanction) within ten (10) calendar days of the notice of referral to adjudication, but this time frame may be extended for good cause with written notice to the parties of the delay and the reason for the delay.

### **Notice of Outcome**

The Adjudicator's written determination of the outcome, the sanction and the rationale for each will be provided to the complainant and respondent by the Adjudicator. The complainant and respondent will be informed of any sanctions, the date by which the requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements.

The outcome letter will also provide each party with their appeal options. If, under extenuating circumstances, there are any changes to the outcome, both parties will be simultaneously notified at the earliest possible time. The University may also notify appropriate University

officials, including a direct supervisor of a sanction, as necessary to implement the outcome and/or sanctions.

## **Appeal**

AA complainant and respondent may each appeal the outcome, including the investigators' finding of responsibility (or no responsibility). In a request for an appeal, the burden of proof lies with the party requesting the appeal. Dissatisfaction with the outcome of the investigation is not grounds for appeal. The limited grounds for appeal are as follows:

- procedural error(s) that materially affected the outcome;
- new information unavailable at the original proceeding, which shall be set forth in the appeal; or
- the decision of the investigators and/or adjudicator was clearly erroneous based on the evidential record.

The Appeals Officer is determined by the status of the respondent:

- For students, the Appeals Officer is the Vice President for Student Affairs or, if the Vice President cannot serve, the Provost.
- For faculty, the Appeals Officer will be the Vice President for Student Affairs or, if the Vice President cannot serve, the Director of Human for staff, the Appeals Officer is the Vice President for Student Affairs or, if the Vice President of Student Affairs cannot serve, the Provost.

A complainant or respondent must submit a written appeal to both the Title IX Coordinator and Appeals Officer within five (5) business days of receipt of the Notice of Outcome. The written appeal must include the specific basis for the appeal and any information or argument in support of the appeal.

Upon receipt of the appeal, Title IX Coordinator will provide the other party notice of the appeal and the opportunity to respond in writing to the appeal. Any response to the appeal must be submitted within three (3) business days from the other party's receipt of the appeal.

The Appeals Officer will generally decide regarding the written appeal within ten (10) business days of receipt of the written appeal. The Appeals Officer may:

- Affirm the finding(s);
- Alter the finding(s);

- Alter the sanctions; or
- Request that additional steps be taken.

The Appeals Officer will simultaneously provide written notice of the result of the appeal to the complainant and respondent within ten (10) business days from the date of the submission of all appeal documents by both parties. Appeal decisions are final.

All appeals deadline may be extended for good cause by the Title IX Coordinator. Any extension will be communicated to the other party.

## **RECORDS**

Records will be maintained regarding the report, the investigation, evidence presented during the disciplinary process, the outcome of the disciplinary process, the outcome of any appeal, and any temporary and permanent remedies put in place by the University to address the Prohibited Conduct. Such records will be maintained by the Title IX Coordinator and, if a student is found responsible for conduct prohibited by this policy, by the for at least nine years after the last party graduates, leaves the employment of the University, or otherwise is no longer a student or employee. Such records will be accessible only to the extent permissible under applicable records confidentiality and disclosure laws, including the Family and Educational Rights and Privacy Act, 20 U.S.C. 1232g, and the Clery Act, 20 U.S.C. 1092(f).

Where the report against a student is resolved through Informal Resolution, the resolution will not be recorded in the respondent's Vice President of \_\_\_\_\_ Office file, unless the respondent agrees. Where the report against an employee is resolved through Informal Resolution, a notation will be made in the employee's file maintained by the Office of Human Resources and/or the Provost's Office.

## **EDUCATION AND PREVENTION PROGRAMS**

Wilberforce University recognizes that the most effective way to achieve a community free of sexual and gender-based discrimination, harassment, violence, intimate partner violence and stalking is to equip all community members with the skills to recognize and prevent these prohibited forms of conduct. The University is also committed to the protection of minors and the prevention of child abuse.

Throughout the year the University offers educational programs to promote awareness of sexual and gender-based harassment and violence, stalking and intimate partner violence. Prevention programs include an overview of the University's policies and procedures, relevant definitions, including Prohibited Conduct, consent, discussion of the impact of alcohol and illegal drug use, safe and positive options for bystander intervention, and information about

risk reduction. Incoming first-year students and new employees will receive primary prevention and awareness programming as part of their orientation.

Wilberforce University offers regular primary prevention programs and ongoing education and awareness programs for all students and employees. Employees who play a key role in implementing the policy, including those faculty and staff who are likely to receive reports of Prohibited Conduct will receive regular in-depth training to ensure a timely, sensitive, respectful, and effective institutional response. The University is committed to ensuring that all employees understand how to respond to these reports of this nature.

The Title IX Coordinator is responsible for oversight, coordination, and assessment of prevention and training programs on campus, in collaboration with appropriate departments and personnel.

## **NOTES**

1. When used in this policy, complainant refers to the individual(s) who experiences Prohibited Conduct, regardless of whether that individual makes a report or seeks formal disciplinary action. A respondent refers to the individual(s) who has been accused of Prohibited Conduct.
2. Prohibited Conduct encompasses many forms of sexual misconduct, as the term was defined under prior Kenyon policies. Prohibited Conduct reflects the broader range of conduct covered by this policy, which includes sexual misconduct, intimate partner violence, stalking and retaliation.

### **Additional Resources:**

- **Wilberforce University Student Handbook**
- **Wilberforce University Employee Handbook**