



**2019**  
**Annual Safety**  
**and**  
**Security Report**  
**Rhodes State College**

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## Introduction

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is the landmark federal law, originally known as the Campus Security Act, which requires colleges and universities across the United States to disclose information about crime on and around their campuses. Because the law is tied to participation in federal student financial aid programs it applies to most institutions of higher education both public and private. It is enforced by the U.S. Department of Education.

The “Clery Act” is named in memory of 19 year old Lehigh University freshman Jeanne Ann Clery who was raped and murdered while asleep in her residence hall room on April 5, 1986. Jeanne’s parents, Connie and Howard, discovered that students hadn’t been told about 38 violent crimes on the Lehigh campus in the three years before her murder. They joined with other campus crime victims and persuaded Congress to enact this law, which was originally known as the “Crime Awareness and Campus Security Act of 1990.”

The 2008 revisions of the Higher Education Opportunity Act, signed on August 14, 2008, specify new campus safety requirements in the following areas: hate crime reporting and emergency response and evacuation procedures (required by all Title IV institutions) and missing student notification and fire safety issues (required of any Title IV institution that maintains an on-campus student housing facility). An on-campus student housing facility is defined as any dormitory or other residential facility for students that are located on an institution’s campus even if the building is owned or maintained by a student organization or another party. Rhodes State College does not maintain on-campus student housing facilities or residence halls.

On March 7, 2013 President Obama signed the Violence Against Women Reauthorization Act (VAWA), which among other provisions, amended the section 485(f) of the HEA, otherwise known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). Notably, the VAWA amended the Clery Act to require institutions to compile statistics for incidents of Domestic Violence, Dating Violence, Sexual Assault, and Stalking and to include certain policies, procedures and programs pertaining to these incidents in their annual security report.

For more information about the Clery Act, please visit [www.securityoncampus.org](http://www.securityoncampus.org)

The 2017 Annual Safety and Security Report is completed and provided by the **Rhodes State College Safety and Security Department** in compliance with the Jeanne Clery Act and the Violence Against Woman Reauthorization Act. The report informs the campus community about important procedures, policies, crime prevention programs, and other campus statistics. An email is sent each year to all current students and staff advising them that the report can be accessed on the Rhodes State College Website at: <http://www.Rhodesstate.edu/security-safety>. Hard copies of the report may be obtained from the following Rhodes State College administrative offices; the Safety and Security Department, 140 Tech Lab, Student Affairs Department, 216 Public Service Building (PSB), Admissions, 148 PSB and Human Resources Department, 222 PSB. The report can also be printed from the RSC website. Prospective employees and students are afforded the same information at the time they obtain an application for employment or admission. Any person may have access to the report.

Compilation of information for the report, as well as criminal statistical data as required by the Act, is accomplished through cooperative efforts with Student Affairs, Academic Affairs, Human Resources,

Deans, the President of Rhodes State College, the Ohio State University Division of Police, area law enforcement agencies and the Rhodes State College Safety and Security Department.

Criminal statistics for off-campus properties used by the college and public property that is adjacent to the college were obtained from the local law enforcement agencies. These reported areas fall in the jurisdictional patrol areas.

## Rhodes State College Safety and Security Department

The Rhodes State College Safety and Security Department is located in Tech. Lab 140 and is staffed 24 hours a day, 7 days a week by unarmed uniformed Security Officers. The Safety and Security Department is staffed by a full-time Director, a full-time Supervisor, 1 full-time Security Officer, 9 part-time Security Officers. **Security Officers have no arrest authority.** Security Officers patrol the campus on foot and in marked patrol vehicles. Additionally, The Ohio State University Division of Police (OSUPD) employs a state of Ohio certified, uniformed police officer with full police authority, that meets all state law enforcement standards and is granted their authority from the Ohio Revised Code (Section 3345.04). The OSUPD Officer can be contacted at 567-242-7400. The OSUPD Officer responds to calls for service, enforces parking rules and regulations, patrols campus in a marked police vehicle and investigates criminal activity and when necessary effects arrest. When the OSUPD Officer is not on campus Rhodes State College relies on the Allen County Sheriff's Office and the Ohio State Highway Patrol for law enforcement services. Rhodes State College maintains a positive working relationship with all state and federal agencies throughout the area.

For fire and other medical emergencies, the Bath Township Fire Department provides Emergency Medical Service and Fire Service for Rhodes State College.

## Reporting Crime and Requesting Security Assistance

The campus encourages accurate reporting of crimes or suspicious activity in a timely manner. Any suspected crimes, known crimes or any emergency information can be reported 24 hours a day, 7 days a week, 365 days a year to the Safety and Security Department. Any crimes or suspicious activity should be immediately reported the Safety and Security Department. Any phone on campus can be used to reach the Safety and Security Department – JUST DIAL 8499 or dial 419-995-8499. The 8499 number will ring directly into the portable radios all Officers carries. All pay phones are equipped to reach the county-wide 911 emergency system which connects individuals to all the local law enforcement agencies, emergency medical services and fire departments. The campus is also equipped with 6 emergency call boxes throughout the campus which ring directly into the Security Officer's radios. The Safety and Security Office encourages all students to report crimes to the office or if off campus to the designated local law enforcement agency. If unsure of which agency to call, contact the Safety and Security Department and we will direct you to the appropriate law enforcement agency.

Rhodes State College has no off campus student organization for monitoring or reporting requirements. The campus Safety and Security Department provides student and staff escort services 24 hours a day, 7 days a week, 365 days a year, if a student or staff is uncomfortable walking to the parking lot by themselves. The Safety and Security Department encourages students and staff to walk with another friend or a group of people when going to their vehicle in the evening. The parking lots are well lit and the Safety and Security Department along with the Maintenance Department regularly check the lighting to ensure that burned out lights are replaced when needed. The maintenance and security departments work cooperatively to identify and correct maintenance issues with campus facilities.

## Access to Campus Buildings

All campus building are opened and secured by the Safety and Security Department or the Ohio State University Maintenance Department. Most campus academic buildings are open from 7 a.m. until the last evening classes are concluded. Those times may vary but usually all buildings are secured by 11:00 p.m. The campus technical training centers and computer labs maintain standard hours of operations. These areas are monitored by lab assistants with posted hours for daily and weekend usage. Access to campus buildings on weekends is limited and only authorized individuals are granted access. The Safety and Security Department provides assistance for accessing buildings outside normal classroom hours.

## Daily Crime Log

The Rhodes State College Safety and Security Department maintains a daily crime log that records all criminal incidents and alleged criminal incidents that were reported to the Security Department. The crime log includes the nature of the crime, the date the crime was reported, the date/time the crime occurred, the general location of the crime and the disposition of the incident. A copy of the crime log can be obtained by coming to the Security Department, located in Tech Lab 140 or by calling 419-995-8499. The OSUPD also maintains a crime log. Contact the OSUPD at 419-995-8410 to obtain a copy.

## Campus Security Authorities

In addition to Safety and Security Officers, Deans, Coaches, Advisors, and other Campus Officials having “significant responsibility for student and campus activities” have been identified by law as “Campus Security Authorities” who must report annual campus crime statistics (excluding professional and pastoral counselors acting in those capacities, however these personnel are also encouraged to convey the option of confidential reporting to their client/patient/congregant).

Rhodes College policy also mandates employees report any crimes they become aware of to the Safety & Security Department. Educational programs on mandatory reporting are offered to faculty and staff. New faculty and staff are advised of the mandatory reporting requirements and new faculty/adjuncts orientation each summer. Two programs on Clery/Title IX reference mandatory reporting were presented to faculty/staff, new faculty and Adjunct in a classroom power point presentation. In addition, email notification to all faculty and staff of their mandatory reporting requirements were sent to them each fall semester.

