

**Xavier  
University  
Academic Year 2014-15 Jeanne  
Clery Act Report**

(with statistics for calendar years  
2011, 2012, and 2013)

*The Annual Campus Security and Fire Safety  
Report*

The Xavier University Police Department (XUPD) has been designated as the department responsible for compiling and publishing the University's annual security and fire safety report. This document is intended to serve as the annual security and fire safety report, as required by the Higher Education Opportunity Act and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The purpose of the report is to provide information about security on campus, to include: campus and community crime statistics, fire statistics and safety information, policy information, safety tips, resource phone numbers and a brief overview of the many services the University provides. A map of the campus can be found at: <http://www.xavier.edu/about/documents/campusmap.pdf> Keep this information where it can be easily located; it provides you with a useful reference source of information. Information for this report is compiled from reports provided by Campus Security Authorities including, but not limited to: the Office of Student Integrity, the Office of Residence Life, XUPD, the Title IX Coordinator, and the Xavier Advocate program. Statistics are also compiled from law enforcement agencies in jurisdictions where Xavier University owns leases, or controls property or those with jurisdiction on adjacent property. Information for the Campus was also obtained from the Cincinnati Police and the Norwood Police Departments. Individuals, who want to report crimes for inclusion in the Annual Security Report, or for the purpose of making timely warning reports, should report them to XUPD. Xavier University is committed to providing the members of the campus community and visitors with the safest and most secure environment possible; however, even the most extensive initiatives cannot succeed without the awareness and cooperation of the community members who work, study, and live on campus.

**Campus Overview**

Xavier University has a campus population of approximately 7,000 students hailing from 48 states and 49 countries, the 190 acres and 7 major residential complexes covering the main University grounds help to create a dynamic college environment at Xavier.

**Xavier University Police Department**

Under section 1713.50 of the Ohio Revised Codes, XUPD is a professional state certified law enforcement organization staffed by highly trained men and women. The department consists of 27 sworn officers and a full time support staff of 6 employees.

XUPD operates 24 hours a day and provides full police services to the University community. The officers are empowered to enforce all federal, state, and local laws on University property.

They have full authority to make arrests and carry firearms. In addition to patrol, investigation, and crime prevention, the department answers calls for assistance, such as motorist assists. XUPD officers have jurisdiction and respond to incidents on the immediate campus, and property owned or leased by the University. A concurrent jurisdiction agreement was signed by the City of Cincinnati as well as the City of Norwood authorizing XUPD the police powers and authority to patrol city/public streets around campus as deemed necessary and appropriate.

XUPD maintains a close working relationship with the Cincinnati and Norwood Police, as well as other law enforcement agencies throughout the county. XUPD does not have a Memo of Understanding with the Cincinnati PD or the Norwood PD regarding the investigation of criminal incidents.

XUPD is a member of the Hamilton County Police Association and has entered into a county-wide Memorandum of Understanding with over 48 local police agencies/departments that enables these agencies to work collaboratively to assist during a crisis or county-wide National Incident Management System (NIMS) emergency. As a participant in the National Crime Information Center (NCIC) and Regional Crime Information Center (RCIC), XUPD is able to transmit and receive crime information with other police agencies throughout the United States. Through its membership in related professional organizations, the department is able to keep abreast of new or developing ideas and has a medium for the exchange of information on law enforcement issues.

### **Fire and Crime Logs**

XUPD maintains a "Daily Crime and Fire Log" that is published daily with the exception of weekends and holidays. The "Daily Crime and Fire Log" lists all incidents of crime and actual fires in residence halls within the past 24 hours, or over the weekend. The report is available for review 24 hours a day at XUPD or on XUPD website <http://www.xavier.edu/police>. The City of Norwood typically notifies XUPD when a student is involved in an incident or crime in the City or Norwood. XUPD monitors the local Cincinnati and Norwood Police frequencies to stay current with any incidents that may impact the Xavier community. Xavier University does not have any off campus locations of officially recognized student organizations, or student organizations with off campus housing.

