



2018 ANNUAL SECURITY REPORT AND ANNUAL FIRE SAFETY REPORT

This report has been prepared to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990, the 2008 Higher Education Opportunity Act, and the 2013 Campus Sexual Violence Elimination Act (Campus SaVE Act). This publication is part of John Carroll University's effort to provide information and services that help maintain a safe and secure environment for its students, faculty, staff and visitors.

The information and statistics in this document are from the calendar year 2018. This information is compiled and distributed annually by the John Carroll University Police Department (JCUPD). Crimes and student conduct referrals reported to the following offices, agencies and individuals are included:

- John Carroll University Police Department (JCUPD)
- University Heights Police (university owned properties)
- Shaker Heights Police (university owned apartments)
- Office of the Dean of Students
- Office of Residence Life
- Other University officials (Campus Security Authorities or CSAs) who have significant responsibility for campus activities, who have the authority and duty to respond to on behalf of the Institution, and to whom crimes have been reported. CSAs are responsible for reporting covered crimes to JCUPD even if they have parallel or alternate reporting obligations pursuant to other University policies or procedures. In addition to the list of personnel above, other persons, such Coaches, Student Organization Advisors, and Student Activities staff are also considered to be Campus Security Authorities at John Carroll University.

JCUPD

JCUPD is a police department under [Section 1713.50](#) of the [Ohio Revised Code](#). JCUPD officers are armed, sworn police officers, certified through the Ohio Peace Officers Training Council and have arrest authority and police powers on the JCU campus. Officers receive over 600 hours of basic police training and additional in-service training annually.

Officers patrol the campus grounds, buildings and parking lots 24 hours a day. JCUPD are first responders to criminal, medical, fire and other emergencies, and coordinate response with other campus and community responders. JCUPD provides escorts, vehicle assistance, lost and found services, parking enforcement, and campus event support. Officers take reports and investigate criminal and University conduct violations. The training, orientation and philosophy of the department is to provide professional services to enhance the safety of the University community. A JCUPD dispatcher is available 24 hours a day at 216-397-1234, and by courtesy telephones in the lobbies or corridors of buildings.

LOCAL POLICE

The University lies primarily within University Heights, but also has property in Shaker Heights. JCUPD has concurrent jurisdiction for University property within each city, and therefore works closely with both Police departments. JCUPD has a mutual aid agreement with the University Heights Police Department (UHPD), which describes reporting, and investigation of crimes involving JCU students and employees on campus and in the city. It also details information-sharing and other cooperative arrangements between the departments. JCUPD notifies UHPD of serious crimes when they occur, and provides weekly notice of all crimes reported to JCUPD. UHPD shares information with JCUPD weekly about both on-campus and off-campus crimes and incidents involving JCU students, staff, organizations or property. Both agencies utilize the Shaker Heights Municipal Court and the Cuyahoga County court system. JCUPD may investigate criminal incidents occurring on and off campus involving students and employees. However, should a victim wish to seek (or a prosecutor wish to pursue) criminal prosecution, the police department with jurisdiction will investigate and work with prosecutors.

PUBLIC RECORDS

JCUPD police records are considered Public Records as defined in the Ohio Public Records Act. Release of police records are governed by requirements and exceptions set out in that Act. Information about Ohio public records are found here: <http://www.ohioattorneygeneral.gov/Legal/Sunshine-Laws>. The JCUPD records policy is found at: <https://jcu.edu/student-life/health-wellness-and-safety/jcu-police-department/public-records-policy>

REPORTING CRIMES AND OTHER EMERGENCIES

Crimes or other emergencies should be reported 24 hours a day to JCUPD at 216-397-1234. Other options for reporting, or advice/guidance if you are unsure if a crime has occurred are:

- Visit the JCUPD office in room 14 of the Rec Plex, or the Belvoir Guardhouse at the Belvoir Blvd. entrance.
- Call University Heights Police at 216-932-1800, or visit their offices at 2300 Warrensville Center Road.

For any emergency, call the JCUPD dispatcher at the 216-397-1234 number and give the following information:

- Your name.
- Your location.
- The nature of the emergency (person bleeding, not breathing, fire etc.).
- The exact location of the emergency (Student Center, Jardine Room etc.).
- A phone number for the dispatcher to call you back if needed.
- Any other information the dispatcher asks you.
- Do not hang up until the dispatcher indicates you should do so.

By calling 216 -397-1234 instead of 911 directly, JCUPD, JCUEMS and other campus responders can respond to the emergency while the JCUPD dispatcher calls 911. This enables help to be on scene quickly while campus responders meet and take local responders directly to the emergency location, thus avoiding delays by local responders. If you do call 911, call JCUPD dispatch, give the information above, and tell them that you called 911. Reported incidents are investigated by JCUPD along with other agencies as needed. All criminal matters should be reported to JCUPD, even if a report is made to residence hall assistants or other personnel.

- If you believe that you have been the victim of a crime, or are in a danger, it is important to get to a safe place. Call 911 or 216-397-1234 on campus. Focus on relaying information to the dispatcher as he/she asks. Attend to medical needs for you and others with you.
- Preserve evidence – texts, voicemails, social media posts, photos, videos and anything else that might help in investigating what happened.
- If you have experienced Sexual Assault, Sexual Violence, Relationship/Domestic Violence or Stalking, please consider taking the following immediate steps:
 - Go to a safe place.
 - Call 911 or JCUPD at (216) 397-1234 or University Heights Police at (216) 932-1800.
 - Preserve Evidence.
 - If possible, do not shower, brush your teeth, eat or drink. Place clothes you were wearing (unwashed) in a paper or cloth bag.
 - Get medical attention at Hillcrest (440) 312-7890, University Hospitals (216) 844-3722 or MetroHealth (216) 778-7800. All listed resources have a 24-hour Sexual Assault Nurse Examiner.
 - Medical Centers on and off campus can provide treatment for injuries, and a hospital can conduct a no-cost forensic sexual assault examination.

You do not need to make a formal report or press charges to receive medical care!

CONFIDENTIAL REPORTING

Reporting incidents, experiences and concerns to University Officials is encouraged so that members of the JCU community can find help for difficult situations and take appropriate action. Should anyone wish to make a report in confidence, there are various options to consider:

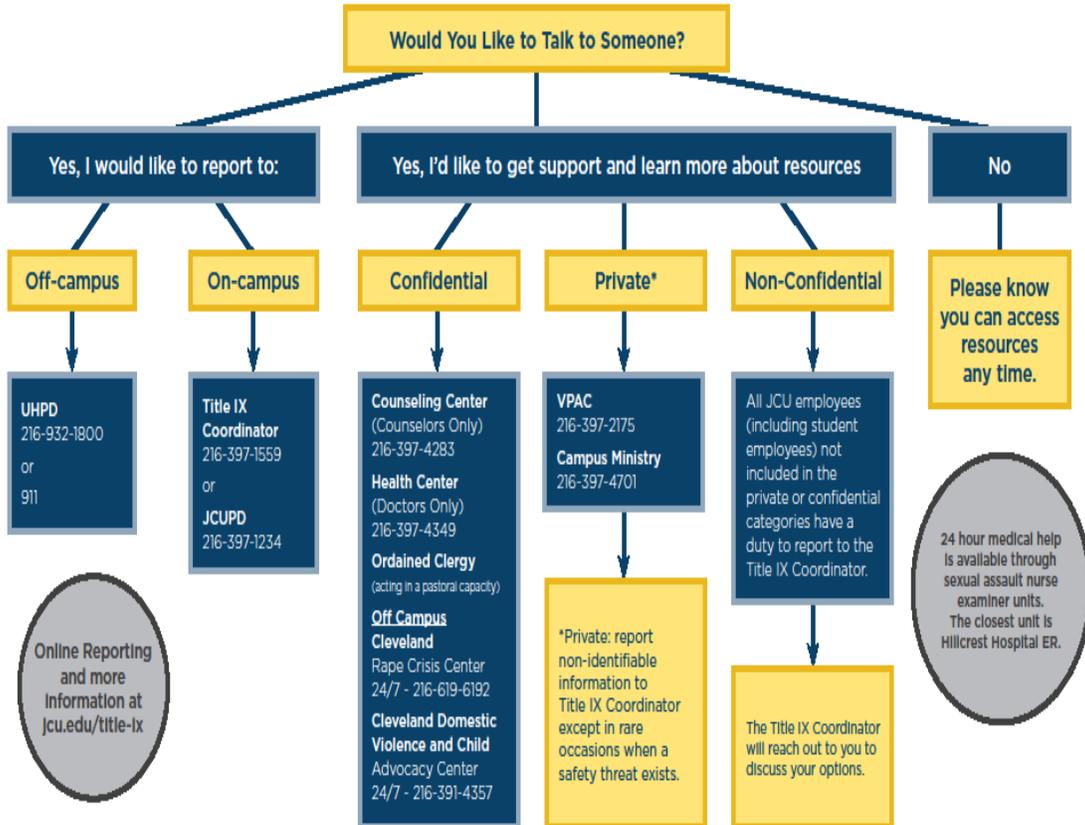
You may report a crime to someone possessing legal privilege. If you do so, that person must maintain confidentiality unless he/she determines that there is imminent risk of harm to self or others. Those possessing legal privilege include:

- Licensed counselors, psychologists and psychiatrists in the University Counseling Center, or off-campus agencies/offices.
- Physicians or certain health care providers in University Health Service, a hospital, clinic or doctor's office.
- Members of the clergy who are ordained and acting in the capacity of a pastoral counselor.

You may report crimes or incidents to University Officials (Residence Life staff, coaches, Dean of Student's Office, professors etc.) and ask that the University handle the matter confidentially. A request for confidentiality may limit the University's ability to respond to the reported crime or incident. It is important to note that confidentiality cannot be guaranteed. University Officials receiving a report in confidence will try to maintain your privacy; however, they may be required to report the crime or incident to others within the University or to law enforcement agencies outside the University, in order to address the issues raised and meet the University's legal obligations. Federal and State laws have reporting requirements, which designate most faculty and staff as "mandatory reporters," who are required to report to JCUPD crimes listed in this report, and any felony crimes. Additionally, any incident of sexual harassment or sexual assault must be reported to the University Title IX Coordinator.

Flowchart Outlining Reporting Options at John Carroll University:

Have You Experienced Unwanted Sexual Contact, Relationship Violence or Stalking?



CRIME STATISTICS – 2016 to 2018

Total Crimes -on campus, residence halls, non-campus property and public property			
OFFENSE	2016	2017	2018
Criminal Homicide –Murder/Non-Negligent Homicide	0	0	0
Criminal Homicide – Negligent Manslaughter	0	0	0
Sexual Assault - Rape	2	2	1
Sexual Assault - Fondling	1	0	3
Sexual Assault - Incest	0	0	0
Sexual Assault - Statutory Rape	0	0	0
Domestic Violence	0	0	0
Dating Violence	4	1	1
Stalking	1	4	1
Robbery	0	2	0
Aggravated Assault	0	0	0
Burglary	4	5	2
Motor Vehicle Theft	1	2	0
Arson	0	0	0
TOTALS	13	16	8

Crimes on Campus (includes Residence Halls)			
OFFENSE	2016	2017	2018
Criminal Homicide –Murder/Non-Negligent Homicide	0	0	0
Criminal Homicide – Negligent Manslaughter	0	0	0
Sexual Assault - Rape	2	2	1
Sexual Assault - Fondling	1	0	2
Sexual Assault - Incest	0	0	0
Sexual Assault -Statutory Rape	0	0	0
Domestic Violence	0	0	0
Dating Violence	4	1	1
Stalking	1	4	1
Robbery	0	1	0
Aggravated Assault	0	0	0
Burglary	3	5	2
Motor Vehicle Theft	1	2	0
Arson	0	0	0
TOTALS	12	15	7

Crimes in Residence Halls

OFFENSE	2016	2017	2018
Criminal Homicide –Murder/Non-Negligent Homicide	0	0	0
Criminal Homicide – Negligent Manslaughter	0	0	0
Sexual Assault - Rape	2	1	1
Sexual Assault - Fondling	1	0	0
Sexual Assault - Incest	0	0	0
Sexual Assault - Statutory Rape	0	0	0
Domestic Violence	0	0	0
Dating Violence	3	1	0
Stalking	1	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	3	5	2
Motor Vehicle Theft	0	0	0
Arson	0	0	0
TOTALS	10	7	3

Crimes on Public Property

OFFENSE	2016	2017	2018
Criminal Homicide –Murder/Non-Negligent Homicide	0	0	0
Criminal Homicide – Negligent Manslaughter	0	0	0
Sexual Assault - Rape	0	0	0
Sexual Assault - Fondling	0	0	0
Sexual Assault - Incest	0	0	0
Sexual Assault - Statutory Rape	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
TOTALS	0	0	0

Crimes on Non-Campus Property

OFFENSE	2016	2017	2018
Criminal Homicide –Murder/Non-Negligent Homicide	0	0	0
Criminal Homicide – Negligent Manslaughter	0	0	0
Sexual Assault – Rape	0	0	0
Sexual Assault - Fondling	0	0	1
Sexual Assault - Incest	0	0	0
Sexual Assault - Statutory Rape	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0
Robbery	0	1	0
Aggravated Assault	0	0	0
Burglary	1	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
TOTALS	1	1	1

ARRESTS AND REFERRALS RELATED TO LIQUOR LAWS, DRUG LAWS AND WEAPONS LAWS

Arrests

Referrals

On Campus (includes residence halls)				On Campus (includes residence halls)			
Offense	2016	2017	2018	Offense	2016	2017	2018
Liquor Law Arrests	0	0	1	Liquor Law Referrals	155	122	123
Drug law Arrests	0	0	0	Drug Law Referrals	52	55	41
Weapons Law Arrests	0	0	0	Weapons Law Referrals	0	0	0
TOTALS	0	0	1	TOTALS	197	177	164
Residence Halls				Residence Halls			
Offense	2016	2017	2018	Offense	2016	2017	2018
Liquor Law Arrests	0	0	0	Liquor Law Referrals	135	85	112
Drug law Arrests	0	0	0	Drug Law Referrals	43	43	35
Weapons Law Arrests	0	0	0	Weapons Law Referrals	0	0	0
TOTALS	0	0	0	TOTALS	178	128	147
Public Property				Public Property			
Offense	2016	2017	2018	Offense	2016	2017	2018
Liquor Law Arrests	0	0	0	Liquor Law Referrals	0	2	0
Drug law Arrests	0	0	0	Drug Law Referrals	0	0	0
Weapons Law Arrests	0	0	0	Weapons Law Referrals	0	0	0
TOTALS	0	0	0	TOTALS	0	2	0
Non-Campus Property				Non-Campus Property			
Offense	2016	2017	2018	Offense	2016	2017	2018
Liquor Law Arrests	0	0	0	Liquor Law Referrals	1	3	0
Drug law Arrests	0	0	0	Drug Law Referrals	4	2	4
Weapons Law Arrests	0	0	0	Weapons Law Referrals	0	0	0
TOTALS	0	0	0	TOTALS	5	5	4

UNFOUNDED CRIMES

A crime reported to and investigated by campus or local police may be withheld from crime statistics if the crime is determined to be “unfounded”. This means that, based on evidence gained in the investigation, the crime reported is false or baseless. Only sworn police officers may make this determination. There were no Unfounded Clery crimes in 2016, or 2017, and 1 unfounded report in 2018.