## Confidential Reporting/ Pastoral and Professional Counselors

Rhodes State College encourages all students, faculty and staff to report all crime in accordance with the Clery Act. The College has confidential and anonymous reporting forms available on the College’s website: <https://publicdocs.maxient.com/incidentreport.php?RhodesStateCollege>.

Although exempt from reporting Clery Act reportable crimes, the policy encourages pastoral counselors and professional counselors; if and when they deem it appropriate, to inform the persons they are counseling of the procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. The counselors can refer the person to the security department or to the appropriate law enforcement agency to report a crime.

### ***Pastoral Counselor***

An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

### ***Professional Counselor***

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification for such counseling.

## **Timely Warnings**

When the Rhodes State College determine that a crime represents a serious, immediate or continuing threat to students, staff and visitors on campus they will issue a "Timely Warning" as means of notification to the campus community or areas located off campus but reported in the annual security report. This determination of issuance will be determined by the President, Vice President for Business and Finance and the Director of Safety and Security Department (or their designees). Timely Warning notifications will be completed by the Safety and Security Department with direct assistance from the President's Office, the Business Office, Informational Systems and the Office of Marketing and College Relations.

Timely warnings will be issued for all the following Clery Act and VAWA reportable crimes: Criminal Homicide (Murder and Non-Negligent Manslaughter, Manslaughter by negligence), sex offenses (Rape, Fondling, Incest, Statutory Rape), aggravated assault, robbery, burglary, motor vehicle theft, arson, dating violence, domestic violence, stalking, hate crimes, arrest or disciplinary referrals.

Timely warnings will be disseminated in one or a combination of the following: individual email, posting on Rhodes State College website, bulletin boards throughout campus buildings or the Rhodes Alert Emergency Notification System and all forms of social media used by RSC.

Timely warnings will usually include the following information:

- Type of Criminal Activity
- Date and Time of the incident
- Location of the Incident
- A brief Description of the Incident
- Suspect(s) – if any
- Specific Safety Response

Timely warnings will be issued immediately unless the notification, in the judgment of the Director of Safety and Security or other first responders, compromises the efforts to assist victims, contain, respond to or otherwise mitigate the threat or emergency.

## **Emergency Notification and Evacuations**

When notified by the Safety and Security Department, local law enforcement, Allen County EMA or other state and federal authorities and under the direction of the President of Rhodes State College, the Vice President for Finance and Business, the Director of Safety and Security or a designee, Rhodes State College will without delay and taking into account the safety of the campus community notify the campus community of significant emergency or dangerous situations involving and immediate threat to

the health or safety. Rhodes State College, upon determining that a significant emergency or dangerous situation exists, will immediately disseminate emergency information to the affected parts of the campus community through the following methods or notification which may include but are not limited to: outdoor speakers (bullhorns), local radio stations, building coordinators, campus email system for students, staff and faculty, campus website, electronic signage and/or the mass email, text and the phone emergency notification system; Rhodes Alert and all form of social media used by Rhodes State College.

The testing of the Rhodes Alert System is completed annually. Students, faculty and staff are encouraged to sign up for the Rhodes Alert System by going to the Rhodes State College main web page [www.rhodesstate.edu](http://www.rhodesstate.edu) and clicking on the Rhodes Alert icon.

Evacuation schematics can be found on every floor of every building on campus. Specific information on evacuations can be found at:

<http://www.rhodesstate.edu/en/About%20Rhodes/College%20Offices%20and%20Departments/Security-Safety/Emergency%20Information.aspx>. Assembly points are designated for each building, as well as for a campus evacuation. Evacuation will be coordinated by Safety and Security Department, Building Emergency Coordinators and other first responders. Drills of campus buildings are completed annually. Notification of the drills will be disseminated by the Safety and Security Department. The Emergency Plans and Evacuation plans are reviewed annually and were last updated in the Fall of 2019.

In addition, the Allen County Emergency Management Agency has tornado warning sirens in the area of campus. These sirens will be activated in cases of weather emergencies. When activated the emergency procedures addressed in the prior paragraphs will take effect. The Allen County sirens are tested once a month.

Emergency notification will be issued immediately unless the notification, in the judgment of the Director of Safety and Security or other first responders, compromises the efforts to assist victims, contain, respond to or otherwise mitigate the threat or emergency.

## Alcohol and Drug Use

Rhodes State College is a drug-free campus. Unlawful possession, use, production, distribution or sale of alcohol or other drugs by any faculty, staff or student is prohibited on College property or as any part of College activities under Local, State and/or Federal Law.

Students who are experiencing drug or alcohol related issues that may require assistance, can schedule an appointment to speak with the Vice President of Student Affairs, Public Service Rm 216 or call 419-995-8886. After assessment by the Vice President of Student Affairs and depending on the depth of the problem, the Vice President of Student Affairs may refer the student to a local drug and alcohol professional facility or office.

Policies and penalties for violations are set forth in the Code of Student Conduct and Rhodes State College Policies and Procedures. Rhodes State College Policy #5.9 and #10.1.



## Notice to Campus Community – Sex Offenders

On July 1, 1997, a new law went into effect concerning Sex Offender Registration and Notification. Under that law, convicted sex offenders must register for a period of time with their local county sheriff's office. Sex offenders are classified as 1) sexually orientated offenders, 2) habitual sex offenders, and 3) sexual predators. The local sheriff's office is required to notify various entities at Rhodes State College when a sexual predator or a habitual sex offender, who the court determines is subject to community notification, moves into a specific geographical area. The Safety and Security Department maintains a binder of currently registered sex offenders living in the immediate area. The Allen County Sheriff's Office can be contacted directly at (419) 227-3535 for more information. Individuals can also go to the Security website at [www.Rhodesstate.edu/security](http://www.Rhodesstate.edu/security) and click on the link under additional resources. <http://www.esorn.ag.state.oh.us/>.

## Education and Prevention Programs

- Office of Student Affairs, 216 Public Service Bldg.
- Safety and Security Department, Tech Lab, Room 140

Crime Prevention materials concerning personal safety on campus, rape and date or acquaintance rape are available at the Office of Student Affairs, or the Safety and Security Department, 140. During the academic year, the Safety and Security Department and the Office of Student Affairs provide sex crime prevention information through campus publications, at college events or programs and by direct presentations to student groups on request.

Safety is a concern everywhere in society, and the Rhodes State College campus is no exception. There are many ways to promote security and avoid unsafe situations. An understanding of basic safety principles, a little caution and lots of common sense are your best protection. Rhodes State College is committed to providing a safe environment for students, faculty, staff and visitors of the campus community. The trees and shrubs on campus are maintained and trimmed back away from buildings and walkways. For the safety of the students, staff and faculty, the parking lots and sidewalks are well lit. Crime prevention and awareness pamphlets and a variety of informational pamphlets ranging from date rape, personal safety, wellness and other topics are available from the Rhodes State College Student Affairs Office. The Safety and Security Department works closely with the Rhodes State College Student Affairs Office concerning matters of general safety. For more information on campus safety, wellness and other educational programs available, please contact Student Affairs, Public Service Building, Room 216, (419) 995-8886 or the Security Office, Tech. Lab, Room 140B, (419) 995-8078. Rhodes State College has provided and continues to provide the following educational and crime prevention programs and training to faculty, staff and students: Clery Act, Title IX reporting procedures, Emergency Response training, Self-defense classes (RAD and SAFE), Bystander Intervention, Consent, Process for reporting crimes of Sexual Violence and Sexual Violence Awareness, Run-Hide-Fight.

## Violence Prevention

It is the intent of Rhodes State College to provide a safe and secure working and learning environment for its students, employees, and visitors through prevention, reduction and management of threats of violence or violence. Violence includes, but is not limited to: intimidation, threats, physical attack, behavior that creates a reasonable fear of injury, harm or extreme emotional distress, threats or actual

domestic and dating violence, sexual assault, sexual harassment, stalking, displaying a weapon, property damage, or any retaliation against a person who reports a potential or actual violation, and includes acts of violence committed by or against College employees, students, contractual workers, temporary employment agency workers, customers, relatives, acquaintances, or other third parties on College property.