## **Policies and Regulations**

### **Emergency Response and Evacuation**

Xavier University will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation, occurring on the campus, involving an immediate threat to the health or safety of students and employees on campus. In accordance with the Higher Education Act of 1965, the University has implemented a comprehensive communications system with the primary method of communication being the XU Alert Me System (Text, Phone, email, and electronic message signs, where available) to provide prompt warning notifications and alerts of immediate threats to the health and safety of members of the campus community. The University may also use additional communication methods, including: outdoor mass notification system, University website notices, Public Address System (where

available), and building fire alarm systems.

Members of the Xavier community are automatically signed up for immediate email notification through Xavier University XU Alert Me. Additionally, all students are automatically signed up to receive immediate phone notification through the XU Alert Me system if the student registered a phone number during the enrollment process. Others may check the University website at [www.xavier.edu](http://www.xavier.edu) and the Xavier Safety site at [www.xavier.edu/safety](http://www.xavier.edu/safety) for updates during an emergency on campus.

XUPD is primarily responsible for confirming that there is a significant emergency or dangerous situation on campus that could cause an immediate threat to the health and safety of the members of the campus community. XUPD may be assisted in confirming an emergency by other XU administrators, the local first responder agencies and/or the National Weather Service. For example, there are other departments on campus that could be in a position to assist with confirming certain types of emergencies, such as a pandemic flu outbreak, etc. The Office of University Communications, XUPD, and/or Clery Compliance and Safety Coordinator have access to the systems to notify the campus community of immediate threats that have occurred and necessitate evacuation, shelter in place, or other action on the part of students, employees, and campus visitors. These offices/departments in conjunction with the Xavier University Campus Emergency Response Team have the authority to determine the appropriate segment or segments of the campus community that will receive alerts, to determine the content of the alert, and to initiate the notification system.

System to use	Primary Message Creator	Backup Message Creator	Authority for approving & sending messages	Primary Message Sender	Backup Message Sender
<b>PRIMARY</b>					
XU Alert ME (Text/Email/ Phone, and Classroom Elect. Message Signs)	XUPD	ARM, CCSC, and UC	XUPD, ARM, CCSC, and UC	XUPD	ARM, CCSC, and UC

<b>SECONDARY</b>					
Outdoor Warning Systems	XUPD	ARM, CCSC, and UC	XUPD, ARM, CCSC, and UC	XUPD	ARM, CCSC, and UC
University Safety Website	XUPD	ARM, CCSC, and UC	XUPD, ARM, CCSC, and UC	XUPD	ARM, CCSC, and UC
PA Systems (where available)	XUPD	Bldg Mgmt and Physical Plant	XUPD, Bldg Mgmt and Physical Plant	XUPD	Bldg Mgmt and Physical Plant
Bldg Fire Alarm	XUPD	Bldg Occupants and Physical Plant	XUPD, Bldg Occupants and Physical Plant	XUPD	Bldg Occupants and Physical Plant

ARM=Audit and Risk Management  
 CCSC=Clery Compliance and Safety Coordinator  
 UC=University Communications  
 XUPD=XUPD

In the event of a failure in the systems (technology) listed above, the University may use face to face communication. The University typically provides follow-up information to the community using the same systems that were used to send out the original alert. The information will also be updated on the Xavier University Safety website.

Members of the larger community, such as parents, neighbors, etc. interested in receiving information about emergencies on campus may access the Xavier University Safety website at [www.xavier.edu/safety](http://www.xavier.edu/safety) and via local and/or national news coverage.

**Timely Warnings**

Timely Warnings will be provided to the Xavier community in the event of a reported crime, on campus, that, in the judgment of the Chief of XUPD or a designee, constitutes a serious or continuing threat to the University community. Although not required, there may be some crimes that occur near the campus that may result in the issuance of a Timely Warning Notice. A warning will be issued as soon as the pertinent information is available. The warnings are

generally written, approved and distributed by the Chief of Police or a designee in the police department. If the police department is unable to create and send the message, the following departments are authorized to create and send the timely warning notice, Audit and Risk Management, Clery Compliance and Safety and University Communications. The primary method of communicating Timely Warning Notices to the entire campus community will be a blast email via the University's XU Alert ME system. The Timely Warning Notices may also be posted on the Xavier University Safety Website at <http://www.xavier.edu/safety>. Updates to the Xavier University community about any particular case resulting in a Timely Warning will be posted on the Xavier Safety Website <http://www.xavier.edu/safety/>.