HATE CRIMES

Year	Bias Type & Location	Bias Type & Location
2016 – Two Hate Crimes Reported	Vandalism – On campus	Intimidation – On Campus
2017 – 0 Hate Crimes Reported		
2018 – 0 Hate crimes reported		

JCU must report hate crimes, including the location and bias type that manifest evidence that the victim was intentionally selected because of the perpetrator’s bias. The definitions below are utilized in determining criminal reports that are categorized as hate crimes and the type of hate crime involved:

Bias: The Bias types utilized for reporting crimes in this category include race, gender, gender identity, religion, sexual orientation, ethnicity, national origin and disability.

HATE CRIME DEFINITIONS

JCU must report crimes manifest evidence that the victim was intentionally selected because of the perpetrator’s bias for the Clery defined crimes listed below, as well as the following crimes:

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Larceny: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

Vandalism: To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

GEOGRAPHY DESCRIPTIONS

On Campus - Any building or property owned or controlled by JCU within the same reasonably contiguous geographic area and used by JCU in direct support of, or in a manner related to, JCU's educational purposes, including residence halls; and any building or property within or reasonably contiguous to the campus, owned by JCU, but controlled by another person, is frequently used by students, and supports institutional purposes.

Residential Facilities – A subset of the on-campus category includes residential facilities for students on campus.

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

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

CRIME STATISTIC DEFINITIONS

Definitions are from the Summary Reporting System User Manual of the Uniform Crime Reporting (UCR) Program, unless otherwise noted. References to Ohio statutory crimes are for purposes of reference to similar crimes defined under Ohio law:

Murder and Nonnegligent Manslaughter: The willful (nonnegligent) killing of one human being by another

Negligent Manslaughter: The killing of another person through gross negligence.

Ohio crimes of "Murder and Manslaughter" and related offenses are defined here: <http://codes.ohio.gov/orc/2903>

Sex Offenses

Sex Offense Definitions are from the National Incident-Based Reporting System of the Uniform Crime Reporting Program unless noted otherwise.

Sexual Assault (Sex Offenses): Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Ohio Sex Offense crimes are defined here:

<http://codes.ohio.gov/orc/2907>

Consent: Ohio law does not affirmatively define consent.

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

Ohio crimes of "Rape" are defined here: <http://codes.ohio.gov/orc/2907.02v1>

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age

or because of his/her temporary or permanent mental incapacity. Ohio crimes similar to “Fondling” are defined here: <http://codes.ohio.gov/orc/2907.05v1> and here: <http://codes.ohio.gov/orc/2907.06v1>

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. Ohio crimes similar to “Incest” are defined here: <http://codes.ohio.gov/orc/2907.02v1> and here: <http://codes.ohio.gov/orc/2907.03v1>

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent. Ohio crimes similar to “Statutory Rape” are defined here: <http://codes.ohio.gov/orc/2907.04v1>

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear. Ohio crimes of “Robbery” and related offenses are defined here: <http://codes.ohio.gov/orc/2911>

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Ohio crimes of “Assault” and related offenses are defined here: <http://codes.ohio.gov/orc/2903>

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned. Ohio crimes of “Burglary” and related offenses are defined here: <http://codes.ohio.gov/orc/2911>

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. Ohio crimes of “Motor Vehicle Theft” and related offenses are defined here: <http://codes.ohio.gov/orc/2913.02>

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc. Ohio crimes of “Arson” and related offenses are defined here: <http://codes.ohio.gov/orc/2909>

Definitions of Dating Violence, Domestic Violence and Stalking are from the Violence Against Women Act (VAWA).

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. * Ohio does not define “Dating Violence” as a crime.

Domestic Violence: A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. Ohio crimes of “Domestic Violence” and related offenses are defined here: <http://codes.ohio.gov/orc/2919.25>

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable Person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. Course of Conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Ohio crimes of "Menacing by Stalking" and related offenses are defined here: <http://codes.ohio.gov/orc/2903.211>

Weapon Law Violations: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. Ohio crimes of "Weapons Offenses" and related offenses are defined here: <http://codes.ohio.gov/orc/2923>

Drug Law Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. Ohio crimes of "Drug Offenses" and related offenses are defined here: <http://codes.ohio.gov/orc/2925>

Liquor Law Violations: The violation of state or local laws/ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Ohio crimes of "Liquor Offenses" and related offenses are defined here: <http://codes.ohio.gov/orc/4301>.

PREVENTION AND AWARENESS PROGRAMS

Programs offered to the campus community emphasizing prevention and safety awareness are created, coordinated and/or presented by the following offices:

- Violence Prevention and Action Center (VPAC) <https://jcu.edu/student-life/health-wellness-and-safety/violence-prevention-and-action-center>
- JCUPD <https://jcu.edu/student-life/health-wellness-and-safety/jcu-police-department>
- Residence Life <https://jcu.edu/student-life/welcome-campus-living/current-students/about-office-residence-life>
- Health Promotion and Wellness <https://jcu.edu/student-life/health-wellness-and-safety/student-health-and-wellness-center>
- Title IX Office <https://jcu.edu/about-us/administrative-offices/all-offices/title-ix>

These programs emphasize that JCU prohibits dating violence, domestic violence, sexual assault and stalking, and seeks to educate and empower the entire campus community to prevent these from occurring, and to respond appropriately if they do occur. Below are descriptions of programs offered to the entire campus or specific audiences in 2018. These offices will work with groups and individuals in presenting or developing a program to fit specific needs/concerns.

STUDENT PROGRAMS

Primary Prevention Programs

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

Consent and Sexual Violence Prevention: Discussion of JCU Consent standards, as well as sexual violence recognition and prevention strategies. Presented to student groups such as Black Students in Action, fraternities and sororities.

Consent and Healthy Relationships - Discuss healthy and unhealthy relationship characteristics, which includes red flags to determining an unhealthy relationship. Process how to support a victim if they experienced interpersonal violence.

Stalking and Safety Tips: Explanation of stalking, recognizing warning signs and behaviors, as well as safety tips.

Bystander Intervention

Training on 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, stalking or other unsafe behavior.

Bystander Intervention: This program will teach participants positive actions to take to prevent or intervene in a situation, which may include high-risk drinking, sexual assault, dating or domestic violence, and stalking using bystander intervention techniques. Participants discuss personal intervention strategies in different scenarios that they have experienced or might experience as a JCU student. Discuss on and off campus resources.

The following groups have received Bystander Intervention training: Some Greek Fraternities and Sororities, some athletic teams, Greek New Members, mandatory for 1st year students who will live on campus their sophomore year.

Awareness Programs

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

Violence Prevention and Action Center website, posters and brochures- Marketing and awareness materials used to educate the JCU community on interpersonal violence and resources on and off-campus, and encourage students to “Get Help” by contacting VPAC as a confidential resource on campus.

Orientation to VPAC services- Provide presentations on prevention and response services offered through the Violence Prevention and Action Center, the Title IX office and others on and off campus.

Risk Reduction

Options 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.

Women's Self-Defense – A program stressing self-awareness of mind and body, use of voice and actions to escape, comply or fight when confronted with potential violence. This empowering, hands-on program is offered annually to Greek organizations and resident students by JCUPD.

Ongoing Awareness and Prevention Campaigns

Programming, initiative and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

Purple Light Nights - An awareness campaign every October in which offices display purple lights to increase awareness about domestic violence. This program provides confidential resources on and off-campus for survivors or secondary survivors of domestic violence.

Imagination Theater - This program is a live performance that uses improvisation, humor, and audience participation to explore the social pressures of relationships and sex in college while addressing the importance of obtaining consent and creating a safe environment. This program is mandatory for all incoming freshmen students during orientation week.

JCU Athletic Team Trainings- An annual VPAC partnership with Health Education & Wellness, JCU PD and JCU Athletics in which each Varsity Athletic Team is trained on safe and positive Bystander Intervention techniques to intervene in situations involving sexual assault, domestic violence, dating violence, stalking, hazing, and/or high-risk drinking.

White Ribbon Campaign- An annual event in which male faculty, staff, and students hand out white ribbons other JCU males as a, "Pledge to never commit, condone or remain silent about violence against women, girls, or children."

"Catalyst" Bystander Intervention Training for rising sophomores- A partnership with VPAC, Office of Residence Life, Dean of Students Office, The Cleveland Rape Crisis Center provided training to rising sophomores on bystander intervention strategies for dating violence and sexual violence.

New Student Orientation: College 101- A set of skits about college life provided by upperclassman trained orientation staff to students and parents of incoming students. One skit covers sexual assault and confidential resources on-campus are discussed. At the end of the program, Orientation Staff answer questions that members of the audience have.

New Student Orientation: Small Group- Upper class JCU student orientation staff provide small group discussion to incoming freshman students on healthy relationships, consent, interpersonal violence and resources on and off-campus.

Take Back the Night: March a Speak Out- An annual program held in April for Sexual Assault Awareness month which includes a march around JCU's campus and survivor speak out.

Training on responding to survivors of Interpersonal Violence- A training program that provides students with resources on how to respond to survivors of interpersonal violence. The following groups have received training: Resident Assistants, Peer Health Advocates, Carroll Faith Community leaders, Orientation staff, and Academic coaches.

Army SHARP program – All ROTC students participate in SHARP (Sexual Harassment/Assault Prevention Program) sexual harassment and sexual assault training to address prevention at the earliest point in the continuum of harm.

Haven- Web-based program using a population level approach to educate all first year and transfer students on issues associated with sexual assault and relationship violence, taking into account their unique perspectives and experiences.

Curriculum Infusion- Interpersonal violence discussions integrated into academic courses. Various courses in the following departments: Sociology, Women and Gender Studies, Philosophy, Psychology, and Religious Studies

Top 10 Things to Know About Staying Safe on Campus – JCUPD presentation to new students during Streak Week covering how and when to call campus police, risks associated with drug and alcohol use, alcohol amnesty policy, and awareness, response and resources for interpersonal violence.

Peer Based Programming and Advocacy

Peer Health Advocates- A peer-to-peer based programming model in which JCU students provide prevention programming on health and wellness topics to students. Programming topics include interpersonal violence, substance use and abuse, bystander intervention, mental health, nutrition and disordered eating.

Take Back the Night- A student organization at JCU that provides prevention and advocacy programming on interpersonal violence. The group is led by students with a goal of creating safe communities and respectful relationships through awareness events and initiatives.

Movie Screening/discussion: “The Mask You Live in” film viewing with discussion.

FACULTY/STAFF PROGRAMS

Mock Halls – Scenario-based training exercises in which Resident Advisors respond to various scenarios including sexual or relationship violence, and de-brief with appropriate resource staff.

New Staff Orientation – New staff are trained in recognizing and preventing sexual harassment and other forms of discrimination. They are also trained in their reporting obligations, processes and campus resources.

Responding to Interpersonal Violence – Residence Life staff and Resident Ministers are trained in recognizing, preventing and responding to incidents of interpersonal violence, including sexual assault, sexual harassment, dating and domestic violence and stalking, reporting obligations and processes, as well as campus and community resources.

University Hearing Board Training – The members of the Board were trained in hearing processes as it relates to Title IX requirements, the investigative process (including trauma-informed investigations) and VPAC services and resources.

University Sexual Harassment Training – Deputy Title IX Coordinators, investigators and Community Review Board members were trained in reporting, review and appeal processes as it relates to Title IX requirements, the investigative process (including trauma-informed investigations) and VPAC services and resources.

Safety Series – JCUPD and the Risk Management Office conduct programming addressing how and when to contact JCUPD, how to respond in emergencies (active shooter, fire etc.) and general safety recognition, response and prevention strategies.

Office Safety – JCUPD and Risk Management provide risk assessment and safety training for offices, work groups related to personal safety, physical security and emergency response.

“It’s Time for the Remix” – Title IX Office training utilizing the Sexual Harassment & Interpersonal Violence Policy for Dean of Students and Residence Life Staffs.

HR Series: Responding to Sexual Harassment: Title IX Office mandatory reporting requirements for employees.

“Why One Sentence Can be Golden”: Sports governance session with Title IX and Athletics.

JOHN CARROLL UNIVERSITY SEXUAL HARASSMENT AND INTERPERSONAL VIOLENCE POLICY

I. TITLE IX NOTICE OF NONDISCRIMINATION

Title IX of the Education Amendments of 1972 protects individuals from discrimination based on sex/gender in any educational program or activity operated by recipients of federal financial assistance. Sexual harassment, which includes acts of sexual and interpersonal violence, is a form of sex discrimination prohibited by Title IX, as well as Title VII of the Civil Rights Act of 1964, as amended. John Carroll University does not discriminate on the basis of sex in employment, or in educational programs and activities that it operates.

John Carroll University has appointed a Title IX Coordinator to oversee the University’s response to Title IX complaints, develop training and education programs/materials for faculty, staff and students, as well as monitor trends and effectiveness of the University’s Title IX educational efforts. Questions regarding Title IX should be referred to:

Eric T. Butler, J.D.
Title IX Coordinator
Administration Bldg., Room 128
1 John Carroll Blvd.
University Heights, OH 44118
(216) 397-1559
etbutler@jcu.edu

Additional information and questions regarding Title IX also may be referred to the U.S. Department of Education’s Office for Civil Rights by contacting 1-800-421-3481 or OCR@ed.gov.

II. PURPOSE:

John Carroll University seeks to provide a community for faculty, staff and students that promotes personal growth and development in a safe and welcoming environment. The University is committed to the belief that respect for the rights and dignity of all people must be protected. This goal is an integral part of all aspects of University life, rooted in our Jesuit Catholic identity, and is essential to our academic community. The purpose of this policy is to help ensure that John Carroll University provides an environment free from acts of sexual harassment and interpersonal violence for all members of the community. The policy defines sexual harassment and interpersonal violence, which are subject to resolution using the University's Title IX Complaint Resolution Process.