Rhodes State College will employ management strategies to identify and prevent incidents of violence against employees, students, themselves or others; take appropriate action against those who threaten or perpetrate violence, and reduce the effects of violence on victims. Administrators, faculty, staff and students are responsible for reporting indications of potential violent behavior and must not be subjected to retaliation for reporting such good faith concerns. The College may engage all available resources, including the Behavioral Intervention Team; Rhodes State Security; Counseling Services; Student Affairs applicable student programs and policies; agency referrals; and, if needed, local law enforcement and emergency services, to respond to alleged acts of violence.

Rhodes State College does not tolerate acts of violence committed by or against employees, students, contractual workers, temporary employment agency workers, volunteers, visitors, or other third parties on College owned, controlled, or leased properties, or while conducting College business at any location, including representing the College at conferences or off-site meetings, or riding in College owned or leased vehicles.

Rhodes State College has partnered with Ohio Crime Victim Services to provide programs, educational events and print material for students, faculty and staff, specifically on the topics of sexual assault, dating violence, consent and campus advocacy.

## **Violence Against Women Re-Authorization Act**

**The 2014 Violence Against Women Re-Authorization Act mandates that Domestic Violence, Dating Violence and Stalking be added to the list of reportable crimes under the Clery Act starting with the 2015 Annual Security Report. Rhodes State College added these reportable crimes in the 2014 Annual Security Report.**

Rhodes State College will continue to promote ongoing prevention and educational programs on the Clery Act, Title IX Reporting, Sexual Assault, Dating Violence, Domestic Violence and Stalking for students, staff and faculty. To include information on risk reduction to recognize warning signs of abusive behavior, sexual assault prevention, bystander intervention, consent and the processes for reporting crimes of sexual violence. This information is detailed throughout the Annual Security Report. During the 2018 academic year Rhodes State College has held the educational programs, sponsored events and distributed information to students, faculty and staff on topics related to the Clery Act/Title IX reporting procedures, Bystander Intervention, consent, sexual assault awareness and information on counseling and psychological services. These programs were delivered to students, faculty and staff in the classroom setting, open forums and faculty/staff professional development sessions.

**Response Policies and Procedures for Sex Offenses, Discrimination and Harassment**  
**The following sections include information on Sexual Assault, Sexual Harassment and Title IX reporting; including the investigative and disciplinary processes.**

## **Discrimination, Harassment, Sexual Misconduct, Stalking, and Retaliation**

### **PURPOSE AND EXPECTATIONS**

Rhodes State College is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based upon race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expressions, or sexual orientation. Acts of discrimination, harassment, sexual misconduct, stalking, domestic violence, dating violence, sexual assault, and retaliation will be addressed consistent with this policy.

The law prohibits discrimination and harassment of employees or discrimination and harassment between members of the College community more generally: for example, between an instructor and a student, between two students, or between a student and an applicant or campus guest.

This policy applies in all College programs and activities, including, but not limited to, discrimination in athletics, instruction, grading, and college employment. In addition, the law prohibits retaliation against an individual for opposing any practices forbidden under this policy, for bringing a complaint of discrimination or harassment, for assisting someone with such a complaint, for attempting to stop such discrimination or harassment, or for participating in any manner in an investigation or resolution of a complaint of discrimination or harassment, or for participating in any manner in an investigation or resolution of a complaint of discrimination or harassment. It is central to the values of the College that any individual who believes they may have been the target of unlawful discrimination or harassment feel free to report their concerns for appropriate investigation and response, without fear of retaliation or retribution.

All complaints or any concerns about conduct that may violate this policy and retaliation should be filed with the College's Title IX Coordinator:

Title IX Coordinator  
Rhodes State College, Public Service Building, Rm 222  
4240 Campus Drive  
Lima, OH 45804  
419.995.8302  
Title9@rhodesstate.edu

Upon receiving a complaint, the Title IX Coordinator will follow the procedures described in the Discrimination Grievance Procedures.

### **(A) POLICY**

The College Administration, faculty, staff and students are responsible for assuring that the College maintains an environment for work and study free from harassment and discrimination. Harassment and discrimination impede the realization of the College's mission of distinction in education, scholarship, and service and will not be tolerated. The College's Administration seeks to eliminate harassment and discrimination through education and by encouraging faculty, staff and students to report concerns or

complaints. Prompt corrective measures will be taken to stop harassment and discrimination whenever it occurs.

## **(B) DEFINITIONS**

### **DISCRIMINATION**

Discrimination is conduct that is based upon an individual's race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation that excludes an individual from participation, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in a College program or activity. This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities.

### **HARASSMENT**

Is covered under this policy if it is based upon an individual's race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression or sexual orientation. Harassing conduct may take various forms, including, verbal, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Sex based harassment includes sexual harassment, which is further defined below, and sexual harassment based on stereotypical notions of what is female/feminine v. male/masculine or a failure to conform to those gender stereotypes.

### **SEXUAL HARASSMENT**

Sexual harassment can include unwelcome: sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, including sexual assault. Sexual harassment, including sexual assault, can involve persons of the same or opposite sex. This policy prohibits two types of sexual harassment: quid pro quo, tangible employment or educational action (as defined below); and, sexual harassment that creates a hostile environment (as defined below).

#### **Quid Pro Quo, Tangible Employment or Educational Action**

This type of sexual harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a College activity is conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting that individual's employment, education, living environment, or participation in a College program or activity. Generally, perpetrators will be agents or employees with some authority from the College.

## **HOSTILE ENVIRONMENT HARASSMENT**

A hostile environment based on race, color, religion, national origin, creed, service in the uniformed services, veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation exists when harassment: is sufficiently severe, pervasive, and objectively offensive that it has the effect of unreasonably interfering with, limiting, or denying an individual the ability to participate in or benefit from the College's educational program or has the effect of unreasonably interfering with an individual's employment.

Harassment that creates a hostile environment violates this policy.

A hostile environment can be created by anyone involved in a college program or activity (e.g., administrators, faculty members, students, and even campus guests). Mere offensiveness is not enough to create a hostile environment. Although repeated incidents increase the likelihood that harassment has created a hostile environment, a serious incident, such as a sexual assault, even if isolated, can be sufficient.

In determining whether harassment has created a hostile environment, consideration will be made not only as to whether the conduct was unwelcome to the person who feels harassed, but also whether a reasonable person in a similar situation would have perceived the conduct as objectively offensive. Also, the following factors will be considered:

- The degree to which the conduct affected one or more students' education or individual's employment;
- The nature, scope, frequency, duration, and location of incident or incidents;
- The identity, number, and relationships of persons involved;
- The nature of higher education.

## **SEXUAL MISCONDUCT**

Sexual misconduct includes sexual assault, inducing incapacitation for sexual purposes, sexual exploitation, and relationship violence.

## **SEXUAL ASSAULT**

Sexual assault means an actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to:

- Involvement in any sexual contact when the victim is unable to consent. Intentional and unwelcome touching of, or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts (defined as genital area, groin, inner thigh, buttocks, or breast). Sexual intercourse without consent, including acts commonly referred to as "rape".

## **INDUCING INCAPACITATION FOR SEXUAL PURPOSES**

Includes using drugs, alcohol, or other means with the intent to affect or having an actual effect on the ability of an individual to consent or refuse to consent (as consent is defined below) to sexual contact.