Timely Warnings are generally distributed for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications: major incidents of arson, aggravated assault, criminal homicide, robbery and sex offenses. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by XUPD. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other Xavier University community members and a Timely Warning would not be distributed. In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a “timely” notice to the community. Sex offenses will be considered on a case by case basis depending on when and where the incident occurred, when it was reported, and the amount information known by XUPD. Timely Warnings are not limited to violent crimes or crimes against persons and may be issued for threats to persons or to property. Whether a case warrants issuance of a Timely Warning will be evaluated by XUPD Chief or designee on a case by-case basis in light of all the facts surrounding a crime, including, but not limited to, the nature of the crime, continuing danger to the campus community, and the possible risk of compromising law enforcement efforts. This factor does not mean that in the event of a serious or continuing threat to students or employees a Timely Warning should not be issued- rather, that Xavier will take law enforcement efforts into consideration when issuing a warning.

Timely Warnings will contain information that would promote safety and that would aid in the prevention of similar crimes

### **Missing Person**

If a member of the University community has reason to believe that a student who resides in on-campus housing is missing; he or she should immediately notify XUPD at 513-745-1000. XUPD will generate a missing person report and initiate an investigation.

After investigating the missing person report, should XUPD determine that the student is missing, and has been missing for more than 24 hours, XUPD will notify the student’s missing person contact, no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, XUPD will notify the student's parent or legal guardian within 24 hours after making the determination that the student has been missing for 24 hours. As required by law, XUPD, regardless of whether the missing student is over the age of 18, or is an emancipated minor, will inform the local law enforcement agency with jurisdiction in the area the student was reported missing, of any missing student in order to inform them that XUPD has conducted an initial investigation and has determined that a

student is missing. This notification will be made no later than 24 hours after the student is determined to be missing. In addition to registering an emergency contact, students residing in on-campus housing have the option to identify, confidentially, an individual to be contacted by Xavier University in the event the student is determined to be missing for more than 24 hours. Students who wish to identify a confidential contact can do so through the Office of Residence Life. This confidential contact information will be accessible only to authorized campus officials and law enforcement and it will not be disclosed outside of a missing person investigation.

### **Security & Access to Campus Buildings**

Security and access control design standards have been developed for new and renovated buildings owned by the University. Designs are reviewed by XUPD for compliance with security requirements.

Primary entrance and exit doors in all traditional residence halls are equipped with electronic access control and video cameras and shall remain locked except in those buildings that house University offices (i.e. cafeteria, registrar, bursar, etc.) however, in these buildings the interior doors to the residential areas are equipped with electronic access for authorized students and staff to access those areas. In addition, exterior entrances are allowed to be unlocked during official move-in hours each fall. Residents of the building and their escorted guests, as well as authorized persons, access the building by utilizing the "All Card" access system.

Academic and administrative buildings are open to the public during operating hours and are generally secured after operating hours and during extended breaks. The majority of the academic and administrative buildings are equipped with electronic access control and are locked during non-business hours. During a campus emergency, XUPD can lock these buildings electronically from the Xavier University Dispatch Center. For information about the access protocols for a specific building, see Auxiliary Services, a department head, or contact XUPD at 513-745-2000.

Resident Advisors (RAs) and XUPD Officers make rounds during evening hours to verify that exterior entrances are locked and secured. Residence Life Staff also make reports of malfunctioning lights and other unsafe physical conditions that need to be addressed. Information in those reports is forwarded to the appropriate facility/department for follow-up. XUPD Officers also conduct security patrols in the academic and administrative buildings on campus during the evening hours when the buildings are closed. These patrols are designed to allow XUPD to monitor security and safety measures in those on campus buildings.

### **Security Considerations Used in the Maintenance of Campus Facilities**

Facilities and landscapes are maintained in a manner that minimizes hazardous conditions. When facilities receive maintenance or renovations, security measures such as lighting, landscape and entrance security are included, if it is deemed necessary by Xavier University Physical Plant Office and XUPD Crime Prevention Sergeant. Other members of the University community are helpful when they report equipment problems to XUPD or to the Xavier University Office of Physical Plant.