III. SCOPE:

This policy applies to all students, faculty, staff, and volunteers – whether full-time or part-time; vendors; contractors; visitors; and guests, whether the behavior(s) took place on University property, online, or at off-campus University-related programs, activities or events, including, but not limited to, study abroad programs, internships and immersion experiences. This policy also applies to any off-campus conduct and to actions online that affect a substantial University interest. The Title IX Coordinator – in consultation with other University offices as appropriate - will determine on a case-by-case basis whether conduct or actions affect a substantial University interest, based on pertinent factors including but not limited to:

- A. Whether the action constitutes a criminal offense as defined by federal, state, or local law, whether the action takes place on the University's property or elsewhere;
- B. Whether the responding party may present a danger or threat to the health or safety of others;
- C. Whether the conduct or actions involves a situation that significantly impinges upon the rights, property or learning opportunities of a University community member or members or significantly breaches the peace and/or causes social disorder;
- D. Whether conduct or actions that occur off University property cause or would cause a substantial on-campus disruption;
- E. Whether the situation is detrimental to the educational interests or mission of the University;
- F. Whether online postings or other electronic communication (including cyber-bullying, cyber-stalking, cyber-harassment, etc., including those occurring outside of the University's control - e.g., not on University networks, websites or between University email accounts) cause or have the potential to cause a substantial on-campus disruption; and/or
- G. Whether the alleged conduct or actions could be appropriately assessed and addressed via the University's Policy and Complaint Resolution Process in light of the University's access to the facts and the parties in the matter, and in light of other similar factors.

IV. DEFINITIONS:

- (A) “Deputy Title IX Coordinator”: a University employee who has been assigned the responsibility of receiving reports and complaints of sexual harassment and sexual discrimination falling under Title IX, and may serve in other roles in the Complaint Resolution Process.
- (B) “Reporting Party”: the recipient of the behavior who claims that this policy has been violated.
- (C) “Responding Party”: the person or entity accused of violating this policy.
- (D) “Responsible Employee”: any University employee who meets at least one of the following criteria: (1) has the authority to take action to redress sexual harassment violence or other sexual misconduct; (2) has been given a duty of reporting incidents of sexual harassment or other sexual misconduct to the Title IX Coordinator or a Deputy Title IX Coordinator; or (3) is an employee whom an individual could reasonably believe has the above authority or duty. Under the University’s Mandatory Reporting Policy, **all** University employees are deemed Responsible Employees with a mandated responsibility to report incidents related to Sexual Harassment or Interpersonal Violence, except for these professionals acting in their professional capacity: doctors; nurses acting under the direction of a doctor; licensed counselors; or ordained members of the clergy.
- (E) “Third Party Reporter”: any person who was not the recipient of the behavior and reports an incident. This can include witnesses or Responsible Employee reporters.
- (F) “Title IX Coordinator”: the University employee having primary responsibility for tracking and overseeing reports and complaints of sex discrimination and sexual harassment falling under Title IX.

V. POLICY ON SEXUAL HARASSMENT AND INTERPERSONAL VIOLENCE:

A. Policy Statement

Students, staff and faculty are entitled to a working environment and educational environment free of discriminatory harassment. Sexual harassment, which includes acts of sexual or interpersonal violence, is a type of sex discrimination. Sexual harassment and interpersonal violence violate basic human dignity and impede the fundamental mission of the University. In keeping with its commitment to social justice and the basic dignity of all persons, John Carroll University condemns and will not tolerate acts of sexual harassment or interpersonal violence on University property or at locations off University property, including University-sponsored or University-related programs, activities and events.

Therefore, any member of the campus community, guest or visitor who acts to deny, deprive or limit the educational, employment, residential and/or social access benefits or opportunities of any member of the University community on the basis of sex/gender or an act of interpersonal violence is in violation of this policy.

This policy is subject to resolution using the University's Sexual Harassment and Interpersonal Violence Complaint Process. When brought to the attention of the University, any such discrimination will be appropriately remedied by the University according to the procedures outlined in the Sexual Harassment and Interpersonal Violence Complaint Resolution Process. The University's response will be to act to end the discrimination, prevent its recurrence, and remedy the effects on both the individuals and the University community.

This policy shall serve as the only internal University forum of resolution and appeal of sexual harassment and interpersonal violence reports.

Sexual harassment, sexual misconduct, and interpersonal violence are forms of discriminatory harassment and are prohibited by this policy. Acts of sexual harassment, sexual misconduct and interpersonal violence may be committed by any person upon any other person, regardless of the sex, gender or sexual orientation of those involved.

Acts may include name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be verbally or physically threatening, harmful, or humiliating. Such harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

B. Academic Freedom

The University's policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include relevant, but controversial or sensitive, subject matters protected by academic freedom. Each faculty member may consider in classes any topic relevant to the subject matter of the course as defined by the department or academic dean. Classroom topics also must be in balance with the rights of others not to be sexually harassed and conducted in accord with the norms of the discipline. If there are questions about whether the course material or the manner in which it is presented falls within the definition of sexual harassment, the concerned party should contact the Title IX Coordinator or appropriate Deputy Title IX Coordinator.

C. Sexual Misconduct Violations

The University considers Non-Consensual Sexual Intercourse violations, including but not limited to forced sexual intercourse, to be the most serious form of Sexual Misconduct, and therefore typically imposes the most severe sanctions on such violations, including suspension or expulsion for students and termination for employees. However, the University reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination for any act of sexual misconduct, interpersonal violence or other gender-based offenses including relationship (dating and/or domestic) violence, non-consensual sexual contact and/or stalking, based on the facts and circumstances of the particular allegation.

The following are sexual misconduct violations under this Policy:

1. Sexual Harassment

Sexual Harassment is defined as:

Any unwelcome verbal, written, pictorial, online and/or physical conduct that is based on sex and/or gender or is sexual in nature. Forms of Sexual Harassment that are prohibited by this policy include *Quid Pro Quo* Sexual Harassment and Hostile Environment Sexual Harassment.

a. *Quid Pro Quo* Sexual Harassment:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another when submission to such conduct is made either explicitly or implicitly a term or condition of employment, educational benefits, academic grades or opportunities, living environment or participation in a University activity.

b. Hostile Environment Sexual Harassment

Any unwelcome verbal, written, pictorial, online and/or physical conduct that is based on sex and/or gender or is sexual in nature that:

- i. is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit a person's ability to participate in or benefit from the University's programs, services, opportunities, or activities; or
- ii. when such conduct has the purpose or effect of unreasonably interfering with an individual's employment or educational experience.

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

The University will remedy all forms of sexual harassment and interpersonal violence when reported, whether or not the harassment rises to the level of creating a hostile environment.

Harassment that does not rise to the level of creating a hostile environment may be addressed through respectful conversation, remedial actions, education or conflict resolution.

2. Non-Consensual Sexual Intercourse: Any sexual penetration (anal, oral or vaginal), however slight, with any object or body part, by any person upon any other person, without consent.

3. Forced Sexual Intercourse: Any sexual penetration (anal, oral or vaginal), by any object or body part, by a person upon any other person, that occurs as a result of physical force.

4. Non-Consensual Sexual Contact: Any unwelcome intentional sexual touching. This includes any contact with the breasts, buttocks, groin, genitals, mouth or other bodily orifice of another, as well as the touching of another with any of these body parts, by a person upon any other person, without consent.

5. Sexual Exploitation: Taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit, regardless of whether such behavior constitutes one of the other sexual misconduct offenses. Examples include, but are not limited to:

a. Non-consensual recording: Non-consensual digital, video or audio recording of sexual activity or nakedness (full or partial). This includes the unauthorized sharing or distribution of digital, video or audio recording of sexual activity or nakedness (full or partial).

b. Compelling Prostitution: Forcing or inducing another individual to engage in sexual activity for hire.

c. Voyeurism: Engaging in secretive observation of another for personal sexual pleasure or engages in non-consensual video or audio recording of sexual acts or nakedness. This behavior is a form of sexual misconduct and violates the dignity of affected party(ies), even if the person secretly viewed or recorded may be unaware of the observation or recording.

d. Exposure: Disrobing or exposure of one's breasts, buttocks, groin or genitals without the consent of the other person, or inducing another to disrobe or to expose their breasts, buttocks, groin or genitals to another person without their consent.

e. Administering alcohol/drugs: Administering alcohol or drugs to another person without their knowledge or consent in an attempt to facilitate sexual contact.

D. Interpersonal Violence Violations

Interpersonal Violence is when one person exerts power and control over another through physical, sexual, or emotional threats or actions, economic control, isolation, or other kinds of coercive behavior. Some different types of interpersonal violence prohibited by this policy include:

1. Threats or Causing Physical Harm/Abuse: threatening or causing physical harm, extreme verbal abuse or other conduct that threatens or endangers the health or safety of any person on the basis of sex/gender or is associated with an act of interpersonal violence

2. Intimidation: implied threats or acts that cause an unreasonable fear of harm in another on the basis of sex/gender or are associated with an act of interpersonal violence.

3. Hazing: any planned/executed action or activity, based on sex or gender, by or against an active member, associate member, new member, pledge or potential member of an organization or group that inflicts physical or mental harm, distress, anxiety, or which may demean, degrade, embarrass or disgrace any person, regardless of location, consent or intention of participants, is prohibited. Hazing that falls outside this policy (i.e., is not based on sex/gender or an act of interpersonal violence) may nonetheless violate other University policies.

4. Bullying: repeated, severe, and/or aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally on the basis of actual or perceived sex and/or gender. Bullying that falls outside this policy (i.e., is not based on sex/gender or an act of interpersonal violence) may nonetheless violate other University policies.

5. Relationship Violence: behavior used to establish power and control over another individual using fear, intimidation, violence and/or threat of physical violence. These

behaviors can include, but are not limited to, physical, verbal, emotional, financial or sexual abuse. Examples of abuse may include, but are not limited to, hitting, punching, slapping, throwing objects, biting, yelling, name-calling, belittling, threatening violence, stealing money, destroying possessions, isolating or committing sexual violence. Relationship violence can occur between casual or intimate partners, former partners or family members.

6. Stalking: a pattern of two or more incidents of unwanted attention, harassment, contact or other misconduct directed at a specific person based on sex/gender or sexual orientation that is unwelcome and would cause reasonable persons to fear harm to their physical health, mental or emotional health, safety, friends, family or property. Stalking may take many forms, including, but not limited to, persistent calling, texting, instant messaging, posting on a social networking site, monitoring behavior, taking pictures or physical stalking.

E. Other Policy Violations

A violation of any other University rule or policy, when motivated by the individual's actual or perceived sex or gender, may be pursued using this policy and process. Note that violations of other University rules or policies that do not constitute a violation of this policy (e.g., a violation not motivated by unlawful discrimination or harassment based on sex/gender, sexual orientation or an act of interpersonal violence) may nonetheless trigger corrective action or sanctions under another University policy or policies.

Objectionable conduct that does not rise to the level of sex/gender discrimination or that is of a generic nature not on the basis of sex/gender or an act of interpersonal violence may not result in the imposition of sanctions/corrective action under this University policy, but may be addressed through other policies and may include remedial actions, education and/or conflict resolution mechanisms. For assistance with conflict resolution, individuals should contact the Title IX Coordinator, who may refer the parties to the Dean of Students for students, to the appropriate department chair or Dean for faculty, or to the Human Resources Department for staff.

F. JCU Consent Standard

1. Consent

Whether sexual misconduct has occurred depends in part on whether consent exists.

- Consent is granted when a person freely, actively and knowingly agrees at the time to participate in a particular sexual act with a particular person.
- Consent is mutually understandable words and/or actions that demonstrate a willingness to participate in mutually agreed-upon activity at every stage of that sexual activity.
- Consent is mutually understandable when a reasonable person would consider the words and/or actions of the parties to have reached agreement to engage in the particular sexual activity.

- In the absence of mutually understandable affirmative words or actions, it becomes the responsibility of the initiator (the person who wants to engage in a specific sexual activity) to obtain effective consent from the other partner.
- Consent has time boundaries. Consent at one time does not imply consent at any other time.
- The existence of a dating/romantic relationship between the persons involved or the fact of a previous sexual relationship does not automatically establish consent for future sexual activity.

Consent does not exist if:

- Agreement is only inferred from a person's silence or lack of resistance;
- There is threat of physical force, harm or intimidation; or there is coercion.
- The person is under the age of 16.
- Someone engaging in sexual behavior knew or should have known that the other person was incapacitated.

Regardless of the state of the Responding Party, the University will use the perspective of a "sober and reasonable person" in determining whether one should have known about the impact of the use of alcohol; drugs; the deceptive administering of any drug, intoxicant or controlled substance; mental illness, etc. on another's ability to give consent.

2. Incapacitation

Incapacitation exists when a person is unaware, blacked out, asleep, unconscious, unable to make rational/reasonable decisions and/or otherwise physically or mentally helpless to give effective consent. Indicators of incapacitation include, but are not limited to: inability or diminished ability to accurately discern one's environment (who, what, where, when and/or how); slurred speech; vomiting; severe intoxication; loss of voluntary motor skills; loss of involuntary motor skills; disjointed speech patterns (unable to follow a conversation or verbalize complete thoughts); sleepiness that demonstrates an inability to control one's ability to stay awake; and/or outrageous or unusual behavior. Because incapacitation may be difficult to discern, the person seeking the sexual behavior is strongly encouraged to err on the side of caution; i.e., when in doubt, assume the other person is incapacitated and therefore unable to give effective consent.

3. Coercion

Coercion exists when a person engages in threats, sexual pressuring or oppressive behavior to force another person to engage in unwanted sexual activity. Real or perceived power differentials between the individuals involved may create an atmosphere conducive to coercion. (Coercion can be differentiated from seduction by a repetition of the coercive activity in the face of resistance, the degree of pressure applied, or the initiator's knowledge that the pressure is unwanted.)

When one party has any professional responsibility for another's academic or job performance or professional future (i.e. faculty member and student, supervisors and employees etc.), consent may be difficult to assess, may be deemed not possible, and may be construed as coercive.

G. Retaliation

Retaliation is defined as any adverse action taken against a person reporting sexual harassment or participating in the process under this policy or related procedures because of their report or their participation in the process. The University strictly prohibits retaliation against an individual for reporting sexual harassment, supporting a party bringing a claim of sexual harassment, participating in a sexual harassment investigation, or providing information as a witness to an incident of sexual harassment. Retaliation includes any adverse action taken by the Responding Party or the Reporting Party or other related persons, including but not limited to, friends and relatives.

