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# 2018 Annual Campus Security and Fire Safety Report

Larry Banaszak

*Otterbein University*, [lbanaszak@otterbein.edu](mailto:lbanaszak@otterbein.edu)

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**2018**

**Annual Campus Security and Fire Safety Report**

**Main Campus: 1 South Grove Street Westerville, Ohio 43081**

**And**

**Annual Campus Security and Fire Safety Report**

**Equine Facility: 600 North Spring Street Westerville, Ohio 43081**

**Prepared by the Otterbein Police Department**



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## General Crime and Arrest and Referral Statistics:

The following crime and arrest statistics compiled by OPD are from calendar years 2015, 2016, and 2017. The statistics do not reflect reports that might have been made to other departments or individuals at the University unless those individuals or departments informed OPD of the incidents. Victims or witnesses may report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. Professional counselors, when acting as a counselor, are not required to report crimes or incidents; however, the University urges counselors to provide "statistical information" should they become aware of a sexual assault incident.

Comprehensive crime statistics for Otterbein University are also available online at the U.S. Department of Education <http://ope.ed.gov/security/> and the Federal Bureau of Investigation Uniform Crime Reports (UCR) <https://www.fbi.gov/about-us/cjis/ucr/ucr>. **Crime definitions under the Clery Act and UCR may be different, so crime statistics provided in Clery and UCR reports may differ.**

Institutions of higher education are required to compile and report crime statistics in four categories by location. The categories are: "On-Campus", "On Campus Student Housing Facilities", "Non-Campus Buildings or Property", and "Public Property".

**"On Campus"** means any building or property owned or controlled by the University within the same reasonable contiguous geographic area and used by the University in direct support of, or in a manner related to the University's educational purposes, including residence halls; and

Any building or property that is within a reasonably contiguous to the previous paragraph that is owned by the University but controlled by another person, is frequently used by students, and supports University purposes (such as food or other retail vendor).

**"On Campus Student Housing Facilities"** means any student housing facility that is owned or controlled by the University, or is located on property that is owned or controlled by the University, and is within a reasonable contiguous area that makes up the campus.

**"Non-Campus Buildings or Property"** is defined as buildings or property not part of the main campus or a separate campus, which is: owned or controlled by the University; and used in support or in relation to the University's educational purposes, including student-housing areas. For the purpose of gathering and classifying statistics for this report, properties listed as "non-campus" include: Equine Facility located at 600 North Spring Road, and the Frank Museum at 39 South Vine Street.

**"Public Property"** relates to offenses occurring on: All public property, including thoroughfares, streets, sidewalks, parks, and parking facilities, that are within the campus, or immediately adjacent to and accessible from the campus. "Public Property" crime information is collected by OPD and the Westerville Police Department.

The table below lists eleven categories of crime as required by the Jeanne Clery Act. Each category is subdivided by where the criminal incident took place: On-Campus, in a Residence Hall, on a Non-Campus Property, or on adjoining Public Property

## OTTERBEIN UNIVERSITY MAIN CAMPUS CRIME STATISTICS

Type of Offense	Year	On Campus	On-Campus Residential Facility	Non-Campus Buildings or Properties	Public Property
Murder and Non-Negligent Manslaughter	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Manslaughter by Negligence	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Rape	2015	0	0	0	0
	2016	1	0	0	0
	2017	2	1	0	0
Fondling	2015	1	1	2	0
	2016	4	3	1	0
	2017	1	0	0	0
Incest	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Statutory Rape	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Robbery	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Aggravated Assault	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0



Burglary	2015	13	3	0	0
	2016	10	6	0	0
	2017	2	0	0	0
Motor Vehicle Theft	2015	1	0	0	0
	2016	0	0	0	1
	2017	0	0	0	0
Arson	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Stalking	2015	0	0	0	0
	2016	2	1	1	0
	2017	7	3	1	0
Dating Violence	2015	1	1	0	0
	2016	1	1	1	0
	2017	2	1	0	0
Domestic Violence	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0

#### **HATE CRIME STATISTICS FOR MAIN CAMPUS**

Hate crimes for Clery purposes are defined as any of the crimes from the previous page, plus the crimes of larceny-theft, simple assault, intimidation, vandalism, and any other crime involving bodily injury to any person in which the victim was intentionally selected because of the offender's bias against the victim's actual or perceived race, gender, religion, ethnicity/national origin, sexual orientation or disability.

One hate crime was reported in 2017. The crime was listed as a simple assault with a racial bias on public property.

**\*\*In 2015 and 2016 there were no incidents of Hate Crimes reported.\*\***

Arrest statistics for three offense categories for 2015, 2016, and 2017 are also listed below. "Liquor violations" primarily consist of underage possession or consumption of alcoholic beverages, and do not include driving while impaired or under the influence of alcohol, or public drunkenness. The University is also required to report referrals for campus disciplinary proceedings for alcohol, drug, and weapons law violations in these statistics.

## ARREST AND DISCIPLINE REFERRAL STATISTICS MAIN CAMPUS

<b>Persons Arrested:</b>	<b>On Campus</b>	<b>On Campus Residential Facility</b>	<b>Non-Campus</b>	<b>Public Property</b>
Liquor Law Violations				
2015	3	1	0	7
2016	1	1	0	5
2017	2	1	0	6
Drug Law Violations				
2015	3	3	0	0
2016	10	9	1	6
2017	4	3	0	5
Illegal Weapon Violations				
2015	1	1	0	0
2016	0	0	0	0
2017	0	0	0	0
<b>Persons Referred for Discipline:</b>				
Liquor Law Violations				
2015	40	38	0	0
2016	65	60	0	0
2017	76	75	0	1
Drug Law Violations				
2015	1	1	0	0
2016	9	9	0	0
2017	6	6	0	1

Illegal Weapon Violations				
2015	0	0	0	0
2016	0	0	0	0
2017	1	0	0	0

#### UNFOUNDED CRIMES FOR MAIN CAMPUS

2015	0	0	0	0
2016	1	0	0	0
2017	0	0	0	0

Note In 2016, 1 burglary statistic was determined to be unfounded.

#### MAIN CAMPUS FIRE STATISTICS REPORTING TABLE:

Statistics and Related Information Regarding Fires in Residential Facilities for 2017						
Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
25 W. Home	1	1	Cooking	0	0	0
Clements Hall	0	0	NA	0	0	0
DeVore Hall	0	0	NA	0	0	0
Davis Hall	0	0	NA	0	0	0
Davis Annex	0	0	NA	0	0	0
Dunlap-King	0	0	NA	0	0	0
Engle Hall	0	0	NA	0	0	0
Garst Hall	0	0	NA	0	0	0
Hanby Hall	0	0	NA	0	0	0
Home St. Commons I & II	0	0	NA	0	0	0
Home St. Commons III & IV	0	0	NA	0	0	0
Mayne Hall	0	0	NA	0	0	0
Park St. Commons I & II	0	0	NA	0	0	0
Park St. Commons III & IV	0	0	NA	0	0	0
Scott Hall	0	0	NA	0	0	0

<b>Statistics and Related Information Regarding Fires in Academic Facilities for 2017</b>						
Academic Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Art & Communications Building	0	0	NA	0	0	0
Battelle Fine Arts Center	0	0	NA	0	0	0
Clements Recreation Center	0	0	NA	0	0	0
The Point	0	0	NA	0	0	0
Courtright Memorial Library	0	0	NA	0	0	0
Cowan Hall	0	0	NA	0	0	0
Rike Athletic Center	0	0	NA	0	0	0
Roush Hall	0	0	NA	0	0	0
Science Center	0	0	NA	0	0	0
Towers Hall	0	0	NA	0	0	0

<b>Statistics and Related Information Regarding Fires in Administrative Facilities for 2017</b>						
Academic Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Barlow Hall (Chapel/Career Center/Financial Aid)	0	0	NA	0	0	0
Business Office and Human Resources	0	0	NA	0	0	0
Campus Center	0	0	NA	0	0	0
Cellar House	0	0	NA	0	0	0
Center for Community Engagement/Chaplain	0	0	NA	0	0	0
Clippinger Hall	0	0	NA	0	0	0
Frank Museum	0	0	NA	0	0	0
Hancock House	0	0	NA	0	0	0
Health Center	0	0	NA	0	0	0
172/174 West Main (Administrative/Faculty Offices)	0	0	NA	0	0	0
181 North West Street	0	0	NA	0	0	0

(Rowland Property)						
Howard House	0	0	NA	0	0	0
Memorial Stadium	0	0	NA	0	0	0
Police Department	0	0	NA	0	0	0
President's Home	0	0	NA	0	0	0
Psychology House	0	0	NA	0	0	0
Service Department Office & Shop	0	0	NA	0	0	0
Service Department Heating Plant in rear	0	0	NA	0	0	0
Student Affairs	0	0	NA	0	0	0
Thrift Shop	0	0	NA	0	0	0

Statistics and Related Information Regarding Fires in Other Otterbein Owned Properties for 2017						
Academic Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
5 South West Street	0	0	NA	0	0	0
40 West Home Street	0	0	NA	0	0	0
44 West Home Street	0	0	NA	0	0	0
150 West Main Street	0	0	NA	0	0	0
145 West Park Street	0	0	NA	0	0	0
299 North West Street (Athletics Fields)	0	0	NA	0	0	0
McFadden Parking Lot	0	0	NA	0	0	0
55 West Home Street (Vacant Lot)	0	0	NA	0	0	0
72 West Main Street (Vacant Lot)	0	0	NA	0	0	0
149 West Park Street (Vacant Lot)	0	0	NA	0	0	0
100 South Cleveland Avenue (Vacant Lot)	0	0	NA	0	0	0
100 Collegeview Road (Vacant Lot)	0	0	NA	0	0	0
76 West Park Street (Vacant Lot)	0	0	NA	0	0	0
South of 47 University Street (Vacant Lot)	0	0	NA	0	0	0

Statistics and Related Information Regarding Fires in Sororities for 2017						
Residential Facilities	Total	Fire	Cause of Fire	Number of	Number	Value of

	Fires in Each Building	Number		Injuries That Required Treatment at a Medical Facility	of Deaths Related to Fire	Property Damage Caused by Fire
Epsilon Kappa Tau	0	0	NA	0	0	0
Sigma Alpha Tau	0	0	NA	0	0	0
Tau Delta	0	0	NA	0	0	0
Theta Nu	0	0	NA	0	0	0

Statistics and Related Information Regarding Fires in Fraternities for 2017						
Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Lambda Gamma Epsilon	0	0	NA	0	0	0
Sigma Delta Phi	0	0	NA	0	0	0

Statistics and Related Information Regarding Fires in Theme Houses for 2017						
Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
46 W. Home St.	0	0	NA	0	0	0
146 W. Home St.	0	0	NA	0	0	0
154 W. Home St.	0	0	NA	0	0	0
155 W. Home St.	0	0	NA	0	0	0
162 W. Home St.	0	0	NA	0	0	0

Statistics and Related Information Regarding Fires in Residential Facilities for 2016						
Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
25 W. Home	0	0	NA	0	0	0

Clements Hall	0	0	NA	0	0	0
DeVore Hall	0	0	NA	0	0	0
Davis Hall	0	0	NA	0	0	0
Davis Annex	0	0	NA	0	0	0
Dunlap-King	0	0	NA	0	0	0
Engle Hall	0	0	NA	0	0	0
Garst Hall	0	0	NA	0	0	0
Hanby Hall	0	0	NA	0	0	0
Home St. Commons I & II	0	0	NA	0	0	0
Home St. Commons III & IV	0	0	NA	0	0	0
Mayne Hall	0	0	NA	0	0	0
Park St. Commons I & II	0	0	NA	0	0	0
Park St. Commons III & IV	0	0	N/A	0	0	0
Scott Hall	0	0	NA	0	0	0

Statistics and Related Information Regarding Fires in Academic Facilities for 2016						
Academic Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Art & Communications Building	0	0	NA	0	0	0
Battelle Fine Arts Center	0	0	NA	0	0	0
Clements Recreation Center	0	0	NA	0	0	0
The Point	0	0	NA	0	0	0

Courtright Memorial Library	0	0	NA	0	0	0
Cowan Hall	0	0	NA	0	0	0
Rike Athletic Center	0	0	NA	0	0	0
Roush Hall	0	0	NA	0	0	0
Science Center	0	0	NA	0	0	0
Towers Hall	0	0	NA	0	0	0

Statistics and Related Information Regarding Fires in Administrative Facilities for 2016						
Academic Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Barlow Hall (Chapel/Career Center/Financial Aid)	0	0	NA	0	0	0
Business Office and Human Resources	0	0	NA	0	0	0
Campus Center	0	0	NA	0	0	0
Cellar House	0	0	NA	0	0	0
Center for Community Engagement/Chaplain	0	0	NA	0	0	0
Clippinger Hall	0	0	NA	0	0	0
Frank Museum	0	0	NA	0	0	0
Hancock House	0	0	NA	0	0	0
Health Center	0	0	NA	0	0	0
172/174 West Main (Administrative/Faculty Offices)	0	0	NA	0	0	0
181 North West Street (Rowland Property)	0	0	NA	0	0	0



Howard House	0	0	NA	0	0	0
Memorial Stadium	0	0	NA	0	0	0
Police Department	0	0	NA	0	0	0
President's Home	0	0	NA	0	0	0
Psychology House	0	0	NA	0	0	0
Service Department Office & Shop	0	0	NA	0	0	0
Service Department Heating Plant in rear	0	0	NA	0	0	0
Student Affairs	0	0	NA	0	0	0
Thrift Shop	0	0	NA	0	0	0

Statistics and Related Information Regarding Fires in Other Otterbein Owned Properties for 2016						
Academic Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
5 South West Street	0	0	NA	0	0	0
40 West Home Street	0	0	NA	0	0	0
44 West Home Street	0	0	NA	0	0	0
150 West Main Street	0	0	NA	0	0	0
145 West Park Street	0	0	NA	0	0	0
299 North West Street (Athletics Fields)	0	0	NA	0	0	0
McFadden Parking Lot	0	0	NA	0	0	0
55 West Home Street (Vacant Lot)	0	0	NA	0	0	0
72 West Main Street (Vacant Lot)	0	0	NA	0	0	0

149 West Park Street (Vacant Lot)	0	0	NA	0	0	0
100 South Cleveland Avenue (Vacant Lot)	0	0	NA	0	0	0
100 Collegeview Road (Vacant Lot)	0	0	NA	0	0	0
76 West Park Street (Vacant Lot)	0	0	NA	0	0	0
South of 47 University Street (Vacant Lot)	0	0	NA	0	0	0

Statistics and Related Information Regarding Fires in Sororities for 2016						
Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Epsilon Kappa Tau	0	0	NA	0	0	0
Sigma Alpha Tau	0	0	NA	0	0	0
Tau Delta	0	0	NA	0	0	0
Theta Nu	0	0	NA	0	0	0

Statistics and Related Information Regarding Fires in Fraternities for 2016						
Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Lambda Gamma Epsilon	0	0	NA	0	0	0
Sigma Delta Phi	0	0	NA	0	0	0

Statistics and Related Information Regarding Fires in Theme Houses for 2016
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Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
46 W. Home St.	0	0	NA	0	0	0
146 W. Home St.	0	0	NA	0	0	0
154 W. Home St.	0	0	NA	0	0	0
155 W. Home St.	0	0	NA	0	0	0
162 W. Home St.	0	0	NA	0	0	0

Statistics and Related Information Regarding Fires in Residential Facilities for 2015						
Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
25 W. Home	0	0	NA	0	0	0
Clements Hall	0	0	NA	0	0	0
DeVore Hall	0	0	NA	0	0	0
Davis Hall	0	0	NA	0	0	0
Davis Annex	0	0	NA	0	0	0
Dunlap-King	0	0	NA	0	0	0
Engle Hall	0	0	NA	0	0	0
Garst Hall	0	0	NA	0	0	0
Hanby Hall	0	0	NA	0	0	0
Home St. Commons I & II	0	0	NA	0	0	0
Home St. Commons III & IV	0	0	NA	0	0	0
Mayne Hall	0	0	NA	0	0	0

Park St. Commons I & II	0	0	NA	0	0	0
Park St. Commons III & IV	1	1	Mattress fire	0	0	\$0-\$99
Scott Hall	0	0	NA	0	0	0

Statistics and Related Information Regarding Fires in Academic Facilities for 2015						
Academic Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Art & Communications Building	0	0	NA	0	0	0
Battelle Fine Arts Center	0	0	NA	0	0	0
Clements Recreation Center	0	0	NA	0	0	0
The Point	0	0	NA	0	0	0
Courtright Memorial Library	0	0	NA	0	0	0
Cowan Hall	0	0	NA	0	0	0
Rike Athletic Center	0	0	NA	0	0	0
Roush Hall	0	0	NA	0	0	0
Science Center	0	0	NA	0	0	0
Towers Hall	0	0	NA	0	0	0

Statistics and Related Information Regarding Fires in Administrative Facilities for 2015						
Academic Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire

Barlow Hall (Chapel/Career Center/Financial Aid)	0	0	NA	0	0	0
Business Office and Human Resources	0	0	NA	0	0	0
Campus Center	0	0	NA	0	0	0
Cellar House	0	0	NA	0	0	0
Center for Community Engagement/Chaplain	0	0	NA	0	0	0
Clippinger Hall	0	0	NA	0	0	0
Frank Museum	0	0	NA	0	0	0
Hancock House	0	0	NA	0	0	0
Health Center	0	0	NA	0	0	0
172/174 West Main (Administrative/Faculty Offices)	0	0	NA	0	0	0
181 North West Street (Rowland Property)	0	0	NA	0	0	0
Howard House	0	0	NA	0	0	0
Memorial Stadium	0	0	NA	0	0	0
Police Department	0	0	NA	0	0	0
President's Home	0	0	NA	0	0	0
Psychology House	0	0	NA	0	0	0
Service Department Office & Shop	0	0	NA	0	0	0
Service Department Heating Plant in rear	0	0	NA	0	0	0
Student Affairs	0	0	NA	0	0	0
Thrift Shop	0	0	NA	0	0	0

<b>Statistics and Related Information Regarding Fires in Other Otterbein Owned Properties for 2015</b>
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Academic Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
5 South West Street	0	0	NA	0	0	0
40 West Home Street	0	0	NA	0	0	0
44 West Home Street	0	0	NA	0	0	0
150 West Main Street	0	0	NA	0	0	0
145 West Park Street	0	0	NA	0	0	0

**Statistics and Related Information Regarding Fires in Sororities for 2015**

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Epsilon Kappa Tau	0	0	NA	0	0	0
Sigma Alpha Tau	0	0	NA	0	0	0
Tau Delta	0	0	NA	0	0	0
Theta Nu	0	0	NA	0	0	0

**Statistics and Related Information Regarding Fires in Fraternities for 2015**

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Lambda Gamma Epsilon	0	0	NA	0	0	0
Sigma Delta Phi	0	0	NA	0	0	0

**Statistics and Related Information Regarding Fires in Theme Houses for 2015**

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
46 W. Home St.	1	1	Cooking	0	0	\$0-\$99
146 W. Home St.	0	0	NA	0	0	0
154 W. Home St.	0	0	NA	0	0	0
155 W. Home St.	0	0	NA	0	0	0
162 W. Home St.	0	0	NA	0	0	0

**OTTERBEIN UNIVERSITY EQUINE FACILITY CRIME STATISTICS 2017:**

Type of Offense	Year	On Campus	On-Campus Residential Facility	Non-Campus Buildings or Properties	Public Property
Murder and Non-Negligent Manslaughter	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Manslaughter-Negligent	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Rape	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Fondling	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Incest	2015	0	0	0	0
	2016	0	0	0	0

	2017	0	0	0	0
Statutory Rape	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Robbery	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Aggravated Assault	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Burglary	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Motor Vehicle Theft	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Arson	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Stalking	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Dating Violence	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Domestic Violence	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0



## HATE CRIME STATISTICS FOR EQUINE FACILITY

Hate crimes for Clery purposes are defined as any of the crimes from the previous page, plus the crimes of larceny-theft, simple assault, intimidation, vandalism, and any other crime involving bodily injury to any person in which the victim was intentionally selected because of the offender's bias against the victim's actual or perceived race, gender, religion, ethnicity/national origin, sexual orientation or disability.

**\*\*In 2015, 2016, and 2017 there were no incidents of Hate Crimes reported.\*\***

Arrest statistics for three offense categories for 2015, 2016, and 2017 are also listed below. "Liquor violations" primarily consist of underage possession or consumption of alcoholic beverages, and do not include driving while impaired or under the influence of alcohol, or public drunkenness. The University is also required to report referrals for campus disciplinary proceedings for alcohol, drug, and weapons law violations in these statistics.

## ARREST AND DISCIPLINE REFERRAL STATISTICS EQUINE FACILITY:

<b>Persons Arrested:</b>	<b>On Campus</b>	<b>On Campus Residential Facility</b>	<b>Non- Campus</b>	<b>Public Property</b>
Liquor Law Violations				
2015	0	0	0	0
2016	0	0	0	0
2017	0	0	0	0
Drug Law Violations				
2015	0	0	0	0
2016	0	0	0	0
2017	0	0	0	0
Illegal Weapon Violations				
2015	0	0	0	0
2016	0	0	0	0
2017	0	0	0	0
<b>Persons Referred for Discipline:</b>				
Liquor Law Violations				
2015	0	0	0	0

2016	0	0	0	0
2017	0	0	0	0
Drug Law Violations				
2015	0	0	0	0
2016	0	0	0	0
2017	0	0	0	0
Illegal Weapon Violations				
2015	0	0	0	0
2016	0	0	0	0
2017	0	0	0	0

#### UNFOUNDED CRIMES FOR EQUINE FACILITY

2015	0	0	0	0
2016	0	0	0	0
2017	0	0	0	0

#### 2017 ANNUAL CAMPUS SECURITY / FIRE SAFETY REPORT EQUINE FACILITY

LOCATION:	Fire alarm monitoring	Partial sprinkler system	Full sprinkler system	Smoke detectors	Manual pull stations	Fire extinguishers	Evac plans posted	Number of evacuation (fire) drills
	Each calendar year							
<u>Equine Facility</u>								
600 North Spring Road	X		X	X	X	X	X	

## EQUINE FACILITY FIRE STATISTICS REPORTING TABLE:

### Fire Statistics:

Statistics and Related Information Regarding Fires in Residential Facilities for 2017						
Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
600 North Spring St.	0	0	NA	0	0	0

Statistics and Related Information Regarding Fires in Residential Facilities for 2016						
Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
600 North Spring St.	0	0	NA	0	0	0

Statistics and Related Information Regarding Fires in Residential Facilities for 2015						
Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
600 North Spring St.	0	0	NA	0	0	0

## **Notice of Combined Annual Security Report and Annual Fire Safety Report Availability**

Otterbein is committed to assisting all members of the community in providing for their own safety and security. The annual security and fire safety compliance document is available on the OPD website at [www.otterbein.edu/police/](http://www.otterbein.edu/police/). Under Clery Act & Crime Reporting, click Annual Safety Statistics. Click Annual Campus Security and Fire Safety Report.

OPD prepares the Annual Security and Fire Safety Information Report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The report is prepared in cooperation with local law enforcement and fire department agencies surrounding our campus, as well as the Office of Student Affairs and other University departments.

Campus crime, arrest and referral statistics include those reported to OPD, designated campus officials (Campus Security Authorities), including but not limited to directors, deans, residential life personnel, Student Conduct personnel, advisors to student's/student organizations, athletic coaches, other University employees, and local law enforcement agencies.

Each year, an e-mail notification is made to all enrolled students, faculty and staff that provide the web site to access the report. Copies of the report may also be obtained at OPD located at 194 West Main Street Westerville, Ohio 43081, or by calling (614) 823-1222, or emailing [Police@Otterbein.edu](mailto:Police@Otterbein.edu).

Prospective employees and students may also obtain a copy of the report through OPD.

Statistical information for criminal incidents reported to OPD is also filed yearly with the Westerville Police Department in the Westerville Ohio Uniform Crime Report. Information on crimes in Westerville and in the areas surrounding campus is available at the Westerville Division of Police. Their address is 29 South State Street Westerville, Ohio 43081. Their Phone number is (614) 901-6450.

### **Letter from the Chief of Police:**

To the Otterbein Campus Community,

Thank you for taking time to read the Annual Campus Security and Fire Safety Report. The report is designed to provide you with important information about security and fire safety on campus. It contains statistics about reported crimes, as well as descriptions of safety programs presented on campus. Note that this report covers both main campus and the Equine Facility. There are separate crime and fire statistics for main campus and the Equine Facility but the policy statements and other items contained in the report are the same for both campuses.

The safety you experience on campus is due in part to combined efforts of many departments and individuals. It is a shared responsibility in which all members of the community are asked to contribute to campus safety and security. This "Community Approach to Safety" encourages the practice of applying common sense safety behaviors as students, faculty, staff and guests go about their daily

activities. A key component of the “Community Approach to Safety” is to report crimes or suspected criminal activity to the Otterbein Police Department as soon as possible.

The Otterbein University Police Department is primarily responsible for criminal enforcement on campus and developing and providing services, programs, and strategies for maintaining a safe campus. In order to meet this goal, the Department focuses primarily on four functions. First is a strong partnership with and service to the campus community. We recognize that we exist to provide service to the campus community and support the idea that all relationships require constant nurturing. We are committed to the philosophy of community-oriented public safety and problem solving. The Otterbein University Police Department works with various entities on campus such as student organizations, residence hall personnel, athletic teams, Greek community, administrative and academic offices, in order to meet the safety needs of the community.

Second, the Otterbein University Police Department focuses on crime prevention and safety related programming to promote individual responsibility and community safety. The Department offers a wide range of training opportunities that are presented throughout the academic calendar at varying times and locations. Crime prevention and safety related programming currently scheduled can be viewed on the Otterbein Police Department web site at <http://www.otterbein.edu/Police/>

Third, we focus on the emergency management function, which requires a comprehensive approach to preventing, preparing for, responding to, and recovering from emergency situations. Otterbein has a proactive approach to planning for emergencies, having hosted and participated in several critical incident table-top exercises involving participants from many of Otterbein’s departments and offices, as well as City of Westerville and central Ohio emergency preparedness representatives.

Finally, the department is charged with the enforcement of Ohio and City of Westerville laws and ordinances, as well as Otterbein judicial regulations and policies. This function is essential to maintaining an environment that is safe and allows our educational mission to occur without disruption.

We hope you find this report informative and helpful, and that your stay at Otterbein will be enjoyable and safe. If you have questions or would like further information about safety and security at Otterbein, please visit us at <http://www.otterbein.edu/Police/> or contact us at (614) 823-1222.

Larry Banaszak

Chief of Police

Otterbein Police Department

## **Introduction:**

Franklin County and the City of Westerville are great places to live work and study but not immune from criminal activity. The Otterbein University Police Department (OPD) and Westerville Division of Police (WPD) make every effort to provide a safe and secure environment for citizens we serve. Both agencies are proactive in encouraging citizens to work with us to enhance safety and security.

## Purpose of Publication:

- Provide the Otterbein community with an overview of the Otterbein University Police Department services.
- Share crime statistics required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.
- Inform current and prospective students, staff, faculty, and visitors about the University's policies and programs designed to help keep them safe.
- Share information regarding emergency preparedness and planning.
- Share information regarding fire safety, fire statistics, and fire-related information.

The Otterbein Police Department provides the information contained in this document as a service to the Otterbein community and to comply with federal and state requirements. If you have any questions or concerns related to the information in this document, please contact the Otterbein University Police Department located at 194 West Main Street Westerville, Ohio 43081, or by email at [Police@Otterbein.edu](mailto:Police@Otterbein.edu), or by telephoning 614-823-1222.

## Campus Law:

OPD has complete police authority to apprehend and arrest anyone involved in illegal acts on-campus and streets and alleys immediately adjacent to the campus, as well as campus owned or leased property not in the main campus area. This authority is granted through the Ohio Revised Code Section 1713.50. If minor offenses involving University rules and regulations are committed by a University student, the campus police may also refer the individual to the disciplinary division of Student Affairs. Otterbein Police Officers have the authority to enforce State and Local laws, and University policies. Major offenses such as rape, murder, aggravated assault, robbery, and auto theft may be reported to the local police and joint investigative efforts may be conducted. The prosecution of all criminal offenses, both felony and misdemeanor, are conducted at Westerville City Mayor's Court (misdemeanors only), or the appropriate Municipal or Common Pleas Courts. OPD personnel work closely with local, state, and federal law enforcement agencies and have direct radio communication with the Westerville Division of Police. Otterbein University is a part of the City of Westerville 911 system.

The Otterbein Police Department encourages accurate and prompt reporting of all crimes, criminal actions, or other emergencies to the campus police and the appropriate police agencies, when the victim of a crime elects to, or is unable to, make such a report. All reports can be filed at the Otterbein Police Department located at 194 West Main Street Westerville Ohio 43081. If the actual offense did not occur on University owned property, the incident will be referred to the appropriate law enforcement entity.

The OPD has a Mutual Aid Agreement with the City of Westerville and their police and fire safety services. The Otterbein University Police Department, through the Westerville Division of Police Communication Center, maintains a **LEADS** terminal (**Law Enforcement Automated Data System**) as

well as access to **NCIC (National Crime Information Center)**. Through these systems, police personnel can access the National Crime Information Computer system as well as the State of Ohio Information Enforcement System. These computer databases are used for accessing criminal history data, nationwide police records, driver/vehicle identification information, as well as other local, state and federal law enforcement information.

Per agreement with the City of Westerville, OPD may respond throughout the entire city of Westerville to incidents when requested per the mutual aid agreement and or immediate threat of life.

Through coordination with local law enforcement agencies, any criminal activity engaged in by students at off-campus locations of student organizations, is reviewed and communicated between OPD and the Westerville Division of Police. This information is provided to the Dean of Students for any action or follow-up that may be required.

## **MOU:**

The University recognizes that laws and rules are necessary for society to function and supports the enforcement of law by governmental agencies and rules by officials of the University. All persons on the campus are subject to these laws and rules at all times. While Otterbein University is private property, and Constitutional protections apply, law enforcement officers may enter the campus to conduct business as needed. Additionally, the officers are invited to patrol the campus to assist OPD in deterring crime. All law enforcement agencies are expected to check in with OPD when on campus. OPD is recognized by the State of Ohio as a law enforcement agency. The MOU allows for the investigation of criminal incidents, between Otterbein University and the Westerville Police Department.

OPD enjoys an especially good relationship with the Westerville Police department (WPD). The response time of the police department to campus averages less than two minutes for emergency calls.

As noted in the introduction and the emergency policies, WPD is notified of all serious crime on campus, and is immediately notified of major crimes via the telephone or two-way radio. The University relies on the telephone or two-way radio to contact the City of Westerville communication center for fire and emergency medical needs. All victims are offered an opportunity to report crimes to WPD where appropriate under the MOU. The MOU allows Otterbein Police to investigate all crimes conducted on Otterbein University's campus. On major crimes, such as sexual assaults and rapes, the victim has the opportunity to request Westerville Police to handle the investigation.

Daily, all OPD officers receive a shift report from WPD, which indicates all crimes reported on said shift. Since OPD is dispatched by WPD, officers from both agencies maintain a close relationship to enhance the safety for the community. Command Staff officers from both agencies meet at least quarterly and sometimes sooner to review criminal activity and collaborate on current and new crime prevention efforts for campus and the city.

## **Criminal Activity Non-Campus Locations:**

Student Affairs maintains contact with recognized fraternity and sorority organizations through the efforts of the Greek Affairs Advisor. OPD does not provide law enforcement service to Greek organizations not owned by Otterbein. The Westerville Division of Police (WPD) has jurisdiction for any properties not owned by the University. WPD will handle all criminal activity at non-campus locations (including those owned or controlled by officially recognized student organizations) and they keep OPD informed about incidents related to Otterbein. OPD does provide service for Greek organizations living in facilities owned by Otterbein.

OPD and the Student Affairs Office monitor criminal activity at recognized fraternity and sorority residences. OPD enjoys close working relationships with Student Affairs, the Greek Life Coordinator, the Director of Residence Life and WPD. This cooperative team approach addresses situations as they arise as well as future concerns.

Otterbein University operates no non-campus housing or non-campus student organization facilities. However, approved senior students live in the campus area in private rental residences not owned by the University, as well as in rentals off campus, but near campus. While Otterbein Police do not have the primary jurisdiction in non-campus areas, OPD officers can and do respond to student-related incidents that occur in close proximity to campus when mutual aid is requested by the Westerville Police Department. When WPD requests aid from OPD in an off campus property involving students, they (WPD) are the primary agency handling the incident and OPD serves as a back-up support role. When an Otterbein student is involved in a non-campus offense, OPD may assist with the investigation in cooperation with local, state, or federal law enforcement. Note WPD shares information regarding non-campus crimes involving students with OPD, and may request an OPD representative be present when dealing with students in areas immediately adjacent to campus. WPD and other local law enforcement agencies regularly provide reports of offenses committed by students to OPD and the University's Office of Student Conduct.