Xavier University has designed policies and regulations in order to create a safe and harmonious environment for the members of its community. All campus community members and visitors to

the University are required to obey these regulations. These policies not only reflect the University's high standards of conduct, but also local, state and federal laws. Observed and enforced, they create a significant degree of safety for the University community.

### **Weapons**

The possession of, use or storage of any firearm, ammunition, explosive device (including fireworks), or other deadly weapon in any form is prohibited on any Xavier University property or in a facility or on any property owned, leased, or operated by the University, except by authorized law enforcement personnel. See <http://www.xavier.edu/police/Weapons.cfm> for the complete policy.

"Weapons" include, but are not limited to, martial arts weapons, knives (other than those necessary for cooking or approved University activities), bows and arrows, air guns, shot guns, BB guns, paintball guns, rifles, pistols and any other type of deadly weapon, or weapons that can cause bodily harm. In accordance with section 2923.126 (C-3) of the Ohio Revised Code, Xavier University has the authority to post a sign in a conspicuous location "prohibiting persons from carrying firearms or concealed firearms" onto campus. "A person who knowingly violates a posted prohibition of that nature is guilty of criminal trespass in violation of division (A) (4) of section 2911.21 of the Revised Code and is guilty of a misdemeanor of the fourth degree."

All unauthorized weapons shall be seized by XUPD and held for safe keeping pursuant to established departmental procedures, or turned over to the local police/fire department for disposal. Weapons seized from individuals who are duly licensed to carry concealed weapons pursuant to section 2923.125 or 2923.1213 of the Ohio Revised Code, may, in the discretion of XUPD, be returned to said individual upon request and proof that their permit to carry license/permit is valid. Returns shall be made at XUPD under strict safety guidelines. Any student determined to have violated this policy is subject to disciplinary action via the student conduct process. If the guest(s) of a Xavier student is found in violation of the Weapon's Policy, he/she will be subject to criminal charges, and other requirements (e.g. banned from campus) will be imposed. Additionally, the student who hosted the non-Xavier guest(s) may be held responsible for the actions of that guest(s) through the University's student conduct process.

### **Alcohol and Drugs**

Xavier University recognizes that the misuse and abuse of alcohol is a persistent social and health problem of major proportion in our society and that it interferes with the goals and objectives of any educational institution. Accordingly, Xavier University does not encourage the use of alcoholic beverages and strongly discourages illegal or otherwise irresponsible use of alcohol. Members of the University community are responsible for their decisions regarding their use of alcohol as well as their behavior, which occurs as a result of these decisions. In this context, Xavier University created a comprehensive policy on Alcoholic Beverages and Other Controlled Substances. This policy can be found in the University Polices for Student Life and on the web at <http://www.xavier.edu/student-integrity/>

### **Alcohol Policy**

Xavier University fully enforces the underage drinking laws of the State of Ohio. All state laws apply to Xavier University students, faculty, staff, and visitors while on Xavier University Campus. These laws prohibit possession, use, sale, distribution, and consumption of all alcoholic beverages by persons less than 21 years of age. To maintain conditions conducive to a learning environment, and to ensure that all community members are in a safe, productive environment, the University further restricts the use of alcohol within specified criteria. For more comprehensive details, please refer to the University's Policy on Alcoholic Beverages at <http://www.xavier.edu/student-integrity/documents/1alcoholpolicy.pdf>