Retaliation is a serious violation of University Policy and will be treated as a separate instance of harassment or discrimination under this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The University will take appropriate steps to help protect individuals who may be subjected to retaliation.

An adverse action is retaliatory only if it is taken because the person participated in a protected activity. Note that using the Title IX Complaint Process in bad faith, i.e., with deliberately false allegations and/or malicious accusations of harassment, is not a protected activity.

VI. INTERIM OR REMEDIAL ACTION

The University may implement initial (and/or interim) remedial and responsive and/or protective actions as appropriate upon notice of alleged sexual harassment, retaliation and/or discrimination, and will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest or visitor who has been found to engage in sexually harassing or discriminatory behavior or retaliation.

The remedial, responsive and/or protective actions could include but are not limited to: no contact directives; providing counseling and/or medical services; academic support; interim suspensions; living arrangement adjustments; providing a campus escort; academic or work schedule and assignment accommodations; safety planning; issuing no-trespass orders; and/or referral to campus and community support resources. The University may also impose interim separation or suspension, as provided for under other University policies or procedures.

Note that, even where a violation of this policy is not found to have occurred, the University may recommend that mediation, counseling or other restorative steps be taken, or, if another University policy has been violated, referral to another process to implement corrective action as appropriate.

VII. REPORTING AND CONFIDENTIALITY

A. Reporting Options

The University strongly encourages persons who experience sexual harassment, sexual misconduct or interpersonal violence to report the harassment or misconduct. Reports of discrimination or harassment in violation of this policy can be made to the Title IX Coordinator or a Deputy Title IX Coordinator in person, by phone or online using the form located at: <http://sites.icu.edu/title-ix/>. To avoid a conflict of interest, any allegations of discrimination by the Title IX Coordinator should be reported directly to the Provost and Academic Vice President of the University.

B. Confidentiality

Complaints and concerns may also be shared with University community members, but whether they can keep the matter confidential or must tell (and how much) the Title IX Coordinator or one of the Deputy Title IX Coordinators depends on their reporting responsibilities. In order to make informed choices when consulting campus resources, one should be aware of confidentiality and mandatory reporting requirements, which are explained in further detail in Sections 1-3 below. On campus, some resources may maintain confidentiality, offering options and advice without any obligation to inform University officials or an outside agency or individual unless the complainant requests that the information be shared. Other campus resources, such as JCUPD or “Responsible Employees” as referenced in Sections 2 and 3 below, cannot by law provide confidentiality (although they will make reasonable efforts to limit disclosure of information so as to protect privacy). By making a complaint to a Non-Confidential Formal Reporting Option, one is initiating formal action by the University. The following describes the reporting options and confidential resources available at the University:

1. Privileged and Confidential Communications for All Title IX Sex/Gender and Interpersonal Violence Reports

If a party who has experienced an incident of sexual harassment or interpersonal violence does not desire action by the University and would like the details of the incident to be kept confidential, but desires to confide in someone, the party may speak with:

- a. a counselor at the University Counseling Center;
- b. a doctor, or nurse acting under a doctor’s direction at the University Health Center;
- c. an ordained member of the clergy (priest) acting in the context of pastoral care/spiritual advising; or
- d. off-campus local rape crisis counselors, domestic violence resources, local or state assistance agencies.

University employees who fall within this category will submit anonymous statistical information to JCUPD or the Title IX Coordinator for Clery Act (Campus Crime Statistics Act) purposes unless they believe it would be harmful to their client, patient or spiritual advisee, but will not otherwise share the information. Confiding in someone within this category does not trigger an investigation or other action by the University.

2. Non-Confidential but “Private” Communications

Non-Confidential but Private resources for discussing claims of sex/gender misconduct or interpersonal violence include any staff member who works for the University Counseling Center, Health Center, Violence Prevention and Action Center or Campus Ministry. These resources are initially required to provide a limited report to the Title IX Coordinator that includes the nature, date, time and general location of the incident, but these resources do not share any personally identifiable information in the report unless the disclosing party gives permission, except in the rare event that the incident reveals a need to protect the immediate safety of the disclosing party and/or other members of the University community. Immediate safety concerns could include a pattern of alleged conduct, predation, weapons, violence or threat.

Unlike the confidential resources listed in Section VII.B.1., these resources are required to report as described above under the University’s Mandatory Reporting Policy and cannot guarantee confidentiality. If a party who wishes to discuss an incident is unsure of someone’s duties and ability to maintain privacy, one should ask that person about confidentiality before talking to them.

3. Non-Confidential Formal Reporting Option for Title IX – Sex/Gender and Interpersonal Violence Claims

A party wishing to initiate an investigation or other action by the University is encouraged to speak to a “responsible employee” to make a formal report concerning incidents of sexual misconduct. Under the University’s Mandatory Reporting Policy, all University employees, except those identified in VII.B.1. of this policy, are designated as “mandatory reporters” and have a duty to report incidents of possible sexual discrimination, sexual harassment or interpersonal violence to the Title IX Coordinator. This makes all employees (except for those identified in VII.B.1.) “Responsible Employees” when it comes to reporting incidents of sex/gender misconduct or interpersonal violence.

When a party informs a “Responsible Employee” about an incident involving sexual misconduct, the Responsible Employee is required to report all relevant details about the incident to the University’s Title IX Coordinator or designee. This includes the names of the Reporting Party(ies), alleged Responding Party(ies), witnesses and any other relevant facts, including the date, time and specific location (if known).

4. Requests for Confidentiality

A party’s request for confidentiality or that no investigation be pursued should be made to the Title IX Coordinator or to the Responsible Employee at the time the report is made. The Responsible Employee will then inform the Title IX Coordinator of the request, which request will be weighed by the Title IX Coordinator, based on relevant information that may be received in consultation with others involved in monitoring University safety matters, against the University’s obligation to provide a safe, non-discriminatory environment for all members of the

University community, including the reporting party. However, honoring such a request for confidentiality may limit the University's ability to meaningfully investigate and pursue conduct action against an accused individual.

Reporting parties have the right, and can expect, to have reports taken seriously by the University when formally reported, and to have those incidents investigated and properly resolved through these procedures. When a responding party is found in violation, the University will act to end the discrimination, prevent its recurrence and remedy its effects. Non-Confidential Formal Reporting still affords privacy to the reporting party, and only a small group of officials who need to know will be told. Information will be shared as necessary with investigators, witnesses and the responding party. The people with this knowledge are charged with preserving a reporting party's rights and privacy to the extent reasonable in order for an adequate, reliable and impartial investigation to be conducted.

C. Reporting of Instances Involving Minors

Sexual harassment, sexual misconduct or interpersonal violence involving a minor who is a student will be processed consistent with this Policy. Anyone witnessing or otherwise knowing of a violation of this policy that involves a non-student individual under the age of 18, or under the age of 21 and physically or mentally impaired, should refer to the University's [Minors on Campus Policy](#). Any observed violations of that policy should be reported to the Title IX Coordinator and/or to JCUPD and the person in charge of the program. Whether involving a student or non-student, the University, the Title IX Coordinator, and/or privileged and confidential resources also may be required to report sexual misconduct involving a minor to Cuyahoga County's Children & Family Services at (216) 431-4500.

VIII. REPORTING TO POLICE AND FEDERAL TIMELY WARNING OBLIGATION

There may be instances in which sexual harassment or sexual misconduct constitutes a criminal act. Anyone who has experienced sexual misconduct that they believe may constitute a crime may choose to contact at any time the JCU Police Department or a local police jurisdiction where the sexual misconduct occurred. Choosing not to pursue criminal action does not alter the responsibility of the University to investigate and take appropriate action related to the report of sexual harassment or sexual misconduct.

Parties reporting sexual misconduct or interpersonal violence should be aware that under the Clery Act, the University, via JCUPD, must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The University will undertake reasonable efforts to ensure that a Reporting Party's name and other identifying information is not disclosed in any timely warning, while still providing enough information for community members to make safety decisions in light of the potential danger.

Title IX Reporting Offices for Incidents of Sexual Harassment and Interpersonal Violence

Any incidents of sexual harassment and interpersonal violence should be reported to the Title IX Coordinator. Incidents can also be reported to a designated Deputy Title IX Coordinator for a particular constituency.

All Complaints and Complaints Involving Visitors

Eric T. Butler, J.D.
Title IX Coordinator
John Carroll University
Administration Bldg., Room 128
1 John Carroll Blvd.
University Heights, OH 44118 216-397-1559
etbutler@jcu.edu

Complaints Involving Faculty

James Krukones, Ph.D., Deputy Title IX Coordinator, Interim Academic Vice President
John Carroll University
Administration Bldg., Room 133E
1 John Carroll Blvd.
University Heights, OH 44118 216-397-4762
jkrukones@jcu.edu

Complaints Involving Students

Sherri Crahen, Ph.D., Deputy Title IX Coordinator, Assoc. Vice President for Student Affairs & Dean of Students
John Carroll University
Recreation Complex, Room 1
1 John Carroll Blvd.
University Heights, OH 44118
216-397-4008
scrahen@jcu.edu

Complaints Involving Staff

Leslie Beck, Deputy Title IX Coordinator, Human Resources Coordinator
John Carroll University
Rodman Hall, Room 25
1 John Carroll Blvd.
University Heights, OH 44118 216-397-1726
lbeck@jcu.edu

Complaints Involving Athletics

Russell Houser, Deputy Title IX Coordinator, Assistant Athletic Director
John Carroll University
DeCarlo Varsity Center, Room 110
1 John Carroll Blvd.
University Heights, OH 44118 (216) 397-1997
rhouser@jcu.edu

EXTERNAL CONTACTS

Inquiries about this policy and accompanying complaint procedures may be made externally to:

Office for Civil Rights (OCR)

U.S. Department of Education Telephone #: (800) 421-3481 Email: OCR@ed.gov

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

Equal Employment Opportunity Commission

(EEOC) Contact: <http://www.eeoc.gov/contact>

John Carroll University Sexual Harassment and Interpersonal Violence Complaint Resolution Process 2019-20

I. Introduction

John Carroll University (“University”) will act on any formal or informal complaint or report of an alleged violation of the University’s Sexual Harassment and Interpersonal Policy that is received by the Title IX Coordinator. These actions will include, as appropriate, steps to eliminate the harassment, prevent its recurrence and address its effects. Title IX Coordinator contact information:

Eric T. Butler, J.D.

Title IX Coordinator

John Carroll University

Administration Building, Room 127

1 John Carroll Blvd.

University Heights, OH 44118

(216) 397-1559

TitleIX@jcu.edu

This Complaint Resolution Process described below applies to all complaints brought within the scope of the University’s Sexual Harassment and Interpersonal Violence Policy regardless of the status of the parties involved, who may be:

- Members or non-members of the campus community
- Students
- Student groups, organizations, and teams
- Staff, or
- Faculty.

This Complaint Resolution Process is the exclusive process for resolution of sexual harassment and interpersonal violence complaints brought under the University’s Sexual Harassment and Interpersonal Violence Policy.

While all complaints involving employees of a third-party contractor will be investigated, alternative procedures to the use of a Complaint Review Process may be utilized to respond to such complaints. Complaints by an employee of a third-party contractor where a faculty, staff or student is the responding party will be handled via this Complaint Resolution Process. In cases in which an employee of a third-party contractor is the responding party, the University may use alternative procedures and coordinate the resolution with the procedures of the third party contractor.

II. Confidentiality

Allegations that the University's Sexual Harassment and Interpersonal Violence Policy has been violated cannot be kept confidential if they are reported to the Title IX Coordinator and/or a Deputy Title IX Coordinator, or other University personnel with a duty to report these matters. For a list of confidential resources and further information regarding confidentiality, please consult the University's [Mandatory Reporting Policy](#) or Section VII of the University's Sexual Harassment and Interpersonal Violence Policy.

III. Pre-Complaint Resolution Efforts

In the Jesuit spirit of community, before pursuing the Complaint Resolution Process, every reasonable effort should be made to constructively and amicably resolve issues among the parties. Whenever appropriate and safe in light of the circumstances, the University encourages anyone experiencing an issue to first attempt discussing the issue with the party (ies) involved. Such discussions also may help prevent tense situations from escalating to an actual hostile environment. However, the University strongly discourages individuals from attempting to engage in pre-complaint resolution discussions on their own when the safety of any individual may be in jeopardy. The Title IX Office can facilitate such discussions, upon request, and monitor them for safety. You are encouraged to contact the Title IX Coordinator if, prior to taking the step of filing a formal complaint, you have questions regarding the process, you are uncertain as to whether your problem is appropriate for pre-complaint resolution efforts, or you are interested in advice on ways to discuss the issue with the other person, etc. Pre-complaint resolution procedures are voluntary, and the parties have a right to end the process at any time and initiate the formal complaint process. The University does not expect a party to contact the person involved if doing so is impracticable, or if the party believes that the conduct cannot be effectively addressed through informal means.

The University also may determine that some reports are not appropriate for pre-complaint resolution based on an individualized assessment of whether any proposed resolution is likely to satisfy the stated purpose of the Sexual Harassment and Interpersonal Violence Policy. In conducting this individualized assessment, the University will consider: the preferences of the parties; the voluntary concurrence of the reporting party; the nature of the alleged violations; the policies implicated; the safety of the parties; the safety of the campus community; the parties' ability to access educational programs and opportunities; and any pattern of reported violations. Some reports of sexual harassment or interpersonal violence – such as reports involving violent behavior – may not be appropriate for pre-complaint resolution. If satisfactory resolution is not reached after discussion with the other individual(s), the University complaint process may be initiated. Individuals should not wait to contact the Title IX Coordinator or another University official until behavior becomes sufficiently serious (i.e., severe, pervasive, or persistent) to create a hostile environment. The University will take a proactive approach to preventing and addressing sexual harassment and interpersonal violence, including stopping the harassment if it is found to have occurred, remedying its effects and preventing its recurrence.

IV. The Community Review Board

Allegations brought forward under the University's Sexual Harassment and Interpersonal Violence Policy are resolved using this Sexual Harassment and Interpersonal Violence Complaint Resolution Process. An important part of this resolution process is the Community Review Board ("the Board"). Members of the Board are announced as part of an annual distribution of the University's Sexual Harassment and Interpersonal Violence Policy. The list of Board members can be found at: <http://sites.jcu.edu/title-ix/title-ix/sexual-harassmentinterpersonalviolence-community-review-board-members-2016-17/>.