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

To report a crime:

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to OPD in a timely manner. To report a crime, call 614-823-1222 or dial 911 if it is an emergency. Call 614-823-1222 also to report a non-emergency security or public safety related matter. You can also report a crime to the Westerville Police Department at 614-882-7444, 614-901-6790 or 614-901-6794. Dispatchers and personnel are available at these respective telephone numbers 24 hours a day to answer your call. Police officers will be dispatched to respond to your call.



## Emergency Call Boxes

Campus telephones are located outside the main entrances of most residence halls. If you need emergency assistance, pick up any campus telephone and dial 1222. There are also emergency "blue light phones" located strategically throughout campus. These blue light phones connect directly to OPD. The phones are activated by the touch of a button, and when the phones are activated, a strobe light on the top will flash. This marks the location for the responding officer and serves as a deterrent to further criminal activity. Telephones carried by patrol personnel will display the location of the call to ensure officers respond quickly to the correct location.

When you activate an emergency phone, please provide the following information:

- Your location
- The nature of the emergency

Be prepared to respond to communications from the officer. To familiarize you with Blue Light and emergency telephone locations an interactive Map showing the locations of blue light and emergency phones on campus is available online at the following link: <http://campustour.otterbein.edu/> (Check the "Emergency Call Box" link to see Location of phones.)

## Voluntary Confidential Reporting:

If you are the victim of a crime and do not want to pursue action within the University System or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Chief or his designee can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, by leaving your name out of the report, while taking steps to ensure the future safety of yourself and others. With such information, the University can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution. These reports are public record, but the Otterbein Police Department will keep your name out of the report if you request confidentiality.

The Otterbein Police Department encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other Otterbein University campus security authorities as identified below.

If a report of crime or incident of sexual misconduct discloses an immediate threat to the university's campus community, where timely notice must be given to protect the health or safety of the community, the University may not be able to maintain confidentiality of the incident, but all personal information will be protected. Circumstances that present an immediate threat to the Otterbein Community include but, are not limited to, reported incidents of sexual misconduct that include the use

of force, a weapon crime, any crimes of violence, or other circumstances that represent a serious and ongoing threat to Otterbein University students, faculty, staff or visitors.

## **Limited Voluntary Confidential Reporting:**

The Otterbein University Police Department encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, the Otterbein University Police Department cannot hold reports of crime in confidence. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to Otterbein University licensed counselors or clergy listed below:

Kathleen Ryan, Director of Counseling and Psychological Services; 614-823-1250; [kryan@oterbein.edu](mailto:kryan@oterbein.edu)

Judith Guion-Utsler, Otterbein University Chaplin; 614-823-1409; [jguionutsler@otterbein.edu](mailto:jguionutsler@otterbein.edu)

## **Counselors & Confidential Crime Reporting:**

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus “Pastoral Counselors” and Campus “Professional Counselors”, when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged; if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics. The rulemaking committee defines counselors as:

A Pastoral Counselor:

Any 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.

A Professional Counselor:

Any 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.

## **OPD Daily Crime Log:**

OPD maintains a Daily Crime Log, which is available to the public for review, at the Otterbein Police Department, located at 194 W. Main St., Westerville, Ohio 43081, from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

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

The Otterbein Community is strongly encouraged to report all crimes to OPD to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate. For example, a crime that was reported only to the local Rape Crisis Center would not be included in the Otterbein crime statistics. Crimes should be accurately and promptly reported to the Otterbein University Police Department or the appropriate police agency, when the victim of a crime elects to, or is unable to, make such a report.

You may also contact OPD at 614-823-1222 (non-emergencies), dial 911- (emergencies only), to report any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings or around the Residential Halls should be reported to the police department.

## **Response to a Report:**

An Otterbein Police Administrative Assistant is available by calling 614-823-1222 between 8:30 a.m. and 5:00 p.m. during normal business days. After 5:00 p.m., all calls are forwarded directly to an on duty Otterbein Police Officer. If you have an emergency, dial 9-1-1. Westerville Police Communications will take your emergency call and dispatch the appropriate units. In response to a call, OPD will take the required action, either dispatching an officer or asking the victim to report to OPD to file an incident report. All reported crimes will be investigated by OPD and all incidents documented by OPD will become a matter of public record. All OPD incident reports are forwarded to the Student Affairs Office for review and referral Judicial Affairs for potential action, as appropriate. OPD Investigators will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Student Affairs Office. If assistance is required from the Westerville Police Department or the Westerville Fire Department, OPD will contact Westerville Communications. If a sexual assault or rape should occur, staff on the scene, including OPD, will offer the victim a wide variety of services.

For off-campus options, you may call the Westerville Division of Police at 614-882-7444 for non-emergency matters or 911 for all emergencies.

## Timely Warnings:

In the event that a situation arises, within the Otterbein University Clery geography (On Campus, Public Property, and Non-Campus property, that, in the judgment of the Chief of Police, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The Otterbein Police Department will inform members of the Office of Marketing and Communications who will in turn create and deliver the messages. The messages will be sent via the Cardinal Red Alert Emergency Notification System to all students and employees. Otterbein students, faculty, and staff are automatically signed up for Cardinal Red Alert, but may opt out by visiting:

<http://www.otterbein.edu/public/CampusLife/HealthAndSafety/Police/redalert.aspx>

In the event that OPD officers are unable to send out a timely warning or make contact with the marketing department, Westerville Police Dispatch will notify the Rave Response Team.

If an incident is uncertain, a timely warning will be sent to the Vice President of Student Affairs for authorization.

All participants will receive an email through the university’s email system, which everyone is a participant. All students, staff and faculty that elect to provide their phone numbers will also receive a voicemail and a text message.

The alerts will also be sent to the Westerville Police Department and Westerville Fire Department Command Staff members and the Westerville Police and Fire Communications Center.

Depending on the particular circumstances of the crime, especially in situations that could pose an immediate threat to the community and individuals, the Marketing and Communications Office may post, in addition to the Cardinal Red Alert, a notice on the University web site in (MY OZONE) ([www.otterbein.edu](http://www.otterbein.edu)) providing the university community with more immediate notification. In such instances, a copy of the notice may also be posted in each residence hall, academic building and at the front door of each on-campus fraternity and sorority house as well as University owned Theme Houses.

MY OZONE is immediately accessible via computer by all faculty, staff and students. Anyone with information warranting a timely warning should report the circumstances to OPD by phone at 614-823-1222 or in person at 194 West Main Street Westerville, Ohio 43081. They can also phone the Westerville Police and Fire Communications Center at 614-901-6790 or

614-901-6794. the address for The Westerville Division of Police is 29 South State Street Westerville, Ohio should you want to make a report in person.

## RAVE RESPONSE TEAM:

Title	Telephone	Email
Director of Annual Giving & Constituent Communication	614-823-1963	<a href="mailto:mdoyly@otterbein.edu">mdoyly@otterbein.edu</a>

Executive Director of Marketing and Communications	614-823-1285	<a href="mailto:ponce1@otterbein.edu">ponce1@otterbein.edu</a>
Communication & Social Media Manager	614-823-1454	<a href="mailto:welkins@otterbein.edu">welkins@otterbein.edu</a>
Senior Communication Specialist / Chief Photographer	614-823-1288	<a href="mailto:esyguda@otterbein.edu">esyguda@otterbein.edu</a>
Director of Marketing and Communications	614-823-1284	<a href="mailto:jhill@otterbein.edu">jhill@otterbein.edu</a>

System to use	Primary Message Creator	Backup Message Creator	Authority for approving & sending messages	Primary Message Sender	Backup Message Sender
<b>PRIMARY:</b> <b>Cardinal Red Alert</b>	Director of Marketing	Designated Marketing Staff	Chief of Police or VP Student Affairs	Director of Marketing	Designated Marketing Staff
Email	Director of Marketing	Designated Marketing Staff	Chief of Police or VP Student Affairs	Director of Marketing	Designated Marketing Staff
Telephone/ Voice mail	Director of Marketing	Designated Marketing Staff	Chief of Police or VP Student Affairs	Director of Marketing	Designated Marketing Staff
Text Messages	Director of Marketing	Designated Marketing Staff	Chief of Police or VP Student Affairs	Director of Marketing	Designated Marketing Staff
<b>SECONDARY:</b> Flyers	Director of Marketing	Designated Marketing Staff	Chief of Police or VP Student Affairs	Director of Marketing	Designated Marketing Staff

Per the Clery Act, a Timely Warning will be issued for the crimes below if they pose a serious or continuing threat to the community:

- Murder/Non-Negligent Manslaughter
- Manslaughter by Negligence
- Rape
- Fondling
- Incest
- Statutory Rape
- Robbery
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger Otterbein Community) Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case by case basis)
- Burglary
- Motor Vehicle Theft
- Domestic Violence
- Arson
- Domestic Violence
- Stalking
- Dating Violence
- Other crimes as determined necessary by the Chief of Police, or his or her designee in his or her absence

The department does not issue Timely Warnings for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the Otterbein community have been mitigated by the apprehension.
2. A report was not filed with OPD or OPD was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community. Each incident will be evaluated on a case-by-case basis.

A Timely Warning notice will generally include the following:

- Date and time or timeframe of the incident
- A brief description of the incident

- Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips).
- Suspect description(s)
- Police/Public Safety agency contact information
- Other information as deemed appropriate

Keep in mind the initial notification will go out as quickly as possible to enhance safety. It will provide limited information as many of the details will not be known at the time. However, update information will follow as additional details are received and confirmed. All timely warnings and updates are sent via Cardinal Red Alert messages, email, or posted on the University web site at:

<http://www.otterbein.edu/public/CampusLife/HealthAndSafety/Police/redalert.aspx> Timely Warnings may also be posted in campus buildings in the lobby/entrance areas. The warnings will remain posted and disseminated as long as appropriate per OPD.

Timely Warnings are filed in the OPD case jacket investigative reports, as well as the Clery file for Timely Warnings.

Timely Warning Notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences.

## **Emergency Notifications: (Cardinal Red Alert Notifications):**

Emergency Notifications will be sent immediately, in circumstances where an immediate and ongoing threat exists to the Otterbein Community, through its Cardinal Red Alert mass notification system. These circumstances may include but not be limited to weather emergencies, criminal activity, natural disasters, fires, or any other situation that creates a situation, which potentially constitutes an immediate danger or ongoing threat to the campus community.

In the event of an emergency, Otterbein University will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the University community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees, and visitors.

A Cardinal Red Alert enables the university emergency response team members to communicate with students, staff, and faculty in minutes by sending a message via a number of contact methods-including emails, text messaging, cell phones and office phones. This is a free service to members of the Otterbein University community. Otterbein students, faculty, and staff are automatically signed up for Cardinal Red Alerts, but may opt out by visiting:

<http://www.otterbein.edu/public/CampusLife/HealthAndSafety/Police/redalert.aspx>

If any these systems fail or the University deems it appropriate, in person communication may be used to communicate an emergency.

Otterbein University 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 (including, but not limited to: OPD, Local PD, and/or the Local Fire and Emergency Medical Services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

If the Chief of Police or designee, in conjunction with other University administrators, such as the Vice President of Student Affairs or his/her designee and the President of Otterbein University or his/her designee, local first responders, and/or the National Weather Service, confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the Otterbein Community an Emergency Notification using the Cardinal Red Alert System will be issued. The Otterbein Police Department will inform members of the Office of Marketing and Communications who will in turn create and deliver the messages. The messages will be sent to all students and employees in the system to communicate the threat to the University Community, or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. All participants will receive an email, and any that elect to provide their phone numbers will receive voicemail and a text message to communicate the threat to the University Community, or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. Follow up notifications, using the Cardinal Red Alert system, will be sent as more information becomes available or the situation has been resolved or stabilized.

<b>System to use</b>	<b>Primary Message Creator</b>	<b>Backup Message Creator</b>	<b>Authority for approving &amp; sending messages</b>	<b>Primary Message Sender</b>	<b>Backup Message Sender</b>
<b>PRIMARY: Cardinal Red Alert</b>	Director of Marketing	Designated Marketing Staff	Chief of Police or VP Student Affairs	Director of Marketing	Designated Marketing Staff
Email	Director of Marketing	Designated Marketing Staff	Chief of Police or VP Student Affairs	Director of Marketing	Designated Marketing Staff
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Text Messages	Director of Marketing	Designated Marketing Staff	Chief of Police or VP Student Affairs	Director of Marketing	Designated Marketing Staff
<b>SECONDARY:</b>	Director of	Designated Marketing	Chief of Police or VP Student	Director of	Designated



Flyers	Marketing	Staff	Affairs	Marketing	Marketing Staff
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The success of this service relies on you to provide accurate contact information. The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents and other interested parties. The larger community can also access emergency information via the Otterbein University homepage and/or social media.

## **Emergency Response and Evacuation Procedures:**

Otterbein University has a Campus Emergency Operations Plan in order to prevent, prepare for, respond to, and recover from emergency situations. OPD is responsible for maintaining the plan and keeping it current as well as initiating annual training to test the plan. We also work closely with the University Safety Committee and Cabinet to manage the process. OPD works in conjunction with local first responders such as the Westerville Divisions of Police and Fire, the Franklin County Emergency Management and Homeland Security Agency. The CEOP was developed under the Incident Command System (ICS) model prescribed by the National Incident Management System (NIMS). It includes information regarding incident teams, crisis plans and protocols, and safety guidance for students, faculty and staff. Should an incident occur, members of the CEOP respond and they will size up and determine the impact of the incident, make appropriate emergency notifications, prioritize emergency actions, deploy resources and equipment, communicate information and instructions, monitor/re-evaluate conditions, review the effectiveness of the response after the incident and perform any other duties delegated to them through the Otterbein Incident Command System. For security purposes, the CEOP is only available to current students, faculty and staff on the intranet. Note, all members of the CEOP, receive at least annual training.

### **Evacuation**

Resident Assistants and other residential life staff receive emergency response and evacuation training every year. The training includes information regarding emergency assembly areas (EAAs) and shelter in place sites (SIP) for different locations on campus.

### **Evacuation Procedures**

Determine in advance the nearest exit from your work location, classroom or dorm room, and the route you will follow to reach that exit in an emergency. Establish an alternate route to be used in the event your route is blocked or unsafe. Each building has emergency exit routes posted and "EXIT" signs at stairwells and exit doors.

### **During an evacuation:**

1. Evacuate quickly
2. Follow instructions from emergency personnel and follow the directions provided for safe routes of evacuation

3. Check doors for heat before opening. (Do not open door if hot)
4. Close the door as you exit your room or office
5. Dress appropriately for the weather
6. Take only essentials with you (e.g. eyeglasses, medications, identification, and cash/checkbook/credit cards) – do not pack belongings
7. Turn off unnecessary equipment, computers and appliances
8. Walk, do not run. Do not push or crowd
9. Do not use elevators
10. Keep noise to a minimum so you can hear emergency instructions
11. Use handrails in stairwells; stay to the right
12. Assist people with disabilities
13. Listen to a radio, if available, to monitor emergency status

**Relocating outside the building:**

1. Once outside, move to a clear area that is at least 100 feet away from the affected building.
2. Keep streets and walkways clear for emergency vehicles and crews
3. Watch for falling glass and other debris
4. Stay with your fellow building occupants so all can be accounted for
5. If you have relocated away from the building, DO NOT return until notified that it is safe to do so.

Do not use your personal vehicle for evacuation unless specifically instructed to do so. If cars are used to evacuate, protect against hazardous materials by keeping windows closed and outside air conditioning or heating systems off.

Fire and evacuation drills are held twice per semester for each residence hall. Fire drills are a mandatory supervised evacuation of a building for a fire. The fire drill is scheduled with OPD, and the individual residence hall staff. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The purpose of fire evacuation drills is to prepare building occupants for an organized evacuation in case of an emergency. Fire evacuation drills are used as a way to educate and train occupants on issues specific to their building. Evacuation maps are to be posted on every exit and hallways in all residence halls and other Otterbein property.

**Shelter In Place:** is an option in emergency response to danger. The decision to shelter in place will vary and is decided on a case-by-case basis. If an incident occurs and the building you are in is not damaged, stay inside seeking an interior room, until you are told it is safe to come out. If your building is damaged, or you are directed to evacuate, leave everything in your room, and follow the evacuation

procedures for your building. Close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, proceed to the emergency assembly site for your area. If police or fire personnel are on the scene, follow their directions.

No matter where you are, the basic steps of shelter in place will generally remain the same. Should the need ever arise; follow these steps, unless instructed otherwise by local emergency personnel:

During certain emergency situations, particularly chemical, biological or radioactive material releases and some weather emergencies, you may be advised to shelter in place rather than evacuate the building.

**When directed to shelter in place:**

1. Stay inside the building (or go indoors as quickly as possible)
2. Do not use elevators
3. Quickly locate supplies you may need such as food, water, radio, etc.
4. If possible, go to a room or corridor where there are no windows and few doors
5. If there is time, shut and lock all windows and doors (locking the door may provide a better seal on the door against chemicals).
6. In the event of a chemical release, go to an above ground level of the building; most chemical vapors and gases are heavier than air and may seep into basements even if windows are closed
7. Turn off heat, fans, air conditioning, or ventilation system, if you have local control of the systems
8. Drink bottled water or stored water, not water from the tap
9. If possible, check for additional information through the local radio and television stations
10. Do not call 911 unless you are reporting a life threatening situation
11. If you smell gases or vapors, hold a wet cloth loosely over your nose and mouth and breath through it in as normal a fashion as possible

When the all clear is announced, open all doors and windows, turn on heating, air conditioning or ventilation systems, and go outside and wait until the building has been ventilated.

1. Depending on the situation, if you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, depending on the incident, seek a safe location or proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be an interior room without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
3. Shut and lock all windows and close exterior doors.

4. Make a list of the people with you and ask someone (RA or other staff) to call the list in to the Otterbein University Police Department so they know where you are sheltering. If only students are present, one of the students should call in the list.
5. Listen for further instructions through Rave Alert System or emergency responders.

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

In conjunction with other emergency agencies, the University conducts emergency response drills and exercises each year, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution.

Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced.

In compliance with Ohio State Fire Code, and in an effort to test our Emergency Evacuation Procedures, Otterbein University will conduct regular unannounced fire drills and fire inspections of all residential facilities, which include residence halls, theme houses, Greek houses and the Commons apartments. As outlined in the Ohio Fire Code, the drills and inspections will take place at unexpected times and under varying conditions to simulate the unusual conditions that occur in case of fire. The University will conduct at least one test per calendar year. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. Residence Life and Student Affairs staff may assist University Police in coordinating compliance with these policies. Any violation of university policy, including Failure to Evacuate, will be documented and forwarded to the Director of Student Conduct.

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

The Otterbein University Police Department prepares the Annual Campus Security and Fire Safety Report, which contains required crime statistics to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of the report with the statistics can be located at [www.otterbein.edu/security/safety-report.asp](http://www.otterbein.edu/security/safety-report.asp). It can also be found on our web site at [www.otterbein.edu/police/](http://www.otterbein.edu/police/). You will also be able to connect to our site via the Otterbein University Home page at [www.otterbein.edu](http://www.otterbein.edu). The crime statistics are prepared in cooperation with the local law enforcement agencies surrounding our campus, and alternate sites, as well as Otterbein University offices such as: Student Affairs, Residential Services, Judicial Affairs and Human Resources. Each entity provides updated information on their educational efforts and programs to comply with the Act. Campus crime, arrest and referral statistics include those reported to the Otterbein Police, designated campus officials (including but not limited to Voce Presidents, directors, deans, department heads, designated students and staff, judicial affairs, advisors to students/student organizations, athletic coaches), and local law enforcement agencies. Department of Counseling and Psychological Services staff informs their clients of the procedures to report crime to the University Police on a voluntary or

confidential basis, should they feel it is in the best interest of the client. A procedure is in place to anonymously capture crime statistics disclosed confidentially during such a session.

Each year, an e-mail notification is made to all enrolled students, faculty and staff that provide the web site to access the Annual Campus Security and Fire Safety report. Copies of the report may also be obtained at Otterbein Police Department Headquarters (OPD) located at 194 West Main Street Westerville, Ohio 43081 or by calling 614-823-1222. All prospective employees may obtain a copy from Human Resources at 25 West Home Street Westerville, Ohio 43081 or calling 614-823-1130. Prospective students may obtain a copy by the Otterbein web site at [www.otterbein.edu](http://www.otterbein.edu) and clicking on Future Students/Consumer Information/Campus Life, Health and Safety.

## **Violence Against Women Act (VAWA) Standards:**

Otterbein University does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are prohibited whether sexually based or not and include sexual assault, dating violence, domestic violence, and stalking. As a result, Otterbein University issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a University official. In this context, Otterbein University prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.

For a complete copy of Otterbein University's policy governing sexual misconduct, visit the Otterbein University Web Site at the link below to access the Campus Life Handbook. Pages 47 through 67 contain the Sexual Misconduct Policy.

<http://www.otterbein.edu/docs/default-source/files/campus-life/CampusLifeHandbook.pdf?sfvrsn=28>

Otterbein University's Title IX Coordinator is Scott Fitzgerald and he/she should be contacted by calling 614-823-1130, in person by visiting his campus office at 25 West Home Street, Suite B Westerville, Ohio 43081 or emailing him at [sfitzgerald@otterbein.edu](mailto:sfitzgerald@otterbein.edu).

## **VAWA and Ohio Revised Code Definitions:**

### **A. VAWA Definitions**

There are numerous terms used by Otterbein University in our policy and procedures.

**The State of Ohio does not define Consent in the Ohio Revised Code.** Consent is defined in Otterbein University's Sexual Misconduct Policy as **"Consent is informed, freely and actively given, mutually understandable words or action, which indicate a willingness to engage in mutually agreed upon sexual activity."**

**Sexual Assault:** “Sexual assault” means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting program. Per the National Incident-Based Reporting System User Manual From the FBI UCR Program, A sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim if incapable of giving consent.”

**Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**Fondling** is defined as the touching of the private 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.

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

**Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

#### **Ohio Revised Code Definition for Sexual Assaults**

##### **Section 2907.02 Rape.**

(A)

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

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

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

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

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

(B) Whoever violates this section is guilty of rape, a felony of the first degree. If the offender under division (A)(1)(a) of this section substantially impairs the other person's judgment or control by administering any controlled substance described in section [3719.41](#) of the Revised Code to the other person surreptitiously or by force, threat of force, or deception, the prison term imposed upon the offender shall be one of the prison terms prescribed for a felony of the first degree in section [2929.14](#) of the Revised Code that is not less than five years. Except as otherwise provided in this division, notwithstanding sections [2929.11](#) to [2929.14](#) of the Revised Code, an offender under division (A)(1)(b)

of this section shall be sentenced to a prison term or term of life imprisonment pursuant to section [2971.03](#) of the Revised Code. If an offender is convicted of or pleads guilty to a violation of division (A)(1)(b) of this section, if the offender was less than sixteen years of age at the time the offender committed the violation of that division, and if the offender during or immediately after the commission of the offense did not cause serious physical harm to the victim, the victim was ten years of age or older at the time of the commission of the violation, and the offender has not previously been convicted of or pleaded guilty to a violation of this section or a substantially similar existing or former law of this state, another state, or the United States, the court shall not sentence the offender to a prison term or term of life imprisonment pursuant to section [2971.03](#) of the Revised Code, and instead the court shall sentence the offender as otherwise provided in this division. If an offender under division (A)(1)(b) of this section previously has been convicted of or pleaded guilty to violating division (A)(1)(b) of this section or to violating an existing or former law of this state, another state, or the United States that is substantially similar to division (A)(1)(b) of this section, if the offender during or immediately after the commission of the offense caused serious physical harm to the victim, or if the victim under division (A)(1)(b) of this section is less than ten years of age, in lieu of sentencing the offender to a prison term or term of life imprisonment pursuant to section [2971.03](#) of the Revised Code, the court may impose upon the offender a term of life without parole. If the court imposes a term of life without parole pursuant to this division, division (F) of section [2971.03](#) of the Revised Code applies, and the offender automatically is classified a tier III sex offender/child-victim offender, as described in that division.

(C) A victim need not prove physical resistance to the offender in prosecutions under this section.

(D) Evidence of specific instances of the victim's sexual activity, opinion evidence of the victim's sexual activity, and reputation evidence of the victim's sexual activity shall not be admitted under this section unless it involves evidence of the origin of semen, pregnancy, or disease, or the victim's past sexual activity with the offender, and only to the extent that the court finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.

Evidence of specific instances of the defendant's sexual activity, opinion evidence of the defendant's sexual activity, and reputation evidence of the defendant's sexual activity shall not be admitted under this section unless it involves evidence of the origin of semen, pregnancy, or disease, the defendant's past sexual activity with the victim, or is admissible against the defendant under section [2945.59](#) of the Revised Code, and only to the extent that the court finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.

(E) Prior to taking testimony or receiving evidence of any sexual activity of the victim or the defendant in a proceeding under this section, the court shall resolve the admissibility of the proposed evidence in a hearing in chambers, which shall be held at or before preliminary hearing and not less than three days before trial, or for good cause shown during the trial.

(F) Upon approval by the court, the victim may be represented by counsel in any hearing in chambers or other proceeding to resolve the admissibility of evidence. If the victim is indigent or otherwise is unable to obtain the services of counsel, the court, upon request, may appoint counsel to represent the victim without cost to the victim.

(G) It is not a defense to a charge under division (A)(2) of this section that the offender and the victim were married or were cohabiting at the time of the commission of the offense.

Effective Date: 06-13-2002; 01-02-2007; 2007 SB10 01-01-2008

**Section 2907.03 Sexual battery.**

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

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



(13) The other person is a minor, the offender is a peace officer, and the offender is more than two years older than the other person is.

(B) Whoever violates this section is guilty of sexual battery. Except as otherwise provided in this division, sexual battery is a felony of the third degree. If the other person is less than thirteen years of age, sexual battery is a felony of the second degree, and the court shall impose upon the offender a mandatory prison term equal to one of the prison terms prescribed in section [2929.14](#) of the Revised Code for a felony of the second degree.

(C) As used in this section:

(1) "Cleric" has the same meaning as in section [2317.02](#) of the Revised Code.

(2) "Detention facility" has the same meaning as in section [2921.01](#) of the Revised Code.

(3) "Institution of higher education" means a state institution of higher education defined in section [3345.011](#) of the Revised Code, a private nonprofit college or university located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code, or a school certified under Chapter 3332. of the Revised Code.

(4) "Peace officer" has the same meaning as in section [2935.01](#) of the Revised Code.

#### **Section 2907.04 Unlawful sexual conduct with minor.**

(A) No person who is eighteen years of age or older shall engage in sexual conduct with another, who is not the spouse of the offender, when the offender knows the other person is thirteen years of age or older but less than sixteen years of age, or the offender is reckless in that regard.

(B) Whoever violates this section is guilty of unlawful sexual conduct with a minor.

(1) Except as otherwise provided in divisions (B)(2), (3), and (4) of this section, unlawful sexual conduct with a minor is a felony of the fourth degree.

(2) Except as otherwise provided in division (B)(4) of this section, if the offender is less than four years older than the other person is, unlawful sexual conduct with a minor is a misdemeanor of the first degree.

(3) Except as otherwise provided in division (B)(4) of this section, if the offender is ten or more years older than the other person is, unlawful sexual conduct with a minor is a felony of the third degree.

(4) If the offender previously has been convicted of or pleaded guilty to a violation of section [2907.02](#), [2907.03](#), or 2907.04 of the Revised Code or a violation of former section [2907.12](#) of the Revised Code, unlawful sexual conduct with a minor is a felony of the second degree.

#### **Section 2907.05 Gross Sexual Imposition.**

(A) No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more other persons to have sexual contact when any of the following applies:

(1) The offender purposely compels the other person, or one of the other persons, to submit by force or threat of force.

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

(3) The offender knows that the judgment or control of the other person or of one of the other persons is substantially impaired as a result of the influence of any drug or intoxicant administered to the other person with the other person's consent for the purpose of any kind of medical or dental examination, treatment, or surgery.

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

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

(B) No person shall knowingly touch the genitalia of another, when the touching is not through clothing, the other person is less than twelve years of age, whether or not the offender knows the age of that person, and the touching is done with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

(C) Whoever violates this section is guilty of gross sexual imposition.

(1) Except as otherwise provided in this section, gross sexual imposition committed in violation of division (A)(1), (2), (3), or (5) of this section is a felony of the fourth degree. If the offender under division (A)(2) of this section substantially impairs the judgment or control of the other person or one of the other persons by administering any controlled substance described in section [3719.41](#) of the Revised Code to the person surreptitiously or by force, threat of force, or deception, gross sexual imposition committed in violation of division (A)(2) of this section is a felony of the third degree.

(2) Gross sexual imposition committed in violation of division (A)(4) or (B) of this section is a felony of the third degree. Except as otherwise provided in this division, for gross sexual imposition committed in violation of division (A)(4) or (B) of this section there is a presumption that a prison term shall be imposed for the offense. The court shall impose on an offender convicted of gross sexual imposition in violation of division (A)(4) or (B) of this section a mandatory prison term equal to one of the prison terms prescribed in section [2929.14](#) of the Revised Code for a felony of the third degree if either of the following applies:

(a) Evidence other than the testimony of the victim was admitted in the case corroborating the violation;

(b) The offender previously was convicted of or pleaded guilty to a violation of this section, rape, the former offense of felonious sexual penetration, or sexual battery, and the victim of the previous offense was less than thirteen years of age.

(D) A victim need not prove physical resistance to the offender in prosecutions under this section.

(E) Evidence of specific instances of the victim's sexual activity, opinion evidence of the victim's sexual activity, and reputation evidence of the victim's sexual activity shall not be admitted under this section unless it involves evidence of the origin of semen, pregnancy, or disease, or the victim's past sexual activity with the offender, and only to the extent that the court finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.

Evidence of specific instances of the defendant's sexual activity, opinion evidence of the defendant's sexual activity, and reputation evidence of the defendant's sexual activity shall not be admitted under this section unless it involves evidence of the origin of semen, pregnancy, or disease, the defendant's past sexual activity with the victim, or is admissible against the defendant under section [2945.59](#) of the Revised Code, and only to the extent that the court finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.

(F) Prior to taking testimony or receiving evidence of any sexual activity of the victim or the defendant in a proceeding under this section, the court shall resolve the admissibility of the proposed evidence in a hearing in chambers, which shall be held at or before preliminary hearing and not less than three days before trial, or for good cause shown during the trial.

(G) Upon approval by the court, the victim may be represented by counsel in any hearing in chambers or other proceeding to resolve the admissibility of evidence. If the victim is indigent or otherwise is unable to obtain the services of counsel, the court, upon request, may appoint counsel to represent the victim without cost to the victim.

Effective Date: 03-10-1998; 08-03-2006; 2007 SB10 01-01-2008

#### **Section 2907.06 Sexual Imposition.**

(A) No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more other persons to have sexual contact when any of the following applies:

(1) The offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard.

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

(3) The offender knows that the other person, or one of the other persons, submits because of being unaware of the sexual contact.

(4) The other person, or one of the other persons, is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of such person, and the offender is at least eighteen years of age and four or more years older than such other person.

(5) The offender is a mental health professional, the other person or one of the other persons is a mental health client or patient of the offender, and the offender induces the other person who is the

client or patient to submit by falsely representing to the other person who is the client or patient that the sexual contact is necessary for mental health treatment purposes.

(B) No person shall be convicted of a violation of this section solely upon the victim's testimony unsupported by other evidence.

(C) Whoever violates this section is guilty of sexual imposition, a misdemeanor of the third degree. If the offender previously has been convicted of a violation of this section or of section [2907.02](#), [2907.03](#), [2907.04](#), [2907.05](#), or [2907.12](#) of the Revised Code, a violation of this section is a misdemeanor of the first degree.

Effective Date: 05-14-2002

### **VAWA Definition**

**Domestic Violence:** The term “domestic violence” means:

- 1) Felony or misdemeanor crimes of violence committed—
  - (i) By a current or former spouse or intimate partner of the victim;
  - (ii) By a person with whom the victim shares a child in common;
  - (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
  - (iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
  - (v) By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- 1) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

### **Ohio Revised Code Definition for Domestic Violence**

#### **2919.25 Domestic violence.**

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

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

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

(D)

(1) Whoever violates this section is guilty of domestic violence, and the court shall sentence the offender as provided in divisions (D)(2) to (6) of this section.

(2) Except as otherwise provided in divisions (D)(3) to (5) of this section, a violation of division (C) of this section is a misdemeanor of the fourth degree, and a violation of division (A) or (B) of this section is a misdemeanor of the first degree.

(3) Except as otherwise provided in division (D)(4) of this section, if the offender previously has pleaded guilty to or been convicted of domestic violence, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to domestic violence, a violation of section [2903.14](#), [2909.06](#), [2909.07](#), [2911.12](#), [2911.211](#), or [2919.22](#) of the Revised Code if the victim of the violation was a family or household member at the time of the violation, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to any of those sections if the victim of the violation was a family or household member at the time of the commission of the violation, or any offense of violence if the victim of the offense was a family or household member at the time of the commission of the offense, a violation of division (A) or (B) of this section is a felony of the fourth degree, and, if the offender knew that the victim of the violation was pregnant at the time of the violation, the court shall impose a mandatory prison term on the offender pursuant to division (D)(6) of this section, and a violation of division (C) of this section is a misdemeanor of the second degree.