## **SEXUAL EXPLOITATION**

Occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise

constitute one of the preceding sexual misconduct offenses. Examples of behavior that could rise to the level of sexual exploitation include:

Going beyond the bounds of consent (such as letting your friends hide in the closet to watch you having consensual sex); Engaging in non-consensual voyeurism; Knowingly transmitting an STI, such as HIV, to another without disclosing your STI status; Exposing one's genitals in non-consensual circumstances, or inducing another to expose his or her genitals;

***Possessing, prostituting another person:***

1. Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity;
2. Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
3. Distributing, viewing or forcing others to view illegal pornography.

***Relationship Violence:***

Abuse or violence between partners or former partners involving one or more of the following elements:

1. Battering that causes bodily injury;
2. Purposely or knowingly causing reasonable apprehension of bodily injury;
3. Emotional abuse creating apprehension of bodily injury or property damage;
4. Repeated telephonic, electronic, or other forms of communication -- anonymously or directly -- made with the intent to intimidate, terrify, harass, or threaten.

**1. CONSENT**

Consent is informed, freely given, and mutual. If coercion, intimidation, threats, or physical force are used there is no consent. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption, or being asleep or unconscious. There is no consent when there is force, expressed or implied, or use of duress or deception upon the victim. Silence does not necessarily constitute consent. Past consent to sexual activities does not imply ongoing future consent. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.

**2. STALKING**

Stalking includes repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death.

### **3. DATING VIOLENCE**

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

### **4. DOMESTIC VIOLENCE**

A felony or misdemeanor crime of violence committed – by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic of family violence laws of the state of Ohio; or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Ohio.

### **5. RETALIATION**

Retaliation is action taken by an accused individual or an action taken by a third party against any person because that person has opposed any practices forbidden under this policy or because that person has filed a complaint, testified, assisted, or participated in any manner in an investigation or proceeding under this policy. This includes action taken against a bystander who intervened to stop or attempt to stop discrimination, harassment, or sexual misconduct. Retaliation includes intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's complaint or participation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy.

### **(C) OFF-CAMPUS CONDUCT**

Conduct that occurs off campus can be the subject of a complaint or report and will be evaluated to determine whether it violates this policy, *e.g.* if off-campus harassment has continuing effects that create a hostile environment on campus. Allegations of off-campus sexual misconduct are of particular concern and should be brought to the College's attention.

### **(D) MANDATORY EMPLOYEE REPORTING OF SEX-BASED DISCRIMINATION, SEXUAL HARASSMENT AND SEXUAL MISCONDUCT INVOLVING STUDENTS**

In order to enable the College to respond effectively and to stop instances of sex-based discrimination, sexual harassment and sexual misconduct involving students at the College proactively, all College employees must, within 24 hours of receiving the information, report information they have about alleged or possible sex-based discrimination, sexual harassment, and sexual misconduct involving students to the Title IX Coordinator. Employees who are statutorily prohibited from reporting such information are exempt from these reporting requirements, including

licensed health-care professionals. Please note that this policy does not reach curriculum or in any way prohibit or abridge the use of particular textbooks or curricular materials.

Upon receiving a report of alleged or possible sex-based discrimination, sexual harassment, or sexual misconduct, the Title IX Coordinator will evaluate the information received and determine what further actions should be taken.

The Title IX Coordinator will follow the procedures described in the Discrimination Grievance Procedures.

The Title IX Coordinator will take steps, either directly with the complainant or through a reporting employee, to provide information about the College's Discrimination Grievance Procedures, as well as available health and advocacy resources and options for criminal reporting.

### **(E) SANCTIONS AND CORRECTIVE ACTIONS**

Violations of this policy will be addressed through the Discrimination Grievance Procedures. Consequences for violating this policy will depend upon the facts and circumstances of each particular situation. Sanctions and Corrective Action could include: a requirement not to repeat or continue the discriminatory, harassing, or retaliatory conduct, a reprimand, a no-contact order, denial of a merit pay increase, reassignment, suspension or termination. The severity of sanctions or corrective action will depend on the frequency and severity of the offense and any history of past discriminatory, harassing or retaliatory conduct. A finding of discrimination, harassment that creates a hostile environment or results in a tangible employment or educational action, or sexual misconduct may be cause for disciplinary action, up to and including the discharge of employees and the expulsion of students, in accordance with applicable College procedures. The College may also take appropriate action if it does not find discrimination or harassment that creates a hostile environment or results in a tangible employment or educational action, but (a) the College found that the Respondent engaged in disruptive behavior or (b) to prevent the creation of a hostile environment.

### **(F) AMNESTY FOR DRUG OR ALCOHOL POSSESSION AND CONSUMPTION VIOLATIONS**

The College strongly encourages students to report instances of sex-based discrimination, sexual harassment, and sexual misconduct involving students. Therefore, students who report information about sex-based discrimination, sexual harassment, or sexual misconduct involving students will not be disciplined by the College for any violation of the College's drug or alcohol possession or consumption policies in which they might have engaged in connection with the reported incident.

### **(G) FREE SPEECH AND ACADEMIC FREEDOM**

This policy shall not be construed or applied to restrict academic freedom at the College, nor shall it be construed to restrict constitutionally protected expression, even though such expression may be offensive, unpleasant, or even hateful.



The College recognizes and protects full freedom of inquiry, teaching, research, discussion, study, publication, and for artists, the creation and exhibition of works of art, without hindrance, restriction, equivocation, or reprisal. This right extends to other facets of campus life to include the right of a faculty member or student to speak on general educational questions or about the College. In addressing all complaints and reports under this policy, the College will take all permissible actions to ensure the safety of students and employees while complying with free speech requirements for students and employees. While the College will protect students' and employees' rights against sex discrimination under this policy, this policy does not apply to curriculum or in any way prohibit or abridge the use of particular textbooks or curricular materials.

#### **(H) EXTERNAL COMPLAINTS**

If a person filed a complaint with the Title IX Coordinator and believes the College's response was inadequate, or otherwise believes the College has discriminated on the basis of race, color, national origin, sex, including sexual harassment, disability, age, or retaliation, the individual may file a complaint with the Office for Civil Rights (OCR) of the U.S. Department of Education or the Educational Opportunities Section (Title IX Coordinator) of the Civil Rights Division of the U.S. Justice Department of Justice, and a complaint based on religion with Title IX Coordinators of the U.S. Justice Department.

If a student or employee, filed a complaint with the Title IX Coordinator and believes the College's response was inadequate, or believes the College has discriminated on the basis of race, color, national origin, sex, including sexual harassment, disability, age, religion, creed, pregnancy, marital status, familial status (housing only), or political beliefs, or retaliation, the individual may file a complaint with the Ohio Civil Rights Commission.

#### **(I) RESOURCES**

The College's Safety and Security Annual Report of on-campus crime statistics includes forcible and non-forcible sex offenses, in lieu of the single category of rape used on previous reports, as well as statistics on dating violence, domestic violence, and stalking, in compliance with the Campus Security Act.

Copies of the Safety and Security Annual Report (required by the Student Right-to-Know and Campus Security Act of 1990) which details on-campus crime statistics for the three previous calendar years may be obtained on line or at the following locations:

- Student Advising, Public Service Building, Room 148
- Human Resources Department, Public Service Building, Room 223
- Campus Security Office, Tech Lab, Room 140

Crime prevention materials concerning personal safety on campus, rape and date or acquaintance rape are available at the Office of Student Affairs, Public Service 216 or the Campus Security Office, 140 Tech Lab.

During the academic year, the Campus Security Office, the Office of Student Affairs and representatives from Crime Victim Services may provide sex crime prevention information through campus publications and by direct presentations to student groups on request.

### ***Available Counseling***

Counseling services are available through the Allen County Crime Victim Services Tel: (419) 222-8666. Additional counseling resources are available in the Student Affairs Office, PS 216.