### **Drug and Alcohol Prevention Program**

Xavier University is concerned about anyone who struggles with substance abuse. Campus resources and personnel from Xavier McGrath Health and Wellness Center and Psychological Services Center, provide substance abuse counseling and referral assistance for students facing problems associated with drug and alcohol abuse. The Center supervises and runs programs that include individual and group oriented workshops, and educational programs and training. The University also has available a number of student organizations that address substance abuse prevention. Xavier University has an Alcohol and Other Drug (AOD) prevention program based on the 3-tier environmental management model. Students who violate the University's Alcohol and Other Drug Policy are required, when found responsible through the student conduct process, to participate in alcohol/drug education programs. Information and education is provided in group and individual sessions. Students who are having difficulty with decision-making with regard to their alcohol/drug use or may have been identified to be at-risk are referred to Xavier Counseling Services, Xavier Health Services, or Xavier Psychological Services for assessment, treatment, or referral. Xavier Counseling Services and Xavier Health Services can be reached by calling 745-3022 or visiting their website: [www.xavier.edu/health](http://www.xavier.edu/health) wellness. Xavier Psychological Services can be reached by calling 745-3531 or visiting their website at <http://www.xavier.edu/psychologicalservices/>.

In compliance with the Drug Free Schools and Communities Act, Xavier University has the following policy pertaining to drug and alcohol abuse education programs <http://www.xavier.edu/student-integrity/documents/studenthandbook.pdf>

### **Controlled Substances**

The University strictly prohibits the illegal use, possession or sale of any controlled substance. The illegal use of controlled substances is incompatible with the goals and mission of an academic community. Students found guilty of possessing, using, distributing, or selling controlled substances will face serious disciplinary action that may include suspension and/or dismissal from the University for the first offense. Violations of Federal and state drug laws should be reported to XUPD which will take appropriate legal actions to enforce those laws. For more comprehensive details, please refer to the University's Policy for a Drug Free University at <http://www.xavier.edu/student-integrity/Drug-Free-Schools-and-Communities-Act.cfm>

### **Smoking/Non-smoking Areas**

All Xavier buildings are smoke free. Therefore, smoking is prohibited in residence hall rooms and any public areas such as hallways, stairwells, lounges, bathrooms, kitchens, laundry



rooms, offices, and common areas. In order to provide a smoke-free entry to buildings, students and others who choose to smoke should do so at least 15 feet away from any building entrance (e.g. a residence hall or apartment.) Students are responsible for informing their guests of this policy and ensuring that guests adhere to it. Any instrument, vessel, or device (e.g., bong, pipe, rolling papers, hookahs, etc. this list is illustrative not exhaustive) used to smoke illegal substances in the commission of a violation of Xavier policy or state law is considered contraband and is prohibited. Such items will be confiscated and conduct charges may be levied. The policy is available at:

<http://www.xavier.edu/student-integrity/documents/studenthandbook.pdf>

### **Emergency Preparedness**

Emergency preparedness and information on what to do in an emergency can be found on the Safety website at <http://www.xavier.edu/safety> information is also available on XUPD website.

In an emergency it is important to remember three important things: do not take unnecessary risks; there is no substitute for remaining calm; and always use common sense. University departments in conjunction with Clery Compliance and Safety are responsible for developing emergency action plans and continuity of operations plans for their staff and areas of responsibility. The University conducts emergency response exercises each year, such as table top exercises, field exercises, and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. Drills and exercises may be announced or unannounced.

When a serious incident occurs that causes an immediate threat, the first responders to the scene will be XUPD, Cincinnati/Norwood Police/Fire/EMS, as well as other jurisdictions, as applicable. These agencies work together under a NIMS Unified Command structure to manage the incident. General information about the emergency response and evacuation procedures for Xavier University is publicized each year as part of the institution's Clery Act compliance efforts. Xavier University will notify the University community of its emergency notification, emergency response, and evacuation procedures via email, in conjunction with at least one drill or exercise each calendar year. Information related to emergency notifications and emergency guidelines can be found at the Xavier University Safety website <http://www.xavier.edu/safety>.

### **Emergency Evacuation Procedures**

Xavier University participates in emergency tests or evacuation drills at least once per year to assess and evaluate emergency procedures and capabilities. The evacuation drills, tabletop exercises and emergency preparedness training are done in partnership with XUPD, the Campus Emergency Response Team (CERT), and the local fire and police departments when possible. XUPD will document each test, including the date, time and whether it was announced or unannounced.

### **Fire Safety**

Xavier University is a strong believer in fire safety. In addition to publishing fire prevention and emergency action plans for each building, full-building evacuation drills are conducted

as part of our fire preparedness efforts. Xavier is also required to conduct fire drills in all of its buildings by the Ohio Fire Code and the Cincinnati Fire Prevention Code.