(4) If the offender previously has pleaded guilty to or been convicted of two or more offenses of domestic violence or two or more violations or offenses of the type described in division (D)(3) of this section involving a person who was a family or household member at the time of the violations or offenses, a violation of division (A) or (B) of this section is a felony of the third degree, and, if the offender knew that the victim of the violation was pregnant at the time of the violation, the court shall impose a mandatory prison term on the offender pursuant to division (D)(6) of this section, and a violation of division (C) of this section is a misdemeanor of the first degree.

(5) Except as otherwise provided in division (D)(3) or (4) of this section, if the offender knew that the victim of the violation was pregnant at the time of the violation, a violation of division (A) or (B) of this section is a felony of the fifth degree, and the court shall impose a mandatory prison term on the offender pursuant to division (D)(6) of this section, and a violation of division (C) of this section is a misdemeanor of the third degree.

(6) If division (D)(3), (4), or (5) of this section requires the court that sentences an offender for a violation of division (A) or (B) of this section to impose a mandatory prison term on the offender pursuant to this division, the court shall impose the mandatory prison term as follows:

(a) If the violation of division (A) or (B) of this section is a felony of the fourth or fifth degree, except as otherwise provided in division (D)(6)(b) or (c) of this section, the court shall impose a mandatory prison term on the offender of at least six months.

(b) If the violation of division (A) or (B) of this section is a felony of the fifth degree and the offender, in committing the violation, caused serious physical harm to the pregnant woman's unborn or caused the termination of the pregnant woman's pregnancy, the court shall impose a mandatory prison term on the offender of twelve months.

(c) If the violation of division (A) or (B) of this section is a felony of the fourth degree and the offender, in committing the violation, caused serious physical harm to the pregnant woman's unborn or caused the

termination of the pregnant woman's pregnancy, the court shall impose a mandatory prison term on the offender of at least twelve months.

(d) If the violation of division (A) or (B) of this section is a felony of the third degree, except as otherwise provided in division (D)(6)(e) of this section and notwithstanding the range of prison terms prescribed in section [2929.14](#) of the Revised Code for a felony of the third degree, the court shall impose a mandatory prison term on the offender of either a definite term of six months or one of the prison terms prescribed in section [2929.14](#) of the Revised Code for felonies of the third degree.

(e) If the violation of division (A) or (B) of this section is a felony of the third degree and the offender, in committing the violation, caused serious physical harm to the pregnant woman's unborn or caused the termination of the pregnant woman's pregnancy, notwithstanding the range of prison terms prescribed in section [2929.14](#) of the Revised Code for a felony of the third degree, the court shall impose a mandatory prison term on the offender of either a definite term of one year or one of the prison terms prescribed in section [2929.14](#) of the Revised Code for felonies of the third degree.

(E) Notwithstanding any provision of law to the contrary, no court or unit of state or local government shall charge any fee, cost, deposit, or money in connection with the filing of charges against a person alleging that the person violated this section or a municipal ordinance substantially similar to this section or in connection with the prosecution of any charges so filed.

(F) As used in this section and sections [2919.251](#) and [2919.26](#) of the Revised Code:

(1) "Family or household member" means any of the following:

(a) Any of the following who is residing or has resided with the offender:

(i) A spouse, a person living as a spouse, or a former spouse of the offender;

(ii) A parent, a foster parent, or a child of the offender, or another person related by consanguinity or affinity to the offender;

(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the offender.

(b) The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.

(2) "Person living as a spouse" means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question.

(3) "Pregnant woman's unborn" has the same meaning as "such other person's unborn," as set forth in section [2903.09](#) of the Revised Code, as it relates to the pregnant woman. Division (C) of that section applies regarding the use of the term in this section, except that the second and third sentences of division (C)(1) of that section shall be construed for purposes of this section as if they included a reference to this section in the listing of Revised Code sections they contain.

(4) "Termination of the pregnant woman's pregnancy" has the same meaning as "unlawful termination of another's pregnancy," as set forth in section [2903.09](#) of the Revised Code, as it relates to the pregnant woman. Division (C) of that section applies regarding the use of the term in this section, except that the second and third sentences of division (C)(1) of that section shall be construed for purposes of this section as if they included a reference to this section in the listing of Revised Code sections they contain.

Amended by 128th General Assembly File No.50, SB 58, §1, eff. 9/17/2010.

Amended by 128th General Assembly File No.21, HB 10, §1, eff. 6/17/2010.

Effective Date: 11-09-2003; 2008 HB280 04-07-2009

**Related Legislative Provision:** *See 128th General Assembly File No.21, HB 10, §3*

### **VAWA Definitions**

**Dating Violence:** The term “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.

- 1) Who is or has been in a social relationship of a romantic or intimate nature with the victim and
- 2) The existence of such a relationship shall be 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-
  - (i) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - (ii) Dating violence does not include acts covered under the definition of domestic violence.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**The State of Ohio does not have a Section in the Revised Code specific to Dating Violence.**

Sections of the Ohio Revised Code that would be relevant to dating violence are; Felonious Assault - 2903.11, Aggravated Assault - 2903.12, Assault – 2903.13, Aggravated Menacing – 2903.21, Menacing – 2903.22, Kidnapping – 2905.01, Abduction – 2905.02, Unlawful Restraint – 2905.03, Telecommunication Harassment – 2917.21, Disorderly Conduct – 2917.11. Specific language for these sections can be found at the following link: <http://codes.ohio.gov/orc/29>

### **VAWA Definitions**

**Stalking:** The term “stalking” means 1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- (i) Fear for the person’s safety or the safety of others; or
- (ii) Suffer substantial emotional distress.

2) For the purposes of this definition—

- (i) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors,

observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

(ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

(iii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

3) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

### **Ohio Revised Code Definition for Stalking**

#### **2903.211 Menacing by stalking.**

(A)

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

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

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

(B) Whoever violates this section is guilty of menacing by stalking.

(1) Except as otherwise provided in divisions (B)(2) and (3) of this section, menacing by stalking is a misdemeanor of the first degree.

(2) Menacing by stalking is a felony of the fourth degree if any of the following applies:

(a) The offender previously has been convicted of or pleaded guilty to a violation of this section or a violation of section 2911.211 of the Revised Code.

(b) In committing the offense under division (A)(1), (2), or (3) of this section, the offender made a threat of physical harm to or against the victim, or as a result of an offense committed under division (A)(2) or (3) of this section, a third person induced by the offender's posted message made a threat of physical harm to or against the victim.

(c) In committing the offense under division (A)(1), (2), or (3) of this section, the offender trespassed on the land or premises where the victim lives, is employed, or attends school, or as a result of an offense committed under division (A)(2) or (3) of this section, a third person induced by the offender's posted message trespassed on the land or premises where the victim lives, is employed, or attends school.



(d) The victim of the offense is a minor.

(e) The offender has a history of violence toward the victim or any other person or a history of other violent acts toward the victim or any other person.

(f) While committing the offense under division (A)(1) of this section or a violation of division (A)(3) of this section based on conduct in violation of division (A)(1) of this section, the offender had a deadly weapon on or about the offender's person or under the offender's control. Division (B)(2)(f) of this section does not apply in determining the penalty for a violation of division (A)(2) of this section or a violation of division (A)(3) of this section based on conduct in violation of division (A)(2) of this section.

(g) At the time of the commission of the offense, the offender was the subject of a protection order issued under section 2903.213 or 2903.214 of the Revised Code, regardless of whether the person to be protected under the order is the victim of the offense or another person.

(h) In committing the offense under division (A)(1), (2), or (3) of this section, the offender caused serious physical harm to the premises at which the victim resides, to the real property on which that premises is located, or to any personal property located on that premises, or, as a result of an offense committed under division (A)(2) of this section or an offense committed under division (A)(3) of this section based on a violation of division (A)(2) of this section, a third person induced by the offender's posted message caused serious physical harm to that premises, that real property, or any personal property on that premises.

(i) Prior to committing the offense, the offender had been determined to represent a substantial risk of physical harm to others as manifested by evidence of then-recent homicidal or other violent behavior, evidence of then-recent threats that placed another in reasonable fear of violent behavior and serious physical harm, or other evidence of then-present dangerousness.

(3) If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, menacing by stalking is either a felony of the fifth degree or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, a felony of the fourth degree.

(C) Section 2919.271 of the Revised Code applies in relation to a defendant charged with a violation of this section.

(D) As used in this section:

(1) "Pattern of conduct" means two or more actions or incidents closely related in time, whether or not there has been a prior conviction based on any of those actions or incidents, or two or more actions or incidents closely related in time, whether or not there has been a prior conviction based on any of those actions or incidents, directed at one or more persons employed by or belonging to the same corporation, association, or other organization. Actions or incidents that prevent, obstruct, or delay the performance by a public official, firefighter, rescuer, emergency medical services person, or emergency facility person of any authorized act within the public official's, firefighter's, rescuer's, emergency

medical services person's, or emergency facility person's official capacity, or the posting of messages or receipt of information or data through the use of an electronic method of remotely transferring information, including, but not limited to, a computer, computer network, computer program, computer system, or telecommunications device, may constitute a "pattern of conduct."

(2) "Mental distress" means any of the following:

(a) Any mental illness or condition that involves some temporary substantial incapacity;

(b) Any mental illness or condition that would normally require psychiatric treatment, psychological treatment, or other mental health services, whether or not any person requested or received psychiatric treatment, psychological treatment, or other mental health services.

(3) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in section 2133.21 of the Revised Code.

(4) "Emergency facility person" is the singular of "emergency facility personnel" as defined in section 2909.04 of the Revised Code.

(5) "Public official" has the same meaning as in section 2921.01 of the Revised Code.

(6) "Computer," "computer network," "computer program," "computer system," and "telecommunications device" have the same meanings as in section 2913.01 of the Revised Code.

(7) "Post a message" means transferring, sending, posting, publishing, disseminating, or otherwise communicating, or attempting to transfer, send, post, publish, disseminate, or otherwise communicate, any message or information, whether truthful or untruthful, about an individual, and whether done under one's own name, under the name of another, or while impersonating another.

(8) "Third person" means, in relation to conduct as described in division (A)(2) of this section, an individual who is neither the offender nor the victim of the conduct.

(9) "Sexual motivation" has the same meaning as in section 2971.01 of the Revised Code.

(10) "Organization" includes an entity that is a governmental employer.

(E) The state does not need to prove in a prosecution under this section that a person requested or received psychiatric treatment, psychological treatment, or other mental health services in order to show that the person was caused mental distress as described in division (D)(2)(b) of this section.

(F)

(1) This section does not apply to a person solely because the person provided access or connection to or from an electronic method of remotely transferring information not under that person's control, including having provided capabilities that are incidental to providing access or connection to or from the electronic method of remotely transferring the information, and that do not include the creation of the content of the material that is the subject of the access or connection. In addition, any person providing access or connection to or from an electronic method of remotely transferring information not under that person's control shall not be liable for any action voluntarily taken in good faith to block the receipt or transmission through its service of any information that it believes is, or will be sent, in violation of this section.

(2) Division (F)(1) of this section does not create an affirmative duty for any person providing access or connection to or from an electronic method of remotely transferring information not under that person's control to block the receipt or transmission through its service of any information that it believes is, or will be sent, in violation of this section except as otherwise provided by law.

(3) Division (F)(1) of this section does not apply to a person who conspires with a person actively involved in the creation or knowing distribution of material in violation of this section or who knowingly advertises the availability of material of that nature.

Amended by 130th General Assembly File No. TBD, HB 129, §1, eff. 9/17/2014.

Effective Date: 08-29-2003; 2007 SB10 01-01-2008

## **Education and Prevention Programs:**

The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

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

Educational programming consists of primary prevention and awareness programs for all incoming students, new employees, and ongoing awareness and prevention campaigns for students and employees that:

- a. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- b. Defines using definitions provided both by the Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- c. Defines what behavior and actions constitute consent to sexual activity in the State of Ohio and/or using the definition of consent found in the Student Code of Conduct. Ohio law does not define consent;
- d. Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and

cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;

- e. Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- f. Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

The University has developed an annual educational campaign<sup>1</sup> consisting of presentations that include distribution of educational materials to new students; participating in and presenting information and materials during new employee orientation;

<b><u>The University offered the following primary prevention and awareness programs for all incoming &amp; current students in 2017:</u></b>		
<b><u>Name of Program</u></b>	<b><u>Date Held</u></b>	<b><u>Which Prohibited Behavior Covered?</u></b>
Response to Campus Shooter	January, 2017	Campus Safety
Response to Campus Shooter	January, 2017	Campus Safety
Central Ohio Trauma Systems Drill Planning Meeting	January, 2017	Campus safety
Spring Break Safety 2017	February, 2017	Alcohol Education
Bystander Awareness	February, 2017	Dating Violence, Sexual Assault, Stalking
Valentine's Day Booth	February, 2017	Healthy Relationship Education
Violence Against Women SAVE Act	February, 2017	Dating Violence, Sexual Assault, Stalking
Response to Campus Shooter	February, 2017	Campus Safety
Self-Defense	February, 2017	Campus Safety
No Ban, No Wall, No Hate Rally	February, 2017	Campus Safety
STAND Celebration at the Campus Center	February, 2017	Alcohol Education

<sup>1</sup> Under the 2013 Reauthorization of the Violence Against Women Act, institutions must implement "primary prevention and awareness programs for **all incoming students and new employees**" **AND** "ongoing prevention and awareness campaigns **for students and employees**" that include a-f above under section B. While "campaign" is yet to be defined, examples of "primary prevention programs" as they relate to incoming students may be found here: <https://www.gpo.gov/fdsys/pkg/PLAW-113publ4/pdf/PLAW-113publ4.pdf>

Response to Campus Shooter	March, 2017	Campus Safety
Response to Campus Shooter	March, 2017	Campus Safety
Violence Against Women SAVE Act	March, 2017	Sexual Assault, Stalking, Dating Violence, and Domestic Violence
Response to Campus Shooter	March, 2017	Campus Safety
Self-Defense	March, 2017	Campus Safety
Take Back the Night	April, 2017	Sexual Assault, Stalking, Dating Violence, and Domestic Violence
Wellness Fair	April, 2017	Mental Health, Alcohol Awareness, and Drinking and Driving
Response to Active Shooter	April, 2017	Campus Safety
Response to Campus Shooter	April, 2017	Campus Safety
Self-Defense	April, 2017	Campus Safety
Violence Against Women SAVE Act	April, 2017	Sexual Assault, Stalking, Dating Violence, and Domestic Violence
Choices Class	May, 2017	Alcohol Awareness
Response to Campus Shooter	May, 2017	Campus Safety
Response to Campus Shooter	June, 2017	Campus Safety
Fire and Safety Training	June, 2017	Campus Safety
Fire and Safety Training	July, 2017	Campus Safety
Fire and Safety Training	July, 2017	Campus Safety
Campus Clarity	Summer, 2017	Sexual Assault and Alcohol Awareness Training
Bystander Awareness	August, 2017	Dating Violence, Sexual Assault, Stalking
Bystander Awareness	August, 2017	Dating Violence, Sexual Assault, Stalking
Party with Cardy	August, 2017	Alcohol Awareness
OPD and You	August, 2017	Campus Safety
OPD and You	August, 2017	Campus Safety
OPD and You	August, 2017	Campus Safety

Campus safety	August, 2017	Campus Safety
Cops and Stops	August, 2017	Campus Safety
Self-Defense	September, 2017	Campus Safety
Violence Against Women Act	September, 2017	Dating Violence, Sexual Assault, Stalking
Active Shooter	September, 2017	Campus Safety
Alcohol Awareness	September, 2017	Alcohol Awareness
Alcohol Awareness	September, 2017	Alcohol Awareness
Self-Defense	September, 2017	Campus Safety
Alcohol Awareness	October, 2017	Alcohol Awareness
Safety Week	November, 2017	Campus safety, Alcohol & Drug Awareness, Sexual Assault and Bystander Awareness

**The University offered the following primary prevention and awareness programs for all new & current employees in 2016:**

<b><u>Name of Program</u></b>	<b><u>Date Held</u></b>	<b><u>Location Held</u></b>	<b><u>Which Prohibited Behavior Covered?</u></b>
Sexual Harassment – Higher Ed & Sex Abuse	Upon Hire Through HR	Online	Dating Violence, Sexual Assault, Stalking
Sex Abuse Awareness Creating a safe Campus for Young People	Upon Hire Through HR	Online	Dating Violence, Sexual Assault, Stalking
Title IX/Sexual Misconduct	Upon Hire Through HR	Online	Dating Violence, Sexual Assault, Stalking
Active Shooter	January, 2017	OPD	Campus safety
Response to Campus Shooter	February 2017	Nursing Department	Campus safety
Central Ohio Trauma Systems Drill Planning Meeting	January, 2017	OPD	Campus safety
Response to Campus Shooter	March 2017	Business Office	Campus safety
Response to Campus Shooter	March 2017	Library	Campus safety
Live Mass Casualty Exercise at 60 Collegeview	April 2017	Campus	Campus safety
Response to Campus Shooter	May, 2017	Graduate Students	Campus safety
Fire training	June, 2017	Building Captains	Fire Training
Response to Campus Shooter	July 2017	Parents & New Students	Campus safety
Laboratory Fire training	July, 2017	Building Captains	Fire Training
RA Fire training	July, 2017	Campus	Fire Training
Live Exercise	July, 2017	OPD	Campus Safety
SARNCO Presentation - Anti-Oppression and The Neurobiology of Trauma	August, 2017	OPD	Sexual Assault
Response to Campus Shooter	October, 2017	OPD	Campus safety
Response to Campus Shooter	November, 2017	OPD	Campus safety

Response to Campus Shooter	December, 2017	OPD	Campus safety

## **Procedures for Reporting a Complaint:**

Otterbein University has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus as well as additional remedies to prevent contact between a complainant<sup>2</sup> and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. Otterbein University will make such accommodations, if the victim requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to the Otterbein University Police or local law enforcement. Students and employees should contact Julie Saker, Associate Dean of Students.

## **Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs:**

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at St. Ann's Hospital located at 500 South Cleveland Ave. Westerville, Ohio 43081 where they will be treated by a Sexual Assault Nurse Examiner (SANE Nurse) who will conduct an exam and collect evidence. In Ohio, evidence may be collected even if you chose not to make a report to law enforcement<sup>3</sup>. The evidence is turned over to the Otterbein University Police Department where it is sent to the Ohio Bureau of Criminal Investigations and Identification crime lab. A sexual assault victim also has the right in Ohio to remain anonymous. In this case, the evidence is submitted as Jane Doe. The purpose of this is to allow the victim the opportunity to reconsider their desire to file a criminal complaint later. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat

<sup>2</sup> This document will use "victim" and "complainant" and "perpetrator" and "accused party" interchangeably. Each institution needs to use language consistent with their institutional policies.

<sup>3</sup> Under the Violence Against Women and Department of Justice Reauthorization Act of 2005, starting in 2009, states must certify that they do not "require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both."



injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University hearing boards/investigators or police.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Public Safety or other law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or the University at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

## **Involvement of Law Enforcement and Campus Authorities:**

Although the university strongly encourages all members of its community to report violations of this law to law enforcement (including on campus law enforcement and/or local law enforcement), it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. Ms. Julie Saker, the Associate Dean of Student and Director of Student Wellness, working out of Otterbein University's Student Affairs Office, will assist any victim with notifying local police if they so desire. The Otterbein University Police Department may be reached directly by calling 614-823-1222 or in person at 194 West Main Street Westerville, Ohio. The victim may also choose to contact the Westerville Division of Police directly by calling 614-882-7444 or in person at 29 South State Street Westerville, Ohio 43081. Additional information about the Otterbein University Police Department may be found online at: <http://www.otterbein.edu/police> or The Westerville Division of Police may be found on line at: <http://www.westerville.org/services/police> .

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator, Mr. Scott Fitzgerald located at 25 West Home Street Suite B Westerville, Ohio 43081, office phone 614-823-1130 or email at [sfitzgerald@otterbein.edu](mailto:sfitzgerald@otterbein.edu) by calling, writing or coming into the office to report in person and Campus Police (if the victim so desires.)<sup>4</sup> The University will provide resources, on campus, off campus or both, to include medical, health, to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

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<sup>4</sup> The Title IX Coordinator is regarded as a "Responsible Employee" under Title IX and a "Campus Security Authority" under the Clery Act. Statistical information less the victims identifying information will be provided to campus public safety or whomever at the institution compiles the annual crime statistics even if the victim chooses not to alert campus public safety personally

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking Otterbein University Police or other law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to Otterbein University, the chart below are the procedures that the University will follow as well as a statement of the standard of evidence that will be used during any judicial hearing on campus arising from such a report:

Incident Being Reported:	Procedure Institution Will Follow:	Evidentiary Standard
<b>Sexual Assault</b>	<ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care</li> <li>2. Institution will assess immediate safety needs of complainant</li> <li>3. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</li> <li>4. Institution will provide complainant with referrals to on and off campus mental health providers</li> <li>5. Institution will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, "No Contact" directive between both parties</li> <li>6. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate</li> </ol>	Sexual Assault cases are referred to the Title IX Coordinator and are adjudicated by the Vice President of Student Affairs using the <i>Preponderance of the evidence</i> standard.

	<ol style="list-style-type: none"> <li>7. Institution will provide written instructions on how to apply for Protective Order</li> <li>8. Institution will provide a copy of the Sexual Misconduct Policy to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution</li> <li>9. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is</li> <li>10. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation</li> </ol>	
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<b>Stalking</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide information to complainant on how to preserve evidence</li> </ol>	<p>Stalking cases are referred to the Title IX Coordinator and are adjudicated by the Vice President of Student Affairs using the <i>Preponderance of the evidence</i> standard.</p>
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	<ol style="list-style-type: none"> <li>Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate</li> </ol>	
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<b>Dating Violence</b>	<ol style="list-style-type: none"> <li>Institution will assess immediate safety needs of complainant</li> <li>Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</li> <li>Institution will provide written instructions on how to apply for Protective Order</li> <li>Institution will provide information to complainant on how to preserve evidence</li> <li>Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate</li> </ol>	Dating Violence cases are referred to the Title IX Coordinator and are adjudicated by the Vice President of Student Affairs using the <i>Preponderance of the evidence</i> standard.
<b>Domestic Violence</b>	<ol style="list-style-type: none"> <li>Institution will assess immediate safety needs of complainant</li> <li>Institution will assist complainant with contacting local police if complainant requests AND</li> </ol>	Domestic Violence cases are referred to the Title IX Coordinator and are adjudicated by the Vice President of Student Affairs using the <i>Preponderance of the evidence</i> standard.

	<p>complainant provided with contact information for local police department</p> <p>3. Institution will provide written instructions on how to apply for Protective Order</p> <p>4. Institution will provide information to complainant on how to preserve evidence</p> <p>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</p> <p>6. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate</p>	
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## Assistance for Victims: Rights & Options:

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the university will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- a statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;
- a statement regarding the institution’s provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action

Further, Otterbein University complies with The State of Ohio law in recognizing the following orders of protection: Civil Protection Orders (CPO); Criminal Protection Orders (CRPO); Domestic Violence

Temporary Protection Order (DVTPO); Stalking or Sexually Oriented Offense Protection Order (SSOPO). The guide to Protection Orders on the following page explains in details how to obtain an order of protection. Any person who obtains an order of protection from The State of Ohio or any reciprocal state should provide a copy to Campus Police and the Office of the Title IX Coordinator. *Full faith and credit is a provision of the Violence Against Women Act that indicates that valid protective orders must be enforced throughout the country regardless of where they were issued. This includes protective orders that were issued in:* • All 50 states • Indian Tribal Lands • District of Columbia • U.S. Virgin Islands, Puerto Rico, American Samoa, the Northern Mariana Islands and Guam. *Make sure to contact the local authorities in any community you move to, in order to register your protective order there and find out the requirements for the order to be valid.* A complainant may then meet with the Otterbein University Police to develop a Safety Action Plan, which is a plan for campus police and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc. Otterbein University cannot apply for a legal order of protection, or restraining order for a victim from the applicable jurisdiction(s).

## **Resource for victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking for obtaining a Protection Order:**

**The victim is required to apply directly for these following protection orders:**

[A GUIDE TO PROTECTION ORDERS,](#)  
[THE COURT AND COMMUNITY RESOURCES](#)

### **What are Protection Orders?**

A Protection Order is granted by a Judge and orders the defendant to stay away from you. The defendant should not enter your home or approach you at your place of work or school. If the defendant violates the protection order, a new charge could be filed and the defendant could be arrested.

Although the Judge may grant the Protection Order, it does not guarantee your safety. It is important for you to be very careful and take steps to ensure your safety as much as possible. (See [SAFETY HINTS](#))

The law (2919.27 and 3113.31 Ohio Revised Code) states that protection orders issued anywhere in the State of Ohio are enforceable throughout the state - if they are current and still valid. Comparable protection orders issued in other states may also be valid in Ohio.

### **Are all Protection Orders the same?**

No. There are four different kinds of protection orders. Municipal (Criminal) court may issue a Domestic Violence Temporary Protection Order (DVTPO) or a Criminal Protection Order (CRPO) depending on the type of charge and your relationship to the defendant. Civil (Domestic) Court issues Civil Protection Orders (CPO) if you are a family or household member of the defendant. If you are being stalked,

Common Pleas Court may issue a Civil Stalking or Sexually Orientated Offense Protection Order (SSOOPO).

### **What is a Civil Protection Order?**

A CPO is issued by the Domestic Relations Court to protect victims of domestic violence. A CPO is intended to prevent further domestic violence. It orders someone who has been abusive to do or not to do certain things in the future.

You should consider requesting a CPO - even if you have a DVTPPO from a criminal court - because a CPO lasts longer.

A petition for a Civil Protection Order (CPO) can be filed with the Domestic Relations Court. You may want to contact your own attorney or Legal Aid (614-224-8374) to see if you qualify for a CIVIL PROTECTION ORDER. **You do not have to be getting a divorce to ask for a CPO.**

The CPO (Civil Protection Order) may include the following orders:

- a. Direct the abuser to stop the abuse
- b. Grant possession of the residence or household to you and/or other family member, to the exclusion of the abuser; evict the abuser; or order the abuser to vacate the premises, or (if the abuser has the duty to support you) order the abuser to provide suitable, alternative housing;
- c. Award temporary custody and establish temporary custody orders with regard to minor children (if no other court has determined custody and visitation rights);
- d. Require the abuser to maintain support if the abuser customarily provides for or contributes to the support of the family or household, or if the abuser has a duty to support under the law;
- e. Require counseling;
- f. Require the abuser to refrain from entering the residence, school, business, or place of employment of the victim or other family members;
- g. Grant any other relief that the court considers fair, including, but not limited to, ordering the abuser to permit the use of a motor vehicle to the victim, and ordering a fair apportionment of household and family personal property.

**NOTE:** If you have already filed for a divorce, you may have received a TEMPORARY RESTRAINING ORDER. This order is to stop the sale of property and transfer of money. **The police cannot make an arrest on this type of order.** Your attorney will need to file a Contempt of Court.

### **What is a Civil Stalking or Sexually Orientated Offense Protection Order?**

A SSOOPO is issued by the General Division of Common Pleas Court specifically to protect victims of stalking. A SSOOPO orders someone who has been engaging in stalking behavior to end that behavior. For additional information on stalking, please call 614-645-6232.

### **Who can get a Criminal Protection Order?**

If you are **not** considered a household or family member according to O.R.C. 2919.25, then you may request a Protection Order if **any** of the following charges be filed on your behalf.

- **Felonious Assault**
- **Aggravated Assault**
- **Assault**
- **Aggravated Menacing**
- **Menacing by Stalking**
- **Menacing**
- **Aggravated Trespass**

If you **are** considered a household or family member according to O.R.C. 2919.25, then you may request a Protection Order if an offence of violence be filed on your behalf.

Offense of violence include but are not limited to:

- **Domestic Violence**
- **Felonious Assault**
- **Aggravated Assault**
- **Assault**
- **Menacing by Stalking**
- **Aggravated Trespass**
- **Criminal Damaging/Endangering**
- **Criminal Mischief**
- **Burglary**
- **Endangering Children**

Contact the domestic violence unit for additional information – 614-645-6232

#### **How do I get a Criminal Protection Order?**

- a. A criminal charge must have been filed against the defendant,
- b. The crime must be specified by statute (ORC 2919.26/2903.213)
- c. You must be the victim of the crime,
- d. Your relationship with the defendant must comply with the law (see [who are considered family and household members?](#))

If all of the above apply and the prosecutor's office has assisted you in filing a criminal charge, then you need to call the Clerk of Courts each day to determine if the defendant has been arrested, and when the defendant is scheduled to be in arraignment court (either Courtroom 4-D or 4-C)

#### **CLERK OF COURTS – 614-645-8186 or 614-645-8819**

If the police filed the charge, you should come to court the next working day, Monday - Saturday. However, to save yourself a trip downtown, you may want to call the Clerk's Office (614-645-8186 or 614-645-8819) just to make sure the defendant is scheduled the next day. If the morning the defendant is scheduled in arraignment court is Monday - Friday, you need to contact the Domestic Violence Unit,



Municipal Court Building, 375 South High Street on the 17th floor, who will assist you in requesting the protection order. **It is important that you contact the Domestic Violence Unit (614-645-6232) by 9:30 a.m.**

If the defendant is scheduled for arraignment on a Saturday morning, just go directly to Courtroom 4-D on the fourth floor of the Municipal Court Building. A member of the Domestic Violence Unit staff will meet you in the courtroom.

**NOTE:**

1. **YOU DO NOT NEED TO COME TO ARRAIGNMENT COURT UNLESS YOU WANT A PROTECTION ORDER.**
2. **BE AT THE COURTHOUSE BY 9:00 A.M.**
3. **ALWAYS WEAR PROPER CLOTHES!**
4. **IF YOU MUST BRING CHILDREN, TRY TO BRING A FRIEND WITH YOU TO WATCH THE CHILDREN. SOME JUDGES DO NOT ALLOW CHILDREN IN THE COURTROOM, ESPECIALLY IF THEY CREATE A DISTURBANCE.**

**Who are considered family and household members?**

The following **MUST BE LIVING WITH, OR HAVE LIVED WITH, THE OFFENDER:**

- a. Spouse
- b. Former spouse
- c. Persons living together as spouses or otherwise cohabiting
  1. Persons living as spouses must have lived with the offender within five years prior to the incident unless the victim is the natural parent of the offender's child.
- d. Parents, children or other persons related by blood or marriage who are living or have lived with the offender.
- e. Persons who have a children) together do not have to have lived together in order to qualify under this statute.
- f. Other types of relationships not mentioned above may be covered under this statute, but they must be examined on a case-by-case basis.
- g. In Franklin County, same sex relationships are covered under this statute if the parties are considered to be cohabiting.

**What court should I use?**

You do not have to choose between filing a Complaint in a criminal court and filing a Petition in Domestic Relations Court. If you have been abused, you may file in either or both courts.

**How long does the order last?**

The criminal protection order is good only as long as the related charge is pending. When the case is resolved, the order expires.

A Civil Protection Order or Civil Stalking Protection Order can last up to five years and possibly be renewed for an additional five years.

### **Can I get a Criminal Protection Order any time?**

No. In order to get a Criminal Protection Order, one of the charges mentioned in *Who can get a Criminal Protection Order?* must be filed against the defendant. Protection orders are usually granted in Arraignment Court; however, they can be requested at any time during the criminal case.

### **Why do I have to come to the Arraignment Court Hearing?**

In order to get a Criminal Protection Order you need to be present at Arraignment Court. Typically, a hearing is held in order to establish grounds to consider granting the Criminal Protection Order. A hearing must be held allowing the Judge and the defendant's attorney a chance to hear from you what happened and why you want the protection order.

Arraignment Court is also, where the Judge sets bond on the defendant, and the prosecutor needs to know your feelings about the defendant's release.

### **What will happen in Arraignment Court?**

You will probably be asked to stand in front of the Judge (a Domestic Violence Advocate will be with you), raise your right hand and swear your statements are true. The Judge, prosecutor and/or defendant's attorney may ask you questions. Answer all questions as briefly and honestly as you can. The Judge wants to hear what happened during the incident and why you want a protection order.

Be aware that any information you give under oath can and may be used by the defendant's attorney.

### **What is the Domestic Violence Unit?**

The Domestic Violence Unit is a division of the City Attorney's Office, Prosecutor's Division. The advocates are there to provide you with information about the court process, answer your questions, and work as your connection to the prosecutor who will be handling your case.

Because prosecutors have so many cases, they have the staff from the Domestic Violence Unit help them. The prosecutors rely on the professionally trained, experienced Domestic Violence Advocates to provide you with support and assistance and to help them successfully prosecute your case.

### **What is bond?**

Bond is intended to insure the defendant's return to court; it is not a punishment for the incident. If the defendant has a history of not showing up for court, or if there are previous convictions for criminal acts, or if the defendant is charged with a felony crime such as murder/rape, the Judge may set a high bond.