## **DISCRIMINATION GRIEVANCE PROCEDURE**

### **(A) PURPOSE**

The purpose of these procedures is to provide a prompt and equitable resolution for complaints or reports of discrimination based upon race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation. Any person believing that they have been subjected to discrimination or harassment on any of these bases may file a complaint or report with the College. These procedures address all complaints or reports of alleged discrimination or harassment, including conduct that violates the Discrimination, Harassment, Sexual Misconduct, Stalking and Retaliation Policy (hereinafter referred to as “Policy Violations”). The procedures also address complaints or reports of retaliation against those who have opposed practices forbidden under the policy, those who have filed complaints or reports under the policy, and those who have testified or otherwise participated in enforcement of the policy.

### **(B) POLICY**

The College Administration, faculty, staff and students are responsible for assuring that the College maintains an environment for work and study free from harassment and discrimination. Harassment and discrimination impede the realization of the College's mission of distinction in education, scholarship, and service and will not be tolerated. The College's Administration seeks to eliminate harassment and discrimination through education and by encouraging faculty, staff and students to report concerns or complaints. Prompt corrective measures will be taken to stop harassment and discrimination whenever it occurs.

### **(C) COLLEGE COMPLAINTS AND REPORTING**

Complaints and third-party reports of discrimination, including Policy Violations, should be made to the Title IX Coordinator. The Title IX Coordinator staff members are trained to help you find the resources you might need, to explain all reporting options, and to respond appropriately to conduct of concern. All instances of retaliation should be reported and will be addressed in the same manner. The contact information for the Title IX Coordinator is listed below.

Title IX Coordinator James A. Rhodes State College  
James A. Rhodes State College  
Public Service Building Room 222  
Lima, OH 45804  
419.995.8302  
[title9@rhodesstate.edu](mailto:title9@rhodesstate.edu)

Complaints and reports should be made as soon as possible after an incident. The Title IX Coordinator coordinates and tracks all complaints and reports under this procedure.

There are several avenues available for submitting a complaint or report:

- Leave a private voice message for the Title IX Coordinator;
- Send a private email to one of the Title IX Coordinator staff;
- Mail a letter to the Title IX Coordinator office;
- Visit one of the Title IX Coordinator staff (it is best to make an appointment first to ensure availability).
- Report to another trusted College official (e.g., Professor, Coach, Advisor) who will provide information as required under the policy to the Title IX Coordinator.

If there is a complaint about the Title IX Coordinator or any staff member that is part of the Title IX Coordinator Office, or if the Title IX Coordinator or his/her staff has a complaint, that complaint should be filed with the President of the College. The President will appoint another trained individual to take the place of the Title IX Coordinator for purposes of the complaint.

#### **(D) CRIMINAL REPORTING**

Please remember that if someone is in immediate danger or needs immediate medical attention, the first place to report is 911. A person may also report to the College's Campus Security (dial 8499), or to the OSU Police Department (dial 8410) or Allen County Sheriff's Department (dial (419) 227-3535). Some forms of discrimination and harassment may also be crimes. For example, sexual assault, stalking, domestic violence and rape are crimes. Criminal reports should be made to law enforcement, even if it is uncertain whether the particular conduct is a crime. Calling local law enforcement can help you: Obtain emergency and nonemergency medical care; get immediate law enforcement response for your protection; understand how to provide assistance in a situation that may escalate to more severe criminal behavior; arrange a meeting with victim advocate services; find counseling and support; initiate a criminal investigation; and answer questions about the criminal process.

In order to preserve any physical evidence of a sexual offense, victims of sexual assault are urged not to bathe, shower, use any feminine douche or change clothing. Such victims should go immediately to a medical facility of their choice to receive medical treatment if needed and to insure that the appropriate examinations are conducted to collect the necessary physical evidence of the assault. The cost of medical treatment or examination of the victim of a sexual assault for physical evidence shall be charged to the political sub-division where the offense occurred (Ohio Revised Code Statutes 2907.28 and 2907.29). There is no cost to the crime victim for such medical treatment or examination in Ohio.

#### **(E) CONFIDENTIALITY OF COMPLAINTS AND REPORTS**

Parties in these processes, including the Complainant, the individual accused of a Policy Violation ("Respondent"), and witnesses, have privacy rights and reasonable expectations of confidentiality in the investigation of matters subject to this procedure. In addition, the integrity of the process depends on ensuring reasonable expectations of confidentiality. The Title IX Coordinator will keep confidential the complaint, report, witness statements, and any other information provided by the

Complainant, Respondent, or witnesses and will disclose this information only to the Complainant, Respondent, or witnesses, as necessary to give fair notice of the allegations and to conduct the investigation; to law enforcement consistent with state and federal law; to other College officials as necessary for coordinating interim measures or for health, welfare, and safety reasons; and to government agencies who review the College's compliance with federal law. The investigation report and any written decision from the Discrimination Grievance Committee will be disclosed only to the Complainant, Respondent, Title IX Coordinator, Discipline Authority<sup>1</sup> as necessary, and College officials as necessary to prepare for subsequent proceedings (e.g., College President and College Legal Counsel). Members of the Discrimination Grievance Committee have the same strict obligations to keep all information they learn confidential, subject to the limited exception when necessary to protect health, welfare or safety. Information about complaints and reports, absent personally identifiable information, may be reported to College officials and external entities for statistical and analysis purposes pursuant to federal and state law and College policy.

#### **(F) ANONYMOUS AND THIRD PARTY REPORTING**

The Title IX Coordinator accepts anonymous and third-party reports of conduct alleged to violate this policy and will follow up on such reports. The individual making the report (Reporter) is encouraged to provide as much detailed information as possible to allow the Title IX Coordinator to investigate and respond as appropriate. The Title IX Coordinator may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the Title IX Coordinator to conduct a meaningful and fair investigation.

#### **(G) ROLE OF TITLE IX COORDINATOR**

The Title IX Coordinator is not an advocate for either the Complainant or the Respondent. The Title IX Coordinator will explain to both parties the informal and formal processes outlined below and the confidentiality provisions as outlined above. Where appropriate, the Title IX Coordinator will provide to both parties information about options for obtaining medical and counseling services, information about making a criminal report, information about receiving advocacy services, information about other helpful campus and community resources. The Title IX Coordinator will offer to coordinate with other campus officials, when appropriate, to implement interim remedial measures such as no-contact orders, or academic accommodations. The Title IX Coordinator will describe the process of a fair and impartial investigation. The Title IX Coordinator will explain the right of the Respondent to review and respond to allegations and evidence against him or her. The Title IX Coordinator will explain to both parties their rights to have a person of support with them during their interviews and during the hearing stage of these procedures. If an individual does not want to pursue a complaint, the Title IX Coordinator will inform the individual that the College is limited in the actions it can take without the cooperation of the individual. The Title IX Coordinator will also explain to parties and witnesses that retaliation for reporting alleged violations of the policy, or participating in an investigation of an alleged violation, is strictly prohibited and that any retaliation should be immediately reported and will be promptly addressed.

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<sup>1</sup> In the case of employees, the Discipline Authority is the College administrator with the authority to impose sanctions in accordance with applicable employment policies and procedures and collective bargaining agreements. In the case of students, the Discipline Authority is the Vice President of Student Affairs.

## **(H) IMMEDIATE ACTION AND INTERIM MEASURES**

The College may take interim measures to assist or protect the parties during the grievance process, as necessary and with the Complainant's consent. Such measures for a student complainant may include arranging for changes in class schedules, issuing a no-contact order, obtaining counseling, and modifying test schedules or other class requirements temporarily. For an employee complainant, the College may temporarily reassign or place on administrative leave an employee alleged to have violated this policy.

## **(I) RESOLUTION**

If a Complainant chooses to file a complaint, there are two avenues for resolution of an alleged Policy Violation: formal and informal resolution. The Complainant has the option to proceed informally, when permissible. In cases involving allegations of sexual assault, informal resolution is not appropriate, even if both the complainant and respondent indicate a preference for informal resolution.<sup>2</sup> The Title IX Coordinator is available to explain the informal and formal resolution procedures.