Members of the Board receive regular training in sexual harassment investigatory and resolution procedures as required by law and appropriate to provide necessary knowledge and skills to serve on the Board. Members of the Board may serve as members of an investigatory team, Complaint Review Panel ("CRP"), or appellate

review panel. The President or designee, in consultation with the Title IX Coordinator, appoints the members of the Board. The Board is made up of representatives from faculty and staff and includes several individuals who can serve as chair.

V. Filing a Complaint and Mandatory Reporting

Any member of the University community (student, faculty, staff, volunteer or contractor), guest or visitor who believes that they have been the recipient of sexual harassment, interpersonal violence or some other form of discrimination prohibited by the Sexual Harassment and Interpersonal Violence Policy and wishes to make a complaint should contact the Title IX Coordinator in person, by email, by phone, or electronically by using the Online Reporting Form located on the Title IX Office webpage at: <http://sites.jcu.edu/title-ix/>.

Most University employees receiving reports of a potential violation of this policy are responsible employees with a mandatory duty to report and are therefore expected to contact the Title IX Coordinator promptly after becoming aware of a report or incident. Only employees acting in their professional role and with a legal obligation to maintain confidentiality, such as counselors, doctors, nurses acting at the direction of a doctor, and clergy acting in those roles, are expected to maintain confidentiality consistent with their professional and legal obligations; those individuals are exempt from the reporting requirement. For further information, please see the [University's Mandatory Reporting Policy](#).

All reports and complaints will be treated with privacy and shared only with those with a need to know. Subject to the University's obligation to take action regarding violations, a reasonable effort will be made to maintain the privacy of those initiating a complaint or report of a possible violation. In all cases, the University will give consideration to the reporting party's preferences with respect to how a possible violation is pursued, but the University reserves the right, when necessary to protect the community and the University or fulfill other legal obligations, to investigate and pursue a resolution when the reporting party chooses not to initiate or participate in a formal complaint.

No person shall make an allegation that one knows to be untrue or knowingly provide false information during the course of an investigation. Making a false complaint or giving false information is a violation of the Sexual Harassment and Interpersonal Violence Policy and may be a basis for discipline, including dismissal or termination. Evidence of false complaints or false information shall be investigated by the Title IX Coordinator and/or referred by the Title IX Coordinator for investigation/determination of responsibility and discipline to Human Resources, Provost's Office or the Dean of Students, depending on the affiliation of the person who submitted the false information.

VI. Complaint Intake and Inquiry

All complaints and reports will be reviewed and/or investigated and acted upon promptly. The scope of the investigation will be at the discretion of the Title IX Coordinator. An initial investigation in the form of an inquiry or review will be conducted promptly to determine if the complaint on its face alleges a policy violation, and, if so, which policy violations are alleged in the complaint. If the complaint does allege a possible policy violation, the reporting party and responding party (if known) will be notified in writing and informed as to the next steps under the policy. If the complaint does not allege a policy violation, the case will be closed, and the reporting party and responding party (if applicable or appropriate) will be so notified in writing. The Title IX Coordinator then may refer the complaint to the appropriate Academic Dean, Human Resources or Dean of Students' Office for a determination as to whether the conduct may violate another University policy depending on the constituency of the responding party. The University's ability to move forward in reviewing or investigating any matter depends on a number of factors including, but not limited to: knowledge of the reporting party's and/or responding party's identity and/or the reporting party's willingness to initiate and pursue a formal investigation. If the complaint is filed anonymously, the University's ability to investigate will be limited, and an investigator(s) likely will not be assigned. Additionally, if the reporting party does not wish

to proceed, an investigation typically will not follow unless the safety and well-being of the University community or legal compliance would be jeopardized if an investigation is not undertaken. In considering such requests by reporting parties for anonymity or to not proceed with a complaint process, the Title IX Coordinator must weigh the request against the University's obligation to provide a safe, non-discriminatory environment for all members of our community, including the reporting party. Typically, the informal complaint and resolution procedure involves a basic fact-finding inquiry (See Section VIII of this Complaint Resolution Process) while the formal complaint and resolution procedure involves a more extensive inquiry into the facts and circumstances (see Section IX of this Complaint Resolution Process). In cases where a police investigation also has been conducted or is being conducted, law enforcement may be able to provide some information to the Title IX Coordinator. The University's investigation may be delayed for a short period of time upon a request from law enforcement, but the Title IX Office will promptly resume the investigation as soon as possible. The investigation and resolution shall be completed as promptly as possible. The Title IX Coordinator will consider whether extenuating circumstances interfere with such timely completion. During the course of an investigation, typically the parties will be notified at regular intervals and/or upon request of the status of the investigation.

VII. Interim Remedies/Actions

At any time during the process, the Title IX Coordinator may recommend that interim protections or remedies for the reporting party, responding party, or witnesses be provided by appropriate University officials. These protections or remedies may include, but are not limited to: separating the parties; placing limitations on contact between the parties (using the Student Conduct procedures for [No-contact Directives](#) in instances involving student parties) and via consultation of the Title IX Office and HR or Provost Office, as applicable; limiting any party's access to particular physical space(s); imposing interim suspensions; referring parties for assistance to counseling or health services (for students) or referring to the Employee Assistance Program (for employees); making adjustments in academic deadlines or course schedules; or making alternative workplace or student housing arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of the University's Sexual Harassment and Interpersonal Violence Policy. The University will share information regarding interim actions or protective measures with those with a need to know in order to implement the interim remedies or protective measures effectively.

VIII. Informal Complaint Resolution Procedure

The University encourages informal resolution options when the parties desire to resolve the situation cooperatively and expeditiously. The reporting party may seek assistance in informally resolving certain alleged violations of the University's Sexual Harassment and Interpersonal Violence Policy. The parties also may agree to consider an informal resolution at any point during the Formal Complaint Resolution Procedure (described in Section IX below), which will be subject to the approval of the University. In all instances, the Title IX Coordinator will determine if informal resolution is appropriate based on an individualized assessment. The University also may determine that some reports are not appropriate for the informal complaint resolution process based on the individualized assessment of whether any proposed resolution is likely to satisfy the stated purpose of the Sexual Harassment and Interpersonal Violence Policy. In conducting this individualized assessment, the University will consider: the willingness of the parties to participate; the parties' desired outcomes and preferences; the voluntary concurrence of the reporting party; the nature of the alleged violations; the policies implicated; any pattern of reported violations; the safety of the parties; the safety of the campus community; the parties' ability to access educational programs and opportunities; and the ability of the informal resolution process to meet the goals of the Sexual Harassment and Interpersonal Violence Policy. Some complaints of sexual harassment or interpersonal violence, particularly complaints involving violent behavior, may not be appropriate for informal complaint resolution and may require use of the Formal Complaint Resolution Procedure described below. Informal resolution procedures may involve a multitude of interventions and remedies. Some of these may include mediation, targeted or broad-based educational programming or

training for relevant groups or individuals, one-on-one discussions with the responding party, agreed upon sanctions, and/or any other remedial or protective measures that can be tailored to the involved individuals to achieve the goals of the Sexual Harassment and Interpersonal Violence Policy. Regardless of whether the informal resolution or formal resolution procedure is utilized, the responding party will be advised of the substance of the allegations made against them. Where the parties opt to attempt informal resolution, and the parties have failed to achieve resolution via the informal resolution procedures promptly, a formal investigation will begin to be conducted simultaneously with the ongoing informal process. The parties may seek to engage in the informal complaint resolution process while the Formal Complaint Resolution Procedure is proceeding by contacting the Title IX Office to facilitate the informal complaint resolution process. The informal resolution process is completely voluntary, and a reporting party has the right to end the informal resolution process at any time and initiate or continue the Formal Complaint Resolution Procedure.

IX. Formal Complaint Resolution Procedure

In response to reports of policy violations in cases where the reporting party does not wish to engage in informal resolution, where informal resolution is not appropriate, or in cases where attempts at informal resolution are unsuccessful, the Title IX Coordinator will utilize the formal complaint resolution procedure, which will consist of two parts: the investigation and the disposition/resolution.

A. Investigation

1. Investigator(s)

The Title IX Coordinator will appoint one or more investigators to conduct a thorough, reliable and impartial investigation of the complaint. The number of investigators assigned to a particular matter is at the discretion of the Title IX Coordinator. The investigator(s) may be:

- 1) The Title IX Coordinator or a Deputy Title IX Coordinator;
- 2) Members of the Community Review Board;
- Or 3) an external investigator appointed by the Title IX Coordinator.

Any real or perceived conflict of interest between an investigator and a party must be disclosed by the named investigator or any party to the Title IX Coordinator; whether an investigator with a real or perceived conflict of interest can nonetheless serve as an investigator will be assessed by the Title IX Coordinator or designee on a case-by-case basis. The investigator(s) will act under the direction of the Title IX Coordinator and/or a Deputy Title IX Coordinator.

2. The Formal Investigation

The investigator(s) serve as the investigatory body. The investigator(s) is tasked with investigating the complaint and preparing a written investigatory report. The investigation generally will include: interviews with the parties, if available; interviews with other witnesses as needed; and a review of relevant information as appropriate. Participants in an investigation are encouraged to maintain the privacy of the investigation so as to protect the integrity of the investigation; however, this is not meant to impinge on any legal rights they may have otherwise. The responding party shall be provided a copy of the written complaint, if any, or otherwise informed of the substance of the allegations. If the responding party cannot be located, attempts at notification shall be documented. The reporting party shall be provided with a copy of the written response provided by the responding party, if any, or otherwise informed of the substance of the response to the allegations. Both the reporting and responding parties will be provided the opportunity to provide oral (through an interview) and written statements. A party may opt not to participate at all in the investigation or to provide a written statement in lieu of or in addition to any interview(s) with the investigator(s). However, it is important

to note that any decision by the parties not to participate, or to limit participation, in turn limits the ability of the University to discover facts that may support their version of the key events, as the investigation results will be based on the facts available to the investigator(s) at the time of the investigation. Both the reporting and responding parties will be asked to provide a list of possible witnesses as well as any written or physical evidence (e.g., texts, social media, emails, photos, medical reports, etc.) that they wish to be considered by the investigator(s). Each party will have the opportunity to suggest questions they wish the investigator(s) to ask of the other party and witnesses. No audio or video recording of any kind is permitted during meetings with the investigator(s) or other campus officials involved in this process. The investigator(s) will determine the relevance of all evidence and credibility of witnesses.

3. Prior Sexual History

The prior sexual history of a reporting or responding party will never be used to demonstrate character or reputation. Questions about a party's sexual history with anyone other than the other party involved will not be permitted unless directly relevant to the specific facts or evidence in the current matter. Moreover, evidence related to the prior sexual history of either of the parties is generally not relevant to the determination of a Policy violation and will be considered only in limited circumstances. For example, if the existence of consent is at issue, the sexual history between the parties may be relevant to help understand the manner and nature of communications between the parties and the context of the relationship, which may have bearing on whether consent was sought and given during the incident in question. However, even in the context of a relationship, consent to one sexual act does not, by itself, constitute consent to another sexual act, and consent on one occasion does not, by itself, constitute consent on a subsequent occasion. In addition, prior sexual history may be relevant to explain the presence of a physical injury or to help resolve another question raised by the complaint. The Title IX Coordinator will determine the relevance of this information, and both parties will be informed if evidence of prior sexual history is deemed relevant.

4. Support Persons

The reporting party, responding party, and any interviewed witnesses have a right to be accompanied by one support person of their choosing during any meeting or interview.

The support person may be a friend, mentor, advocate, family member, attorney or any other person a party chooses; however, the support person cannot be someone who may be called as a witness.

The role of the support person is to serve as an advisor. The support person may be present at interviews and any other proceedings, but may not speak on behalf of the advisee. The parties are expected to ask and respond to questions on their own behalf, without representation by their support person. Support persons may confer quietly with their advisees or in writing as necessary, as long as they do not disrupt the process.

Support persons are expected to refrain from interfering with the investigation and resolution.

Any support person who steps out of their role in any meeting will be warned once and only once. If the support person continues to disrupt or otherwise fails to respect the limits of the support person role, they may be asked to leave the meeting. Support persons who serve in an additional role, such as an outside attorney, must nonetheless comply with the requirements for support persons during the process.

The University expects that the parties will wish the University to share documentation related to the allegations with their support person. The University provides a consent form that authorizes such sharing. Each party must complete this form before the University is able to share records or information with a support person. The parties are not otherwise restricted from discussing and sharing information with others who may support or assist them in preparing and presenting during the process. Support persons are expected to maintain the privacy of the records shared with them by the University, which may include legally protected educational records. Support persons may not share records with third parties, disclose records publicly, or use records for purposes not explicitly authorized by the University. The University may seek to restrict the role of any support person who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.

The parties must advise the investigator(s) of the identity of their support person at least one (1) business day prior to the date of their first meeting with the investigator(s). The parties must provide subsequent timely notice to the investigator(s) if they change the support person at any time. Any party also may request the assistance of a University-appointed support person. Upon receiving such a request, the Title IX Coordinator will appoint a support person from a pool of employees who are trained as Process Advisors. Parties also may request assistance from a University Process Advisor without a referral from the Title IX Coordinator (a list of current Process Advisors is available on the University's [Title IX webpage](#)). The University's Process Advisors are specially trained to understand the University's Sexual Harassment and Interpersonal Violence Policies and resolution procedures so that they can provide informed guidance to students during the process. The University's Process Advisors do not provide guidance on processes external to the University (e.g. criminal or civil processes) and do not provide legal advice of any kind. Although information shared privately with University Process Advisors will not be sought or used by the Investigator(s) or Complaint Review Panel, such communications are not legally confidential or privileged.