### **What kind of bond will be set in my case?**

The Judge considers many different things when setting bond. There are several types of bond:

- a. Recognizance/Unsecured Appearance Bond (ROR) - allows the defendant to get out of jail on his/her signature.
- b. Appearance Bond - the defendant must give the court 10% of the bond amount plus a court fee before being released (i.e., a \$1,500 appearance bond will require at least \$170 to get out of jail).
- c. Cash/Security Bond - defendant must pay the entire bond amount in cash or hire a bail bondsman.

The Judge will also take into consideration such facts as whether the defendant has a job, has been convicted of a crime of violence against a family member, has disobeyed protection orders in the past, the extent of your injuries, and other information.

### **Can the Judge include my child(ren) on the Criminal Protection Order?**

Usually the Judges will not include your child(ren) on the Protection Order unless a charge was filed on behalf of the child. Domestic Court, not Criminal Court, decides custody of children.

Unless ordered by a Judge, the defendant has the right to visit his/her children (if paternity has been legally established.) As long as there is a Protection Order in effect, the defendant needs to make alternative arrangements for getting the child(ren). For example, having the child(ren) dropped off at a neutral location (relative, neighbor's home). Visitation does not give the defendant the right to enter your place of residence. If you have questions regarding visitation, please contact your Domestic attorney.

### **If I obtain a Protection Order from the court, does that mean the defendant has been found guilty?**

No. The issuance of a Protection Order does not mean the defendant has been found guilty. The prosecution must still prove your case "beyond a reasonable doubt" at trial. You must take steps to preserve your evidence for trial. It is very important to remember any witnesses and evidence that may help us prosecute your case. Be sure to let the advocate or prosecutor know if there is additional evidence.

### **What should I do if there is a violation of the Protection Order?**

The violation of a Protection Order is a criminal offense in addition to any criminal charges already filed.

If the defendant violates the Protection Order or the protective provision of the CPO/SSOPO in any way, call the police. DO NOT ATTEMPT TO REASON OR ARGUE WITH THE DEFENDANT. GET YOURSELF TO SAFETY. When the police arrive, show them a copy of your Protection Order. The police will want to confirm the validity of the Protection Order with their records department or the Clerk of Courts.

Ask the police to make a report regarding the Protection Order violation (even if the officer does not make an arrest). Also, write down the officer's name and badge number so that the prosecutor's office can contact the officer if it becomes necessary.

If the police do not file the Violation of a Protection Order charge, you should contact the Domestic Violence Unit.

### **What should I do about pressure from friends, family, the defendant or defendant's attorney?**

When a criminal charge is filed, many different things can happen. You may receive advice from friends and family, calls or visits from the defendant, calls from the attorney for the defendant, etc. Regardless of whom you speak to, remember the prosecutor represents the state and your interest. If any person threatens or pressures you to ask for a dismissal or just not to show up, please tell the Domestic Violence Unit or the prosecutor **immediately**. Make sure when speaking with any person who identifies himself or herself as an attorney, you get their name and phone number. If anyone calls saying he/she is from the Prosecutor's Office, get his/her name.

### **What do I do if the defendant's attorney contacts me?**

You are under no obligation to discuss this case with anyone other than a representative of the Prosecutor's Office. You may be contacted by the defendant's attorney regarding dropping charges. You may talk to the attorney, **but you do not have to**. While they may be very understanding and friendly, **they are working for the defendant**. Be careful what you say. Do not say anything you would not want heard on the witness stand. Before making any decision you need to speak to the prosecutor for his/her advice regarding the outcome of the case.

### **What should I do about phone calls?**

If the defendant is in jail they can only make reverse charge calls unless they get an outside party with a 3-way phone service to call for them. Annoying calls from the jail should be reported to the Domestic Violence Unit.

Telephone calls made by the defendant's friends or family members to you or your family, or hang-up calls, are not considered a violation of the protection order. There may, however, be additional charges under certain circumstances. Check with the Domestic Violence Unit if you are not sure. One solution to this problem is to hang up!

### **Will I have to come back to court?**

You may have several court appearances before the case is finally over. You will probably be subpoenaed to appear in court several times. After arraignment court there is usually, a pre-trial hearing scheduled. This hearing gives the prosecutor a chance to review your case, discuss it with the defendant's attorney and determine whether the case should be scheduled for trial. There may be more than one pre-trial. After all pre-trial issues are resolved; the case is usually scheduled for a jury trial or a court trial. Again, there may be more than one scheduled date. On the day of a jury or court trial, the prosecutor is only able to take one case to trial. This **must** be the oldest case. If your case is not the oldest, it may be rescheduled.

We recognize that coming back to court is inconvenient. We ask your cooperation in this since we are one of the busiest courts in the country. If you are working close to downtown, we may be able to put you on call. Please check with you Domestic Violence Unit advocate or your prosecutor regarding being placed "on call". Unfortunately, it is not possible to schedule court dates around your work schedule, vacation, etc.

### **How will I know when to come back to court?**

You will receive a subpoena in the mail. It could come as soon as the same week as the arraignment or as long as a month later. If the defendant is in jail, expect to return to court in approximately 10 days or less. The subpoena will tell you the correct date, time and courtroom.

If you are concerned about receiving your mail, we suggest a call to the Domestic Violence Unit to check on the status of your case. You will need the defendant's name and case number to receive information.

NOTE: Please make sure the Domestic Violence Unit has your current address and phone number. If you move or are staying with friends, they need that address. Make sure you can safely get your mail at the address you give them.

### **What if I miss work?**

If you miss work due to a subpoena to appear in court, the law states that your employer cannot punish you. Specifically, no employer shall discharge, discipline or otherwise retaliate against a victim of a member of the victim's family for participation, at the prosecutor's request, in a criminal proceeding. Any employer who violates this section is in contempt of court. Please make your advocate aware if you are having problems with your employer.

Your employer, however, is not required to pay you for the time you are absent from work.

Your advocate can provide you with a work/school excuse if needed.

### **What does my subpoena mean?**

The subpoena is a court order requiring you to appear in court. If you are subpoenaed to appear in court and do not appear, it makes it more difficult for the prosecution to prove the case. In addition, the court may hold you responsible for any court costs that have accrued in the case and/or hold you in contempt of court. It is **very important** that you come to all court hearings on time!

### **What can happen to the defendant?**

All charges in Municipal Court are misdemeanors. Depending on the degree of the misdemeanor, the maximum sentence will vary. The following are the degrees of misdemeanors and the **maximum** penalties.

<u>Classification</u>	<u>Maximum Confinement</u>	<u>Maximum Fine</u>
Misdemeanor 1 (M-1)	6 months	\$1,000
Misdemeanor 2(M-2)	90 days	\$ 750
Misdemeanor 3(M-3)	60 days	\$ 500
Misdemeanor 4(M-4)	30 days	\$ 250
Minor Misdemeanor (MM)	None	\$ 150

Despite what you may hear about the defendant, going to jail or losing his/her job, please remember - Jail is only one option. It is not the only option. The Franklin County Municipal Court has an excellent probation department, which makes regular referrals for drug and alcohol counseling or domestic violence counseling.

### **Can the court order the defendant to get counseling?**

Yes. The court may be agreeable to placing the defendant on probation and ordering him/her to attend domestic violence/drug/alcohol counseling. You need to make sure the prosecutor/Domestic Violence Unit is aware of your request for counseling. This cannot take place until the defendant has been put on probation after being found guilty. **THIS WILL NOT HAPPEN AT ARRAIGNMENT COURT.**

### **Can the Court order the defendant to pay bills, child support, etc.?**

No. This type of order is obtained in Domestic Relations Court (divorce court).

It is not unheard of for the defendant to have utility services in their name cut off as a means of pressuring you. You can avoid this by having the utility companies place the services in your name. If you have a Criminal Protection Order, the defendant is not allowed to turn off your utilities. If this happens, it could be a violation of the protection order. See [what should I do if there is a violation of the Protection Order?](#)

### **How do I get paid back for any damages such as furniture, hospital bills, etc.?**

Payment for damages is known as restitution. Restitution is usually handled by Small Claims Court or may be covered by the Crime Victims Compensation Fund. Ask a Domestic Violence Unit representative if you have any questions.

### **What if I want to drop the charge?**

First, please be aware of the fact that you are a witness for the prosecution. Even though you are the person who suffered because of the crime, the case is "State of Ohio or City of Columbus -vs- (Name of Defendant)." The **prosecutor** is responsible for making decisions about all cases.

**THE CITY PROSECUTOR'S OFFICE DOES NOT DISMISS CHARGES SOLELY UPON YOUR REQUEST.** This does not mean they do not need your input, but it does mean that either the prosecutor or judge will make the final decision about the case.

### **What if he/she had my keys, money or property when he/she was arrested?**

The defendant cannot be made to release any possessions, including money, property, checks, keys and other belongings, without a court order directing the person (or jailer) to remove such items. Most Judges will not address the release of property since they consider it a civil matter, out of their jurisdiction.

### **What about the defendant's property and clothes?**

Generally, the Judge will ask if the defendant has clothing at your place of residence. If so, the Judge may tell the defendant to contact the police, who will escort the defendant to your residence and wait while he/she gets clothing/personal effects. This is not an opportunity for the defendant to move furniture. Should you agree, you might want to allow a relative/friend of the defendant into your home to collect their possessions. Another alternative would be for you to pack the defendant's belongings and leave them where the defendant can collect them. Should you have any questions, check with the Domestic Violence Unit.

### **What happens if we run into each other in a public place?**

If you and the defendant see each other in a public place, we recommend that you do not confront him/her. If the defendant does not leave, then you should leave with someone, or call someone to be with you. If you are approached by the defendant, or are in fear of your safety, call the police.

**We are aware that your situation may change during the course of this case. If you resume your relationship with the defendant, move, change jobs or any other significant change, please let the Domestic Violence Unit know immediately.**

**IMPORTANT!**

**FOR YOUR SAFETY, WE RECOMMEND THAT YOU:**

1. Have absolutely no contact with the defendant until the case is over.
2. Not go to where the defendant is staying.
3. Not let the defendant into your residence.
4. Not telephone the defendant.
5. Not try to persuade the defendant to violate the protection order.

**REMEMBER!**

**FAILURE TO APPEAR FOR COURT WHEN SUBPOENAED MAY BE PUNISHABLE BY A CONTEMPT OF COURT ACTION.**

**YOU MAY BE THE PERSON ASSAULTED/THREATENED (THE VICTIM), BUT THE STATE OF OHIO'S LAWS WERE VIOLATED. THEREFORE, THE PROSECUTOR IS RESPONSIBLE FOR MAKING THE DECISIONS ABOUT ALL CASES.**

**YOUR SAFETY IS IMPORTANT AND YOU HAVE A RIGHT TO BE SAFE!**

**IMPORTANT PHONE NUMBERS**

City Prosecutors Office	614-645-7483
Domestic Violence Unit	614-645-6232
CHOICES (Domestic Violence Shelter)	614- 224-4663
Delaware County Sheriff(Non-Emergency)	740-833-2800
Columbus Bar Association, Lawyer Referral	614-221-0754
Legal Aid Society	614-224-8374
Municipal Court Clerk's Office	614-645-8186
Police / Sheriff (Emergency)	911
Otterbein University	614-823-1222

Westerville Division of Police

614-882-7444

Franklin County Sheriff (Non-Emergency)

614-525-3333

### **SAFETY HINTS**

**Please see your advocate to develop a personal safety plan. You have the right to be safe and free from harm. Your safety is important. The most important thing for you is to protect yourself and your children.**

**YOU ARE NOT RESPONSIBLE FOR YOUR PARTNER'S BEHAVIOR. You cannot control or change your partner's behavior.**

**Plan now for somewhere to go if your partner threatens you or makes you feel unsafe.**

The following are suggestions that may help you during this difficult time:

1. PLACE YOUR OWN SAFETY ABOVE YOUR POSSESSIONS OR YOUR PRIDE
2. If you are afraid your partner might hurt you, consider the following:
  - a. Leave and go somewhere safe. DO NOT WAIT UNTIL YOUR PARTNER HURTS YOU!
  - b. Keep near an exit so you can get away.
  - c. Do not confront or challenge your partner if the partner is intoxicated, on drugs, or may become violent.
3. IF YOUR PARTNER DOES HURT YOU:
  - a. Run out the door.
  - b. Yell HELP! CALL THE POLICE!
  - c. Call the police yourself or teach your children to call the police.
4. Develop a safety plan. This requires some thought. Try to set aside some cash, extra clothing, extra keys for the house and vehicles, and important documents. If you need to leave in a hurry, think about where you can keep these things in safety (perhaps a friend or relative's house, or neighbor's). Think about where you would go for help? How will you get there? What plans could you make for your children?
5. Make sure you have a copy of your Protection Order with you at all times.
6. Take a copy of the Protection Order to your neighborhood police station so they will be aware of potential problems.
7. Keep your doors and windows locked.
8. Change your door locks.
9. Put sturdy sticks in windows and sliding glass doors.



10. Alert neighbors to call the police if they see the defendant at your home.
11. Have someone stay with you, if possible.
12. Do not go places where you think the defendant may be.
13. Do not go out alone.
14. Remember that witnesses are very important. Be around people whenever possible.
15. Consider changing your phone number and having it unlisted.

**If you have any questions, the Domestic Violence Unit is available Monday - Friday, 8:00 - 4:30, to assist you. Call 614-645-6232.**

#### Westerville/Columbus Area Resources

##### **Legal Service**

Columbus Bar Association	614-221-0745
Legal Aid Society	614-224-8374

##### **Domestic Violence Shelters**

Choices	614-224-4663
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##### **Out of Town Domestic Violence Shelters**

Athens	614-593-3402	800-443-3402
Circleville	614-477-9113	
Dayton	513-461-4357	
Dayton (YWCA Battered Women's Project)	513-461-5550	
Lancaster	740-687-4423	
Marion	740-382-8988	800-232-6505
Mt. Vernon	740-397-4357	
Newark	740-345-4498	800-686-2760

##### **Adult Protective Services**

M - F 9-5	614-525-4348
Eves/Weekends	614-525-4356

### **Hotlines**

HOPE Hotline (Addiction)	614-228-4673
Rape Crisis Hotline	614-267-7020
Choices (Domestic Violence)	614-224-4663
Mount Carmel Crime and Trauma Assistance Program (Domestic Violence)	614-234-2939
Columbus Area Mental Health Center	614-276-2273
Child Abuse Hotline - Franklin Co. Children Serv.	614-229-7000
Suicide Prevention Hotline	614-221-5445
Senior Suicide Hotline	614-294-3309
Teen Suicide	614-294-3300
FIRSTLINK (formerly CALLVAC)	614-221-2255

### **Topic-Specific Information**

Counseling, Housing, Food/Clothing, Child Care, Parenting, Soup Kitchen (FirstLink)	614-221-2255
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## **UNDERSTANDING THE COURT PROCESS**

### **\* THE THREE PHASE SYSTEM \***

#### **I. ARRAIGNMENT COURT**

- A. Offender enters a plea (almost always "not guilty" at this stage.)
- B. Victim can get a DVTPO/CRPO (Protection Order)
- C. Judge sets bond. Offender only needs 10% of the bond to get out of jail.

#### **II. PRE-TRIAL**

- A. Case is assigned to a permanent judge.

- B. Offender can plead guilty to original charge or a lesser charge and are sentenced. If the offender continues to plead not guilty, the case will go to the third phase.
- C. Prosecutor and defense attorney exchange information and evidence.

### III. JURY TRIAL

- A. The case can go to trial where a jury decides whether the offender is guilty or not guilty of the offense after hearing all of the evidence.
- B. Offender can still plead guilty at this stage and waive his/her right to trial.
- C. The case can be continued several times (five or more times) in this stage. This occurs because the case has to be the oldest case on the Judge's list of cases before the case can go to trial.

### **SENTENCING : The victim has the right to give the court input on sentencing.**

The offender could be sentenced to the following:

Jail Time (maximum 6 months) or 30 days if charge was a threat only

Fine (up to \$1,000)

Probation with ordered counseling (domestic violence, drug, and alcohol counseling)

STAY AWAY ORDER as a condition of probation or an order that there be no same or similar acts of violence towards the victim.

A Stay-Away is not an arrestable order. Violations need to be handled through the defendant's probation officer. If you are in immediate danger, call the police. If you have continuing safety concerns you may want to file for a CPO or SSOPO as applicable (see [what a Civil Protection Order is.](#)).

## **Accommodations and Protective Measures Available for Victims:**

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Otterbein University will provide written notification to students and employees about accommodations available to them, including academic, living, transportation and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations)

Otterbein University may issue an institutional "No Contact" order if deemed appropriate or at the request of the victim or accused. Upon the victim's request and to the extent of the victim's cooperation and consent, university offices will work cooperatively to assist the victim with their health, physical safety, work and academic status, pending the outcome of a formal university investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, working or transportation situations regardless of whether the victim chooses to report the crime

to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student park in a different location, assisting the student with a safety escort, etc. To the extent possible, Otterbein University will also provide assistance with and/or information about obtaining resources and services such as counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement.

To request changes to academic, living, transportation and/or working situations or protective measures, a victim should (DESCRIBE HOW STUDENTS AND EMPLOYEES SHOULD REQUEST THESE SERVICES – PROVIDE THE NAME OF INDIVIDUAL OR OFFICE TO CONTACT FOR EACH OF THESE SERVICES AND PERTINENT CONTACT INFORMATION). If the victim wishes to receive assistance in requesting these accommodations, she or he should contact (DESCRIBE HOW STUDENTS AND EMPLOYEES SHOULD REQUEST THESE SERVICES HERE – NAME OF INDIVIDUAL OR OFFICE TO CONTACT FOR ASSISTANCE IN REQUESTING THESE SERVICES AND PERTINENT CONTACT INFORMATION

Regardless of whether a victim has opted-out of allowing the University to share “directory information,” personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20).) Further, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Otterbein University does not publish the name of crime victims nor house identifiable information regarding victims in the campus police departments Daily Crime Log or online. Victims may request that directory information on file be removed from public sources by submitting a request to the Chief of Police or his designee.

## **Resources for victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking:**

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Otterbein University will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. These resources include the following:

### **On-Campus:**

#### **Campus Resources:**

Otterbein Counseling Services	614-823-1250
Student Health Center	614-823-1345
Mental Health	614-823-1250
University Chaplain	614-823-1409
Victim Advocacy/Women's Gender and Resource Center	614-823-1028
Visa/Immigration Assistance	614-823-3563
Student Financial Aid	614-823-1502
Otterbein University Police	614-823-1222

**Off-Campus:**

**Off-Campus Resources:**

SARNCO (Sexual Assault Response Network of Central Ohio),	614-267-7020
CHOICES 24 Hour Domestic Violence Hotline	614-224-4663
Mt. Carmel Crime & Trauma Assistance Program	614-234-5900
Buckeye Region Anti-Violence Organization (BRAVO)	614-294-7867
Westerville Division of Police	614-901-6790
Rape, Abuse, & Incest National Network (RAINN)	800-656-4673

National hotline that connects callers to their nearest rape crisis line.

**Anonymous Reporting:**

Campus Conduct Hotline	866-943-5878
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Otterbein Police Silent Witness online form at:

<http://www.otterbein.edu/public/CampusLife/HealthAndSafety/Police/silent-witness.aspx>

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

<http://www.rainn.org> – Rape, Abuse and Incest National Network

<http://www.ovw.usdoj.gov/sexassault.htm> - Department of Justice

<http://www2.ed.gov/about/offices/list/ocr/index.html> Department of Education, Office of Civil Rights

## Options for seeking medical attention:

### Campus Health Center Services



The Student Health Center provides health care services for students. Nurses are on duty from 9:00 am to 5:00 pm, Monday through Friday. A physician is available two hours daily, Monday through Friday. The hours the doctor is available varies and will be posted each month in the residence halls, Campus Center and throughout the campus. All full-time students are entitled to unlimited doctor and/or nurse visits. All full-time students are covered by a secondary accident policy at no additional expense to the student. There is an optional medical coverage policy. Please call **614-823-1250** for additional literature on this policy. The Student Health Center is located east of the Campus Center at 78 West Home Street. The phone number for the Campus Health Center is 614-823-1345

OhioHealth Westerville Medical Campus

Emergency Care Center



**THIS IS AN EMERGENCY DEPARTMENT. THIS IS NOT AN URGENT CARE.**

OhioHealth Westerville Medical Campus Emergency Care Center is a full-service ambulance-receiving emergency department open 24 hours a day, 365 days a year.

The facility provides a convenient alternative to traditional emergency departments located at hospitals. The emergency department is staffed with the same skilled, board-certified physicians as OhioHealth's Riverside Methodist Hospital and Grant Medical Center Emergency Departments.

The OhioHealth Westerville Emergency Care Center treats all patients regardless of their ability to pay. The address is **300 Polaris Pkwy-Westerville, OH\43081- (614)-533-3000.**



**Mount Carmel/**

**St. Ann's Hospital**



500 South Cleveland Avenue  
Westerville, Ohio 43081

Located in Westerville, Mount Carmel St. Ann's is a community hospital with the clinical capabilities of facilities far larger. It has a state-of-the-art emergency department, maternity center and cancer center; patients are able to get a personal healthcare experience without sacrificing quality of care.

One of the campus' newest buildings is the Mount Carmel St. Ann's Maternity Pavilion. It welcomes nearly 5,000 deliveries per year and includes a Level III special care nursery. The recently renovated emergency department sees 72,000 visits per year, and the hospital itself features 11 state-of-the-art operating rooms and dedicated angio and cath labs. The Westerville hospital's campus also boasts a dedicated Women's Health Center and a Cancer Center offering outpatient infusion and radiation therapy services.

Phone Numbers:

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Main Number	614-898-4000
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Central Scheduling	614-234-7400
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Emergency Department	614-898-4040
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Human Resources	614-898-4090
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Medical Records	614-898-4075
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Patient/Visitor Information	614-898-4100
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Volunteer Services	614-898-4097
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## Bystander Intervention:

**Bystander Intervention is a philosophy and strategy for prevention of various types of violence.** It involves safe and positive options to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking.

What can bystanders do to make a difference?

- **Believe someone** who discloses a sexual assault, abusive relationship, or experience with stalking or cyberstalking.
- **Be respectful** of yourself and others. Make sure any sexual act is OK with your partner if you initiate.
- **Watch out for your friends** – if you see someone who looks like they are in trouble, ask if they are okay. If you see a friend doing something shady, say something.
- **Speak up** – if someone says something offensive, derogatory, or abusive, let him or her know that behavior is wrong and you do not want to be around it.

### Other Bystander Intervention Strategies

- **Silent Stare** - A disapproving look can be more powerful than words.
- **Humor** - Reduces the tension of an intervention and makes it easier for the person to hear you.
- **Group Intervention** - There is safety and power in numbers.
- **We're friends, right....?**
  - Reframes the intervention as caring and non-critical.
  - Example: "Hey Chad.....as your friend I've got to tell you that getting a girl drunk to have sex with her isn't cool, and could get you in a lot of trouble. Don't do it."
- **Distraction**

- Snaps someone out of his or her “sexist comfort zone.” Example: Ask a man harassing a woman on the street for directions or the time.
- Allows a potential target to move away and/or to have other friends intervene.

Example: Spill your drink on the person or interrupt and start a conversation with the person.

(Adapted from Men Can Stop Rape, [www.mencanstoprape.org](http://www.mencanstoprape.org).)

## Risk Reduction Tips:

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org))

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you don’t know where you are going, act like you do.
4. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have cab money.
7. **Do not allow yourself to be isolated** with someone you do not trust or someone you do not know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately, (local authorities can be reached by calling 911 in most areas of the U.S.).
11. **Do not leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you have left your drink alone, just get a new one.
12. **Do not accept drinks from people you do not know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it

yourself. At parties, do not drink from the punch bowls or other large, common open containers.

13. **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
14. **If you suspect you or a friend has been drugged, contact law enforcement immediately, (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. **If you need to get out of an uncomfortable or scary situation** here are some things that you can try:
  - a. **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - b. **Be true to yourself.** Do not feel obligated to do anything you do not want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - c. **Have a code word with your friends or family** so that if you do not feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - d. **Lie.** If you do not want to hurt the person's feelings, it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use need to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. **Tell a sexual aggressor "NO"** clearly and firmly.
17. **Try to remove yourself** from the physical presence of a sexual aggressor.
18. **Find someone nearby** and ask for help.
19. **Take affirmative responsibility for your alcohol intake/drug use** and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
20. **Take care of your friends and ask that they take care of you.** A real friend will challenge you if you are about to make a mistake. Respect them when they do.
21. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

22. **If you and/or the other person have been drinking**, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- **DON'T MAKE ASSUMPTIONS** about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity then you **DO NOT** have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Do not take advantage of someone's drunkenness or drugged state, even if he/she did it to him/herself.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Do not abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.

(From ATIXA Model Sexual Misconduct Policy)

## **Adjudication of Violations:**

Whether or not criminal charges are filed, the university<sup>5</sup> or a person may file a complaint under the Sexual Misconduct Policy alleging that a student or employee violated Otterbein University's policy on Sexual Misconduct for students or Discrimination and Harassment policy for employees.

## **Sexual Misconduct Student Policy:**

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<sup>5</sup> Title IX states that if an institution knows or reasonably should know of sexual harassment, to include sexual violence, the institution has a duty to investigate. Consequently, whether a complainant chooses to cooperate or not should not be the deciding factor for whether or not disciplinary charges are brought against an accused party. If an investigation determines that it is more likely than not that the institution's sexual misconduct policy was violated, then the "University" may assume the role of the complainant.

## **Sexual Misconduct**

Otterbein University does not discriminate on the basis of sex in its education programs or activities. The University has designated the following person to address any questions you may have about sexual misconduct and Title IX:

Scott Fitzgerald

Title IX Coordinator

614.823.1130

[sfitzgerald@otterbein.edu](mailto:sfitzgerald@otterbein.edu)

You may also contact the United States Department of Education, Office of Civil Rights, with any sexual misconduct and Title IX questions:

Office of Civil Rights (OCR)

400 Maryland Avenue, SW

Washington, DC 20202-1100

Customer Service Hotline: 800.421.3481

TDD# 877.521.2172

Email: [OCR@ed.gov](mailto:OCR@ed.gov)

Web: <http://www.ed.gov.ocr>

Sexual misconduct is covered by University Policy 117.0 Sexual Misconduct, which includes the following introductory statement:

Members of the University community, guests, and visitors have the right to be free from all forms of gender and sex-based discrimination, including sexual misconduct, examples of which can include acts of sexual assault, sexual harassment, domestic violence, dating violence, and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. When a respondent is found to have violated this policy, sanctions and other appropriate measures will be used to reasonably ensure that the sexual misconduct has been stopped, its effects have been addressed, any hostile environment has been eliminated and steps have been taken to prevent its recurrence. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated. Finally, retaliation against an individual who makes a report or participates in any

proceedings under this policy is a violation of this policy. Individuals engaging in retaliation will be subject to disciplinary action.

The University Sexual Misconduct policy and grievance procedures apply to complaints of sexual misconduct in or impacting a University program or activity. This includes sex or gender-based harassment, sexual assault and sexual violence carried out by employees, faculty, students, and third parties. The University has jurisdiction to investigate and remedy all Title IX related matters that occur on campus or at a University sponsored event. Specifically, this includes academic, educational, extracurricular, athletic, and any other school programs, whether those programs take place in a school's facilities, on a school bus, at a class or training program sponsored by the school at another location, during study abroad, or elsewhere. Additional examples include school-sponsored field trips, school-recognized fraternity or sorority houses, and athletic team travel; and events for school clubs that occur off campus.

The University also has jurisdiction to investigate and remedy off campus incidents if (1) the University has control over the Respondent and (2) has control over the context of the misconduct (on University property, in our programs, on land we lease or control, or at events we sponsor).

If the incident does not meet both prongs above, the University may still provide support to the Complainant including counseling and assistance on how to file a criminal complaint with the appropriate law enforcement agency. The University will address off-campus sexual misconduct that creates a hostile environment on campus.

### **Summary of Process**

Upon receipt of a complaint, the University's process involves an immediate initial investigation to determine if, assuming the facts in the complaint to be true, the complaint would state a violation of this policy. If so, the University will initiate a prompt, thorough and impartial investigation. This investigation is designed to provide a fair and reliable determination about whether the University Sexual Misconduct Policy has been violated. If so, the University will implement a prompt and effective remedy designated to end the sexual misconduct, prevent its recurrence, and address its effects. Upon a determination that a complaint does not present a violation of this policy but may present a potential violation of another University policy, the complaining party will be informed of their option to have the complaint forwarded to the University division having jurisdiction over such matters.

The individuals below oversee the University's Title IX Compliance. Members of the campus community are encouraged to contact them if they have any questions regarding Title IX or this Policy. Confidential and non-confidential complaint options are outlined later in this policy.

Title IX Coordinator: Scott Fitzgerald  
Director of Human Resources: sfitzgerald@Otterbein.edu  
614.823.1130

Title IX Deputy Coordinator: Julie Saker  
Associate Dean of Students jsaker@otterbein.edu  
614.823.1554

Training: The Title IX Team receives annual training on the handling of complaints of sexual harassment, the University's Sexual Misconduct policy, grievance procedures, and applicable confidentiality requirements.

### **Sexual Misconduct:**

Sexual misconduct is a form of sex-and gender-based discrimination. Sexual misconduct includes the following:

Non-consensual sexual intercourse: any sexual penetration (anal, oral or vaginal), however slight, with any body part or object by any person upon any person without consent.

Non-consensual sexual contact: any intentional sexual touching, either by the offender or when the complainant is forced to touch, with any body part or object without consent.

Sex- and gender-based discrimination: Discriminatory treatment based on sex, gender or gender identity. Gender-based discrimination can include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex stereotyping, even if those acts do not involve conduct of a sexual nature. Sex stereotyping can include the expectation that a person conform to certain behaviors, mannerisms or appearances stereotypical of their biological sex.

### **Sexual Harassment**

In the education context, sexual harassment is unwelcome, sex- or gender-based verbal or physical conduct that is sufficiently severe, persistent, or pervasive that it interferes with, denies, or limits an individual's ability to participate in or benefit from the university's educational programs and activities.

In the employment context, sexual harassment is unwelcome, sex- or gender-based verbal or physical conduct that unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

It can take two forms: power differentials (quid pro quo) or hostile environment:

Quid pro quo sexual harassment exists when:

- There are unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature; and
- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status; or
- Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions adversely affecting such individual.

Hostile environment in the employment context includes any situation in which there is harassing conduct that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

Consent: informed, freely and actively given, mutually understandable words or action, which indicate a willingness to engage in mutually agreed upon sexual activity.

- Consent is active, not passive.
- Silence or lack of resistance, in and of itself, cannot be interpreted as consent.
- Consent can be given by words, actions, or behaviors as long as those words, actions or behaviors create mutually understandable clear permission regarding willingness to engage in the conditions of sexual activity: who, what, when, where, why, and how sexual activity will take place.
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Consent can be withdrawn at any time by word or action.
- Previous relationships or prior consent cannot imply consent to current or future sexual acts.

To be effective, consent cannot be obtained by use of physical force, compelling threats, intimidating behavior, or coercion.

- Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion.
- Coercion is unreasonable pressure for sexual activity. When a person indicates by words or actions that he/she does not want to engage in sexual activity, wants to stop, or does not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- Intimidation is implied threats, including the exertion of perceived or actual power resulting from position or stature.
- A person must be of legal age (16) to give consent.



An incapacitated person cannot give consent. Sexual activity with someone who one should know to be mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout) is not consented sexual activity and therefore is a violation of this policy.

- Incapacitation is a state where someone cannot make rational, reasonable decisions.
- Incapacitation may result from mental disability, sleep, involuntary physical restraint, and alcohol or drug impairment, including taking “rape drugs.” A rape drug is any drug intentionally used to incapacitate another victim to assist in the execution of drug-facilitated sexual assault.
- Possession, use and/or distribution of any so-called “rape drug” is prohibited and administering these drugs to another person is a violation of this policy.
- Being under the influence of alcohol or other drugs will not excuse behavior that violates this policy.

The determination of whether an environment is “hostile” is based on a totality of circumstances. These circumstances may include:

- The degree to which the conduct interfered with the complainant’s educational or work performance;
- The type, frequency, and duration of the conduct;
- The identity of and relationship between the accused and the complainant(s)
- The number of individuals involved;
- The age and sex of the accused and the complainant(s);
- The location of the incident(s) and the context in which it occurred;
- The nature and severity of the conduct;
- Whether the conduct was physically threatening;
- Whether the conduct was humiliating;
- The effect of the conduct on the complainant’s mental or emotional state;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether the speech or conduct deserves the protections of academic freedom or the first amendment.
- A single or isolated incident of sexual harassment (e.g., rape) may be severe enough to create a hostile environment.

The following are examples of the types of conduct that, if severe or pervasive enough, can create a hostile work or educational environment on the basis of gender:

- Inappropriate comments of a sexual nature, including sexually explicit comments, questions, or jokes;
- Persistent, unwelcome attempts to change a working or academic relationship into a romantic or sexual relationship;
- Inappropriate remarks about sexual activity, experience, or orientation;
- Abusive or derogatory remarks about individuals or classes of individuals on the basis of their gender or sexuality;
- Persistent and unwelcome forms of attention toward another member of the University community such as requests for dates, flirtations, sexual advances, phone calls or other communications, or unwanted gifts;
- Touching, patting, hugging, brushing against an individual's body, or repeated or unwanted staring;
- Display of inappropriate sexually oriented or derogatory materials in a location where others can see them;
- Sexual violence or assault (can also be a criminal violation subject to the criminal justice system).