### **1. Informal Process and Resolution**

If the Complainant, the Respondent, and the Title IX Coordinator all agree that an informal resolution should be pursued, the Title IX Coordinator (or her/his designee) shall attempt to facilitate a resolution of the conflict that is agreeable to all parties. Under the informal process the Title IX Coordinator shall be required only to conduct such fact-finding as is useful to resolve the conflict and as is necessary to protect the interests of the parties, the College and the community. Typically, an informal investigation will be completed within twenty (20) business days of receipt of the complaint. If it becomes necessary to extend the process, both parties will be notified of a revised expected resolution timeframe.

A Complainant or Respondent always has the option to request a formal investigation. The Title IX Coordinator also always has the discretion to initiate a formal investigation. If at any point during the informal process, the complainant, the respondent, or the Title IX Coordinator wishes to cease the informal process and to proceed through formal grievance procedures, the formal process outlined below will be invoked.

The informal resolution must adequately address the concerns of the Complainant, as well as the rights of the Respondent and the overall intent of the College to stop, remedy and prevent Policy Violations. (Informal actions might include, but are not limited to: providing training to a work unit; having an informal discussion with an individual whose conduct, if not stopped, could rise to the level of discrimination, or hostile environment harassment; or having a confidential conversation with a supervisor or instructor).

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<sup>2</sup> The U.S. Department of Education, Office for Civil Rights, Dear Colleague Letter, dated April 4, 2011, p. 8, states: "[I]n cases involving allegations of sexual assault, mediation is not appropriate even on a voluntary basis."

## 2. Formal Process

**Step 1:** The Title IX Coordinator discusses concerns with Complainant, and the Respondent as appropriate, including providing information about the policy and procedures and other helpful resources. The Title IX Coordinator also considers whether immediate or interim actions or involvement of other College offices is appropriate. Title IX Coordinator determines whether the office has jurisdiction to investigate the matter. The Title IX Coordinator only has jurisdiction to investigate complaints alleging discrimination, harassment, sexual misconduct, stalking, and retaliation.

**Option 1:** If the Title IX Coordinator determines that there is no jurisdiction, the Title IX Coordinator will offer to assist the Complainant and, as appropriate, the Respondent, in finding appropriate campus and off-campus resources for addressing the issue of concern.

**Option 2:** If the Title IX Coordinator determines that there is jurisdiction, the Title IX Coordinator will proceed to Step 2.

**Step 2:** The Title IX Coordinator conducts or oversees the conducting of a fair and impartial investigation of the alleged Policy Violation and proceeds to Step 3. Typically an investigation will be completed within twenty (20) business days of receipt of the complaint. If it becomes necessary to extend the process, both parties will be notified of a revised expected resolution timeframe.

Only a trained investigator will conduct an investigation. Respondents will have the opportunity to review and respond to evidence considered against them. Both parties will have the opportunity to review and provide comments to the investigator about the written investigation report before it is finalized.

**Step 3:** The Title IX Coordinator determines whether there is a preponderance of the evidence to believe that an individual engaged in a Policy Violation. This means that individuals are presumed not to have engaged in alleged conduct unless a “preponderance of the evidence” supports a finding that the conduct has occurred. This “preponderance of the evidence” standard requires that the evidence supporting each finding be more convincing than the evidence in opposition to it.

In making the determination of whether harassment has created a hostile environment, the Title IX Coordinator will consider not only whether the conduct was unwelcome to the Complainant, but also whether a reasonable person in the Complainant’s situation would have perceived the conduct as objectively offensive. The Title IX Coordinator’s findings will be in writing and will be provided to both the Complainant and to the Respondent(s).

**Option 1:** If the Title IX Coordinator finds a preponderance of the evidence of a Policy Violation does not exist, the matter is documented and closed; in this case the Complainant may appeal the finding to the Discrimination Grievance Committee.

**Option 2:** If the Title IX Coordinator finds that a preponderance of the evidence of a Policy Violation exists, the Title IX Coordinator’s written report will include recommendations for steps to take to prevent recurrence of any such violation, and as appropriate, remedies for the Complainant. The Respondent may appeal the finding to the Discrimination Grievance

Committee. If the respondent does not contest the finding, the respondent will be required to sign the written finding and the written finding will be provided to the Discipline Authority for a determination of appropriate sanctions. In the case of student Respondents, the Discipline Authority will be the Vice President of Student Affairs. In the case of employees, the Discipline Authority is the College administrator with the authority to impose sanctions in accordance with applicable employment policies and procedures. The Discipline Authority must inform the Title IX Coordinator of the ultimate sanctions imposed upon a Respondent. The Title IX Coordinator will inform the Complainant of the sanctions as permitted by applicable Title IX and privacy laws.

#### **(J) RELATION TO THE STUDENT CODE OF CONDUCT AND EMPLOYEE DISCIPLINARY ACTION AND DUE PROCESS POLICY**

The Vice President of Student Affairs is charged with imposing sanctions on students who are found to have violated this policy, and a College administrator with the authority to impose sanctions in accordance with applicable employment policies and procedures is charged with imposing sanctions on employees who are found to have violated this policy, even when the conflict is resolved through the informal resolution step in either instance. Sanctions for students may include suspension, expulsion, probation, a warning, or any other sanction set forth in the Student Conduct of Code. Sanctions for employees may include suspension, termination, or any other sanction set forth in the Disciplinary Action and Due Process policy or other College policies, procedures, or practices applicable to employees. Disciplinary records for policy violations are maintained in the same manner as other disciplinary records.

#### **(K) REPORTER OR COMPLAINANT REQUESTS NO INVESTIGATION**

If a Reporter or Complainant requests that an investigation not be conducted, the Title IX Coordinator will consider the reasons for the request, including concerns about continued safety of the person reportedly harmed and members of the campus community. The Title IX Coordinator must also balance considerations about the continued health and safety of members of the community against a Reporter's or Complainant's desire not to have the report investigated. In cases when a Reporter or Complainant does not want to have a report investigated, but the Title IX Coordinator has concerns that not taking formal or informal action might endanger the health or safety of members of the campus community, the Title IX Coordinator will initiate confidential consultation with appropriate individuals to analyze the situation and assist in determining appropriate measures to take. Consultation may occur with the Vice President of Student Affairs, chair(s) of the Behavioral Intervention Team (BIT), Public Safety Officer, Clery Compliance Officer, psychological health professional, Director of Human Resources, and legal counsel. The Title IX Coordinator will make the ultimate decision about whether to conduct a formal investigation or respond to the report in another manner, including taking informal actions, such as those described above.

## **(L) APPEALS TO THE DISCRIMINATION GRIEVANCE COMMITTEE**

### **1. Composition of the Committee**

The committee shall have four (4) members including the Chair. Of the four members, one shall be a student, one shall be a member of the faculty, one shall be a member of the non-academic staff, and one shall be a representative of the administration.

### **2. Selection of Members**

Members shall be appointed by the President of the College. Each of the four groups listed below will nominate four (4) candidates. The President will appoint one member from each pool of four (4) candidates. The President shall also designate one (1) alternate from each of these groups:

- The Executive Committee of the Faculty Association.
- A representative of the Staff.
- The President's Cabinet.
- Student Representative.

### **3. Appointment of Chair**

The President shall appoint the Chair.

### **4. Term of Appointment**

To assure cumulative experience and development of expertise as well as continuity and uniformity of decisions, the terms of members will be of extended duration. The student shall be appointed for one (1) year. Members of each of the other groups (faculty, non-academic staff, and administrators) shall be appointed for five (5) years. Any member whose term has expired may be reappointed by the President of the College.