5. The Investigation Report

At the conclusion of the investigation, the investigator(s) will prepare a written investigation report. The preliminary investigation report will include a statement of the allegations and issues; a description of the applicable standards; a summary of the information considered; and credibility determinations, as applicable. The preliminary investigation report is intended to provide the parties with an opportunity to review and respond to all available evidence before the investigators make any findings of fact. Accordingly, the preliminary investigation report will not contain any findings of fact. General character or reputation evidence will not be considered relevant and therefore is typically excluded from the investigation report. The investigator(s) may choose not to interview character witnesses and/or not to include information from character witnesses in the investigation report. Also, information obtained through methods found to be unreliable or likely to be unreliable, (i.e. lie detector test results; independent interview summaries prepared by support persons, private investigators, or other interested parties; etc.) typically will not be permitted or considered. The parties will each have the opportunity to review and respond to a complete copy of the preliminary investigation report. Upon receiving access to the preliminary investigation report, the parties then will have at least three (3) business days to provide the investigator(s) with any additional information, evidence, or witnesses they wish to be considered, as well as the opportunity to submit a written statement in response to the content of the preliminary report. Parties also may propose additional questions for the investigators to ask of any party or witness, which will be assessed by the investigators for relevance and propriety in determining whether to direct those questions to the parties or witnesses. Following the parties' opportunity to review and respond to the preliminary investigation report, the investigators will assess whether any additional investigation is necessary. Where additional investigation yields new information, the parties will have at least two (2) business days to review and respond to that additional information. Where the investigators determine that no additional investigation is necessary, the investigation report will be finalized. Prior to finalizing the investigation report, the investigator(s) may incorporate into the report any additional information or evidence provided by the parties or additional witnesses, as appropriate. The investigators will include in the draft investigation report any findings of fact and credibility determinations based on all of the evidence in the report. The parties will have three (3) business days to review the draft investigation report and submit objections or comments on the revised report, including on the findings of fact. The investigators may make any revisions to the report based on the parties' objections or comments and will generate a final report. The parties also may submit a separate impact statement in writing to the Title IX Coordinator. The impact statement will only be reviewed by the Complaint Review Panel if a finding of "Responsible" is made. Should a responding party accept responsibility for the alleged misconduct at any point before the investigative report is finalized, the investigative report will include a signed statement by the responding party that they have accepted responsibility, and the Complaint Review Panel will review the matter to make a determination on sanctions only as discussed in Section IX (B) (2) (b) below.

B. The Disposition/Resolution

Once the investigation report is finalized, the Title IX Coordinator will forward the report and accompanying evidence to a Community Review Board Co-Chair if the responding party is an employee, or the Associate Dean of Students or designee if the responding party is a student, to convene a Complaint Review Panel (“CRP”) as described below in Section IX(B)(1). Both the reporting party and the responding party will be notified in writing by the Title IX Office on the date that the investigation report is forwarded to the CRP for review. Only relevant information (e.g. statements, witness lists, physical evidence, etc.) that was presented to the investigator(s) will be forwarded to the CRP for consideration.

1. Complaint Review Panel

Promptly after receiving the investigation report from the Title IX Coordinator, the Co-Chair of the Complaint Review Board or the Associate Dean of Students will convene a Complaint Review Panel (“CRP”) to determine responsibility and sanctions, if applicable. On the date that the CRP is convened, the investigator(s) will be present and available to answer any questions the CRP may have regarding the investigation report, but will not be present during any deliberations when the CRP determines responsibility (or sanctions, if applicable). Typically, the reporting party and the responding party will have the opportunity to appear, separately, before the CRP to provide a statement and address the CRP regarding the investigation report. The appearance before the CRP is voluntary and optional, and the CRP shall not consider the reporting or responding party’s decision not to appear before the CRP as relevant evidence in making a determination and imposing sanctions, if applicable. The CRP may ask questions of the reporting party and responding party, if the parties appear before the CRP. Other witnesses do not appear before the CRP, but their statements contained in the investigation report are considered by the CRP in making its determination. Parties may not use their appearance before the CRP to introduce new evidence that was not previously shared with investigator(s) or attempt to introduce evidence that was excluded due to relevance, reliability or other considerations under this process.

a. CRP for Student Matters

When a student is the responding party, the CRP will be made up of a three-person panel consisting of the Associate Dean of Students or designee and two members of the Community Review Board who have not participated in the investigation.

b. CRP for Employee Matters

When an employee is the responding party, the CRP will be made up of a three-person panel consisting of a Co-Chair from the Community Review Board (or another appropriate Deputy Title IX Coordinator or Community Review Board member who can serve as Chair) and two (2) members of the Community Review Board and/or a Deputy Title IX Coordinator who have not participated in the investigation.

2. Determining Responsibility and Sanctions

a. Preponderance of the Evidence Standard

For the purposes of the CRP’s determination process and evidentiary standards, the responding party is presumed not responsible for the alleged conduct unless and until the CRP finds there is sufficient information to support a finding of responsibility. When determining responsibility, the CRP will base its finding on a preponderance of the evidence, that is, whether it is more likely than not that the responding party violated the policy as alleged. The CRP may make findings of responsibility on individual alleged actions, or an aggregation of alleged actions. The CRP may choose to adopt or reject the findings of fact or credibility determinations of the investigators, as supported by the evidence presented to the CRP.

The CRP will make a finding of one of the following:

Responsible – Finding that evidence/information available to the University indicates that it is more likely than not that the responding party violated the policy as alleged.

Not responsible – Finding that evidence/information available to the University indicates that it is more likely than not that the responding party did not violate the policy as alleged.

b. Sanctions and/or Responsive Actions

Sanctions or responsive actions to resolve the complaint may include, but are not limited to: educational programs; counseling/coaching; mediation; verbal or written reprimand; suspension; dismissal; termination; and remedies for the reporting party, as appropriate.

Factors considered when determining a sanction or responsive action may include:

- The nature, severity of, and circumstances surrounding the violation;
- The safety of the individuals involved and/or the University community
- An individual's conduct history;
- Previous allegations or allegations involving similar conduct;
- Any other information deemed relevant by the investigatory team;
- The need for sanctions or responsive actions to bring an end to the discrimination, harassment, and/or retaliation;
- The need for sanctions or responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation;
- The need to remedy the effects of the sexual discrimination, harassment and/or retaliation on the reporting party and the community.

Generally speaking, the University considers Non-Consensual Sexual Intercourse violations to be the most serious and therefore typically imposes the most severe sanctions on such violations, including suspension or dismissal for students and termination for employees. Prior to making a final determination on sanction(s), the CRP typically will consult with the Title IX Coordinator and with one or more of the following offices regarding the effectiveness, consistency and practical application of any proposed sanction(s) to the responding party in those circumstances:

- For sanctions related to staff: The Assistant Director of Human Resources, or designee.
- For sanctions related to faculty: The Academic Vice President, or designee.
- For sanctions related to students: The Dean of Students, or designee.

Should a responding party unilaterally withdraw or separate from the University while a formal investigation is pending, the University will continue the resolution process, and the individual will not be permitted to return to the University until the matter has been fully resolved through either a formal or informal resolution process described in these procedures, and all conditions of the resolution process (including sanctions, if any) have been satisfied. Once the CRP has made a determination on responsibility and sanctions, if applicable, it will typically forward a written decision to the Title IX Coordinator within five (5) business days of the CRP's determination, including rationale for the decision. Any sanction resulting from this Complaint Resolution Process, following any appeal, that involves the dismissal for cause of a faculty member can be appealed through the corresponding Faculty Handbook procedures, so long as an adequate remedy for any violation determined under this process remains in place. Such an appeal can only consider whether the finding from the Complaint Resolution Process constitutes cause for the recommended sanction under the Faculty Handbook and cannot include a rehearing on the finding of whether a violation of the Sexual Harassment and Interpersonal Violence Policy occurred. The factual findings and conclusions from the Complaint Resolution Process,

including any appeal, shall be determinative as to whether the University's Sexual Harassment and Interpersonal Violence Policy has been violated. The Faculty Handbook procedures shall be limited to a determination of whether the finding constitutes cause for dismissal of the faculty member. All other sanctions involving faculty can only be appealed using the process outlined in this policy.

3. Notice of Outcome

Once the Title IX Coordinator receives notice of the determination on responsibility and sanctions, if appropriate, and/or responsive actions from the CRP, the parties then will be informed, in writing, by the Title IX Coordinator or designee via a "Notice of Outcome." The

Notice of Outcome will specify the finding on each alleged policy violation, any sanctions that may result, and the rationale supporting the essential findings to the extent the University is permitted to share them under state or federal law. The notice also will include information on when the results are considered by the University to be final, any changes that occur prior to finalization, and any appeal options that are available.

If the CRP makes a finding of "responsible" and includes accompanying sanctions, the appropriate University official depending on the constituency of the responding party – the Dean of Students (students), the Assistant Vice President for Human Resources (staff) or the Provost (faculty) - will be responsible for implementing the sanctions.

Any accommodation or remedy afforded to the reporting party will be consistent with the seriousness of the offense and will be designed and imposed in a manner reasonably calculated to end the harassment, to prevent recurrence, and remedy the effects. In instances where a violation of the Sexual Harassment and Interpersonal Violence Policy has been found to have occurred, the Title IX Coordinator and/or Deputy Title IX Coordinator will document and monitor the implementation of any accommodation or remedy. As appropriate, the Title IX Coordinator and/or Deputy Title IX Coordinator also may follow-up with the parties to ensure that the accommodation or remedy is effectively preventing recurrence of the harassment and serving as the proper remedy for any discriminatory effects on the reporting party and others. All complaint resolutions may be subject to follow-up after a period of time to ensure that accommodations, remedies and any other resolution measures have been implemented effectively.

4. Issues Outside of Sexual Harassment and Interpersonal Violence Policy or Complaint Resolution Process.

Where an issue arises in a matter that is outside the scope of the policy or this process – i.e., an issue not related to misconduct involving sex/gender or interpersonal violence – those matters will be referred to the appropriate office to address under other appropriate University policies. If such issues arise:

- Staff employees may contact: Human Resources at (216) 397-1905
- Faculty may contact the Provost's office at (216) 397-4762
- Students should contact the Dean of Students Office at (216) 397-3010.

Any visitor to campus who experiences perceived misconduct outside the scope of the policy or process should consult with the appropriate office on campus, or contact the Office of Legal Affairs at (216)-397-1590 or the Office of Regulatory Affairs and Risk Management at (216) 397-1982. In any situation where an emergency exists, contact the JCU Police Department at (216) 397-1234 or call 911.

X. The Appeal Process

A. Filing an Appeal

Any party may request an appeal of the findings by completing and submitting an Appeal

Request Form. The appealing party must submit the Appeal Request Form and all supporting documentation within five (5) business days of receiving notice from the Title IX Coordinator of the outcome of the investigation.

The three grounds for appeal are as follows:

1. A procedural error or omission occurred that significantly impacted the finding (e.g., substantial bias, material deviation from established procedures, etc.). The appeal request must cite specific procedures and how they were in error; and/or

2. To consider new evidence, unknown or unavailable during the original investigation, that could have substantially impacted the original finding or disciplinary sanction. A summary of this new evidence and its potential impact must be included in the request. (Note: Failure to participate or provide information during an investigation, even if based on concern over a pending criminal or civil proceeding, does not make information “unavailable” during the original investigation.)

3. The disciplinary sanction(s) imposed are substantially outside the parameters or guidelines set by the University for this type of violation or the cumulative conduct record of the responding party.

A properly filed and timely appeal will generally stay any sanction(s) imposed unless doing so would be inconsistent with the University’s Title IX obligations and/or it is determined by the Title IX Coordinator, in consultation with others involved in monitoring University safety matters, that this action would present an unreasonable danger to any person or property or be disruptive to the University’s living, learning or work environment.

B. Appeal Review Panel

Upon receiving an appeal request, the Title IX Coordinator will designate a three-member Appeal Review Panel (“ARP”), which will consist of the following:

1. Appeals where responding party is a student

(1) Vice President for Student Affairs or designee; (2) a Deputy Title IX Coordinator who did not participate in the investigation or CRP; and (3) a member of the Community Review Board who was not involved in the investigation or CRP.

2. Appeals where responding party is an employee

(1) Co-Chair of the Community Review Board (or another appropriate CRP member or a Deputy Title IX Coordinator who could serve as Chair) who did not participate in the CRP; (2) a Deputy Title IX Coordinator who did not participate in the investigation or CRP; and (3) a member of the Community Review Board who was not involved in the investigation or CRP.

C. Appeal Outcomes

Generally, within five (5) business days after receipt of a request for appeal, and depending on constituency of the responding party, the Vice President for Student Affairs/designee (for students) or a Co-Chair of the Community Review Board (for employees) appointed to the ARP will conduct an initial review of the appeal request(s) to determine whether the appeal is timely and satisfies the grounds for appeal. Should the time to review a party’s request for appeal require more than five (5) business days, the parties will be notified in writing. If the appeal request is not timely or does not satisfy the grounds for appeal, the appeal request will be denied, the individual who submitted the appeal request will be notified, and the finding and sanction or responsive action will stand. The decision not to accept an appeal request is final and is not subject to further appeal. If the appeal request is timely and meets the grounds for appeal, the Title IX Coordinator will notify both parties that the appeal has been accepted. The Title IX Coordinator will then share the appeal request with the other party (reporting or responding), and that individual may file a response within three (3) business days. The response (if any) will be shared with the other party. The ARP will then convene to deliberate over the issues presented in the appeal (or appeals) and any response. An appeal is not a full re-hearing of the

allegation(s) but is a review of the findings and evidence in an investigation report related only to one or more of the stated grounds for appeal noted in Section X.B. The ARP can take one of six possible actions:

- (1) Affirm the original findings;
- (2) Remand the case to the original investigator(s) or CRP for consideration of new evidence or to remedy a procedural error or omission;
- (3) Remand the case to a new investigator(s). In a rare case where an error or omission cannot be cured by the original investigator(s) (as in a case of bias), the ARP may order a new investigation with a new investigator(s);
- (4) Administratively alter the finding if new evidence, unknown or unavailable during the original investigation, substantially impacts the original finding, and the associated sanctions or responsive actions;
- (5) Administratively alter the sanction if the sanction is substantially outside the parameters or guidelines set by the University for this type of violation or the cumulative conduct record of the responding party; or
- (6) Refer the assigning of sanctions or responsive actions to the investigator(s), with advisement, who in turn will adjust their report (if applicable) and forward such modified report to the University official who received the original report.

Decisions rendered by the ARP or actions taken following the ARP's decision are final and not subject to further appeal. Cases that are sent back to the investigator(s) or CRP are not eligible for a second appeal. Both parties will be informed, in writing and at approximately the same time, of the outcome of the appeal.

XI. Records

In implementing this process as the means of enforcing the University's Sexual Harassment and Interpersonal Violence Policy, records of all reports, complaints, investigations, and resolutions will be maintained for a reasonable time by the Title IX Coordinator in accordance with University policies and applicable laws, including the Family Educational Rights and Privacy Act ("FERPA"). Records of all reported complaints, regardless of whether resolved through formal or informal processes, will be kept by the Title IX Coordinator. Records maintained by Human Resources, Office of the Provost and the Dean of Students Office will be kept by those offices consistent with the practices, obligations and requirements of those particular offices.