**Sexual Exploitation:** taking non-consensual, unjust, or abusive sexual advantage of another. Examples include, but are not limited to, prostituting another student or employee, non-consensual pictures, video-, or audio-recording of sexual activity, including on social media and texting. Includes sharing videos, photos, recording such as on social media even if media was obtained consensually. Engaging in non-consensual voyeurism, and knowingly transmitting or exposing another person to a sexually transmitted infection (STI) without the knowledge of the person.

**Stalking:** engaging in a course of conduct that includes two or more acts directed at a specific person, based on gender or sexual orientation that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. This includes whether the alleged perpetrator directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about the complainant, or interferes with the complainant's property.

**Domestic Violence:** violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child, by a person who is or was cohabitating with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant, and/or by any other person against an adult or youth victim who is protected from that person under the domestic or family violence laws.

**Dating Violence:** violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant and where the existence of such a relationship is determined based on the following factors: length of the relationship, type of relationship and frequency of interaction between the persons involved in the relationship.

**Indecent Exposure:** the exposure of the private or intimate parts of the body in a lewd manner in public or in private premises when the accused may be readily observed.

**Sexual Violence:** Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.

**Pregnancy Discrimination:** Discrimination based on sex can include discrimination based on pregnancy or pregnancy-related conditions, such as childbirth, false pregnancy, termination of a pregnancy, miscarriage or recovery from any of these conditions. The University provides reasonable accommodations of limitations imposed by pregnancy or pregnancy-related conditions in accordance with applicable law.

**Consent:** informed, freely and actively given, mutually understandable words or action, which indicate a willingness to engage in mutually agreed upon sexual activity.

- Consent is active, not passive.
- Silence or lack of resistance, in and of itself, cannot be interpreted as consent.
- Consent can be given by words, actions, or behaviors as long as those words, actions or behaviors create mutually understandable clear permission regarding willingness to engage in the conditions of sexual activity: who, what, when, where, why, and how sexual activity will take place.
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Consent can be withdrawn at any time by word or action.
- Previous relationships or prior consent cannot imply consent to current or future sexual acts.
- To be effective, consent cannot be obtained by use of physical force, compelling threats, intimidating behavior, or coercion.
- Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion.

- Coercion is unreasonable pressure for sexual activity. When a person indicates by words or actions that he/she does not want to engage in sexual activity, wants to stop, or does not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- Intimidation is implied threats, including the exertion of perceived or actual power resulting from position or stature.
- A person must be of legal age (16) to give consent.
- An incapacitated person cannot give consent. Sexual activity with someone who one should know to be mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout) is not consented sexual activity and therefore is a violation of this policy.
- Incapacitation is a state where someone cannot make rational, reasonable decisions.
- Incapacitation may result from mental disability, sleep, involuntary physical restraint, and alcohol or drug impairment, including taking “rape drugs.” A rape drug is any drug intentionally used to incapacitate another victim to assist in the execution of drug-facilitated sexual assault.
- Possession, use and/or distribution of any so-called “rape drug” is prohibited and administering these drugs to another person is a violation of this policy.
- Being under the influence of alcohol or other drugs will not excuse behavior that violates this policy.

#### Identification of Parties as used in this Policy

Complainant: an individual who brings forth a concern of sexual misconduct.

Respondent: an individual who is accused of sexual misconduct.

Title IX Coordinator: University employee responsible for overseeing all investigations related to sexual misconduct, to ensure prompt, fair, and impartial investigation and resolution. He/she will coordinate the in-take, investigation, and review of all complaints that fall within this policy.

#### **Reporting Resources**

Promptly seeking information can be very helpful to anyone who may want to report sexual misconduct. Reporting incidents is important to addressing sexual misconduct on campus. There are a number of options available to students and employees. This section will discuss confidential and non-confidential options to provide information to assist with the process to make an informed decision.

#### **Amnesty**

The University encourages students to report sexual misconduct. Sometimes, survivors or witnesses are hesitant to report to university officials because they fear that they themselves may be accused of a policy violation, such as alcohol and drug use, at the time of the incident. It is in the best interest of the community that as many survivors as possible choose to report sexual misconduct to university officials and that witnesses come forward to share what they know. To encourage reporting, the University offers survivors of sexual misconduct and witnesses' amnesty from minor policy violations (such as alcohol and drug use) related to the incident.

### **Retaliation**

The University will not tolerate retaliation in any form against any student, faculty or staff who files a complaint (Complainant), against whom a complaint has been filed (Respondent), serves as a witness, assists the Complainant or Respondent, or participates in an investigation of discrimination or harassment. The University will take steps to prevent retaliation or recurrence of any sexual misconduct on the Complainant or others.

### **Confidentiality**

Otterbein will make every effort reasonably possible to preserve the privacy of an individual who makes an official report and to protect the confidentiality of the information reported. When a Complainant requests that no action be taken or that their name not be used, the Complainant will be advised that the University's ability to respond will be limited but that the University will take all appropriate action consistent with the request. However, there will be situations in which the University may decide to override a request for confidentiality or that no action be taken in light of the nature of the incident or threat to the campus community. Such considerations include the risk of additional attacks, the use of weapons or drugs, multiple attackers, past conduct, the attack was accompanied by other crimes or threats. Therefore, Complainants desiring to make truly confidential reports should review the confidential reporting section below.

The degree, to which confidentiality can be protected, however, depends upon the professional role of the person being consulted. The professional being consulted should make these limits clear before any disclosure of facts. The individuals/offices below are recognized by the University as being able to receive confidential reports.

### **Additional Resources:**

Employee Assistance Program	888.238.6232
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### **Student On-Campus Confidential Resources:**

Mental Health Counselor	614.823.1250
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Student Health Center Provider	614.823.1345
University Chaplain	614.823.1409
Women's Gender & Sexuality Resource Center Advocates	614.823.1028

#### Off-Campus Confidential Resources for Employees and Students:

SARNCO (Sexual Assault Response Network of Central Ohio)	614.267.7020
CHOICES 24 Hour Domestic Violence Hotline	614.224.4663
Mt. Carmel Crime & Trauma Assistance Program	614.234.5900
Buckeye Region Anti-Violence Organization (BRAVO)	614.294-7867
Rape, Abuse, & Incest National Network (RAINN)	800.656.4673

(National hotline that connects callers to their nearest rape crisis line.)

#### **Anonymous Reporting:**

The following resources provide anonymous reporting options. (Anonymous reporting may limit the University's ability to fully investigate and resolve the complaint.)

Campus Conduct Hotline	866.943.5787
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Otterbein Police Silent Witness online form at:

<http://www.otterbein.edu/public/CampusLife/HealthAndSafety/police/silent-witness-from.aspx>

As required by law, all disclosures to any Otterbein employee of an on-campus sexual assault are tabulated for statistical purposes without personal identifying information.

#### **Non-Confidential Reporting**

Employees, guests, and third parties are encouraged to speak to Otterbein officials to make formal reports of incidents. The University considers all employees responsible employees. Notice to an Otterbein employee is official notice to the institution. Responsible employees are expected to relay any report of sexual misconduct to the appropriate Title IX team member. Therefore, students have the right and can expect incidents of sexual misconduct to be taken seriously by the University when formally reported, and to have those incidents investigated and properly resolved through administrative procedures.

The following options for reporting are not confidential in that other University employees with a need to know to stop the conduct, conduct an investigation, and resolve the matter will know of the complaint.

Employees, guests and third parties are encouraged to report complaints to the Title IX Coordinator/Director of Human Resources:

Title IX Coordinator: Scott Fitzgerald

sfitzgerald@Otterbein.edu

614.823.1130

Students are encouraged to report complaints against students to the Title IX Deputy Coordinator/Associate Dean of Students:

Title IX Deputy Coordinator: Julie Saker

Associate Dean of Students      jsaker@otterbein.edu

614.823.1554

Following an incident, the Complainant and/or their colleagues may contact the Title IX Deputy Coordinator or Title IX Coordinator who can explain all aspects of the reporting process, support measures, and possible next steps. If the Respondent (accused person) is an Otterbein employee, the Title IX Coordinator (Director of Human Resources) may join the Associate Dean of Students for investigative meetings if a complaint is filed.

Sexual Misconduct, which includes sexual harassment, involves a variety of inappropriate behavior, the most serious being non-consensual sexual intercourse (sexual assault).

Reporting of sexual harassment: students are encouraged to report complaints against students to the Julie Saker, Deputy Title IX Coordinator. To report complaints against faculty or employees, students are encouraged to contact either the Julie Saker, Deputy Title IX Coordinator or Scott Fitzgerald, Title IX Coordinator. The Deputy Title IX Coordinator will share complaints with the Title IX Coordinator, who will coordinate the next steps outlined below under "Next Steps."

When a student reports a possible sexual harassment, the Deputy Title IX Coordinator and/or Title IX Coordinator will meet with the student to provide support and obtain detailed information about the

student concern. Charges of sexual misconduct, including sexual harassment, will follow the steps and procedures listed below.

Reporting of sexual assaults and other sexual violence: Students are encouraged to report sexual assaults and other sexual violence to the Otterbein Police Department or the Westerville Police Department immediately following the incident if possible.

Survivors of sexual assault are encouraged to get to a safe place and obtain immediate medical treatment. Calling 911 is important to obtain immediate medical assistance and medical support, and to preserve evidence. Students and employees are encouraged to report sexual assaults to the Otterbein Police Department or the Westerville Police Department immediately following the incident if possible. An officer from the Otterbein Police Department will meet with the student to take a report. The Complainant can make decisions about their level of involvement in an investigation and potential criminal or campus student conduct action. Otterbein Police will provide assistance in preserving relevant materials and will obtain, secure, and maintain evidence needed for criminal and employee/student conduct proceedings.

### **Reporting/Resources**

Otterbein University takes sexual violence very seriously and is deeply committed to assisting victims/survivors with respect, non-judgment, knowledge and care. The options below will aid victims/survivors in navigating through the process.

**Option 1:** The victim/survivor may file an Otterbein University Police Report. Students, faculty, staff and community members are encouraged to report all crimes and public safety related incidents to OPD in a timely manner. To report a crime phone 614-823-1222 or dial 911 if it is an emergency.

**Note:** The report will list them as the victim/survivor and will name the accused. The report will be forwarded to Otterbein University Title IX Coordinator and they will begin the review process. We will also forward the report and investigation to the Franklin or Delaware County Prosecutor's office to determine if criminal charges will be brought against the accused and if so, the specific charges to be filed.

**Option 2:** The victim/survivor may file a Police Report with the Westerville Division of Police. Names will be included in the report. Note, they typically forward the report and investigation to the Franklin or Delaware County Prosecutor's office to determine if criminal charges will be brought against the accused and if so, the specific charges to be filed.



The Otterbein Police Department will offer assistance in filing a report with the Westerville Division of Police to any victim/survivor who chooses this option.

**Option 3:** Confidential Reporting: The following are options for students who do not wish to file a police report but desire to communicate the crime to other entities on campus. The Women's Resource Gender Center (WGRC) (614-823-1028) is comprised of student peer advocates who have specialized training to aid survivors of sexual assault and relationship abuse. Director of Counseling and Psychological Services Kathy Ryan, a licensed psychologist and Caleb Tipple, Clinical Counselor are available to meet with victim/survivor and provide counseling services. Ryan's email address is kryan@otterbein.edu. Tipple's email address is ctipple@otterbein.edu. You can also phone at 614-823-1250. Otterbein University Chaplain Judith Guion-Utsler (614-823-1409) is also available to meet with the victim/survivor and provide aid. Her email address is jguionutsler@otterbein.edu. Our licensed counselors clergy and students in the WGRC are encouraged to report sexual assaults to OPD for statistical purposes only. Names of victim/survivor and the accused and details of the incident remain confidential.

**Option 4:** The victim/survivor may choose not to file a report or can file a report later, or may select to take advantage of support services previously listed.

**Option 5:** If the survivor says "no" to Reporting Option #1 or #2, they may file a Confidential Otterbein University Police Report.

Note: The Confidential Report will briefly describe the incident but will not include the name of the Subject or Accused. They will be listed as "Jane Doe" or "John Doe". There will be no follow up investigation or forwarding of the report to the County Prosecutor Office for the pursuit of criminal charges. 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 an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

We are obligated to notify the Title IX Coordinator about all incidents of sexual harassment/assault. Per federal law, the Title IX Coordinator has some obligations to conduct a Title IX investigation. If we know your identity, we have to provide it and the accused's identity to the Title IX Coordinator.

You can change your mind about the type of report you wish to file at any time in the future, to do so contact Otterbein University Police.

**Option 6:** The victim/survivor may file a report with the institution's Title IX Coordinator. The Title IX Coordinator for the Institution is the Director of Human Resources, Scott Fitzgerald. He is located at the HR Office, at 25 W. Home St., Westerville, OH and can be reached at 614-823-1130. Another alternative is to file a report with the Deputy Title IX Coordinator, Julie Saker who can be reached at 614-813-1250. Her email address is jsaker@otterbein.edu. The institution has adopted and published grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX, including sexual harassment and sexual assaults carried out by employees, other students or third parties. This information can be found

at: [www.otterbein.edu/public/titleIX.aspx](http://www.otterbein.edu/public/titleIX.aspx). Further, the institution does not discriminate on the basis of sex in educational programs or activities that the institution operates.

**Option 7:** The victim/survivor may make a report to any Campus Security Authority\*. The report will be forwarded to the Otterbein University Police Department, who will contact you for investigative purposes. If you choose to report to a Campus Security Authority and wish to remain anonymous, a “Jane Doe” or “John Doe” report will be forwarded to the Otterbein Police Department. The purpose of this report is to allow the University to take steps to ensure the future safety of yourself and others. With such information, the University can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

\*How to determine who is a Campus Security Authority: If a person has significant responsibility for student and campus activities, he or she is a campus security authority. Some examples include coaches, student affairs personnel, and police, and residence life employees, advisors of clubs or organizations.

**Note:** A Campus Security Authority is obligated to notify the Title IX Coordinator about all incidents of sexual harassment/assault. Per federal law, the Title IX Coordinator has some obligations to conduct a Title IX investigation. If the CSA’s know your and the accused’s identity, the CSA’s must provide them to the Title IX Coordinator for those purposes. You can change your mind about the type of report you wish to file at any time in the future, to do so contact Otterbein University Police or the Title IX Coordinator.

**Option 8:** You may also select to contact off campus resources such as: Sexual Assault Response Network of Central Ohio (SARNCO) 24-hour rape hotline is 614-267-7020; Buckeye Region Anti-Violence Organization (BRAVO) at 614-294-7867 or 1-866-7286; Ohio Domestic Violence Network at 614-781-9651.

Contact Information Includes:

**Otterbein Police** 614.823.1222

**Westerville Police** 614.882.7444 or 911

### **Responsible Employees**

For the purposes of this policy, a “responsible employee” is a University employee who is obligated to report incidents of sexual misconduct to the Title IX Coordinator. It is the policy of this University that all employees, who are not confidential reporting resources, are responsible employees.

When a victim tells a responsible employee about an incident of sexual violence, the victim has the right to expect the University to take appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee must report to the Title IX coordinator all relevant details about the alleged sexual violence shared by the victim and that the University will need to determine what happened – including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the University's response to the report.

Before a student reveals any information to a responsible employee, the employee should ensure that the student understands the employees' reporting obligations – and, if the student wants to maintain confidentiality, direct the student to confidential resources as designated in this policy.

If the student wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the student that the University will consider the request, but cannot guarantee that the University will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Coordinator of the student's request for confidentiality.

Responsible employees will not pressure a student to request confidentiality, but will honor and support the student's wishes, including a full investigation of an incident by the University. Similarly, responsible employees will not pressure a student to make a full report if the student is not ready to.

The University will not tolerate retaliation in any form against any student, faculty, or staff who files a complaint (Complainant), against whom a complaint has been filed (Respondent), serves as witness, and assists the Complainant; or Respondent, or participates in an investigation of discrimination or harassment. The University will take steps to prevent retaliation or recurrence of any sexual misconduct on the Complainant or others.

### **Informal Resolution**

In cases other than sexual assault (which includes non-consensual sexual intercourse or nonconsensual sexual contact), a complainant may request or the Title IX Coordinator may propose that the parties explore an informal resolution. The informal resolution process is intended to provide prompt, effective, and mutually agreeable resolution but does not result in a formal investigation or disciplinary

action against a respondent. Typically, an informal resolution involves a meeting with the Title IX Coordinator to explore mutually agreeable solutions. Participation is voluntary, and a complainant or respondent may terminate the informal resolution process at any time and request a formal resolution. Further, if the informal resolution does not prove effective in stopping the prohibited conduct, addressing its effects, and preventing its recurrence, the complaint may pursue formal resolution. Records of informal resolutions will be maintained by the Title IX Coordinator for tracking and enforcement purposes. The results of an informal resolution may be taken into account when fashioning a sanction in a subsequent proceeding.

### **Timeline for Title IX Investigation Process**

The timelines outlined below are anticipated timeframes in cases that do not present extraordinary circumstances, such as the temporary unavailability of evidence or witnesses. The University will inform parties of more specific dates, to the extent it can, and of any deviations in previously established timelines.

Interim Measures: If warranted, as soon as reasonably practicable under the circumstances.

Commencement of Investigation or Informal Resolution: Ordinarily, within seven working days of receipt of the complaint.

Notice of Outcome: Ordinarily, within 60 working days of receipt of the complaint.

Deadline for Filing an Appeal: The appealing party must submit his/her appeal within 7 days of the receipt of the written decision.

Decision on Appeal: Ordinarily, within 14 days from the date any response to an appeal was due.

A support person will be provided for each Complainant and Respondent. The role of the support person is to provide assistance and serve as a resource of information. A support person will inform the Complainant and the Respondent of their rights, options of criminal prosecution, medical assistance, and the University's investigation process.

Interim Measures: services, accommodations, or other assistance that Otterbein puts in place for Complainants after receiving notice of alleged sexual misconduct but before any final outcomes—

investigatory, disciplinary, or remedial—have been determined. The following are examples of interim measures:

- Academic accommodations.
- Medical and mental health services, including counseling
- Change in campus housing
- Assistance in finding alternative housing
- Assistance in arranging for alternative University employment arrangements and or changing work schedules
- No Contact order pending the outcome of an investigation. Such a directive serves as a notice to both parties that they must not have verbal, electronic, written, or third party communication with one another.

The University may continue to take these steps if sexual violence is found to have occurred.

Appropriate measures will be taken to avoid retaliatory action. Students or employees may be required to sign a “No Contact Order” to restrict any form of contact between the Complainant and the Respondent.

Both the Complainant and the Respondent may choose to have an advisor of their choice other than the University provided support person to provide assistance during the investigation and resolution process. Either party may also choose to proceed without an advisor. Both parties are expected to ask and respond to questions on their own behalf, without representation by their advisor during an investigative meeting. The advisor may consult with the advisee quietly or in writing or outside during breaks in the meeting, but may not speak on behalf of the advisee. Any advisor who steps outside of this defined role will be given one warning and then be asked to leave the investigative meeting. (A substitute advisor will not be permitted at this meeting.) The advisor or a substitute advisor may be allowed to attend additional investigative meetings at the discretion of the Title IX Coordinator.

If aware of a possible sexual misconduct violation, the University may conduct an investigation and impose sanctions for the protection of the campus community. The University reserves this right even if a Complainant decides not to pursue charges, either criminally or through the University’s process.

During the investigatory period, the University will take steps to assure that the alleged misconduct does not continue and that the Complainant is safe from further improper conduct or retaliation.

The Title IX Coordinator, the Associate Dean of Students or designee assigned by the Title IX coordinator will serve as investigator(s) for complaints. The investigator(s) will meet with the Complainant to gather information about the allegation.

Before proceeding further, the Title IX Coordinator, with the advice and input of the investigator(s), will determine whether the conduct or language referenced in the complaint would, if true, constitute a violation of this policy. If the conclusion is that the conduct or language referenced in the complaint, even if true, would not constitute a violation of this policy, there will be no further investigation. The University will take any steps needed to remedy inappropriate conduct that does not constitute a violation of this policy.

If the conclusion is that the conduct would, if true, constitute a violation of this policy, the investigation will proceed as follows:

- The investigator(s) will contact the Respondent and witnesses, gathering other pertinent information and following up with the Complainant, Respondent, and witnesses as needed.
- While the allegation is under investigation, the investigator will encourage all parties and witnesses to provide any additional information (including statements, e-mails, documents, or other facts) that may assist the investigation. The investigator will continue to receive and review this information until the investigation is closed.
- The investigator(s) will inform the parties at regular intervals of the status of the investigation.

## **Findings, Conclusions and Recommendations:**

Upon completion of the investigation, the investigator(s) will submit a report to the Title IX Coordinator that will include factual findings as well as the investigator's conclusion of whether it is more likely than not (a preponderance of the evidence in legal terms) that there has been a violation of this policy. The report may also include recommendations for resolution, sanctions, or other appropriate action.

The investigator will submit the report to the Title IX Coordinator (or Deputy Coordinator if Title IX Coordinator is the investigator) for final review. As Title IX Coordinator, the Director of Human Resources shall forward the final report, with recommendations for resolution, sanctions, or other appropriate action, to the respective Vice President or Provost for disposition.

If the Vice President's or Provost's conclusion is that it is more likely than not that a violation of this policy has occurred, the Respondent will be advised in writing of the finding of a violation, the sanction, and the procedure for appeal. The Complainant will simultaneously be advised in writing that the

investigation is complete, that a violation was found, that there will be sanctions against the Respondent, and the procedure for appeal.

- If the violation involves domestic violence, dating violence, sexual assault, or stalking, the University will inform the Complainant of all the disciplinary sanctions.
- If the violation involves any other issue not discussed above, the University will inform the Complainant only of the disciplinary sanctions that directly relate to the Complainant.

If the investigation does not support a violation of any University policy, both the Complainant and the Respondent will be advised in writing of this outcome and the procedure for appeal.

## **Appeals:**

If the Complainant or Respondent disagrees with the final decision, they may submit an appeal. The appealing party must submit his/her appeal within five business days from the date the written decision is sent out. The appeal must be submitted in writing to the Title IX Coordinator. The Title IX Coordinator will forward the report, the file, and the request for appeal to the President's Designee (Designee). The grounds for an appeal are as follows:

- A procedural (or substantive) error occurred that significantly affected the outcome of the investigation (e.g., substantial bias, material deviation from established procedures).
- New evidence unavailable during the original hearing or investigation that could substantially affect the original finding or sanction. The appealing party must submit a summary of the new evidence and its potential impact must be included.
- The sanctions imposed are substantially disproportionate to the severity of the violation.

The Designee shall review the appeal and determine if it satisfies one of the grounds for appeal. If the appeal does not meet the grounds for an appeal, the Designee will issue both parties a written decision that the appeal did not meet the grounds for the appeal and that the underlying decision was decided reasonably and appropriately. The Designee's decision to deny the appeal is final.

If the Designee determines that a material procedural (or substantive) error occurred, the Designee may return the complaint to the investigator and appropriate Vice President or Provost with instructions to cure the error. The results of the decision of the investigator and the appropriate Vice President or Provost are not appealable.

If the Designee determines that new evidence should be considered, the Designee may review the new evidence or refer the case to the investigator to reconsider in light of the new evidence only. The

investigator will review the new evidence and submit an addendum to the original report for review by the appropriate Vice President or Provost. The reconsideration of the investigator and appropriate Vice President or Provost is not appealable.

If the University receives an allegation that the Respondent has violated any of the sanctions, the University will treat the allegation as a new allegation of a violation of the University Sexual Misconduct Policy and will begin a new investigation pursuant to this policy.

## **Student Rights**

### **Complainant**

- To have all allegations of sexual misconduct taken seriously and to be given a timely and respectful response.
- To be given amnesty (Complainant and witness) for minor student misconduct violations (such as alcohol or drug use) that is secondary to the sexual misconduct incident.
- To be informed of immediate measures for medical care and preservation of evidence if applicable.
- To be informed about University and community support services and resources.
- To be told about criminal and student conduct reporting options and the right to be assisted by campus authorities.
- To learn about possible protective measures, including but not limited to, change in class schedules, alternative housing assignments, campus employment, and restricted contact.
- To be offered a trained University faculty/staff member to serve as a support person and resource.
- To have an advisor other than the University provided support person to assist during the investigation and resolution process.
- To be have related policy, process and support information explained clearly and fully at every stage of the conduct process.
- To suggest names of witness to be interviewed during the investigation process and provide the investigator with questions that they would like asked of the complainant or witnesses.
- To review, consistent with FERPA, any evidence gathered.
- To be informed in writing of the outcome of the student conduct proceeding and appeal procedure at the same time the Respondent is informed.
- To be notified of any change in the investigation results prior to when they become final.
- To be notified when the results become final.



## Respondent

- To be informed of all allegations of sexual misconduct in a timely and respectful manner.
- To be informed about University and community support services and resources.
- To learn about possible measures, including but not limited to, change in class schedules, alternative housing assignments, campus employment and restricted contact.
- To be offered a trained University faculty/staff member to serve as a support person and resource.
- To have an advisor other than the University provided support person to assist during the investigation and resolution process.
- To be have related policy, process and support information explained clearly and fully at every stage of the conduct process.
- To suggest names of witness to be interviewed during the investigation process and provide the investigator with questions that they would like asked of the complainant or witnesses.
- To review, consistent with FERPA, any evidence gathered.
- To be informed in writing of the outcome of the student conduct proceeding and appeal procedure at the same time the Complainant is informed.
- To be notified of any change in the investigation results prior to when they become final.
- To be notified when the results become final.

## Student Sanctions

Sexual Misconduct is a Level IV Judicial violation. Sanctions may include Monetary Fine; Restitution; Restricted Access; Living Unit Probation; Living Unit Dismissal; Disciplinary Probation; Disciplinary Probation with Restrictions; Alcohol/Drug/Anger Assessment; Suspension; or Dismissal. (Definitions of these sanctions can be found in the Campus Life Handbook under Section 10 – Judicial Sanction Defined.)

A student found to be responsible for nonconsensual sexual intercourse may be dismissed from the University or suspended for a minimum of one semester, and additional sanctions as described above may be imposed.

First time offenders who are found responsible for nonconsensual sexual intercourse will receive a sanction to include at minimum the following:

- The offender may be suspended from the university for a minimum of one semester or up to dismissal;
- They will not be allowed on campus during the period of suspension;
- Contact with the victim/survivor is strictly forbidden;
- The offender must submit documentation of counseling received off-campus prior to return. The documentation must include an assessment of the student's ability to return to campus without threatening the safety of others, and the counselor must be licensed and approved by the Associate Dean of Students.

Second time offenders found responsible for nonconsensual sexual intercourse will receive a minimum of the following sanction:

- Dismissal from the University.
- Permanent exclusion from campus.

Student-Athletes who are found in violation of the sexual misconduct policy may receive additional sanctions from the Athletic Department, including but not limited to, suspension from athletics practices, contests, or other activities. Student-Athletes may also be suspended from the team for a designated period.

Criminal liability can be incurred in a sexual misconduct violation in penalties established in the Ohio Revised Code for all offenses deemed criminal.

## **Records**

Student conduct records/hearing reports are confidential as they are protected under the Family Educational Rights and Privacy Act.

Documentation of sexual misconduct proceedings, including a report and formal correspondence with parties, are kept on file in the Student Affairs Office. All student conduct records resulting from major violations, including sexual misconduct, are kept for seven years. The Vice President for Student Affairs reviews files before expunging. Conduct files on students who have not completed their degree, and are of a more serious nature (felonies and/or dismissals) are kept indefinitely.

Otterbein University academic transcripts include notations of suspensions and dismissals stemming from violations of the Otterbein Code of Student Conduct. Student conduct suspension notations will be

removed from the transcript once the required separation period has expired, the student has completed all required conditions, and the student has notified the Registrar's Office in writing. Only after all three criteria have been met will the suspension notification be removed. Student conduct dismissal notations will be permanent.

**Public Information:**

Otterbein generally does not release information to the public concerning an incident of sexual assault, except as required by law or necessary to investigate and reach a resolution of such an incident. Inquiries regarding any such incident may be directed to the Otterbein Police Chief at (614) 823-1222.

**Public Notification of Incidents:**

As required by law, Otterbein collects and annually reports statistical information concerning sexual assaults occurring within its jurisdiction. To promote public safety, Otterbein also alerts the campus community to incidents and trends of immediate concern.

The University provides additional resources on our Title IX Webpage regarding the following topics:

- What to do if you are a victim of a sexual assault
- The involvement of alcohol and drugs in sexual assaults
- Bystander Intervention
- Risk Reduction Tips
- Recognizing warning signs of relationship abuse

This information is located at:

<http://www.otterbein.edu/public/TitleIX.aspx>

**Alcohol/Drugs and Sexual Violence:**

Alcohol and drugs are involved in a large percentage (estimated up to 85%) of sexual assault on college campuses. Drugs and alcohol can lower inhibition and influence the ability to make decisions, including whether or not to be sexual with someone else. Alcohol and drugs can interfere with communication and increases misperception about the sexual intentions of others.

A person who is incapacitated by alcohol or drugs is not able to give consent.

Drug-facilitated sexual assault involves the intentional use of drugs or alcohol to incapacitate another to help

facilitate sexual violence. Specific information includes:

- Drugging someone on purpose is considered a felony in most states. This includes someone putting a drug or alcohol into your drink or food without your knowledge.
- Some drugs used to commit sexual assault include Rohypnol ("roofies"), GHB ("liquid ecstasy") and Ketamine ("special K"). Recreational drugs may also be used to facilitate assault.
- Many of these drugs are tasteless, odorless, colorless and difficult to detect in a drink. They are just as dangerous when put into water as they are in alcohol.
- These drugs may be taken voluntarily by the sexual assault survivor (and then the offender takes advantage of resulting vulnerability - seeking out the most wasted person in the room).
- They may also be ingested involuntarily through beverages including "spiked drinks," non-alcoholic drinks or food.

**Alcohol is the most commonly used substance to facilitate rape. A person who chooses to use alcohol or drugs does not ask or deserve to be sexually assaulted.**

## **Otterbein Employee Sexual Misconduct Policy:**

<b>117.0</b>	<b>Title</b>	<b>Sexual Misconduct</b>
<b>117.1</b>	<b>Philosophy</b>	Members of the University community, guests, and visitors have the right to be free from all forms of gender and sex-based discrimination, including sexual misconduct, examples of which can include acts of sexual assault, sexual harassment, domestic violence, dating violence, and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. When a respondent is found to have violated this policy, sanctions and other appropriate measures will be used to reasonably ensure that the sexual misconduct has been stopped, its effects have been addressed, any hostile environment has been eliminated and steps have been taken to prevent its recurrence. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated. Finally, retaliation against an individual who makes a report or participates in any proceedings under this policy is a violation of this policy. Individuals engaging in retaliation will be subject to disciplinary action
<b>117.2</b>	<b>Statement</b>	The University Sexual Misconduct policy and grievance procedures apply to complaints of sexual harassment including sexual assault and sexual violence carried out by employees, faculty, and third parties. The University has jurisdiction to investigate and remedy all Title IX related matters that occur on campus or at a

University sponsored event. Specifically, this includes academic, educational, extracurricular, athletic, and any other school programs, whether those programs take place in a school's facilities, on a school bus, at a class or training program sponsored by the school at another location, or elsewhere. Additional examples include school-sponsored field trips, school-recognized fraternity or sorority houses, and athletic team travel; and events for school clubs that occur off campus.

The University also has jurisdiction to investigate and remedy off campus incidents if (1) the University has control over the Respondent and (2) has control over the context of the harassment (on University property, in our programs, on land we lease or control, or at events we sponsor).

If the incident does not meet both prongs above, the University may still provide support to the Complainant including counseling and assistance on how to file a criminal complaint with the appropriate law enforcement agency. The University will address off-campus sexual misconduct that creates a hostile environment on campus.

Upon receipt of a complaint, the University's process involves an immediate initial investigation to determine if, assuming the facts in the complaint to be true, the complaint would state a violation of this policy. If so, the University will initiate a prompt, thorough and impartial investigation. This investigation is designed to provide a fair and reliable determination about whether the University Sexual Misconduct Policy has been violated. If so, the University will implement a prompt and effective remedy designated to end the sexual misconduct, prevent its recurrence, and address its effects.

The University's Title IX Compliance is overseen by the individuals below. Members of the campus community are encouraged to contact them if they have any questions regarding Title IX or this Policy. Confidential and non-confidential complaint options are outlined later in this policy.

### 117.3 Summary of Process

### 117.4 Title IX Team

Title IX Coordinator: Scott Fitzgerald

Director of Human Resources [sfitzgerald@Otterbein.edu](mailto:sfitzgerald@Otterbein.edu)

614.823.1130

Title IX Deputy Coordinator: Julie Saker

Associate Dean of Students [jsaker@otterbein.edu](mailto:jsaker@otterbein.edu)

614.823.1554

**Training:** The Title IX Team receives annual training on the handling of complaints of

sexual harassment, the University's Sexual Misconduct policy, grievance procedures, and applicable confidentiality requirements.