The President may appoint one or more persons to serve temporarily as a member of the Committee to fill a vacancy or ensure a quorum, or in response to a request from the Chair to avoid delay in proceedings. The term of temporary appointment continues for the duration of the proceedings or until the temporary appointee is replaced by a regular member.

### **5. Removal of Members**

The Committee Chair may either permanently or temporarily remove or replace any member of the Committee under the following circumstances:

- In response to a request from those responsible for the nomination of the member;
- In response to a request from a majority of the Committee members;
- In response to a request from the Title IX Coordinator;
- In response to a request from a Committee member that he/she be excused;
- In response to a request from a party who raises a legitimate concern regarding a conflict of interest.

If any person or group other than the member requests removal, that member will have an opportunity to rebut any evidence presented in support of the request for removal. If a concern as enumerated above is raised about the Chair, the President of the College will make the determination about either permanently or temporarily removal from the committee.



## 6. Quorum

There must be a member from each of the four constituent groups specified above to constitute a quorum.

## 7. Authority of the Committee

The committee may:

- call student and employee witnesses to testify or to be present during a hearing, and obtain other evidence held by the College or any student or College employee;
- arrange with the College Title IX Coordinator for appropriate funding and staff support to facilitate hearings;
- hold pre-hearing conferences;
- issue hearing orders;
- hold formal hearings and control conduct of such hearings;
- make decisions, findings of fact, and recommendations, including recommended sanctions, to the President by vote of a majority of the members involved in the hearing process.

## (M) FILING AN APPEAL

A request for a hearing before the College Discrimination Grievance Committee must be filed within five (5) business days, of the receipt of the Title IX Coordinator's decision, unless good cause can be shown for an extension of time. The request for a hearing must be filed with the Title IX Coordinator. The request for a hearing must be in writing and must describe the appellant's desired outcome; as well as describe how the appellant believes the Title IX Coordinator:

- exhibited unfair bias which influenced the result of the investigation;
- failed to conduct a thorough investigation;
- issued arbitrary findings and recommendations;
- had a conflict of interest;
- issued findings and recommendations that if adopted would result in substantial injustice.

As soon as practicable, the Title IX Coordinator will provide the non-appealing party and the Chair of the Discrimination Grievance Committee with a copy of the written appeal.

## (N) STANDARD OF REVIEW

The Committee reviews the findings and recommendations of the Title IX Coordinator. The Committee may approve, overturn, or modify the findings and recommendations of the Title IX Coordinator. The Committee may overturn or modify the Title IX Coordinator's findings and recommendations if it finds that the Title IX Coordinator: (1) exhibited unfair bias which influenced the result of the investigation; (2) failed to conduct a thorough investigation; (3) issued arbitrary findings and recommendations; (4) had a conflict of interest; or (5) issued findings and recommendations that if adopted would result in substantial injustice.

## **(O) NOTICE OF HEARING**

Within ten (10) business days of receipt of the written request for a hearing, the Title IX Coordinator will notify the Complainant and the Respondent of the time and place of the formal hearing before the Discrimination Grievance Committee. This process might be extended during periods between academic semesters when a quorum of the Committee cannot be convened. The hearing will normally be scheduled within thirty (30) business days of receipt of the written appeal. If such an appeal causes a significant delay, the Title IX Coordinator will consider interim measures, as described above, to continue to protect the parties during the process.

## **(P) PREPARATION FOR AND CONDUCT OF THE HEARING**

### **1. Written Statements on Appeal**

Within ten (10) business days of filing the appeal, the party appealing the decision must submit to the Title IX Coordinator the following information:

- (a) detailed statement of facts relevant to the complaint or report of discrimination, hostile environment harassment, sexual misconduct, stalking, or retaliation;
- (b) names and addresses and anticipated testimony from witnesses to be called;
- (c) copies of any documents which will be submitted as evidence;
- (d) additional materials the party believes the Committee should obtain prior to the hearing;
- (e) reference to the portion of the policy alleged to be violated;
- (f) specific remedy(ies) requested;
- (g) whether the party will be represented by legal counsel and the identity of the counsel.

The non-appealing party may also submit the information described in (a) through (f), above. If the non-appealing party will participate in the hearing, that party must notify the Title IX Coordinator as described above at (g) whether he or she will be represented by legal counsel. In cases in which the non-appealing party chooses not to participate in the hearing, the Title IX Coordinator will provide to the Discrimination Grievance Committee, in addition to the written investigation report, any additional documents or other materials, and names and addresses of any witnesses the Title IX Coordinator believes should provide information to the Committee at the hearing.

### **2. Legal Counsel Representation**

Both parties have a right to be represented by legal counsel. If either party chooses to be represented by legal counsel, College's Legal Counsel will be present to ensure that the rights of all interested persons and the College are respected. The role of a party's attorney shall be limited to consultation with the attorney's client and client witnesses.

### **3. Forwarding Appeal Documents**

The Title IX Coordinator will forward copies of the Title IX Coordinator's written investigation report; the above-listed materials; and any additional evidence relevant to the matter to the members of the Discrimination Grievance Committee at least five (5) business days prior to the hearing.

#### **4. Pre-hearing Conference**

At any time within five (5) business days prior to the date of the formal hearing the Chair of the Discrimination Grievance Committee may call a pre-hearing conference. Topics discussed at a pre-hearing conference may include, but are not limited to:

- (a) whether the evidence presented is complete;
- (b) whether additional investigation is required;
- (c) whether additional witness should be called; and
- (d) time limits and order of presentation of evidence at the hearing.

At the request of any party, the Committee Chair will conduct separate meetings with the appellant and the respondent for purposes of the pre-hearing conference.

With concurrence of a majority of the Discrimination Grievance Committee, the Chair may decide to set aside the hearing date for any period up to ten (10) business days for additional investigation, to obtain additional witnesses or evidence.

#### **5. The Hearing**

The Chair of the Discrimination Grievance Committee will conduct the hearing. The hearing will be a non-adversarial proceeding and strict rules of evidence will not be applied. However, the Chair of the Committee may limit or refuse to allow evidence or testimony that is not reasonably related to a determination of whether a violation of the policy occurred.

The hearing will be conducted to assure fairness and accuracy in fact-finding. The parties and witnesses will address the members of the Committee rather than each other. The Chair will be the final arbiter of all matters of procedure. All hearings are closed to the public.

#### **6. The Decision**

Within ten (10) business days of the conclusion of the formal hearing Chair of the Discrimination Grievance Committee will submit the committee decision in writing to the parties, the Title IX Coordinator and to the President. The written decision will contain the following:

- (a) A summary of the allegations including a description of the harm alleged to have been caused;
- (b) A summary of the response to the allegations;
- (c) A statement of the relief sought by the complainant if known, or of the recommendation of the Title IX Coordinator, if applicable;
- (d) Specific reference to the portion(s) of the policy(ies) alleged to have been violated;
- (e) Analysis of whether the Title IX Coordinator:
  - i. exhibited unfair bias which influenced the result of the investigation;
  - ii. failed to conduct a thorough investigation;
  - iii. issued arbitrary findings and recommendations;
  - iv. had a conflict of interest; or
  - v. issued findings and recommendations that if adopted would result in substantial injustice; and
  - vi. Recommendations, if any, regarding redress of the complaint as well as any other recommendations, as applicable, for precluding further policy violations.

## **7. Action on Decision**

The President will review the Committee's decision. The President's review is limited to determining:

- (1) Whether the evidence provides a reasonable basis for the resulting decision; and
- (2) Whether specified procedural errors were so substantial as to deny a fair hearing to either party.

Within ten (10) business days of receipt of the Committee's decision, the President will notify the Committee Chair, the Title IX Coordinator, and the parties, in writing, of the President's decision relative to each of the findings and recommendations forwarded by the Discrimination Grievance Committee. The President's decision is final and non-appealable. The Title IX Coordinator will distribute copies to Committee members and to the parties.