XII. Statement of Rights of Reporting and Responding Parties.

1. To be treated with respect by University officials.
2. To an investigation and appropriate resolution of all complaints of sexual discrimination and/or sexual harassment made in good faith to the appropriate University official(s).
3. If a reporting party, to receive written notification that the responding party has been officially notified of the allegation of violating the University's Sexual Harassment and Interpersonal Violence Policy. If a responding party, to receive written notification if officially accused of violating the University's Sexual Harassment and Interpersonal Violence Policy.
4. If a responding party, to be notified of the substance of the allegations made by the reporting party. If a reporting party, to be notified of the substance of the responding party's response, if any, to the allegations
5. To be informed of and have access to campus support resources (such as Campus Ministry, the University Health and Counseling Centers, and the Violence Prevention and Action Center [VPAC]), as well as off-campus support services.
6. To experience a safe living, educational and work environment.
7. To bring a support person of their choosing, including, but not limited to, a friend, mentor, parent, advocate, or attorney, during any meeting or interview.
The support person cannot be someone who may be called as a witness. The role of the support person is to serve as an advisor. They may be present at any meeting or interview, but are not permitted to speak.
8. To decline to participate in conflict resolution procedures as the means for resolving an allegation.

9. To receive amnesty for minor student misconduct (such as alcohol or minor drug violations) that is ancillary to the incident.
10. To be free from retaliation for filing a complaint or otherwise participating in an investigation in good faith.
11. To have complaints resolved in a manner that is substantially consistent with these procedures.
12. To full participation in this process, whether the injured party is the actual party or the University has brought the complaint, if desired.
13. To be informed in writing of the outcome/resolution of the complaint, sanctions where permissible, and the rationale for the outcome where permissible.
14. If a reporting party, the right to be informed by University officials, when appropriate, of options to report sexual harassment to proper law enforcement authorities and the option to receive assistance in notifying those authorities, if the individual so chooses.
15. To request accommodations or interim remedies/actions, as appropriate, including, but not limited to, academic accommodations. For residential students, the ability to request housing and living accommodations, if appropriate.
16. To put in place a “no contact directive,” if appropriate. A no contact directive is an order from a University official to have no contact with a particular person or persons. Contact is considered any verbal, written, electronic, non-verbal gesture, third party messages, indirect loud talking in the vicinity of the person and could include indirect actions that appear to the University to be intimidating. The University may add to the terms of a no contact directive within the context of the reported incident that preceded the order or concerns that have arisen during the investigation.
17. The right to submit an impact statement in writing to the Investigative Team. The impact statement will be reviewed by the Sanction Review Panel, only if a finding of “Responsible” is made.
18. The right to regular updates on the status of the investigation and/or resolution.

XIII. Revision.

This Complaint Resolution Process, along with the Sexual Harassment and Interpersonal Violence Policy, will be reviewed and updated annually, if necessary, by the Title IX Coordinator with appropriate input from senior leaders including but not limited to the Vice President of Student Affairs, the Dean of Students, Assistant Vice President for Human Resources, and the General Counsel, or their designees. Typically, such review and update will be concluded each summer, based on appropriate review and input from the preceding academic year. In addition, the Title IX Coordinator may make minor modifications to the Complaint Resolution Process at any time and during the academic year that do not materially jeopardize the fairness owed to any party. The Title IX Coordinator may also vary procedures materially at any time and during the academic year with notice (on the University’s website, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Policy and procedures generally will be effective as of the date of implementation. Policy and procedures in effect at the time of the offense will apply even if the policy or procedure is changed subsequently, unless the parties consent to be bound by the current policy.

XIV. Discretion

Where an issue is encountered during a case that is not addressed specifically by this Complaint Resolution Process or the Policy, the University has the discretion to determine, in a good faith effort to comply with the Policy and applicable legal requirements, how to address such an issue.

Mandatory Reporting Policy

I. POLICY: There are three federal laws that establish responsibilities for employees of universities to report crimes and incidents related to sexual harassment and interpersonal violence:

Title VII of the Civil Rights Act of 1964 (Title VII)

Title IX of the Education Amendments of 1972 (Title IX)

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990 (Clery Act)

These laws are intended to protect members of the University community, visitors and guests from criminal and discriminatory behavior. The responsibilities established by these laws give rise to the term "Responsible Employee." Consistent with these laws, the University has adopted this policy that defines all employees as Responsible Employees who have a mandatory duty to report incidents related to Sexual Harassment and Interpersonal Violence, except for any of the following employees:

- Doctors
- Nurses acting under the direction of a doctor licensed counselors
- Ordained members of the clergy acting in that capacity

As a Responsible Employee, any University employee who becomes aware of possible sexual discrimination, including Sexual Harassment or Interpersonal Violence, must promptly inform the University within one (1) business day by contacting the Title IX Coordinator or one of the Deputy Title IX Coordinators listed in Appendix A of this policy. Reporting is required regardless of whether the matter involves students, faculty, staff, or visitors to the University. Fulfilling the duty to report does not entitle the Mandatory Reporter to receive a notice of outcome unless the Mandatory Reporter is the recipient of the conduct or the person alleged to have engaged in inappropriate conduct.

II. PURPOSE: This document outlines the University's policy regarding mandated reporting of suspected harassment or discrimination based on sex/gender under Title VII, Title IX and the Clery Act. This policy is in place to help make the University community aware of the mandatory duty to report possible sexual discrimination and the process for doing so. Sexual Harassment, which includes acts of Interpersonal Violence, is a type of sex discrimination.

III. SCOPE: All employees and volunteers of John Carroll University.

IV. DEFINITIONS:

Deputy Title IX Coordinator: a University employee who has been assigned the responsibility of receiving reports and complaints of Sexual Harassment and sexual discrimination falling under Title IX.

Interpersonal Violence: a form of Sexual Harassment. Interpersonal Violence for purposes of this policy refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. A number of different acts may fall into the category of Interpersonal Violence, including sexual assault, relationship violence, non-consensual sexual contact, stalking and sexual exploitation. Please see the University's Sexual Harassment and Interpersonal Violence policies for further information.

Responsible Employee: any University employee or volunteer who meets at least one of these criteria:

- (1) Has the authority to take action to redress Sexual Harassment or other sexual misconduct;
- (2) Has been given a duty of reporting incidents of Sexual Harassment or other sexual misconduct to the Title IX Coordinator or to a Deputy Title IX Coordinator; or
- (3) Is an employee whom an individual could reasonably believe has the above authority or duty.

Under this policy, all University employees are deemed Responsible Employees with a mandated responsibility to report incidents related to Sexual Harassment or Interpersonal Violence, except for doctors; nurses acting under the direction of a doctor; licensed counselors; or ordained members of the clergy acting in that capacity.

Sexual Harassment: harassment based upon an individual's sex or gender which can include unwelcome sexual advances, requests for sexual favors, offensive references to sex, sexual orientation or other verbal, nonverbal, or physical conduct of a sexual nature. Thus, sexual harassment prohibited by Title IX can include conduct such as touching of a sexual nature; making sexual comments, jokes, or gestures; writing graffiti or displaying or distributing sexually explicit drawings, pictures, or written materials; calling someone a sexually charged name; stalking; spreading sexual rumors; rating someone on sexual activity or performance; or circulating, showing, or creating e-mails, social media postings, or Web sites of a sexual nature. Please see the University's Interpersonal Violence and Sexual Harassment policies for further information.

Title IX Coordinator: the University employee having primary responsibility for tracking and overseeing reports and complaints of sex discrimination and Sexual Harassment falling under Title IX.

V. PROCEDURES:

A. Reporting Guidelines: How to Report

1. A Responsible Employee may report in person, by email, by phone, or electronically by using the Report Form found on the Title IX webpage located at: sites.jcu.edu/title-ix
2. This report form is also accessible using the Title IX link located in the footer of every University webpage titled: Title IX Reporting and Resources. Responsible Employees must identify themselves when reporting an incident to the Title IX Coordinator or to a Deputy Title IX Coordinator.
3. Anonymous reporting does not satisfy a Responsible Employee's duty to report incidents under this policy.

B. Responsible Employee reporting of Sexual Harassment or Interpersonal Violence

1. As defined above, any employee with a duty to report incidents to the Title IX Coordinator is considered a Responsible Employee. As a result, Responsible Employees are Mandatory Reporters for purposes of reporting Sexual Harassment or Interpersonal Violence.
2. When reporting sexual/gender based misconduct (including claims of Sexual Harassment and Interpersonal Violence as referenced above, as well as sex/gender discrimination or sexual orientation discrimination), Responsible Employees must provide full details of the incident, if known, including names of the parties involved, witnesses and any other relevant facts, including the date, time and specific location of the incident.
3. If an individual requests confidentiality or requests that no further action be taken, the Responsible Employee should share that information with the Title IX Coordinator or Deputy Title IX Coordinator at the time they report the incident.
4. The only exceptions to the Responsible Employee reporting requirements are:
 - a. privileged and confidential resources of doctors, nurses acting under the direction of a doctor, licensed counselors and ordained members of the clergy acting in that capacity, who will not report personally identifying or non-identifying information unless the disclosing party gives permission or unless an imminent threat to self or others exists; and
 - b. other staff members (not listed above) who work for the University Health Center (including nurses not acting under a doctor's direction), Violence Prevention and Action Center (VPAC), Counseling Center or Campus Ministry who are initially required to provide only a limited report to the Title IX Coordinator that includes the nature, date, time and general location of the incident, but these resources do not share any names or personally identifiable information in the report. These staff members are obligated to provide personally identifying information to the Title IX Coordinator or to law enforcement only in the following instances:
 - the disclosing party gives permission;
 - in the rare event that the incident reveals a need to protect the immediate safety of the disclosing party and/or other members of the University community based on the nature of the conduct alleged, including a pattern of conduct, predation, weapons, violence, or threat; and/or
 - when required by law to report a felony or to cooperate with an on-going criminal law enforcement investigation.
5. If after the initial report is received, it is determined that more information is needed, any Responsible Employee may be contacted by the Title IX Coordinator. It is the Responsible Employee's job is to cooperate fully with campus officials, providing any information/details requested, consistent with the obligations outlined in this policy.

C. Speaking with the Parties Involved

1. In speaking with the parties involved, the Responsible Employee must not promise confidentiality. Faculty and staff members do not have a special privilege or ability to maintain the confidentiality of reports shared with them.
2. If someone begins to discuss an incident of Sexual Harassment or Interpersonal Violence, the Responsible Employee could say the following:
3. "I appreciate your willingness to share this information with me. Please know that I am here to help in any way that I can. If you would like to file a formal complaint with the University, I will help you connect with [the appropriate Title IX Coordinator or Deputy Title IX Coordinator], so that an investigation into this matter can begin. It is important that you understand that I cannot promise to keep what you share confidential. If you are still comfortable speaking with me, I am here to listen. If not, please let me help you connect with one of the University's confidential resources [Health Center (Doctors or Nurses acting under a Doctor's direction)/Counseling Center (Licensed Counselor)/ or ordained member of the clergy]. Above all, please know that the University takes this matter seriously and wants to help."

D. Other Reporting Obligations

1. Some incidences of Sexual Harassment or Interpersonal Violence may constitute a crime under federal or state law. Those crimes should be reported to JCUPD or to the Title IX Coordinator, who will forward the information to JCUPD.
2. Under the Clery Act, certain designated individuals are deemed Campus Security Authorities with an obligation to report to the JCUPD certain crimes defined under federal law. For further information, see the Annual Security Report on the JCUPD website.

VI. CROSS REFERENCES:

Corrective Action Policy

Interpersonal Violence Policy

Sexual Harassment Policy

Title VII of the Civil Rights Act of 1964

Title IX of the Education Amendments of 1972

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990

Violence Against Women Reauthorization Act of 2013

Ohio Revised Code Section 2921.22 (Felony Reporting Statute)

Title IX Reporting Offices for Incidents of Sexual Harassment and Interpersonal Violence

All Complaints and Complaints Involving Visitors

Eric T. Butler, J.D.

Title IX Coordinator

Administration Bldg., Room 128

1 John Carroll Blvd.

University Heights, OH 44118

216-397-1559

etbutler@jcu.edu

Complaints Involving Faculty

James Krukones, Ph.D., Deputy Title IX Coordinator and Interim Academic Vice President

Administration Bldg., Room 133E

1 John Carroll Blvd.

University Heights, OH 44118 216-397-4762

jkrukones@jcu.edu

Complaints Involving Students

Sherri Crahen, Ph.D., Deputy Title IX Coordinator and Associate Vice President for Student Affairs and Dean of Students
Recreation Complex, Room 1
1 John Carroll Blvd.
University Heights, OH 44118
216-397-4008
scrahen@jcu.edu

Complaints Involving Staff

Leslie Beck, Deputy Title IX Coordinator and Human Resources Coordinator
Rodman Hall, Room 25
1 John Carroll Blvd.
University Heights, OH 44118 216-397-1726
lbeck@jcu.edu

Complaints Involving Athletics

Russell Houser, Deputy Title IX Coordinator and Assistant Athletic Director
DeCarlo Varsity Center, Room 110
1 John Carroll Blvd.
University Heights, OH 44118 (216) 397-1997
rhouser@jcu.edu

Special Note:

If you have a complaint regarding Sexual Harassment or Interpersonal Violence and for any reason feel uncomfortable about initiating a report/complaint with a designated Deputy Title IX Coordinator, please feel free to contact the Title IX Coordinator directly at (216) 397-1599 or etbutler@jcu.edu

CAMPUS SEX CRIME PREVENTION ACT

The 2000 Campus Sex Crime Prevention Act requires that certain convicted sex-offenders identify themselves to colleges and universities if they; a) attend classes, b) work on a college or university campus, or c) volunteer on a college or university campus. Colleges and universities are required inform their communities of where sex-offender information can be obtained.

In Cuyahoga County, information on registered sex-offenders is available from Sex-Offender Unit at (216) 443-5567 or by visiting the Sheriff's Office website at <http://sheriff.cuyahogacounty.us/en-US/Sexual-Offender-Unit.aspx>

Ohio information on registered sex offenders is at: <http://www.icrimewatch.net/index.php?AgencyID=55149&disc>

DAILY CRIME LOGS

A log, summarizing crimes reported to JCUPD, is posted at: <https://jcu.edu/student-life/health-wellness-and-safety/jcu-police-department/reports-and-logs>. Hard copies are kept in the JCUPD office, RecPlex room 14 and available business hours. The log is updated within 48 hours of a report. Items included on the crime log are:

1. The nature of the crime
2. The date and time the incident occurred
3. The location of the crime
4. The disposition of the complaint, if known.