## 117.5 Definitions

**Sexual Misconduct:** contact of a sexual nature or based on sex without clear, knowing and voluntary consent, or offensive sexual or other behavior that exploits another person on the basis of his/her gender or sexual orientation, including the following:

1. **Non-consensual sexual intercourse:** any sexual penetration (anal, oral or vaginal), however slight, with any body part or object by any person upon any person without consent.
2. **Non-consensual sexual contact:** any intentional sexual touching, either by the offender or when the complainant is forced to touch, with any body part or object without consent.
3. **Sexual Harassment:** unwelcome conduct on the basis of sex that creates a hostile environment or otherwise results in individuals being denied equal opportunity in employment and education. It is defined in two broad categories:
  - **Quid pro Quo:** involves promises (for example, raises promotions,) based on an individual's willingness to submit to unwelcome behavior, including sexual favors or activities or relationship or other unwelcome attention based on the person's gender or sexual orientation. It can also involve threats (e.g. demotion, corrective action, etc.) based on an individual's refusal to submit to unwelcome behavior, including being involved in a sexual or romantic relationship, granting sexual favors or engaging in other sexual or unwelcome activities based on sexuality or gender. The promise or threat does not necessarily need to be overt.
  - **Hostile Environment:** ordinarily exists when there are incidents of verbal or nonverbal behavior in the academic environment or workplace that focus on the sexuality or gender of a person, that are unwelcome, that are severe or pervasive enough to adversely affect a person's academic environment or work, and that are outside the realm of appropriate academic study or work practices.
  - See also **University's Discrimination and Harassment Policy.**
  - **Other Sex or Gender Based Discrimination:** This policy also prohibits gender-based harassment that does not involve conduct of a sexual nature, gender, gender identity, gender expression or sexual orientation.
4. **Sexual Exploitation:** taking non-consensual, unjust, or abusive sexual advantage of another. Examples include, but are not limited to, prostituting another student or employee, non-consensual video or audio-taping of sexual

activity, going beyond the boundaries of consent (such as knowingly allowing another to surreptitiously watch otherwise consensual sexual activity), engaging in non-consensual voyeurism, and knowingly transmitting or exposing another person to a sexually transmitted infection (STI) without the knowledge of the person.

5. **Stalking:** engaging in a course of conduct directed at a specific person, based on gender or sexual orientation that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.
6. **Domestic Violence:** violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child, by a person who is or was cohabitating with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant, and/or by any other person against an adult or youth victim who is protected from that person under the domestic or family violence laws.
7. **Dating Violence:** violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant and where the existence of such a relationship is determined based on the following factors: length of the relationship, type of relationship and frequency of interaction between the persons involved in the relationship.
8. **Indecent Exposure:** the exposure of the private or intimate parts of the body in a lewd manner in public or in private premises when the accused may be readily observed.
9. **Sexual Assault:** commission of an unwanted sexual act, whether by an acquaintance or a stranger that occurs without indication of consent of both individuals or under threat or coercion. Sexual assault can occur either forcibly and/or against a person's will or when a person is incapable of giving consent. Silence does not in and of itself constitute consent.

**Consent:** informed, freely and actively given, mutually understandable words or action, which indicate a willingness to engage in mutually agreed upon sexual activity.

- Consent is active, not passive.
- Silence or lack of resistance, in and of itself, cannot be interpreted as consent.
- Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in the conditions of sexual activity: who, what, when, where, why, and how sexual activity will take place.
- Consent to any one form of sexual activity cannot automatically imply

consent to any other forms of sexual activity.

- Consent can be withdrawn at any time by word or action.
- Previous relationships or prior consent cannot imply consent to current or future sexual acts.

To be effective, consent cannot be obtained by use of physical force, compelling threats, intimidating behavior, or coercion.

- Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion.
- Coercion is unreasonable pressure for sexual activity. When a person indicates by words or actions that he/she does not want to engage in sexual activity, wants to stop, or does not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- Intimidation is implied threats, including the exertion of perceived or actual power resulting from position or stature.
- A person must be of legal age (16) to give consent.

An incapacitated person cannot give consent. Sexual activity with someone who one should know to be mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout) is not consented sexual activity and therefore is a violation of this policy.

- Incapacitation is a state where someone cannot make rational, reasonable decisions.
- Incapacitation may result from mental disability, sleep, involuntary physical restraint, and alcohol or drug impairment, including taking “rape drugs.” A rape drug is any drug intentionally used to incapacitate another victim to assist in the execution of drug-facilitated sexual assault.
- Possession, use and/or distribution of any so-called “rape drug” is prohibited and administering these drugs to another person is a violation of this policy.
- Being under the influence of alcohol or other drugs will not excuse behavior that violates this policy.

**Sexual Harassment:** unwelcome conduct, based on gender or sexual orientation that creates a hostile environment or otherwise results in individuals being denied equal opportunity in the terms and conditions of their education or employment.

**Examples of Sexual Harassment:**

**“Quid pro quo” Sexual Harassment:**



- Submission to unwelcome conduct on the basis of gender is made either explicitly or implicitly a term or condition of an individual's employment, academic status, participation in any program or activity, or living environment.

**“Hostile environment” Sexual Harassment.** Otterbein may have jurisdiction to investigate harassment that occurs off-campus or outside Otterbein's programs or activities if it creates a hostile environment in its programs or activities. The following are examples of the types of conduct that, if severe or pervasive enough, can create a hostile work or educational environment on the basis of gender:

- Inappropriate comments of a sexual nature, including sexually explicit comments, questions, or jokes.
- Persistent, unwelcome attempts to change a working or academic relationship into a romantic or sexual relationship.
- Inappropriate remarks about sexual activity, experience, or orientation.
- Abusive or derogatory remarks about individuals or classes of individuals on the basis of their gender or sexuality.
- Persistent and unwelcome forms of attention toward another member of the University community such as requests for dates, flirtations, sexual advances, phone calls or other communications, or unwanted gifts.
- Touching, patting, hugging, brushing against an individual's body, or repeated or unwanted staring.
- Display of inappropriate sexually oriented or derogatory materials in a location where others can see them.
- Sexual assault (can also be a criminal violation subject to the criminal justice system).

**Identification of Parties as used in this Policy:**

1. **Complainant:** an individual who brings forth a concern of sexual misconduct.
2. **Respondent:** an individual who is accused of sexual misconduct.
3. **Title IX Coordinator:** University employee responsible for overseeing all investigations related to sexual misconduct, to ensure prompt, fair, and impartial investigation and resolution. He/she will coordinate the in-take, investigation, and review of all complaints that fall within this policy.

**117.6 Reporting  
Resources**

Promptly seeking information can be very helpful to anyone who may want to report sexual misconduct. Reporting incidents is important to addressing sexual misconduct on campus. There are a number of options available to students and employees. This section will discuss confidential and non-confidential options to provide information

to assist with the process to make an informed decision.

**Confidentiality  
Generally**

Otterbein will make every effort reasonably possible to preserve the privacy of an individual who makes an official report and to protect the confidentiality of the information reported. When a Complainant requests that no action be taken or that his or her name not be used, the Complainant will be advised that the University's ability to respond will be limited but that the University will take all appropriate action consistent with the request. However, there will be situations in which the University may decide to override a request for confidentiality or that no action be taken in light of the nature of the incident or threat to the campus community. Such considerations include the risk of additional attacks, the use of weapons or drugs, multiple attackers, past conduct, the attack was accompanied by other crimes or threats. Therefore, Complainants desiring to make truly confidential reports should review the confidential reporting section below.

**Confidential  
Reports**

The degree, to which confidentiality can be protected, however, depends upon the professional role of the person being consulted. The professional being consulted should make these limits clear before any disclosure of facts. The individuals/offices below are recognized by the University as being able to receive confidential reports.

**Employee Confidential Resources:**

Employee Assistance Program	888.238.6232
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**Student On-Campus Confidential Resources:**

Mental Health Counselor	614.823.1250
Student Health Center Provider	614.823.1345
University Chaplain	614.823.1409
Women's and Gender Resource Center Student Advocates	614.823.1028

**Off-Campus Confidential Resources for Employees and Students:**

SARNCO (Sexual Assault Response Network of Central Ohio)	614.267.7020
CHOICES 24 Hour Domestic Violence Hotline	614.224.4663
Mt. Carmel Crime & Trauma Assistance Program	614.234.5900
Buckeye Region Anti-Violence Organization (BRAVO)	614.294-7867
Rape, Abuse, & Incest National Network (RAINN)	800.656.4673

(National hotline that connects callers to their nearest rape crisis line.)

**Anonymous Reporting:**

The following resources provide anonymous reporting options. Anonymous reporting may limit the University's ability to fully investigate and resolve the complaint.

Campus Conduct Hotline

866.943.5787

Otterbein Police Silent Witness online form at:

<http://www.otterbein.edu/public/CampusLife/HealthAndSafety/Police/silent-witness.aspx>

As required by law, all disclosures to any Otterbein employee of an on-campus sexual assault are tabulated for statistical purposes without personal identifying information.

Employees, guests, and third parties are encouraged to speak to Otterbein officials to make formal reports of incidents. The University considers all employee's responsible employees. Notice to an Otterbein employee is official notice to the institution. Responsible employees are expected to relay any report to the appropriate Title IX team member. Therefore, you have the right and can expect incidents of sexual misconduct to be taken seriously by the University when formally reported, and to have those incidents investigated and properly resolved through administrative procedures.

The following options for reporting are not confidential in that other University employees with a need to know to stop the conduct, conduct an investigation and resolve the matter will know of the complaint.

Employees, guests and third parties are encouraged to report complaints to the Title IX Coordinator/Director of Human Resources:

**Title IX Coordinator:** Scott Fitzgerald

[sfitzgerald@Otterbein.edu](mailto:sfitzgerald@Otterbein.edu)

**Non-Confidential  
Reporting  
Generally**

614.823.1130

Students are encouraged to report complaints against students to the Title IX Deputy Coordinator/Associate Dean of Students:

**Title IX Deputy Coordinator:** Julie Saker

Associate Dean of Students [jsaker@otterbein.edu](mailto:jsaker@otterbein.edu)

614.823.1554

Following an incident, the Complainant and/or her/his colleagues may contact the Associate Dean of Students or Title IX Coordinator who can explain all aspects of the reporting process, support measures, and possible next steps. If the Respondent (accused person) is an Otterbein employee, the Title IX Coordinator (Director of Human Resources) may join the Associate Dean of Students for investigative meetings if a complaint is filed.

**Sexual Assault  
Reporting**

Victims of sexual assault are encouraged to get to a safe place and obtain immediate medical treatment. Calling 911 is important to obtain immediate medical assistance and medical support, and to preserve evidence. Students and employees are encouraged to report sexual assaults to the Otterbein Police Department or the Westerville Police Department immediately following the incident if possible. An officer from the Otterbein Police Department will meet with the student to take a report. The Complainant can make decisions about his/her level of involvement in an investigation and potential criminal or campus student conduct action. Otterbein Police will provide assistance in preserving relevant materials and will obtain, secure, and maintain evidence needed for criminal and employee/student conduct proceedings.

Contact Information Includes:

Otterbein Police 614.823.1222

Westerville Police 614.882.7444 or 911

Please see Section 117.12 for additional resource information regarding sexual assault.

Individuals with complaints of this nature also always have the right to file a formal complaint with the United States Department of Education:

Office of Civil Rights (OCR)

400 Maryland Avenue, SW

Washington, DC 20202-1100

Customer Service Hotline: 800.421.3481

TDD# 877.521.2172

Email: [OCR@ed.gov](mailto:OCR@ed.gov)

Web: <https://www2.ed.gov/about/offices/list/ocr/index.html>

Any false report of behavior or incidents alleging sexual misconduct, with an intent to mislead, is a violation of this policy.

**117.7 Employee  
Responsibility**

**Responsible Employees**

For the purposes of this policy, a “responsible employee” is a University employee who is obligated to report incidents of sexual violence or other student misconduct to the Title IX Coordinator. **It is the policy of this University that all employees, who are not confidential reporting resources, are responsible employees.**

When a victim tells a responsible employee about an incident of sexual violence, the victim has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee must report to the Title IX coordinator all relevant details about the alleged sexual violence shared by the victim and that the University will need to determine what happened – including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the University’s response to the report. A responsible employee should not share information with law enforcement without the victim’s consent or unless the victim has also reported the incident to law enforcement.

Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employees reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources as designated in this policy.

If the victim wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the victim that the University will consider the request, but cannot guarantee that the University will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Coordinator of the victim’s request for confidentiality.

Responsible employees will not pressure a victim to request confidentiality, but will honor and support the victim’s wishes, including for the University to fully investigate an incident. Similarly, responsible employees will not pressure a victim to make a full report if the victim is not ready to.

**117.8 Retaliation**

The University will not tolerate retaliation in any form against any student, faculty, or staff who files a complaint (Complainant), against whom a complaint has been filed (Respondent), serves as witness, and assists the Complainant; or Respondent, or participates in an investigation of discrimination or harassment. The University will take steps to prevent retaliation or recurrence of any sexual misconduct on the Complainant or others.

**117.9 Informal Resolutions**

In cases other than sexual assault, a complainant may request or the Title IX Coordinator may propose that the parties explore an informal resolution. The informal resolution process is intended to provide prompt, effective, and mutually agreeable resolution but does not result in a formal investigation or disciplinary action against a respondent. Typically, an informal resolution involves a meeting with the Title IX Coordinator to explore mutually agreeable solutions. Participation is voluntary, and a complainant or respondent may terminate the informal resolution process at any time and request a formal resolution. Further, if the informal resolution does not prove effective in stopping the prohibited conduct, addressing its effects, and preventing its recurrence, the complaint may pursue formal resolution.

Records of informal resolutions will be maintained by the Title IX Coordinator for tracking and enforcement purposes. The results of an informal resolution may be taken into account when fashioning a sanction in a subsequent proceeding.

**117.10 Timeline for Title IX Investigation Process**

**Timeline for Title IX Investigation Process**

The timelines outlined below are anticipated timeframes in cases that do not present extraordinary circumstances, such as the temporary unavailability of evidence or witnesses. The University will inform parties of more specific dates to the extent it can and of any deviations in previously established timelines.

**Interim Measures:** If warranted, as soon as reasonably practicable under the circumstances.

**Commencement of Investigation or Informal Resolution:** Ordinarily, within 7 working days of receipt of the complaint.

**Notice of Outcome:** Ordinarily, within 60 working days of receipt of the complaint.

**Deadline for Filing an Appeal:** The appealing party must submit his/her appeal within 5 working days of the receipt of the written decision.

**Decision on Appeal:** Ordinarily, within 7 working days from the date any response to an appeal was due.

A support person will be provided for each Complainant and Respondent. The role of the support person is to provide assistance and serve as a resource of information. A support person will inform the Complainant and the Respondent of her/his rights, options of criminal prosecution, medical assistance, and the University's complaint process.

**117.11 Investigation and Resolution**

**Interim Measures:** services, accommodations, or other assistance that Otterbein puts in place for Complainants after receiving notice of alleged sexual misconduct but before any final outcomes—investigatory, disciplinary, or remedial—have been determined. The following are examples of interim measures:

- Academic accommodations.
- Medical and mental health services, including counseling.
- Change in campus housing and/or dining locations.
- Assistance in finding alternative housing.
- Assistance in arranging for alternative University employment arrangements and or changing work schedules.
- No Contact directive pending the outcome of an investigation. Such a directive serves as a notice to both parties that they must not have verbal,

electronic, written, or third party communication with one another. Provide escort to ensure that the student can move safely between school programs and activities.

- Respondent placed on administrative leave.
- Respondent is reassigned.

The University will continue to take these steps if sexual violence is found to have occurred.

Appropriate measures will be taken to avoid retaliatory action. Students or employees may be required to sign a “No Contact Order” to restrict any form of contact between the Complainant and the Respondent.

Both the Complainant and the Respondent may choose to have an advisor of their choice other than the University provided support person to provide assistance during the investigation and resolution process. Either party may also choose to proceed without an advisor. Both parties are expected to ask and respond to questions on their own behalf, without representation by their advisor during an investigative meeting. The advisor may consult with the advisee quietly or in writing or outside during breaks in the meeting, but may not speak on behalf of the advisee. Any advisor who steps outside of this defined role will be given one warning and then be asked to leave the investigative meeting. (A substitute advisor will not be permitted at this meeting.) The advisor or a substitute advisor may be allowed to attend additional investigative meetings at the discretion of the Title IX Coordinator.

If aware of a possible sexual misconduct violation, the University may conduct an investigation and impose sanctions for the protection of the campus community. The University reserves this right even if a Complainant decides not to pursue charges, either criminally or through the University’s process.

During the investigatory period, the University will take steps to assure that the alleged misconduct does not continue and that the Complainant is safe from further improper conduct or retaliation.

The Title IX Coordinator, the Associate Dean of Students or designee assigned by the Title IX coordinator will serve as investigator(s) for complaints. The investigator(s) will meet with the Complainant to gather information about the allegation. Should the Complainant choose, a colleague may be present at any investigative meeting.

Before proceeding further, the Title IX Coordinator, with the advice and input of the investigator(s), will determine whether the conduct or language referenced in the complaint would, if true, constitute a violation of this policy. If the conclusion is that the conduct or language referenced in the complaint, even if true, would not constitute a violation of this policy, there will be no further investigation. The University will take any steps needed to remedy inappropriate conduct that does not constitute a violation of this policy.

If the conclusion is that the conduct would, if true, constitute a violation of this policy, the investigation will proceed as follows:

- The investigator(s) will contact the Respondent and witnesses, gathering other pertinent information and following up with the Complainant, Respondent, and witnesses as needed.
- While the allegation is under investigation, the investigator will encourage all parties and witnesses to provide any additional information (including statements, e-mails, documents, or other facts) that may assist the investigation. The investigator will continue to receive and review this information until the investigation is closed.

The investigator(s) will inform the parties at regular intervals of the status of the investigation.

#### **Findings, Conclusions and Recommendations:**

Upon completion of the investigation, the investigator(s) will submit a report to the Title IX Coordinator that will include factual findings as well as the investigator's conclusion of whether it is more likely than not (a preponderance of the evidence in legal terms) that there has been a violation of this policy. The report may also include recommendations for resolution, sanctions, or other appropriate action. For information on corrective action, please see the Discrimination and Harassment Correction Action Section (104.11).

The investigator will submit the report to the Title IX Coordinator (or Deputy Coordinator if Title IX Coordinator is the investigator) for final review. As Title IX Coordinator, the Director of Human Resources shall forward the final report, with recommendations for resolution, sanctions, or other appropriate action, to the respective Vice President or Provost for disposition.

If the Vice President's or Provost's conclusion is that it is more likely than not that a violation of this policy has occurred, the Respondent will be advised in writing of the finding of a violation, the sanction, and the procedure for appeal. The Complainant will simultaneously be advised in writing that the investigation is complete, that a violation was found, that there will be sanctions against the Respondent, and the procedure for appeal.

If the investigation does not support a violation of any University policy, both the Complainant and the Respondent will be advised in writing of this outcome and the procedure for appeal.

**Sanctions:** Sanctions are actions the University will take against the Respondent that are proportionate to the violation(s). When the Respondent is an employee, examples are:

- Letter of Reprimand.



- Mandatory Training
- Suspension (paid or unpaid).
- Termination.

See Student Sexual Misconduct Policy for sanctions when the respondent is a student.

### **Appeals:**

If the Complainant or Respondent disagrees with the final decision, he/she may submit an appeal. The appealing party must submit his/her appeal within 5 business days from the date the written decision is sent out. The appeal must be submitted in writing to the Title IX Coordinator. The Title IX Coordinator will forward the report, the file, and the request for appeal to the President's Designee (Designee) The grounds for an appeal are as follows:

A procedural (or substantive) error occurred that significantly affected the outcome of the investigation (e.g., substantial bias, material deviation from established procedures).

New evidence unavailable during the original hearing or investigation that could substantially affect the original finding or sanction. The appealing party must submit a summary of the new evidence and its potential impact must be included.

The sanctions imposed are substantially disproportionate to the severity of the violation.

The Designee shall review the appeal and determine if it satisfies one of the grounds for appeal. If the appeal does not meet the grounds for an appeal, the Designee will issue both parties a written decision that the appeal did not meet the grounds for the appeal and that the underlying decision was decided reasonably and appropriately. The Designee's decision to deny the appeal is final.

If the Designee determines that a material procedural (or substantive) error occurred, the Designee may return the complaint to the investigator and appropriate Vice President or Provost with instructions to cure the error. The results of the decision of the investigator and the appropriate Vice President or Provost are not appealable.

If the Designee determines that new evidence should be considered, the Designee may review the new evidence or refer the case to the investigator to reconsider in light of the new evidence only. The investigator will review the new evidence and submit an addendum to the original report for review by the appropriate Vice President or Provost. The reconsideration of the investigator and appropriate Vice President or Provost is not appealable.

If the Designee determines that the sanctions imposed are disproportionate to the severity of the violation, the Designee may increase, decrease or otherwise modify the sanctions. The decision is final.

The Designee will render a written decision on the appeal to all parties within seven business days from receiving the written appeal.

**What to do if you are a victim of sexual assault:**

- Get to a safe place.
- Contact someone who can help:
  - Westerville Police Department - 911 for immediate threat
  - Otterbein Police Department - 614.823.1222
  - SARNCO (Sexual Assault Response Network of Central Ohio)

24-hour-rape helpline at 614.267.7020

- RAINN (Rape, Abuse and Incest national Network) 800.656.4673
- A friend
- Seek medical attention. Trained volunteer advocates are available at local emergency rooms. Sexual Assault Nurse Examiners, who specialize in collecting evidence, are also available at the emergency rooms. Ohio Health Hospital is located at corner of Polaris and Africa Road (260 Polaris Parkway); St. Anne's Hospital is located on Cleveland Avenue, north of Schrock Road (495 Cooper Road).
- For the best evidence collection results: consider waiting to shower, bathe, douche, brush your teeth, urinate, defecate, smoke or change clothes until after going to the hospital. If you need to change your clothes, consider bringing the clothes you were wearing at the time of the assault with you, in a paper bag if possible.
- Consider calling a friend, family member, or religious leader whom you trust.
- Give yourself time to heal. What happened to you is not your fault.

How to support a friend who has been sexually assaulted:

- Listen. Focus on what your friend is saying without thinking about your response. Take a moment to gather your thoughts before responding - a little silence is okay.
- Remind your friend that it is not her/his fault.

Here are some examples of what you should NEVER say:

- What were you wearing?
- What did you do to lead them on?

- Were you drunk?
- Were you flirting with him? Did you give him the wrong impression?
- Why didn't you fight back?
- Are you lying?
- Avoid any variation of those phrases that puts the blame on them.
- Ask questions in a sensitive way.
  - A good way to communicate your intention before asking a question is, "I'm going to ask you some questions because I want to better understand how I can help, is that okay?"
  - It is generally a good idea to avoid asking questions that start with "why", because it seems so loaded with judgment. A better way to start is "help me understand ..."
- Honor your friend's autonomy.
  - At the time of the assault, your friend was violently stripped of his/her ability to make decisions, to be in control of his/her life.
  - It is not your intent, but when you say that they "need" to do something, you are taking away their power, just as their perpetrator did.
  - Asking with genuine curiosity if they have ever considered talking to a therapist is a great place to start, but make sure you are open to whatever answer they give you.
- Understand that how a survivor responds is complex and varied.
  - Everyone experiences sexual assault in different, complex ways. Your friend's response will be multi-layered and their recovery will not follow a straight path. She/he may feel completely numb one day and angry the next.
  - Survivors frequently experience severe feelings of anxiety, stress, or fear, known as Post-Traumatic Stress Disorder (PTSD). This neurobiological impact may be noticeable in the survivor's inability to recall information in a linear manner. Recollection of the assault may be communicated in "bits and pieces" as the survivor struggles to recall a clear and comprehensive memory of the incident.
  - It helps the survivor to go through three sleep cycles to be able to provide clear details. However, it may take much longer, for a survivor to fully recall the entire traumatic incident.

- Help to establish safety.
  - Physical safety will become a major factor in the way that your friend is able to re-navigate their life. Are they afraid to walk to class or work alone? Can they feel safe getting in and out of the car, on the bus, in a crowd, or alone?
  - Offer to accompany your friend on whatever errand or task seems daunting or scary. When you walk your friend home, turn on the lights in their apartment before they walk in.
- Offer resources.
  - But only if your friend wants them – ask first. If they are not interested, do not offer resources.
  - If your friend is interested, here are a few to get started:
  - Employee Assistance Program 888.238.6232
  - SARNCO (Sexual Assault Response Network of Central Ohio) 24-hour-rape helpline: 614.267.7020
  - RAINN (Rape, Abuse and Incest national Network): 800.656.4673
  - BRAVO (Buckeye Region Anti Violence Organization: 866.862.7286
- Take care of yourself.
  - To fully help your friend, you need to take care of yourself: sleep, eat well, try to stick to some type of routine, and/or talk with a confidential friend or support person.
  - Consider contacting any of the above resources to learn how you can best support your friend and to address the feelings you are experiencing. Caring for a loved one who has survived a trauma can be exhausting and emotionally draining.

### **Alcohol/Drugs and Sexual Assault.**

Alcohol and drugs are involved in a large percentage (estimated up to 85%) of sexual assault on college campuses. Drugs and alcohol can lower inhibition and affect the ability to make decisions, including whether or not to engage in sexual activity with someone else.

Alcohol and drugs can interfere with communication and increases misperception about the sexual intentions of others.

A person who is incapacitated by alcohol or drugs is not able to give consent.

Drug-facilitated sexual assault involves the intentional use of drugs or alcohol to

incapacitate another to help facilitate sexual assault. Specific information includes:

- Drugging someone on purpose is considered a felony in most states. This includes someone putting a drug or alcohol into your drink or food without your knowledge.
- Some drugs used to commit sexual assault include Rohypnol ("roofies"), GHB ("liquid ecstasy") and Ketamine ("special K"). Recreational drugs may also be used to facilitate assault.
- Many of these drugs are tasteless, odorless, colorless and difficult to detect in a drink. They are just as dangerous when put into water as they are in alcohol.
- These drugs may be taken voluntarily by the sexual assault survivor (and then the offender takes advantage of resulting vulnerability - seeking out the most wasted person in the room).

**Alcohol is the most commonly used substance to facilitate rape.**

**A person, who chooses to use alcohol or drugs, does not ask or deserve to be sexually assaulted.**

#### **Bystander Intervention:**

Bystander Intervention is a philosophy and strategy for prevention of various types of violence. It involves safe and positive options to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking.

What can bystanders do to make a difference?

- Believe someone who discloses a sexual assault, abusive relationship, or experience with stalking or cyberstalking.
- Be respectful of yourself and others. Make sure any sexual act is OK with your partner if you initiate.
- Watch out for your friends – if you see someone who looks like they are in trouble, ask if they are okay. If you see a friend doing something shady, say something.
- Speak up – if someone says something offensive, derogatory, or abusive, let him or her know that behavior is wrong and you do not want to be around it.

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#### **Other Bystander Intervention Strategies:**

- Silent Stare - A disapproving look can be powerful.
- Humor - Reduces the tension of an intervention and makes it easier for the person to hear you.

- Group Intervention - There is safety and power in numbers.
- We are friends, right....?
  - Reframes the intervention as caring and non-critical.
  - Example: “Hey Chad.....as your friend I’ve got to tell you that getting a girl drunk to have sex with her isn’t cool, and could get you in a lot of trouble. Don’t do it.”
- Distraction:
  - Snaps someone out of his or her “sexist comfort zone.” Example: Ask a man harassing a woman on the street for directions or the time.
  - Allows a potential target to move away and/or to have other friends intervene. Example: Spill your drink on the person or interrupt and start a conversation with the person.

(Adapted from Men Can Stop Rape, [www.mencanstoprape.org](http://www.mencanstoprape.org).)

#### **Risk Reduction Tips:**

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to victim-blame, and with recognition that only those who commit sexual assault are responsible for those actions, these suggestions may help to reduce the risk of experiencing a non-consensual sexual act. Below, suggestions to avoid committing a non-consensual sexual act are also offered:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor “NO” clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give him/her

a chance to clearly relate his/her intentions to you.

- Understand and respect personal boundaries.
- DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity then you DO NOT have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Do not take advantage of someone's drunkenness or drugged state, even if he/she did it to him/herself.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Do not abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.

(From ATIXA Model Sexual Misconduct Policy)

### **Recognizing Warning Signs of Relationship Abuse:**

Relationship abuse is not uncommon, and it is a serious issue. Relationship abuse is real and happens more often than you think.

Relationship abuse is not just violent acts. Relationship abuse is manifested in physical, emotional, psychological, and verbal acts with the desired outcome being control over another person. Although most commonly a crime against women, anyone can be a victim of abuse and it can occur in both heterosexual and same sex relationships.

Relationship abuse is not a private matter. Isolation can be one of the most powerful tools an abuser can use to control his/her partner. All too often, we fail to get involved because we think either their relationship is not our business, or we are afraid and do not know whom to turn to for help. Unfortunately, this only reinforces the abuser's sense that he/she has the right to treat his/her partner that way. Only by speaking out and recognizing abuse as an unacceptable social behavior can the cycle be broken.

(From [its.abuse.com](http://its.abuse.com))

### **Signs of an Abusive Relationship:**

There are many signs of an abusive relationship. Here are some of them:

- One partner criticizing, humiliating or yelling at the other
- One partner treats the other so badly that it is embarrassing in front of friends or family.
- One partner has a bad and unpredictable temper.
- One partner acts excessively jealous and possessive.
- One partner keeps the other from seeing friends or family.
- One partner threatens to commit suicide if the other leaves.
- One partner forces the other to have sex.
- One partner is constantly checking up on the other.

Healthy relationships are based on equality and respect. Partners make decision together and openly discuss issues like relationship problems and sexual choices. They enjoy spending time together, but can be happy apart.

Unhealthy relationships are based on attempts to control the other person. One person tries to make most of the decisions. He or she may pressure his/her partner about sex or refuse to see how their actions can hurt. In an unhealthy relationship, an individual may feel like she/he should spend time only with his/her partner.

Abusive relationships are based on power and control. One person makes all of the decisions – about sexual choices, friend groups, boundaries, even what is true and what is not. Partners spend all of their time together and one may feel like he/she cannot talk to others.

(From [loveisrespect.org](http://loveisrespect.org))

#### **117.13 Institutional Responses**

##### **Public Information:**

Otterbein generally does not release information to the public concerning an incident of sexual assault, except as required by law or necessary to investigate and reach a resolution of such an incident. Inquiries regarding any such incident may be directed to the Otterbein Police Chief at (614) 823-1222.

##### **Public Notification of Incidents:**

As required by law, Otterbein collects and annually reports statistical information concerning sexual assaults occurring within its jurisdiction. To promote public safety, Otterbein also alerts the campus community to incidents and trends of immediate concern.

#### **117.14 Attachments**

None



**117.15 Related Policies** Discrimination and Harassment

**117.16 History** Enacted: November 22, 2010

Revised: February 1, 2005; November 22, 2010; December 1, 2013; November, 2014; February 26, 2015; October, 2015

*The steps;*

- The information is reported to the associate dean of students(ADS) or the director of Human resources (DHR)
- DHR determines whether the conduct or language complained of would if true constitute a violation
- If not a sexual misconduct policy violation, the university will address the inappropriate behavior reported.
- If it is determined by the DHR that a violation of the SMC Policy exist may have occurred, an investigator will contact the respondent, witnesses and the complainant and initiate an investigation.
- Upon the completion of the investigation, a report will be submitted to the DHR for review.

*Anticipated timelines*

- 60 – 90 day

*Decision-making process*

- The DHR will forward the final report with recommendations for resolution to the appropriate VP or Provost for disposition.
- The appeal process laid out the SMCP will begin at this time. Both parties have a seven-day window to start the appeals process once the VP renders his/her decision.
- After all appeals are submitted to an appeals officer appointed by the university president. A decision is made within 14 days

How the institution determines which type of proceeding to use is based on the circumstances of an allegation of dating violence, domestic violence, and sexual assault or stalking.

The primary investigators are determined based on the Status of the Respondent; if a Student is charged with violation then a Students Affairs employee will be the primary investigator. If the respondent is an employee, the Director of Human resources will be the investigator.

Reports of all domestic violence, dating violence, sexual assault and stalking made to Campus Public Safety will automatically be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges.