## **(Q) CONFLICT OF INTEREST AND TRAINING**

All College officials who are involved in the discrimination grievance process, including the Title IX Coordinator, designated investigators, Discrimination Grievance Committee, and Discipline Authorities, will have adequate, annual training. Training will address, but is not limited to, recognizing and appropriately responding to allegations of discrimination, harassment, including hostile environment harassment, sexual misconduct, dating violence, domestic violence, stalking, and retaliation, conducting investigations, protecting confidentiality, promoting accountability, and recognizing the link between alcohol and drug use and sexual assault and sexual harassment.

The names of the investigator and the individuals who will serve on the Discrimination Grievance Committee for a particular matter will be readily accessible. These individuals must promptly disclose any potential conflict of interest they might have in a particular case. In the rare situation in which an actual or perceived conflict of interest arises between an Investigator, or member of the Discrimination Grievance Committee, that conflict must be disclosed to both parties.

## **(R) EXTERNAL COMPLAINTS**

A person that files a complaint with the Title IX Coordinator and believes the College's response was inadequate, or otherwise believes they have been discriminated against by the College on the basis of race, color, national origin, sex, including sexual harassment, disability age, or retaliation, may file a complaint with the Office for Civil Rights (OCR) of the U.S. Department of Education or the Educational Opportunities Section (EOS) of the Civil Rights Division of the U.S. Justice Department of Justice, and a complaint based on religion with EOS of the U.S. Justice Department.

As a student or employee, if you filed a complaint with the Title IX Coordinator and believe the College's response was inadequate, or you otherwise believe you have been discriminated against by the College on the basis of race, color, national origin, sex, including sexual harassment, disability, age, religion, creed, pregnancy, marital status, familial status (housing only), or political beliefs, or retaliation, you may file a complaint with the Ohio Civil Rights Commission.

## **(S) EXTENSIONS OF TIME**

Time frames in this procedure may be extended by submitting a written request stating the reasons for requesting an extension. An extension may be granted only if good cause is shown, as determined by the Title IX Coordinator or Discrimination Grievance Committee Chair, whichever is applicable. In the event an extension of the timeframes is granted, the Complainant and Respondent will be notified of the extension as well as the reason(s) supporting the showing of good cause.

## **Options in Reporting Sex Offenses to Local Law Enforcement Agencies**

Students who become victims of sexual assaults are strongly encouraged to report such offenses to the appropriate law enforcement agency. If the offense occurs on the Lima Campus, the student has the option of notifying the Ohio State University Police Department, Ohio State Highway Patrol or the Allen County Sheriff's Department. All three law enforcement agencies have jurisdiction over criminal matters on the Lima campus. The appropriate law enforcement agency can be contacted by dialing 9-1-1 from any campus telephone, including pay telephones, without cost. Students may request assistance in making such a report to a law enforcement agency from any member of the campus faculty and staff or from security personnel.

## **Available Counseling**

Counseling services are available through the Allen County Crime Victim Services Tel: (419) 222-8666. Additional counseling resources are available in the Student Affairs Office, PS 216.

*If you are in need of immediate assistance, please call the We Care Crisis Center at 1-800-567-HOPE.*

## **Academic Assistance for Sex Offense Victims**

Rhodes State College will make every effort to assist sex offense victims who request changes in their academic situation after an alleged sex offense, if such changes can be reasonably made. Students who need modification of their academic situation should contact either the Vice President for Academic Affairs (Keese Hall Room 201, Telephone 419-995-8263) or the Vice President for Student Affairs (Public Service Building Room 216, Telephone 419-995-8886).

## **Definitions**

For the purposes of this document the following definitions were used in the reportable crime offenses under the Clery Act.

### **I. Sex Offense Definitions**

Per the National Incident-Based Reporting System (NIBRS) Data Collection Guidelines edition of the Uniform Crime Reporting (UCR) Program

#### **A. Sex Offenses**

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

**1. Rape**

Is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim? This offense includes the rape of both male and females.

**2. Fondling**

Is the touching of the private body parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity?

**3. Incest**

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

**4. Statutory Rape**

Is sexual intercourse with a person who is under the statutory age of consent?

**II. Additional Clery/VAWA Reportable Crime Definitions – Alphabetical Order**

Per the FBI's Uniform Crime Reporting Program (UCR)

**A. Arson**

Any willful or malicious burning or attempting to burn, with or without intent to defraud, a dwelling house public building, motor vehicle, or aircraft, personal property of another, etc.

**B. Aggravated Assault**

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that the injury result from an aggravated assault when a gun, knife or another weapon is used which could and probably would result in a serious injury if the crime were successfully completed).

**C. Burglary**

The unlawful entry into a structure to commit a felony or theft. For reporting purposes this definition includes: unlawful entry with the intent to commit a larceny: housebreaking, safecracking, and all attempts to commit any of the aforementioned.

**D. Manslaughter by Negligence**

The killing of another person through gross negligence

**E. Murder and Non-Negligent Manslaughter**

The willful (non-negligent) killing of one human being by another.

**F. Motor Vehicle Theft**

The theft or attempted theft of a motor vehicle

**G. Robbery**

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**H. Drug Abuse Violations**

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

**I. Liquor Law Violations**

The violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, possession of intoxicating liquor, maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using vehicle for illegal transporting of liquor, drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving while under the influence are not included in this definition.)

**J. Weapons Law Violations**

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

**K. Domestic Violence**

Asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, persons similarly situated under domestic or family violence laws, or anyone else protected under domestic or family law violence.

**L. Dating Violence**

Violence by a person who has been in a romantic or intimate relationship with the victim, whether there was such a relationship will be gauged by its length, type and frequency of interaction.

**M. Stalking**

Repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death.

### **III. Geographic Locations**

#### **A. On Campus**

Defined as (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

#### **B. Non Campus**

Defined as (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by the institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

#### **C. Public Property**

Defined as all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediate adjacent to and accessible from campus.



# Rhodes State College

## 2019 Annual Safety and Security Report

### Crime Statistics Chart

Crime	On Campus			Non Campus*			Public Property Bordering Campus		
	2016	2017	2018	2016	2017	2018	2016	2017	2018
Murder and Non Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
<b>Sex Offenses</b>									
Rape	1	0	0	0	0	0	0	0	0
Fondling	0	1	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	1	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	1	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
<b>VAWA Crimes</b>									
Dating Violence	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<b>Arrests</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Illegal Weapons Possession	0	0	0	0	0	0	0	1	0
Drug Law Violations	0	0	0	0	0	0	0	8	0
Liquor Law Violations	0	0	0	0	0	0	0	1	0
<b>Disciplinary Referral</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0

\*Off Campus locations: Used by students, faculty and staff.

- YMCA in Lima, Ohio where Rhodes State College operates a daycare center in combination with the Childhood Development Program it offers to students
- Veterans Memorial Civic and Convention Center of Lima/Allen County – Commencement exercises only (May 4 and 5, 2018)
- The Lima Police Department and the Allen County Sheriff’s Office were contacted and requested to provide crime statistics for the locations within their jurisdiction.

## **Hate Crimes**

A hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender’s bias. Bias is a performed negative opinion or attitude towards a group of persons based on their race, gender, religion, sexual orientation, gender identity, ethnic or national origin, or disability.

All of the reportable Clery crimes and VAWA reportable crime statistics that are listed in the above chart are also the reportable offenses for hate crimes. In addition, crimes such as larceny, intimidation and destruction/damage/vandalism of property can also be classified as reportable hate crimes

**There were no Hate Crimes reported for the reporting period of 2018.**

# Appendix A

## Ohio State University – Lima 2018 Security Report

<https://lima.osu.edu/faculty-and-staff/administration/security/notices-and-crime-statistics.html>