EMERGENCY COMMUNICATIONS

Emergency Notification

If an emergency or dangerous situation arises which could pose an immediate threat to the health or safety of the JCU community, the University will issue an Emergency Notification. An Emergency Notification will describe the threat and give direction to recipients of the message. The JCUALERT text message system is the primary method of this emergency communication. Additionally, audible alarms, public address systems, campus phone and voice mail, e-mail, the University website, and other methods deemed appropriate for the situation will be used. Decisions on sending an alert, including the methods and content, will be made by JCUPD supervision within the framework of the University's Emergency Management Plan.

JCUAlert

In emergency situations that pose an immediate threat to the University community, you will receive a text message alert. JCUAlert is the University's text messaging system that will instantly and simultaneously distribute both an e-mail and text message to registered users. The text message can be sent to cell phones, wireless PDAs, smart phones and satellite phones, and pagers. All students are enrolled in this system upon registration, and employees can register anytime. Employees' cell phone numbers are uploaded into the JCU Alert system several times per year.

Audible Alarms

In the event of an emergency that would require the evacuation of a building, the building's fire alarm may be activated. For a campus-wide evacuation, all building fire alarm systems may be activated simultaneously. John Carroll police or other first responders will direct you to campus evacuation shelters or other sites as necessary.

Public Broadcast Systems

In emergency situations when communication must be made to a group of people or those who are outside, a public broadcast system may be used. This may be done through building public address systems, emergency vehicle speakers, or by University officials with bullhorns.

Campus Phone and Voicemail Systems

In some emergencies, you may be notified by the campus phone or a campus-wide voice mail. You may also be notified by phone if you are part of an administrative department phone tree.

E-Mail System and Website

In some emergencies, you may be notified by a campus-wide e-mail. Additionally, there may be instructions, status reports or other information posted on the John Carroll website.

Timely Warning

If a crime or hate crime occurs which could pose a serious or continuing threat to the safety of the JCU community, the University will issue a Timely Warning (Security Alert) to the campus. The purpose of Security Alert is to enable the JCU community to protect themselves and aid in the prevention of similar crimes. Information provided in a Security Alert includes a description of the crime, the date(s), time(s) and location(s) as well as suspect(s) description or photo, if known and available and if the description or photo will assist in protection of the community or apprehension of the suspect(s). Other relevant information may be included that will help protect and inform, but hinder investigation of the crime. JCUPD will issue a Security Alert once pertinent and sufficient information from police or other sources has been received to advise of the threat to safety. JCUPD may issue an initial Security Alert with available information and send a follow-up Security Alert(s) when additional information is available or has been verified.

A “Security Alert” (Timely Warning) will be issued when JCUPD is made aware of a crime or hate crime that has occurred on or near campus that may pose a serious or continuing threat to the safety of the campus community. Examples include, but are not limited to: homicide, sexual assault, assault or robbery.

In addition to a security alert, a “Security Advisory” may be issued when a pattern of property theft has been identified on campus. Examples include but are not limited to: thefts from buildings or vehicles.

JCUPD works closely with the University Heights Police and other neighboring police agencies, sharing information regarding crimes and crime trends.

The JCUPD Chief, or designee, will make a determination on sending a timely warning/alert or advisory once pertinent information from police reports and/or other sources is received. When time and circumstances allow, other appropriate University officials such as the Vice President for Student Affairs, the Dean of Students, the Director of Regulatory Affairs & Risk Management, and/or the General Counsel may be consulted as necessary in making a determination on a Timely Warning/Security Alert or Security Advisory. Factors considered in whether a Timely Warning/Security Alert or Security Advisory is issued include:

- The immediate and long term health and safety of the campus community
- The nature of the threat
- The time lapse since the threat arose
- Privacy interests of persons involved
- Impact on police and university investigations.

Names and other personal identifiers of victims or witnesses will not be used in the alerts or advisories. Names, descriptions or photos/videos of known suspects will be provided when the information is provided and confirmed, and necessary to protect the health or safety of the campus community and/or to assist in the apprehension of the suspect, and will not impede a criminal investigation.

Information provided in the alert or advisory will be: a description of the crime; the date(s), time(s) and location(s); as well as suspect(s) description or photo if known and if helpful in the apprehension of the suspect(s). Other relevant information may be included that will help protect and inform, but will not hinder investigation of the crime. Prevention strategies and JCUPD contact information will also be provided. Alerts and advisories will be sent via e-mail, as mass text messages, via other appropriate media, and posted on the JCUPD web site: <https://jcu.edu/student-life/health-wellness-and-safety/jcu-police-department>

Annual Fire Safety Report

Fire Safety Policy and Statistics

Campus buildings are protected from fire by fire alarm systems in each building, which are monitored on campus by JCUPD dispatchers 24 hours a day, 7 days a week, 365 days a year. Strobes and horns or automated voice commands sound in each building to alert occupants that a fire condition exists. Alarms may be generated manually by pull stations, or automatically by smoke or duct detectors, and sprinklers in some buildings.

Once an alarm is received by JCUPD dispatchers, JCUPD officers are dispatched to the building to determine the exact location and cause of the alarm, as well as assist with building evacuation. During business hours, Facilities Services staff will also respond. The dispatcher will then call the local fire department to report the alarm. The dispatcher will continue to receive updates from the officers on scene and relay that information to responding fire units. JCUPD,

facilities staff and local firefighters will work together to determine the cause of the alarm. These responders will take steps to resolve the cause of the alarm, including fighting the fire. Once the building is determined to be safe by the ranking fire department official on scene, occupants will be allowed to re-enter. Fires and fire-related incidents should be reported to JCUPD dispatch at 216-397-1234 in both emergency scenarios and after the fact.

Facilities Department staff conduct inspections to ensure that fire detections devices (smoke detectors), fire annunciation devices (strobes/horns/voice commands) are working properly, inspect building fire systems quarterly. Qualified contractors inspect fire suppression systems (sprinklers, fume hood suppression systems) annually. Fire extinguishers are checked monthly by facilities staff and tested annually by qualified contractors.

Residence Hall Fire Safety Policies

The following policies apply to students living in on-campus residence halls:

A fire safety program is conducted in each building during the fall semester. Two fire drills are conducted in each residence hall, once per semester. A fire alarm is activated in each building, and JCUPD and Residence Life staff monitor the evacuation and response to the alarm by building occupants. Immediate and follow up corrective actions are taken to ensure compliance with fire safety procedures listed below.

Failing to evacuate the building during an alarm will result in disciplinary action. The University Heights Fire Marshall inspects each residence hall regularly. The Fire Marshall may enter any room without notification to determine if there is a violation of fire safety policies.

All fire alarms should be considered true indications of danger and the building must be evacuated as safely and quickly as possible. While staff will attempt to alert residents to leave, it is incumbent upon each person to take personal responsibility to exit the building. Staff will indicate when people may safely return inside.

Electrical appliances must be in compliance with the housing and fire codes of the City of University Heights. Each appliance must be UL approved. Approved appliances include stereos, computers, televisions, VCRs, DVD players, refrigerators (4.6 cubic feet or smaller), microwaves (1 cubic foot and 700 - 900 watts), blankets, fans, coffee makers, desk lights, hair dryers, and curling irons. Prohibited items include toasters, toaster ovens, hot plates, hot pots, sun lamps, electric skillets and woks, grills (including the George Foreman grill), oil popcorn poppers, space heaters, percolators, air conditioners, halogen bulb lamps, and potpourri burners. Only UL approved, circuit breaker type extension cords and power-strips may be used.

What to do when a fire alarm sounds

- Residents and their guests must evacuate the building immediately.
- Feel the door with the back of your hand to test for heat.
- Cover entire body with clothing, if possible, and carry an extra towel to protect face and hair.
- Close the room windows and leave the drapes/blinds open.
- Close and lock the door.
- Walk quickly and quietly.
- Leave the building by the nearest exit.
- Once outside the building, move away from the entrances, pair up with your roommate, move to the spot designated for your floor and do not block the street or parking lot.

If you cannot leave your room because of heat or smoke:

- Place a towel at the base of the door to prevent smoke from coming into the room.
- Hang a sheet out of the room window to indicate that you are there.
- Call x1234 to give JCUPD your location.

Fire Safety Misconduct

Causing a building to go into alarm falsely can carry grave consequences. Students may panic or may ignore the alarm believing it to be false. This may in turn cause students to become injured, overcome by smoke, or to lose their lives. Therefore, the University takes the actions of tampering with fire alarms, smoke detectors, sprinklers, and fire extinguishers which trigger an alarm very seriously.

The following will be considered as sufficient cause for immediate expulsion from the University:

- *Intentionally setting a fire of any nature.*

The following will be considered as sufficient cause for immediate suspension from the University:

- *Pulling a fire alarm when no danger is present.*
- *Tampering with smoke detectors or sprinkler systems resulting in triggering the alarm system.*

The following will be considered as sufficient cause for immediate removal from the residence halls for a designated period of time:

- *Misuse of fire extinguishers.*
- *Setting off fire crackers or similar incendiary devices.*
- *Tampering with the protective hood on fire alarm pull stations.*
- *Leaving candles lit and unattended.*
- *Removing batteries from a room smoke detector.*
- *Vandalizing exit signs.*

Fire Safety Report (Continued)

2018 Fire Statistics

<u>2018 Fire Statistics</u>	# of Fires	(Cause of fire)	Deaths from fires	Injuries From fires	Damage from fires	Fire drills	Fire System
RES HALL							
Bernet	0	n/a	0	0	\$0	2/year	Smoke detectors, sprinklers, and pull stations monitored 24 hours by Campus Safety dispatch.
Campion	0	n/a	0	0	\$0	2/year	Smoke detectors, partial sprinklers, and pull stations monitored 24 hours by Campus Safety dispatch.
Dolan	0	n/a	0	0	\$0	2/year	Smoke detectors and pull stations monitored 24 hours by Campus Safety dispatch.
Hamlin	0	n/a	0	0	\$0	2/year	Smoke detectors, partial sprinklers, and pull stations monitored 24 hours by Campus Safety dispatch.
Millor	0	n/a	0	0	\$0	2/year	Smoke detectors and pull stations monitored 24 hours by Campus Safety dispatch.
Murphy	0	n/a	0	0	\$0	2/year	Smoke detectors and pull stations monitored 24 hours by Campus Safety dispatch.
Pacelli	0	n/a	0	0	\$0	2/year	Smoke detectors and pull stations monitored 24 hours by Campus Safety dispatch.
Sutowski	0	n/a	0	0	\$0	2/year	Smoke detectors and pull stations monitored 24 hours by Campus Safety dispatch.

Fire Safety Log

A log containing incidents of fires in campus buildings is included in the crime log, and posted at:

<https://jcu.edu/student-life/health-wellness-and-safety/jcu-police-department/reports-and-logs>. Hard copies are kept in the JCUPD office, RecPlex room 14 and available business hours. The log is updated within 48 hours of a report.

- the date the fire was reported;
- the nature of the fire;
- the date and time of the fire; and
- the general location of the fire

CAMPUS EMERGENCY RESPONSE AND EVACUATION POLICIES

Emergencies and disasters are unpredictable and often strike without warning. It is essential that all John Carroll faculty, staff, and students respond quickly and appropriately to emergency situations in order to reduce the risk of injury and property damage. Please view the [Emergency Response Guide](#) for information about what you should do, and what responders will do in the event of an emergency.

MISSING STUDENT POLICY

Any student who resides in on-campus housing has the option to identify an individual that University officials can contact no later than 24 hours after the student has been determined to be missing by University officials.

On-campus resident students may register this contact information at the time they provide emergency contact information for the University housing contract. Providing this information is optional, and the information will be kept confidential and will only be accessible to authorized University officials.

Any student, faculty, staff, administrator or other party who reports an on-campus student missing should be directed to JCUPD. JCUPD will, in conjunction with appropriate outside public safety agencies, investigate the missing person report. If JCUPD determine that an on-campus student has been missing for 24 hours or more, the individual identified by the student as a contact will be called to notify him/her, and gather information for the investigation. If the missing student is under 18 years of age and not emancipated, JCUPD will immediately contact the custodial parent or legal guardian of the student. JCUPD, University officials and appropriate outside agencies will continue to investigate and attempt to locate the missing student.

DRUG AND ALCOHOL POLICIES

Members of the University community are expected to be aware of and obey federal, state, and municipal laws or ordinances regulating the use, possession or sale of alcoholic beverages, illegal drugs, or controlled substances. Persons under the age of 21 are not permitted to consume alcohol under any circumstances on University property, or at any university event, regardless of where the event takes place. The University prohibits the illegal use possession, or distribution of illegal drugs or controlled substances or association with gatherings involving such use, possession, or distribution. Those cited for violations of law or ordinances by state, federal, or municipal authorities may face University disciplinary proceedings. The university reserves the right to take disciplinary action against any student for off-campus behavior that violates this policy. . These policies and the education efforts referenced below are part of the University's compliance with the Drug-Free Schools and Communities Act of 1989.

Student drug and alcohol policies are detailed here: <https://jcu.edu/about-us/administrative-offices/dean-of-students/student-conduct-community-standards>

Employee drug and alcohol policies are detailed here: http://webmedia.jcu.edu/hr/files/2016/11/Drug-Free-Workplace-Policy_11_22_2016.pdf

FACILITY SECURITY

Exterior doors of all residence halls are locked at all times, with at least one door secured by a card access system. Resident students are given 24 hour access to the building in which they live, and may be granted certain access elsewhere on campus with approval of an appropriate granting authority. Non-residents are not permitted in residence halls without a resident escort. Each residence hall lobby has a courtesy phone for this purpose. Residents are responsible for the behavior of their guests. Additional security measures include video cameras recording public areas in residence halls, and regular patrols by residence life staff and JCUPD.

- Each campus building has card access controls to aid in controlling after hour access to buildings and rooms. Classroom, library, and recreational facility hours are posted each semester. All faculty and staff are granted 24/7 access to the building in which they work, and to other buildings as necessary with supervisory approval. The Information Technology Services (ITS) Department coordinates the access control systems and can be reached by phone at 216-397-3005, by email at servicedesk@jcu.edu, or online at helpdesk.jcu.edu.

Employees working after normal hours or on weekends should notify JCUPD of their location and approximate time they will be in the building. Students, faculty and staff are encouraged to call JCUPD immediately if suspicious persons or activities are noticed in campus buildings or anywhere on campus. Staffs from Campus Facilities, JCUPD and Residence Life continually check campus buildings/facilities to ensure doors, windows, locks, access systems, lighting and other safety and security equipment and infrastructure are in good repair and working properly.