Otterbein University's disciplinary process is consistent with the institution's Title IX policy and will include a prompt, fair, and impartial investigation and resolution process transparent to the accuser and the accused. Usually, the resolution of complaints of sexual misconduct are completed within 60 – 90 days of the report, however the proceedings timeframe allows for extensions for good cause with notice to the accuser and the accused of the delay and the reason for the delay. Investigators are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and taught how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. The Title IX policy can be accessed at the following below:

<http://www.otterbein.edu/public/TitleIX.aspx>

1. The accuser and the accused student each have the opportunity to attend a hearing before a properly trained investigator that protects the safety of victims and promotes accountability.
2. The accuser and the accused will have timely notice for meetings at which the accuser or accused may be present.
3. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused.
4. The institution provides the accuser and accused the same opportunities to have others present during an institutional disciplinary proceeding. The accuser and the accused student each have the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or proceeding. Both the Complainant and the Respondent may choose to have an advisor other than the University provided support person to provide assistance during the investigation and resolution process. Either party may also choose to proceed without an advisor. Both parties are expected to ask and respond to questions on their own behalf, without representation by their advisor. The adviser may consult with the advisee quietly or in writing or outside during breaks, but may not speak on behalf of the advisee. Any advisor who steps outside of this defined role will be given one warning and then be asked to leave the meeting. (A substitute advisor will not be permitted at this meeting.) The advisor or a substitute advisor may be allowed to attend additional meetings at the discretion of the Title IX Coordinator. Legal counsel, parents and legal guardians of either party are not allowed to serve as advisors.
5. A student conduct decision is based on the preponderance of evidence standard, i.e. "more likely than not to have occurred" standard. In other words, the conduct process asks: "is it more likely than not that the accused student violated the university's Student Conduct Code?"
6. The accuser and the accused will be notified simultaneously in writing of the result of any disciplinary proceeding, as well as any changes to those result or disciplinary actions prior to the time that such results become final; and

7. The accuser and the accused each have the right to appeal the outcome of the hearing by and will be notified simultaneously in writing, of any change to the result prior to the time that it becomes final and of the final result after the appeal is resolved. If either the Complainant or Respondent disagrees with the outcome of the investigation, or if the Respondent disagrees with the recommended sanction, he or she may submit an appeal. An appeal must be submitted to the Title IX Coordinator (Director of Human Resources) within seven (7) days of receipt of the final report. If no appeal is submitted within that time, the conclusion and the recommendations of the report become final and the sanctions/recommendations shall be implemented.

## **Appeals Procedures:**

The written request for appeal must identify the reasons and evidence supporting the appeal, state the result sought, and be submitted to the Title IX Coordinator. A copy of the written request will be provided to the non-appealing party within five days, who may submit a written response to that request within five days of its receipt.

As Title IX Coordinator, the Director of Human Resources will forward the report, the file, the request for appeal, and response to the appeals officer designated by the University President. Within fourteen days, the appeals officer will issue a decision. Both the Complainant and Respondent will be advised in writing of the appeal officer's decision.

A person alleging sexual assault, domestic violence, dating violence, or stalking may also utilize the complaint and investigatory procedures set forth in the university's policy against Sexual Harassment located at the link below in order to remedy any hostile environment.<sup>6</sup>

<http://www.otterbein.edu/docs/default-source/files/pdf/hr/policies-procedures/104-0-discrimination-and-harassment.pdf?sfvrsn=0>

All conduct proceedings against students, however, will be resolved through the Sexual Misconduct Policy located at the following link, on pages 36-47. <http://www.otterbein.edu/docs/default-source/files/campus-life/CampusLifeHandbook.pdf?sfvrsn=28>

When a complainant does not consent to the disclosure of his or her name or other identifiable information to the alleged perpetrator, the university's ability to respond to the complaint may be limited.

## **Confidentiality:**

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<sup>6</sup> "Hostile Environment" is the term used by Title VII in employment law as it relates to action taken against a person in retaliation of a complaint of sexual harassment or for cooperating with a sexual harassment investigation. Under Title IX, the term used is "retaliation." Institutions may choose to provide both terms for clarification although it is not required.

The university will protect the identity of victims and other necessary parties who report having been victims of sexual assault, domestic violence, dating violence, or stalking to the fullest extent of the law and as previously mentioned in this document.

## **Sanctions and Protective Measures:**

In all cases where investigations result in a finding of more likely than not that a violation of the Sexual Misconduct Policy, the Discrimination and Harassment policy or the Title IX policy have occurred, then the findings will lead to the initiation of disciplinary procedures against the accused individual.

University sanctions including:

Sexual Misconduct is a Level IV Judicial violation. Sanctions may include Monetary Fine; Restitution; Restricted Access; Living Unit Probation; Living Unit Dismissal; Disciplinary Probation; Disciplinary Probation with Restrictions; Alcohol/Drug/Anger Assessment; Suspension; or Dismissal. (Definitions of these sanctions can be found in the Campus Life Handbook under Section 10 – Judicial Sanction Defined.) A student found to be responsible for nonconsensual sexual intercourse may be dismissed from the University or suspended for a minimum of one semester, and additional sanctions as described above may be imposed. First time offenders who are found responsible for nonconsensual sexual intercourse may receive a sanction to include at minimum the following: • The offender will be suspended from the university for a minimum of one semester or up to dismissal; • He or she will not be allowed on campus during the period of suspension; • Contact with the victim/survivor is strictly forbidden. • The offender must submit documentation of counseling received off-campus prior to return. The documentation must include an assessment of the student's ability to return to campus without threatening the safety of others, and the counselor must be licensed by the State of Ohio and approved by the Associate Dean of Students. Second time offenders found responsible for nonconsensual sexual intercourse may receive a minimum of the following sanction: • Dismissal from the University. • Permanent exclusion from campus. Student-Athletes who are found in violation of the sexual misconduct policy may receive additional sanctions from the Athletic Department, including but not limited to, suspension from athletics practices, contests, or other activities. Student-Athletes may also be suspended from the team for a designated period. Criminal liability can be incurred in a sexual misconduct violation in penalties established in the Ohio Revised Code for all offenses deemed criminal.

Any part or all of the above listed sanctions may be imposed upon those determined to have violated this policy. The University may implement protective measures following the report of domestic violence, dating violence, sexual assault and/or stalking which may include some or all of the following actions: Examples of interim protective measures include, but are not limited to: assistance in obtaining a court ordered protection order, assistance in filing criminal charges, a University order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or dismissal of the respondent from the University. These remedies may be applied to one, both, or multiple parties involved. <sup>7</sup>Violations of the Title IX Coordinator's directives and/or protective measures will constitute

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<sup>7</sup> Applicable law requires that, when taking such steps to separate the complainant and the accused, the University must minimize the burden on the complainant and thus should not, as a matter of course, remove the complainant from his or her job, classes or housing while allowing the accused to remain.

related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by the President of Otterbein University.

For students, sexual assault, domestic violence, dating violence, and stalking are violations of the Student Conduct Code.

Employees who violate this policy will be subject to discipline, up to and including termination of employment verbal reprimand, written reprimand, suspension (paid/unpaid), and termination. Sexual assault, domestic violence, dating violence, and stalking are criminal acts, which also may subject the perpetrator to criminal and civil penalties under federal, state, and local law.

The Title IX Coordinator or their designee will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: a University order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. <sup>8</sup>Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by the President of Otterbein University.

The University will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

## **Sex Offender Registration:**

The Federal Campus Sex Crimes Prevention Act was enacted on October 28, 2000 and went into effect October 28, 2002. This law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information, which is provided by a State, concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers' services or is a student.

In the State of Ohio, convicted sex offenders must register with the county sheriff in their county of residence address within seven days of moving to that county. The registry was established pursuant to 2950.01 to 2950.14 of the Ohio Revised Code. Every person convicted on or after July 1, 1997, including juveniles tried and convicted in the courts pursuant to ORC 2950.03, whether sentenced as adults or

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<sup>8</sup> Applicable law requires that, when taking such steps to separate the complainant and the accused, the University must minimize the burden on the complainant and thus should not, as a matter of course, remove the complainant from his or her job, classes or housing while allowing the accused to remain.

juveniles, of an offense for which registration is required shall be required as a part of the sentence imposed up-on conviction to register and re-register with the county sheriff of their residency county as provided in ORC 2950.04.

In addition, all persons convicted of violations under the laws of the United States or any other state substantially similar to an offense for which registration is required shall provide to the local agency all necessary information for inclusion with an Ohio county sheriff within seven days of establishing a residence within the county. Any person required to register shall also be required to re-register within seven days following any change of residence, whether within the county or any other county.

Any person may search the Franklin and/or Delaware County Sheriff's web pages for information on registered sex offenders in the respective counties. Each county's sheriff maintains an on-line database of registered sex offenders in their particular county. The Sheriff Departments' Sex Offender web sites may be viewed at <http://sheriff.franklincountyohio.gov/> or <http://www.delawarecountysheriff.com/>. Click on Sexual Offender Database and enter or click on the zip codes for Westerville. Both web pages have information by zip code for registered sex offenders within their respective counties. Westerville zip codes are 43081 and 43082.

## **Preventing & Responding to Sex Offenses:**

The University educates the student community about sexual assaults and date rape through a variety of methods. A program during freshman orientation called Sex at seven addresses these topics as well as additional topics to educate new students. During "Move in Weekend", new students have an opportunity to attend a Campus Safety Orientation program put on by OPD. The presentation covers prevention of sexual assaults, date rape, alcohol management, crime prevention, and Otterbein's "Community Approach to Safety." OPD offers and presents programs on prevention of sexual assault, date rape prevention, self-defense, and other crime prevention related programs.

The Student Affairs Office offers wellness programs related to the prevention of sexual assault and date rape. Programs include, "Take back the Night", "Sex at 7", "Bystander Awareness", "Team Consent", and "Spring Break Safety".

Literature pamphlets and brochures on the following topics are available through the Office of Housing and Residential Education, Student Affairs, and at the Otterbein University Police Department:

"Sexual Misconduct", "Sexual Assault Is About Power, Control and Anger", "LGBT Sexual Assault", "Sexual Assault Intervention, Education and Prevention Services", "Otterbein University Sexual Misconduct Policy", "Campus Safety Tips", Q & A About Sexual Misconduct" "Available Counseling Services".

If you are a **victim of a sexual assault** at this institution, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. The University Police Department strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to a University officer and/or to a Housing and Residential Education representative. Filing a police report with a University

officer will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will:

- › ensure that a victim of sexual assault receives the necessary **medical treatment and tests**, at no expense to the victim;
- › provide the **opportunity for collection of evidence** helpful in prosecution, which cannot be obtained later (ideally, a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam);
- › assure the victim has access to **free confidential counseling** from counselors specifically trained in the area of sexual assault crisis intervention.

When a sexual assault victim contacts the Police Department, the Vice President for Student Affairs will also be notified. A member of Student Affairs and or an **advocate will also be contacted and meet with the victim to provide support.**

The victim of a sexual assault may **choose for the investigation to be pursued** through the criminal justice system and the University Judicial Council, or only the latter. A University representative from the Police Department or the Student Affairs Office will guide the victim through the available options and support the victim in his or her decision. Various **counseling options** are available from the University including meeting with the psychologist, the Chaplain or a member of the Women's Gender Resource Center. The Student Affairs Office will also inform the victim of Counseling and support services outside the University system should that be desired. Note that the Otterbein University Police Department will inform the Title IX Coordinator (HR Director) of the sexual assault.

University disciplinary proceedings, as well as special guidelines for cases involving sexual misconduct, are detailed in the Campus Life Handbook and Otterbein University Sexual Misconduct Policy. The accused and the victim will each be allowed to choose one person who has had no formal legal training to accompany them throughout the hearing. Both the victim and accused will be informed of the outcome of the hearing. A student found guilty of violating the University sexual misconduct policy could be criminally prosecuted in the state courts and may be suspended or expelled from the University for the First Offense. Student victims have the option to change their academic and/or on-campus living situations after an alleged sexual assault, if such changes are reasonably available.

## **Sexual Offender Notification and Information:**

The Federal Campus Sex Crimes Prevention Act was enacted on October 28, 2000 and went into effect October 28, 2002. This law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information, which is provided by a State, concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carry on a vocation, volunteers services or is a student.

In the State of Ohio, convicted sex offenders must register with the county sheriff of their county of residence address within seven days of moving to that county. The registry was established pursuant to

2950.01 to 2950.14 of the Ohio Revised Code. Every person convicted on or after July 1, 1997, including juveniles tried and convicted in the courts pursuant to ORC 2950.03, whether sentenced as adults or juveniles, of an offense for which registration is required shall be required as a part of the sentence imposed up-on conviction to register and re-register with the county sheriff of their residency county as provided in ORC 2950.04.

In addition, all persons convicted of violations under the laws of the United States or any other state substantially similar to an offense for which registration is required shall provide to the local agency all necessary information for inclusion with an Ohio county sheriff within seven days of establishing a residence within the county. Any person required to register shall also be required to re-register within seven days following any change of residence, whether within the county or any other county.

Any person may search the Franklin and/or Delaware County Sheriff's web pages for information on registered sex offenders in the respective counties. Each county's sheriff maintains an on-line database of registered sex offenders in their particular county. The Sheriff Departments' Sex Offender web sites may be viewed at <http://sheriff.franklincountyohio.gov/>, or <http://www.delawarecountysheriff.com/> Click on Sexual Offender Database and enter or click on the zip codes for Westerville. Both web pages have information by zip code for registered sex offenders within their respective counties. Westerville zip codes are 43081 and 43082.

## **Disclosures to Alleged Victims of Crimes of Violence on Sex Offenses:**

Otterbein University will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the University against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased because of the crime or offense, Otterbein University will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

## **Security Awareness Programs for Students and Employees:**

During "Move in Week" in August, OPD provides an opportunity for new students to attend a safety presentation in which an overview of all the safety programs is presented. Students are also informed of additional services offered by OPD.

The HR department also has OPD provide an overview of security awareness and safety on campus to new employees.

Power Point presentations outline ways to maintain personal safety and residence hall security. Students are told about crime on-campus and in surrounding neighborhoods. Similar information is presented to new employees. Crime Prevention Programs and Sexual Assault Prevention Programs are offered upon request of any student, employee or campus organization or department. A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. We call it, "The Community Approach to Safety."



During the 2016-2017 academic year, Otterbein University Police, in cooperation with other university organizations and departments, offered approximately Eighty-nine crime prevention awareness sessions on sexual assault (rape and acquaintance rape), date rape drug abuse, theft, and vandalism, as well as educational sessions on personal safety and protection.

In addition to seminars, information is disseminated to students and employees through crime prevention awareness packets, security alert posters, displays, videos, articles and advertisements in university and student newspapers.

When time is of the essence, information is released to the university community through security alerts posted prominently throughout campus and through computer memos sent over the university's electronic mail system.

## **Crime Prevention Programs for Students & Employees:**

Otterbein is dedicated to eliminating and/or minimizing criminal activities through the eyes and ears of all faculty, staff, students, friends and neighbors of the campus community. Otterbein encourages every employee and student to also be responsible for their own security and for the security of others. Crime prevention brochures and other printed materials are available at the Otterbein Police Department for the entire Otterbein community. Crime prevention programs emphasizing security and safety procedures for students and faculty/staff members are routinely presented throughout the academic year and are available upon request by individuals or groups. Crime Prevention and Security briefings are offered during summer orientation sessions to parents, and students have the option to attend the same presentation during Move-In Week. Human Resources provide new employees with an emergency flipchart, crime prevention safety tips and require new employees to attend Sexual Harassment Prevention training. Some of the crime prevention / safety programs presented are:

### ***Introduction to Crime Prevention:***

General crime prevention tips will be presented in the following areas: property theft, identity theft, sexual assault crimes, strangers/solicitors in residence halls, alcohol and drugs, date-rape drugs, fire safety, emergency preparedness, and weather emergency plans. The community approach to crime prevention will be emphasized. This is a broad overview of safety and security on campus.

### ***Crisis Response on Campus; Active Shooters:***

Phases 1 and 2: University and workplace incidents across the nation, common suspect characteristics, law enforcement's response during an incident, and survival tactics for students, faculty and staff in residence halls, academic and administrative areas will be emphasized. The discussion will also include information on the growing trend of violence on campuses, and in society. Set in a classroom environment, students will learn and practice how to respond in the event of a shooter in their building or classroom. Fleeing, barricading or locking the doors, attacking the shooter, securing weapons and other important safety issues will be discussed.

### ***Introduction to Emergency Response on Campus:***

This training is designed to familiarize the participant with Otterbein's updated Emergency Response Manual, including an introduction to the Incident Command System (ICS), internal/external/media relations, and departmental and individual responsibilities. It also provides resources to assist departments with establishing their protocols. A tabletop exercise for a critical incident on campus is included in the training.

***Sexual Assault Awareness and Prevention:***

The thrust of the lecture will be presenting the criminal, civil and emotional ramifications of sexual assault. Pre-planning and appropriate decision-making will be emphasized, as well as guidance to victims for healthy recovery. Guest instructors may include police officers, sexual assault nurse examiners, and victims of assault

***Date-Rape Drugs:***

Students will receive a detailed explanation of various date-rape drugs. The lecture will discuss drug identification, effects of the drugs, as well as strategies to implement if someone becomes a victim. Prevention options will also be reviewed.

***Personal Protection and Self-Defense:***

The program will provide options for male and female students who are physically attacked. The options will include verbal and physical responses to assault. Appropriate use of force levels will also be presented to protect against civil liability. Appropriate gym clothes should be worn for hands-on training. Safety for all students will be emphasized.

***Alcohol Decisions; Drugs and the Law:***

The program includes Otterbein Student Judicial Council and the Ohio Revised Code's interpretations of illegal narcotic use, possession, manufacturing, sales, etc. The presentation will also address date-rape drugs and alcohol.

***Internet Safety and Identity Theft:***

Students will be introduced to the fastest growing crime in America. The thrust of the training will include identity theft crimes, protecting the student from identity theft, and what to do if one becomes a victim. Other discussion topics include social websites (facebook.com, myspace.com, etc.), cyber scams, and ways to protect your computer.

***Personal Protection for Women:***

Instructed by the Westerville Police Department, women will be taught the safest way to respond, and escape physical assaults from larger, stronger suspects. Students should wear gym clothes and be prepared to roll on the ground with training partners. Safety for all students will be emphasized. The class is limited to the first 30 women registered.

***Residence Hall Fire Safety:***

The Otterbein Environmental Health and Safety Officer in conjunction with the Westerville Division of Fire conducts the training. The thrust of the presentation will include fire hazards in residence halls and the evacuation procedures.

### ***Residence Hall Smoke Out:***

Westerville Division of Fire uses a smoke machine to emit smoke into a campus building. Students and faculty will be trained to safely exit the building despite being impaired by smoke.

### **Additional Programs**

Additional programs are presented and tailored to individual group needs and requests. Several of the PowerPoint presentations utilized during the training sessions are available to view and review on the Otterbein Police Department's web site at

<http://www.otterbein.edu/public/CampusLife/HealthAndSafety/Police/CrimePrevention.aspx>

The Student Affairs office via the Wellness section also offers a variety of crime prevention programs to students and employees. Some include: Safety Week Poster Campaign, Bystander Awareness, Violence and Alcohol, Undetected Rapist, Team Consent, Take Back the Night, Sex at 7, Relationship Spectrum, Hope Rises Suicide Awareness, Depression Screening, Men's Madness, 1/HR Campaign, Mocktail Party, Drug Dog Demonstrations, 360 proof.

## **Standards of Conduct Alcohol and Drugs:**

Otterbein University prohibits the unlawful possession, use, and sale of alcoholic beverages and illegal drugs on campus. OPD is responsible for the enforcement of state underage drinking laws.

OPD has primary responsibility for the enforcement of State underage drinking laws as well as the enforcement of Federal and State drug laws.

The possession and/or consumption of alcoholic beverages and/or illegal drugs are not permitted on campus grounds. Otterbein is committed to maintaining an environment of teaching and learning, which is free of illicit drugs and alcohol. In compliance with the requirements of the Drug-Free Schools and Community Act Amendments of 1989, all students and employees of Otterbein are notified that the unlawful possession, use and distribution of illicit drugs and alcohol on the Otterbein campus are strictly prohibited. Statements of Otterbein policies against the use of illegal drugs and abuse of alcohol, including sanctions against violations, may be found in the Otterbein Campus Life Handbook(<http://www.otterbein.edu/docs/default-source/files/campus-life/CampusLifeHandbook.pdf?sfvrsn=2>) and the Employee Handbook provided at request by emailing [HR@otterbein.edu](mailto:HR@otterbein.edu) or calling 614-823-1805. Any student or employee in violation of criminal laws of the City of Westerville, State of Ohio, or the United States relating to alcohol or drugs may be subject to arrest and conviction. Conviction can result in sanctions, including probation, fines, and imprisonment. Students who are found to be in violation of this stated prohibition are subject to discipline in accordance with the requirements and procedures of the Campus Life Handbook. Sanctions may include disciplinary probation, educational programming, or dismissal from Otterbein. Faculty and staff employees who are found to be in violation of this stated prohibition are subject to discipline in accordance with the applicable Otterbein employment rules and procedures. Discipline may include suspension or termination of employment.

## Alcoholic Beverages:

### *Otterbein Alcohol and Drug Policy*

Otterbein believes that the consumption of alcoholic beverages enhances neither the educational process nor the quality of life. Otterbein recognizes the right of choice of individuals to use or refrain from the use of alcoholic beverages, but believes that the choice of use is properly exercised elsewhere than on campus grounds, in Otterbein buildings, and in fraternity and sorority houses. Therefore, possession, use, production, distribution or sale of alcohol or other drugs is prohibited. Any faculty, staff or student violating the policy will be subject to Otterbein disciplinary procedures according to the **Otterbein Campus Life Handbook**, available from the Office of the Vice President for Student Affairs; the **Faculty Manual**, available from the Office of the Vice President for Academic Affairs; and the **Administrative Manual** and the **Personnel Policies Manual** for Non-Exempt Staff, available from the Office of the Vice President for Business Affairs. Alcohol/Underage Drinking Policy: This is a level III violation. The State of Ohio Liquor Control law prohibits the purchase, possession, or consumption of alcoholic beverages or beer by persons under the age of 21 years. Otterbein, as a United Methodist related University, recognizes the merit of the United Methodist position that abstinence is a responsible form of Christian love and witness. The University believes that the consumption of alcoholic beverages enhances neither the educational process nor the quality of life. The Otterbein community functions on the basis of mutual trust and responsibility, and the consumption of alcoholic beverages is potentially disruptive of this educational environment. Otterbein recognizes the right of choice of individuals to use or refrain from the use of alcoholic beverages, but believes that the choice of use is properly exercised elsewhere than on campus grounds, in University buildings, and in fraternity and sorority houses. Alcoholic beverages may not be served or consumed at social events held in buildings on campus, in fraternity or sorority houses, residence halls, theme houses, athletic events, or campus apartments. However, Alcohol may be served, in conformance with all State regulations, at the Frank Museum of Art, which is located 39 South Vine Street, Westerville. The possession, sale or the furnishing of alcohol on the University's campus is strictly prohibited. The Ohio Liquor Control Commission (OLCC) controls the possession, sale, consumption, or the furnishing of alcohol in Ohio. However, the enforcement of alcohol and drug related violations on campus would be the responsibility of Otterbein University Police Department and the Westerville Police Department.

## Illegal Drug Possession:

The Otterbein University campus has been designated "Drug free" and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the Otterbein University Police Department. Violators are subject to University disciplinary action, criminal prosecution, fine and imprisonment.

Westerville ordinance, Ohio law and Federal law prohibit the following acts related to drugs — knowingly by force, threat or deception, administer to another a controlled substance; sell, offer to sell, prepare for shipment, ship, transport, deliver, prepare for distribution, or distribute a controlled substance; cultivate marijuana or knowingly manufacture or otherwise engage in any part of the production of a

controlled substance; knowingly assemble or possess one or more chemicals that may be used to manufacture a controlled substance in schedule I or II with the intent to manufacture a controlled substance in schedule I or II; knowingly obtain, possess, or use a controlled substance; knowingly make, obtain, possess, or use any instrument, article, or thing the customary and primary purpose of which is for the administration or use of a dangerous drug, other than marijuana, when the instrument involved is a hypodermic or syringe; knowingly use, or possess with purpose to use, drug paraphernalia; by deception, shall procure the administration of, a prescription for, or the dispensing of, a dangerous drug or shall possess an uncompleted preprinted prescription blank used for writing a prescription for a dangerous drug; knowingly adulterate or alter any dangerous drug or substitute any dangerous drug with another substance; knowingly adulterate or alter any package or receptacle containing any dangerous drug or substitute any package or receptacle containing any dangerous drug with another package or receptacle; purpose to induce intoxication or similar physiological effects, shall obtain, possess, or use a harmful intoxicant; knowingly possess, make, sell, offer to sell, or deliver any substance that the person knows is a counterfeit controlled substance; possess an open cartridge of nitrous oxide in a motor vehicle. Convictions of the above misdemeanor or felony violations may result in a fine, incarceration, or both. Unless specified differently, the maximum jail term for a misdemeanor is not more than 180 days, and the maximum fine is not more than \$1,000. Unless specified differently, the maximum jail term for a felony is not more than 11 years, and the maximum fine is not more than \$20,000. Additionally, a student's eligibility for federal financial aid might be suspended if the offense occurred while receiving federal student aid (grants, loans, or work-study). If convicted of a drug-related offense after submitting the FAFSA, a student might lose eligibility for federal student aid, and might be liable for returning any financial aid received during a period of ineligibility.

**Federal Drug Laws:** Federal law prohibits the trafficking and illegal possession of controlled substances. Depending on the type of drug and amount, penalties for simple possession range from at most 1-year imprisonment, at least a \$1,000 fine, or both; to at most 20 years imprisonment and at least \$1,000 fine. Trafficking penalties range from maximum imprisonments of 5 years to life, and maximum fines from \$250,000 to \$20 million.

## **Legal Sanctions under Local, State and Federal Laws:**

**Alcohol:** Westerville ordinance and Ohio law prohibit the following acts related to alcohol — any person from possessing an opened container of beer or intoxicating liquor in any public place, or in any motor vehicle on a street or other public or private property open to the public for vehicular travel or parking; anyone under 21 of purchasing beer or intoxicating liquor; furnish false information to purchase beer or intoxicating liquor; consume beer or intoxicating liquor in a motor vehicle; buy or furnish beer or intoxicating liquor to anyone under 21 years of age unless supervised by parent; as an owner or occupant of any public or private place knowingly permit any under-age person to remain in or on the place while possessing or consuming beer or intoxicating liquor; any underage person from knowingly order, pay for, attempt to purchase, possess, or consume any beer or intoxicating liquor in any public or private place; any underage person from being under the influence of any beer or intoxicating liquor in any public place; operate or have physical control of a vehicle anywhere while under the influence; while voluntarily intoxicated in a public place or in the presence of 2 or more persons engage in conduct likely to be offensive or to cause inconvenience, annoyance, or alarm to persons of ordinary sensibilities, which conduct the offender, if the offender were not intoxicated, should know is likely to have that

effect on others; while voluntarily intoxicated engage in conduct or create a condition that presents a risk of physical harm to the offender or another, or to the property of another. Convictions of the above misdemeanor violations may result in a fine, incarceration, or both. Unless specified differently, the maximum jail term for a misdemeanor is not more than 180 days, and the maximum fine is not more than \$1,000.

### ***Penalties***

The purchase, consumption, transportation or possession of alcoholic beverages by a person under 21 is punishable by fines of up to \$1000.00, loss of driving privileges, and up to 180 days in jail in Ohio.

Misrepresentation of age to purchase alcohol and altering, selling or manufacturing of false identification is also punishable by minimum fines of \$1,000.00 and loss of driving privileges. The selling or furnishing of alcoholic beverages to those under the age of 21 is punishable by law in the following manner; A mandatory fine of \$1,000.00 for the first offense, and \$2,500.00 for each subsequent violation. Lying about ones age to obtain alcohol, making a false ID, possessing a false ID and furnishing alcohol to individuals under age 21 are misdemeanor offenses.

A summary of penalties related to alcohol may be found online In the Ohio Revised Code. A complete summary of federal penalties related to alcohol and illicit drugs may be found online at the U.S. Drug Enforcement Administration.

Otterbein University has programs and policies in place to support a drug-free environment. A complete copy of Otterbein's Drug and Alcohol Policy may be obtained by contacting HR Services at:

<http://ocweb.otterbein.edu/docs/default-source/files/campus-life/2014clhupdated6-23-14.pdf?sfvrsn=2>

If an employee has concerns about drug or alcohol use- their own or others- they may want to consult with the universities employee assistance program (EAP) counselors.

## **Drug Law Violations and Financial Aid:**

A federal or state drug conviction can disqualify a student for federal student aid funds (FSA) if it was for an offense that occurred during a period of enrollment for which the student was receiving federal Title IV aid.

The chart below illustrates the period of ineligibility for FSA funds, depending on whether the conviction was for sale (including conspiring to sell) or possession and whether the student had previous offenses.

	<b>Possession of illegal drugs</b>	<b>Sale of illegal drugs</b>
<b>1st offense:</b>	1 year from date of conviction	2 years from date of conviction
<b>2nd offense:</b>	2 years from date of conviction	indefinite period
<b>3+ offenses:</b>	indefinite period	indefinite period

If the student was convicted of both possessing and selling illegal drugs, and the periods of ineligibility are different, the student will be ineligible for the longer period.

A student regains eligibility the day after the period of ineligibility ends or when he or she successfully completes a qualified drug rehabilitation program or, effective beginning with the 2010–2011 award years, passes two unannounced drug tests given by such a program. Further drug convictions will make one ineligible again.

Students denied eligibility for an indefinite period can regain it after successfully completing rehabilitation program (as described below), passing two unannounced drug tests from such a program, or if a conviction is reversed, set aside, or removed from the student's record so that fewer than two convictions for sale or three convictions for possession remain on the record. In such cases, the nature and dates of the remaining convictions will determine when the student regains eligibility. It is the student's responsibility to certify they have successful completion of the rehabilitation program.

When a student regains eligibility during the award year, he or she may receive Pell, ACG, National SMART, TEACH, and Campus-based aid for the current payment period and direct loans for the period of enrollment.

## **Standards for a qualified drug rehabilitation program:**

A qualified drug rehabilitation program must include at least two unannounced drug tests and must satisfy at least one of the following requirements:

- Be qualified to receive funds directly or indirectly from a federal, state, or local government program.
- Be qualified to receive payment directly or indirectly from a federally or state-licensed insurance company.
- Be administered or recognized by a federal, state, or local government agency or court.
- Be administered or recognized by a federally or state-licensed hospital, health clinic, or medical doctor.

Additional information on this subject is located online at

[http://www.otterbein.edu/Files/pdf/FinancialAid/DrugLawViolations\\_Financial%20Aid.pdf](http://www.otterbein.edu/Files/pdf/FinancialAid/DrugLawViolations_Financial%20Aid.pdf)

Title IV Federal Aid includes: Federal Work Study, Federal Direct Loans, Federal Pell Grants, Supplemental Educational Opportunity Grants, Academic Competitive Grants, Federal SMART Grants, Robert C Byrd Scholarships, and Federal Perkins Loans.

## **Substance Abuse Education and Support:**

Drug and alcohol education programs are conducted regularly to heighten awareness of the necessity to have a drug-free community at Otterbein University. Resources are provided to community members by sources such as the Office of the Dean of Students, Campus Life, OPD, the Health Center, and Human Resources Services. Education and Awareness programs, including Alcohol Education are offered

during Orientation and throughout the year

[www.otterbein.edu/public/CampusLife/DivisionOfStudentAffairs.aspx](http://www.otterbein.edu/public/CampusLife/DivisionOfStudentAffairs.aspx)

## Counseling, Treatment, Rehabilitation and Re-Entry Programs and Community Resources:

In addition to sanctions designed to reduce alcohol and other drug abuse, Otterbein has a variety of on-campus prevention and education programs as well as access to off-campus screening, intervention and treatment programs available. The Otterbein Student Affairs Wellness Department can provide information and help put students in touch with a variety of community resources available to assist those who are experiencing alcohol and other drug-related problems. Another resource available to students is the “ECHECKUP TO GO” website. Written for students, this interactive website provides an abundance of information on alcohol and an individual alcohol assessment. All first-year Otterbein students are required to complete ECHECKUP by September 1.

## Counseling, Treatment, Support:

<http://www.otterbein.edu/public/CampusLife/HealthAndSafety/Counseling.aspx>

Emergency Assistance: Otterbein Police 614-823-1222

On-campus call x1222 Off-campus calls 911 or contacts your RA, or ADRL

## Alcohol and Drug Chart Effects and Health Hazards:

NAME CATEGORY		EFFECTS / POSSIBLE HEALTH RISKS
Alcohol		<i>Drowsiness, slurred speech, nausea, loss of coordination, impaired memory, loss of consciousness / Increased risk of injuries, violence, fetal damage in pregnant women; depression; neurologic deficits; hypertension; liver and heart disease; addiction; fatal</i>
Cannabinoids	Hashish	<i>Relaxation; slowed reaction time; distorted sensory perception; impaired balance and coordination; increased heart rate and appetite; impaired learning and memory; anxiety; panic attacks; psychosis / Cough; frequent respiratory infections; possible mental health decline; addiction</i>
	Marijuana	



<b>Club Drugs</b>	MDMA (Ecstasy)	MDMA: <i>Mild hallucinogenic effects; lowered inhibition; anxiety; chills; sweating; teeth clenching; muscle cramping / Sleep disturbances; depression; impaired memory; hyperthermia; addiction</i>
	Flunitrazepam (Rohypnol) GHB	Flunitrazepam: <i>Sedation; muscle relaxation; confusion; memory loss; dizziness; impaired coordination / Addiction</i> GHB: <i>Drowsiness; nausea; headache; disorientation; memory loss / Unconsciousness; seizures; coma</i>
<b>Depressants</b>	Barbiturates (Amytal, Seconal, Phenobarbital)	<i>Sedation/drowsiness, reduced anxiety, lowered inhibitions, slurred speech, poor coordination, confusion, dizziness, impaired coordination and memory / Slowed pulse, lowered blood pressure, slowed breathing, tolerance, withdrawal, addiction; increased risk of respiratory distress and death when combined with alcohol</i> Barbiturates: <i>euphoria, fever, irritability / Life-threatening withdrawal in chronic users</i>
	Benzodiazepines (Ativan, Valium, Xanax) Sleep Medications (Ambien, Sonata, Lunestra)	
<b>Dissociative Anesthetics</b>	Ketamine	<i>Feelings of being separate from one's body and environment; impaired motor function / Anxiety; tremors; numbness; memory loss; nausea</i>
	PCP & analogs Salvia Divinorum Dextromethorphan (DXM)	Also for ketamine: <i>Analgesia, delirium / Respiratory depression and arrest; death</i> Also for PCP and analogs: <i>Analgesia; psychosis; aggression; violence; slurred speech; loss of coordination; hallucinations</i> Also for DXM: <i>Euphoria; slurred speech; confusion; dizziness; distorted visual perceptions, vomiting, paranoia, impaired motor function</i>
<b>Hallucinogens</b>	LSD	<i>Altered states of perception and feeling; hallucinations; nausea</i>
	Mescaline Psilocybin	Also for LSD and mescaline: <i>Increased body temperature, heart rate, blood pressure; loss of appetite; sweating; sleeplessness; numbness; dizziness; weakness; tremors; impulsive behavior; rapid shifts in emotion</i> Also for LSD: <i>Flashbacks, Hallucinogen Persisting Perception Disorder</i> Also for psilocybin: <i>Nervousness; paranoia; panic</i>
<b>Opioids and Morphine Derivatives</b>	Codeine, Heroin, Morphine, Methadone Fentanyl and analogs, Other opioid pain relievers (Oxycontin, Percodan, Percocet, Vicodin, Lortab, Lor-cet, Dilaudid, Demerol, Darvon, Darvocet)	<i>Pain relief, euphoria, drowsiness, sedation, weakness, dizziness, nausea, impaired coordination, confusion, dry mouth, itching, sweating, clammy skin, constipation / Slowed or arrested breathing, lowered pulse and blood pressure, tolerance, addiction, unconsciousness, coma, death; risk of death increased when combined with alcohol or other depressants</i>
<b>Other Compounds</b>	Anabolic Steroids	Steroids: <i>Hypertension; blood clotting and cholesterol changes; liver cysts; hostility and aggression; acne; prostate cancer</i>
	Inhalants	Inhalants: <i>Stimulation; headache; nausea; slurred speech; loss of motor coordination / Muscle weakness; depression; memory impairment; damage to cardiovascular and nervous systems; unconsciousness; sudden death</i>

<b>Stimulants</b>	Amphetamines (Adderall) Methylphenidate (Concerta, Ritalin)	<i>Feelings of exhilaration, increased energy, mental alertness</i> / Increased heart rate, blood pressure, and metabolism; reduced appetite; weight loss; nervousness; insomnia; seizures; heart attack; stroke
<b>Tobacco</b>	Nicotine	<i>Increased blood pressure and heart rate</i> / Chronic lung disease; cardiovascular disease; stroke; cancers of the mouth, pharynx, larynx, esophagus, stomach, pancreas, cervix, kidney, bladder, and acute myeloid leukemia; adverse pregnancy outcomes; addiction

Students who are required to be seen by medical personnel and/or transported to the hospital or a medical facility due to excessive alcohol consumption may be required to have an assessment. Students will be required to complete the recommendations of the assessment at their own expense. The student, medical personnel, or University staff will notify a parent if the student is transported to a medical facility due to excessive consumption of alcohol.

## Substance Abuse Education:

### PREVENTION PROGRAMS

The Student Affairs Department of Wellness has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of informational materials, educational programs, counseling services, referrals and college disciplinary actions.

## Alcohol and Drug Education:

University Health Services, Employee Assistance Program, University Health Class.

## Counseling Services:

Otterbein University has a counseling center staffed by a licensed psychologist as well as pastoral counseling for students and an Employee Assistance Program for employees.

## Referral Services:

The following can make referrals: Counseling Center, Health Center, and Chaplin, Student Affairs personnel, Judicial Board, OPD, Human Resources and the courts.

## College Disciplinary Actions:

Faculty/Student Judicial Review Committee. Director of Student Development.

### LOCAL, STATE & FEDERAL LEGAL SANCTIONS Legal Sanctions – Laws Governing Alcohol

The State of Ohio sets 21 as the minimum age to purchase or possess any alcoholic beverage. Specific ordinances regarding violations of alcohol laws, including driving while intoxicated, are available from the Otterbein University Police Department. Effective January 1, 1990, a package of state laws was passed regarding alcohol. They include the following:

1. Persons under age 21 found possessing alcohol may be given a maximum fine of \$50.
2. Anyone convicted of fraudulently using a driver's license to buy or attempt to buy alcohol may have his/her driver's license suspended for up to 90 days.
3. Persons convicted of buying alcohol through fraudulent means face a possible \$100 fine and/or being required to do up to 30 hours of community service work.

*A violation of any law regarding alcohol is also a violation of the College's Student Code of Conduct and will be treated as a separate disciplinary matter by the College.*

## Drug-Free Schools and Communities Act Policy (1989):

Otterbein University's primary concern is for the health, safety and welfare of the university community. Otterbein complies fully with local, state, and federal regulations regarding the sale, possession and consumption of alcoholic beverages. The unlawful manufacture, possession, use or distribution of illicit drugs or controlled substances on university property or as part of university activities is strictly prohibited. All members of the university community are held responsible for their behavior and for respecting the rights of others.

Otterbein endeavors to encourage a culture of compliance and is committed to providing education regarding the negative impacts of illicit drug use, misuse of prescription drugs, and the excessive or illegal consumption of alcohol. Otterbein provides programs and resources to promote healthful experiences. Additionally, Otterbein seeks to encourage responsible bystander behavior and timely reporting.

Consistent with the provisions of the Federal **Drug Free Schools and Community Act**, Otterbein University hereby notifies each of its students and employees of its policy regarding the following:

- 1) Policy details and procedures, including the unlawful possession, use or distribution of illicit drugs and alcohol by students on university property or as part of any university activity is prohibited. (See Campus Life Handbook at <http://www.otterbein.edu/docs/default-source/files/campus-life/CampusLifeHandbook.pdf?sfvrsn=2>).

- 2) Students and employees of Otterbein University are subject to applicable sanctions for violations of local, state and federal law. (See Annual Campus Security and Fire Safety Report at <http://www.otterbein.edu/docs/default-source/files/campus-life/Police/2016-revised-annual-campus-security-and-fire-safety-report.pdf?sfvrsn=2> and Campus Life Handbook at <http://www.otterbein.edu/docs/default-source/files/campus-life/CampusLifeHandbook.pdf?sfvrsn=2>.)
- 3) There are health risks associated with the use of illicit drugs and alcohol. (See Annual Campus Security and Fire Safety Report at <http://www.otterbein.edu/docs/default-source/files/campus-life/Police/2016-revised-annual-campus-security-and-fire-safety-report.pdf?sfvrsn=2>.)
- 4) Students may become informed of drug and alcohol counseling, treatment, rehabilitation or reentry programs by contacting the university health center, counseling center, Student Affairs, or off-campus resource. (See Annual Campus Security and Fire Safety Report at <http://www.otterbein.edu/docs/default-source/files/campus-life/Police/2016-revised-annual-campus-security-and-fire-safety-report.pdf?sfvrsn=2>.)
- 5) Otterbein will impose sanctions on students consistent with all applicable provisions of the Student Handbook. (See Campus Life Handbook at <http://www.otterbein.edu/docs/default-source/files/campus-life/CampusLifeHandbook.pdf?sfvrsn=2>.)
- 6) Otterbein's policy will be reviewed by University administration, as required by law, on a biennial basis.

## **Security and Access to Campus Buildings:**

Most campus buildings and facilities are accessible to students, parents, employees, contractors, and guests during normal business hours, excluding holidays. Athletic facilities, the library, and other select University service areas have varying hours of operation. Most of the academic and administrative buildings on campus are controlled by a card access system. While these buildings will be locked and closed to the general public after regular business hours, students, faculty and staff may gain access by using their University identification card in the card access system. In the case of periods of extended closing, non-residential buildings will be secured according to schedules developed by the department responsible for the facility, and the university will admit only those with prior approval to all facilities.

Residential buildings are secured 24 hours a day. Most exterior doors in student residential halls are controlled by card access, and students are issued a key for their room. Over breaks, students will turn in their room keys and their Otterbein University Cardinal Card access is cancelled. Only those students who have prior permission to stay during break will have card access. Assistant Directors of Resident Life, Resident Assistants, and Otterbein Police Department conduct patrols of campus buildings to evaluate and monitor security related matters.

### **Security Considerations Used in the Maintenance of Campus Facilities**

Otterbein University maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. Parking lots and pathways are illuminated with lighting. OPD works closely with the Otterbein Service Department to address burned out lights promptly as well as malfunctioning door locks, malfunctioning emergency phones or other physical conditions that enhance security. Other

members of the University Community are encouraged to report equipment problems to OPD or to Facilities Management to help keep the campus safe.

OPD and the Director of Residence Life frequently meet to discuss safety issues concerning the residence halls. The Director of Physical Plant is also consulted when appropriate.

## **Missing Student Notification Policy and Procedures:**

The Higher Education Act (HEA) Title IV, Section 485(j), requires higher education institutions that provide any on-campus housing facility to establish a policy regarding missing student notification procedures for students who reside in on-campus student housing facilities. On-campus housing is clarified as “any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus”. This includes all Otterbein owned or controlled residence halls, theme houses, sororities and fraternities. As such, Otterbein has established the following policy and procedure to address students residing on-campus that are reported as missing:

- 2) The “Campus Life Handbook” shall inform each student in accordance with HEA Title IV, section 485(J) that students who reside in on-campus housing have the option to identify an individual to be contacted by Otterbein within 24 hours after the student is determined missing for 24 hours. Additionally, Otterbein will notify the appropriate law enforcement agency within 24 hours, after a student residing in on-campus housing is determined missing (unless the Westerville Police Department was the entity that made the determination that the student was missing).
  - 3) If the student is under 18-years old and not emancipated, Otterbein will notify a parent/guardian within 24 hours of determining that the student is missing, in addition to notifying any additional contact person designated by the student.
  - 4) Otterbein shall provide each student residing in on-campus housing the means to register confidential contact information, to be utilized in the event the student is determined to be missing, by completing the “Otterbein Address Information Form/Missing Student notification Form” at least once per academic year or as often as needed to update a student’s emergency contact information. Any confidential contact information provided for missing person notification purposes will only be used for this purpose. When students are informed of their option to provide a confidential contact, they are advised that their contact information will be registered confidentially, and that this information will be accessible only to authorized campus officials and law enforcement and that it may not be disclosed outside of a missing person investigation.
- 3) Otterbein shall initiate the “**Missing Student Notification Procedures**” if the Otterbein Police Department, or a law enforcement agency, determines through their investigation of a missing person report that an Otterbein student residing in on-campus housing has been missing and has not returned to campus.

Otterbein's "**Missing Student Notification Procedures**" are as follows for students that reside in on-campus housing:

A) Any official missing student report made to Otterbein students, faculty or staff of a missing student who resides in on-campus housing is to be immediately referred to the Otterbein Police Department. If members of the Otterbein community believe that a student has been missing for 24 hours, it is critical that they report that information to OPD by calling 614-823-1222.

B) Upon investigation by Otterbein Police Department, if the student is determined to have been missing for 24 hours, the following notification procedures will be followed:

- i) Otterbein personnel to be notified when an Otterbein student residing in on-campus housing has been determined as missing includes the Vice President for Student Affairs, Chief of Police, and Executive Director of Marketing and Communications
- ii) If the missing student has provided Otterbein with an individual to contact if determined missing, Otterbein Police Department will notify the individual the student has been determined missing.
- iii) If the student is under 18 years of age and not an emancipated individual, the Otterbein Police Department will immediately contact the student's parent/legal guardian and any other designated contact person.
- iv) Regardless if ii or iii apply, the Otterbein Police Department will notify the appropriate law enforcement agency that has jurisdiction in the area that the student has been missing within 24 hours.

Otterbein University's Missing Student Policy can be found on page 8 of the Campus Life Handbook at the link below:

<http://ocweb.otterbein.edu/docs/default-source/files/campus-life/CampusLifeHandbook.pdf?sfvrsn=2>

Residence Life personnel, may make an entry into the student's room to check on their welfare. If the student is an off-campus resident, OPD will informally enlist the aid of the neighboring police agency having jurisdiction.

Concurrently, University officials will endeavor to determine the student's whereabouts through contact with friends, associates, and/or employers of the student. Whether or not the student has been attending classes, labs, recitals, and scheduled organizational or academic meetings, or appearing for scheduled work shifts, will be established. If located, verification of the student's state of health and intention of returning to the campus will be made.

Notification of the local law enforcement and emergency contact will be made within 24 hours after it has been determined that the student has been missing for 24 hours. Notification of the emergency contact will be made by the Dean of Students or his/her designee. If the student is an off-campus resident, appropriate family members or associates are encouraged to make an official missing person report to the law enforcement agency with jurisdiction. Local law enforcement will be notified in all cases even if the student has not provided an emergency contact, and the university will provide the necessary information to assist in locating the missing student.

If the missing student is under the age of 18 and is not an emancipated individual, OPD will immediately notify the student's parent or legal guardian and any other designated missing person contact.

If circumstances related to a student's disappearance appear to be foul play, (i.e., kidnapping or other criminal acts), then the appropriate notifications and actions will be initiated.

OPD will cooperate, aid, and assist the primary investigative agency in all ways prescribed by law. If the student is an on-campus resident, OPD will open an official investigation and retain status as the primary investigative unit. Upon closure of the missing person investigation, all parties previously contacted will be advised of the status of the case.

## Description of On-Campus Student Housing Fire Safety Systems

### Alarms and Monitoring:

At Otterbein University, 97% of student sleeping rooms are equipped with a smoke detector that is connected to a supervised fire alarm system. Student sleeping rooms are defined as the actual room in which the occupants live and sleep.

All student housing fire alarm systems, if activated, result in a signal being transmitted to a monitored location, the monitoring company will then notify Westerville Police and Fire Communications Center. The WPD Communications section will then dispatch OPD and WFD to the appropriate location.

Fire alarms systems are monitored 24 hours/day, seven days/week by Hard Fire Suppression Systems and Emergency 24 Monitoring Center. Information on specific residential buildings is posted in the chart below.

Facility:	Fire alarm monitoring	Partial sprinkler system	Full sprinkler system	Smoke detectors	Manual pull stations	Fire extinguishers	Evac plans posted	Number of evacuation (fire) drills
	On-Campus							
	Each calendar year							
<u>Residence Halls</u>								
25 W. Home	X		X	X	X	X		1

Clements Hall	X			X	X	X	X	1
DeVore Hall	X		X	X	X	X		2
Davis Hall	X			X	X	X	X	1
Dunlap-King	X	X		X	X	X	X	1
Engle Hall	X			X	X	X	X	2
Garst Hall	X			X	X	X	X	2
Hanby Hall	X			X	X	X	X	1
Home St. Commons 1 & II	X		X	X		X	X	1
Home St. Commons III & IV	X		X	X		X	X	1
Mayne Hall	X			X	X	X	X	3
Park St. Commons I & II	X		X	X		X	X	1
Park St. Commons III & IV	X		X	X		X	X	1
Scott Hall	X			X	X	X	X	2

### Sororities

LOCATION:	Fire Alarm Monitoring	Partial sprinkler system	Full sprinkler system	Smoke detectors	Manual pull stations	Fire extinguishers	Evac plans posted	Number of evacuation (fire) drills
On-Campus								
Each calendar year								



<b>Epsilon Kappa Tau</b>				<b>X</b>		<b>X</b>	<b>X</b>	<b>5</b>
<b>Sigma Alpha Tau</b>				<b>X</b>		<b>X</b>	<b>X</b>	<b>5</b>
<b>Tau Delta</b>				<b>X</b>		<b>X</b>	<b>X</b>	<b>5</b>
<b>Theta Nu</b>				<b>X</b>		<b>X</b>	<b>X</b>	<b>5</b>

**Theme Houses**

<b>LOCATION:</b>	<b>Fire Alarm Monitoring On- Campus  Each calendar year</b>	<b>Partial sprinkler system</b>	<b>Full sprinkler system</b>	<b>Smoke detectors</b>	<b>Manual pull stations</b>	<b>Fire extinguishers</b>	<b>Evac plans posted</b>	<b>Number of evacuation (fire) drills</b>
<b>Lambda Gamma Epsilon</b>				<b>X</b>		<b>X</b>	<b>X</b>	<b>5</b>
<b>Sigma Delta Phi</b>				<b>X</b>		<b>X</b>	<b>X</b>	<b>5</b>
<b>LOCATION:</b>	<b>Fire Alarm Monitoring On- Campus  Each calendar year</b>	<b>Partial sprinkler system</b>	<b>Full sprinkler system</b>	<b>Smoke detectors</b>	<b>Manual pull stations</b>	<b>Fire extinguishers</b>	<b>Evac plans posted</b>	<b>Number of evacuation (fire) drills</b>
<b>46 W. Home St.</b>				<b>X</b>		<b>X</b>	<b>X</b>	<b>0</b>
<b>146 W. Home St.</b>				<b>X</b>		<b>X</b>	<b>X</b>	<b>0</b>
<b>154 W. Home St.</b>				<b>X</b>		<b>X</b>	<b>X</b>	<b>0</b>

155 W. Home St.				X		X	X	2
162 W. Home St.				X		X	X	1

<http://www.otterbein.edu/public/CampusLife/HealthAndSafety/Police.aspx>

## **Policies on Portable Electronic Appliances, Smoking and Open Flames in a Student Housing Facility:**

Students are encouraged to exercise extreme care when selecting electrical appliances for their campus housing. Each of these electrical appliances must be Underwriters Laboratory (UL) approved, in good operating condition, and not left unattended when in use. Students should remember the space limitations of many areas and the number of outlets available to them. With this in mind, students may bring the following items into the residence halls, theme houses and Commons apartments:

Air Purifiers, Clocks, Computers, Curling irons/curlers, DVD/VCR, Player/Recorder, Fans, Non-Ionic Hair Dryers & Hair Implements (straighteners, etc.), Holiday lights (not stranded together), Hot air popcorn poppers, Iron (auto shut-off), Lighted make up mirror, Microwave\* (800 watts or less), Power strips with circuit breakers, Razors (electric), Reading lamps (excluding Halogen reading lamps without safety grids), Refrigerator \* (up to 4 cubic ft., limited to one per room), Sewing machine, Stereo System (small), Surge Protectors with a 14 gauge wire (heavy duty), Television, Video Game System, Ionic hair implements (hair dryer, curling iron, hair straightener) are not allowed because they may cause the fire alarms to activate.

\*Refrigerators and microwaves should be limited to one of each per residence hall room. Commons apartments and theme houses may have one microwave per house/apartment located in the kitchen and may not bring additional refrigerators into the facility. Students in the Commons and theme houses ONLY may possess and use toasters, coffee makers and George Foreman grills with extreme caution in the kitchen area only. Only students who have been granted a medical accommodation through the Disabilities Services Coordinator may use a portable air conditioner during fall and spring semester.

Due to the risk of fire when using the following electrical appliances, students shall refrain from possessing and/or using them in the residence halls, theme houses and Commons apartments. If any violation of these items is found, the resident will be referred to judicial council.

Any appliance not clearly marked as UL approved, Any appliance with an exposed heating element Air conditioners (unless approved by the Disability Services Coordinator), Broiler ovens, candles (including candle warmers), Electric blankets, Electric potpourri pots, Electric frying pans/griddles/devices, Extension cords (all types), Halogen lamps without safety grids, Heat or Sun Lamps, Hot plates, Ionic Hair Dryers, Oil popcorn poppers, Outlet expander without surge protector, Scented oil burners, Space Heaters, Sun or heat lamps, Toasters, Toaster ovens, or any item which causes the fire alarm to activate.

Any appliance not included in these lists must be approved by a Hall Director before usage. Any use of electric appliance requires that the resident monitor the placement of the electric cords (i.e., do not let cords lie on or next to heating units). Students shall make smart choices to assure their safety and the safety of others in the residence halls, theme houses and Commons apartments.

The following guidelines will help students decrease the risk of a fire hazard in their living area:

- Empty wastebaskets on a regular basis in the dumpsters provided outside, do not place wastebaskets in closets and use metal wastebaskets.
- Refrain from playing pranks.
- Assure all items taped to walls are taped at all corners using removable tape/tabs, or small tacks.
- Do not hang anything from the ceiling and/or over a light.
- Do not build lofted beds in halls where furniture is not meant to be lofted.

Due to the community environment and the added risk of loss or damage to life or property, the following items are prohibited in all residence units: smoking, candles with flame, vehicle batteries, charcoal, gasoline, and items identified in under the Concealed Weapons policy and Firearms/Firecrackers policy. Please refer to Section 8 –<http://www.otterbein.edu/docs/default-source/files/campus-life/CampusLifeHandbook.pdf?sfvrsn=2> for the Concealed Weapons policy and for the Firearms/Firecrackers policy.

#### **Fire Safety, - Major Violations Sanctions:**

**These are level IV violations --**

**Creating False Alarms:** No person shall cause the evacuation of any building or place or otherwise cause public inconvenience or alarm by circulating a warning of fire or other impending catastrophe, or in any manner engaging in conduct, that induces public panic or alarm.

#### **Failure to Evacuate a Structure:**

Failure to evacuate a structure when an alarm is sounded, either automatically or manually, or vocally expressed by University officials or Westerville Fire or Police officials, shall constitute a Level IV judicial violation and may result in criminal charges for violation of local and state laws.

#### **Tampering with Fire Alarms and Equipment/Fire Extinguishers:**

Fire extinguishers, fire detectors, and alarm equipment are for emergency use only. Tampering with fire extinguishers, detectors or alarm equipment except in the event of a fire constitutes a violation of the laws of the City of Westerville. Anyone tampering with, or discharging fire extinguishers, or tampering with fire alarm and detection equipment, will be subject to penalties through the campus judicial system and will be referred to local authorities when deemed appropriate.

#### **Fire Safety – Minor Violations Sanctions:**

**These are level III violations --**

Students are encouraged to exercise extreme care when selecting electrical appliances for their campus housing. Each of these electrical appliances must be Underwriters Laboratory (UL) approved, in good

operating condition, and not left unattended when in use. Students should remember the space limitations of many areas and the number of outlets available to them. With this in mind, students may bring items listed (under Electrical Appliances in the Residence Life and On-Campus Housing policies) into the residence halls, theme houses, and Commons apartments.

## **Weapons Policy:**

**Philosophy**      In the interest of maintaining a safe academic and working environment free of violence for all employees, students, vendors and visitors, Otterbein University prohibits the possession, transport and storage of dangerous weapons on University property except as required by law.

**Statement**      This policy applies to individuals who are legally licensed to carry a weapon. Subject to appropriate approval, the Chief of Campus Police may establish a policy concerning the possession, storage and use of firearms and other weapons by Campus Police Officers.

**Definitions**      University Property: includes all University-owned or leased buildings. This policy also applies to all University-owned or leased vehicles.

Dangerous Weapons: include, but are not limited to, handguns, firearms, explosives, knives and other weapons as defined by federal, state, or local laws or ordinances. If employees or students have a question regarding whether an item is covered by this policy, they should contact the Office of Human Resources or the Otterbein Police Department.

Parking Lot Exception: Individuals that have been issued a valid concealed handgun license may transport or store a firearm or ammunition on University property when both of the following conditions are met:

1. Each firearm and all of the ammunition remains inside the person's privately owned motor vehicle while the person is physically present inside the motor vehicle, or each firearm and all the ammunition is locked within the trunk, glove box, or other enclosed compartment or container within or on the person's privately owned motor vehicle; and
2. The vehicle is in a location where it is otherwise permitted to be.

**Guidelines**      **Enforcement**

The University reserves the right to search all personal and University-owned or leased items, and persons entering its property, for the purpose of determining whether any weapon has been brought onto its property or premises in violation of this policy. These searches will only be conducted in the event of probable cause or reasonable suspicion, and will be conducted in accordance with legal search procedures pertaining to searches for concealed weapons.

### **Reporting Obligations**

If any employee or student believes another person possesses a concealed handgun or other dangerous weapon in violation of this policy, the employee or student shall immediately report this belief and the basis for this belief to the Otterbein Police Department. Failure to report knowledge of the presence of any dangerous weapon shall subject the employee or student to

disciplinary action.

### **Sanctions**

Violations of this policy will result in prompt disciplinary action up to and including termination of employment, expulsion from school, and/or criminal prosecution. Violations may also be reported to the Otterbein Police Department (614-823-1222) or Westerville Division of Police (614-882-7444).

### **Safety**

Employees and students, including police officers, should be aware that the enforcement of this policy might involve confronting individuals carrying dangerous weapons. Under no circumstances should any employee or student take any unnecessary risks or compromise his or her safety in enforcing this policy. The Otterbein Police Department (614-823-1222) or Westerville Division of Police (614-882-7444) should be contacted immediately if deemed necessary.

### **Notification**

The University will publish this policy in the University Policies and the student handbooks. OPD will include the modified policy in the Clery Annual Security Report. A copy of the policy will be posted on the University's Police Department web site. In addition, signs may be posted at various locations that state:

OTTERBEIN UNIVERSITY PROHIBITS ANY PERSON FROM CARRYING A CONCEALED HANDGUN OR OTHER DANGEROUS WEAPON ONTO THESE PREMISES. NO PERSON SHALL KNOWINGLY POSSESS, HAVE UNDER THE PERSON'S CONTROL, CONVEY OR ATTEMPT TO CONVEY A DANGEROUS WEAPON ONTO THESE PREMISES EVEN IF SUCH PERSON HAS BEEN ISSUED A LICENSE/PERMIT TO CARRY A CONCEALED WEAPON BY THE STATE OF OHIO UNLESS THE WEAPON IS PROPERLY SECURED IN THE PERSON'S VEHICLE WHILE IN A UNIVERSITY PARKING LOT.

### **Responsibility**

The President, Vice Presidents, department chairs, directors, administrative managers and supervisors shall be responsible for assuring compliance with this policy.

## **Procedures for Students and employees should follow in the case of a fire:**

### **Corridors and Exits**

It is absolutely essential for corridor separations and stairwell doors to be closed at all times, unless the door is equipped with an approved electromagnetic door closer. Fire doors retard the travel of smoke, heat, toxic gases, and fire. All stairwell doors must be closed at all times. Do not place any combustible

material on these doors. Absolutely no paneling, burlap, draperies, parachute netting, Styrofoam, or any type of wood can be installed in exit corridors or stairwells.

Building fire equipment such as sprinkler heads, smoke detectors, heat detectors, fire hoses, extinguishers, standpipes, and alarm boxes must remain in good working condition and must not be obstructed. Unauthorized use or tampering with this equipment will result in disciplinary and/or legal action.

### **Emergency Exits**

- Do not prop open, or obstruct designated fire doors. • Do not lock or otherwise close a fire or exit door to prevent or impede exit.
- Remove all obstructions from emergency exits and corridors.
- Report blocked or locked fire exits to an ADRL, Resident Assistant, Department Chair or Otterbein Police or Service Dept.
- Do not obstruct fire alarm boxes, fire hoses, fire standpipes, fire extinguishers, sprinkler heads, fire/smoke detectors, or any other fire protection equipment.

When an alarm is activated there are a few steps to follow:

- Remain calm and close the windows in the room.
- Take only clothing that will be needed for the type of weather conditions that exist. Do not try and collect personal items to take with you.
- Turn off any electrical items you may have on at the time, including lights and a stove/oven.
- Stay low if you are going through smoke or toxic fumes.
- Leave by the nearest exit. When a fire alarm is active any door to the building may be used to exit so long as it is safe to do so.
- Do not use elevators. Use only the stairs.
- Proceed to the Emergency Assembly Area (EAA) for your building. This information is posted in each residential facility and is available through your Residence Assistant. In non-housing facilities, this information is available from your building coordinator. Your Building Captain and/or their designees will also provide you directions to your EAA in the event a building evacuation occurs.
- Never attempt to go back into the building even if the alarm stops sounding. Wait until Public Safety personnel have cleared the building and given the permission to re-enter.
- In an actual emergency if you are trapped and not able to exit a room or the building, yell for help and call 911 using a phone in the building or your cellular phone. Stay in one location as long as it is safe to do so. Be sure you can give your location in the building as best as you can so an officer can locate and assist you.

- Report blocked or locked fire exits to an ADRL, Resident Assistant, Department Chair or Otterbein Police or Service Dept.
- Do not obstruct fire alarm boxes, fire hoses, fire standpipes, fire extinguishers, sprinkler heads, fire/smoke detectors, or any other fire protection equipment.

## **Fire Safety Education and Training Programs Provided to Students and Employees:**

The Otterbein Police Department along with the Westerville Division of Fire and the Otterbein Health and Safety Officer offer fire safety education training for the campus community. Assistant Directors of Residence Life have been trained at the beginning of the school year as have laboratory assistants. Fire Extinguisher training has also been conducted. The Health and Safety Officer is currently updating the fire and safety program. The programs are designed to familiarize everyone with the fire safety system in each housing facility, and train everyone on the procedures to be followed in case there is a fire. Evacuation routes and fire alarm equipment locations are discussed. During these programs, trainers emphasize that participating in fire drills is mandatory. Students with disabilities are given the option to have a “buddy” assigned to them.

If a fire occurs, students are instructed to leave hazardous areas per the evacuation routes and get to a predetermined location before calling 911 for help. They are to remain in that location so that the director of Student Housing or someone from the Student Housing office has documented that the student has left the building. RAs are instructed to pull the fire alarm as they are leaving the building if they can do so without risking their safety.

All residence halls are equipped with fire detection and firefighting equipment. All residents should familiarize themselves with the emergency escape plan for their residence hall.

Throughout the year fire alarm systems will be tested to ensure they are in working order. When an alarm sounds all occupants must vacate the facility for their own safety and so firefighters can focus on fighting the fire and not have to worry about saving lives.

In the event of an actual fire, the local fire department or OPD will notify residents when it is safe to re-enter a building. Students should assume all alarms are actual emergencies and respond accordingly. No one is permitted to enter the building, even if the alarm is silenced, until fire and police personnel give the okay to re-enter the building.

## **Fire Drills in Student Housing Facilities:**

In compliance with Ohio State Fire Code, Otterbein University will conduct regular fire drills and fire inspections of all residential facilities, which include residence halls, theme houses, Greek houses and the Commons apartments. As outlined in the Ohio Fire Code, the drills and inspections will take place at unexpected times and under varying conditions to simulate the unusual conditions that occur in case of

fire. These drills will be completed four times in a year. Residence Life and Student Affairs staff may assist University Police in coordinating compliance with these policies. Any violation of university policy, including Failure to Evacuate, will be documented and forwarded to the Director of Student Conduct.

## **Reporting a Fire: List of the Titles of Each Program or Organization to Whom Students and Employees Should Report that a Fire Occurred:**

Persons reporting a fire should call 911. If there is a fire in your area and the alarm has not sounded, you should immediately activate a local fire alarm pull station and evacuate the building. Per federal law, Otterbein is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities.

Listed below are the **non-emergency** numbers to call to report fires that have **already been extinguished in on-campus student housing**. These are fires for which you are unsure whether the University may already be aware but know it should be reported. If you find evidence of such a fire or if you hear about such a fire, please provide as much information as possible about the location, date, time and cause of the fire by contacting

one of the following:

- Otterbein Police at 614-823-1222
- Director of Residence Life at 614-823-1250

## **Fire Safety Improvements and Upgrades:**

The University has adopted the National Incident Management System (NIMS) for all of its emergency and non-emergency events, and now has complete NIMS compliance since Dec. 31, 2010. The adoption of NIMS will improve the college's response to emergencies and hazards, especially fires. The Otterbein University Environmental Health and Safety Officer inspect all residence hall rooms once a year and residence hall building quarterly. In addition, the Fire Marshal, from the Westerville Division of Fire, conducts annual inspections in all residential rooms. The Otterbein University Environment Health and Safety Officer, Facilities Management, Resident Life Staff, also annually review the fire systems in our residence halls and make upgrades, repairs or revisions when problems or improvements are identified. Otterbein University will be implementing addition fire safety and suppression systems at 60 Collegeview during the 2018-2019 academic year. There are no current plans to upgrade the fire systems in any of Otterbein owned residential facilities.