It is important to periodically conduct these drills to test the evacuation plan and confirm:

- Occupants know what the alarm sounds like and what to do when it sounds
- Where to meet once safely outside the building
- All of the fire safety equipment functioned properly
- The evacuation plan worked as designed
- All occupants reacted appropriately and evacuated the building immediately in an orderly fashion
- If any revisions or modifications to the plan are required
- Building occupants had the opportunity to ask questions about the plan and procedures and make suggestions for plan improvement

Full-building fire evacuation drills are conducted at least once each school year for administrative and academic buildings. Every effort is made to minimize disruption to the normal operation of the building while at the same time trying to conduct a realistic exercise. Fire drills are conducted at the beginning of each school year for all residence halls after the students have first received fire safety training.

By law, occupants are required to immediately evacuate the building when a fire alarm sounds whether they believe it to be a false alarm or a real alarm. According to the Ohio Fire Code and the Cincinnati Fire Prevention Code, failure to evacuate any structure upon the sound of an alarm or interfering with an evacuation in any manner is a misdemeanor and penalties may be a fine of not more than \$1,000, or imprisonment for not more than six (6) months or both. In addition, the penalty for students who fail to evacuate their residence hall is \$100, per the Student Handbook, and cannot be appealed.

Each faculty and staff member is instructed as follows: If you are not sure of what to do when a fire alarm sounds, contact your building coordinator or go to the Xavier University Safety website <http://www.xavier.edu/safety>. This information is particularly important for faculty, both full and part time, because students are looking to you to know what to do in the event of an emergency. You should review the plan for every building in which you teach a class as well as your office building as a part of your preparation for the semester. A copy of the emergency instructions is posted near the door of each classroom.

Each University building has an Emergency Action Plan (EAP) that outlines the actions occupants in the building must take during emergencies.

### **Shelter-in-Place Procedures – What it Means to Shelter-in-Place**

As part of an Emergency Action Plan, if an incident occurs and the buildings or areas become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose students and staff to that danger. Thus, to *shelter-in-place* means to make a shelter of the building where you are located and with a few adjustments this location can be made even safer and more comfortable

until it is safe to go outside.

### **How You Will Know to Shelter-in-Place**

A shelter-in-place notification may come from several sources, including XUPD, other University employees, or other authorities. XU Alert Me is the primary means of disseminating the notification; however other means of communication, such as mass notification systems may also be employed.

### **How to Shelter-in-Place**

Regardless of location, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise; follow these steps, unless instructed otherwise by local emergency personnel:

1. If inside, stay where you are. Collect any emergency shelter-in-place supplies and telephone to be used in case of emergency. If outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
  - a. An interior room;
  - b. Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms maybe necessary
3. Shut and lock all windows and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as able. (University staff will turn off the ventilation as quickly as possible.)
6. Make a list of the people with you and call or ask someone (faculty, or other staff) to call the list in to XUPD so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. Turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.

### **Reporting a Crime, Fire or Getting Emergency Assistance**

Employees and students are advised that they are responsible for being aware of and complying with University policies/procedures, and applicable law. Employees and students are encouraged and obligated to accurately, voluntarily, and promptly report crimes, emergencies, potential threats, or risks to the appropriate University office(s). Crimes and other emergencies should be reported to XUPD at 513-745-1000 for an emergency 513-745-2000 for non-emergencies. Victims or witnesses of crimes on campus may report those crimes confidentially for inclusion in the annual crime disclosure by calling or texting 513-709-STOP (7867); further, they may also be reported confidentially through the Xavier University Hotline as further described at <http://www.xavier.edu/audit-risk/ethicspoint.cfm> . Criminal or suspicious acts, including fires and other emergencies, should be reported to the police immediately in person, by telephone, or by using one of the assistance phones strategically located around campus. Information is kept in the strictest confidence.

## **Confidential Reporting**

If you are the victim of a crime and do not want to pursue action within the University system or the criminal justice system, you may still want to consider making a confidential report.

Confidential resources on Xavier's campus include counselors, physicians, and nurses at McGrath Health & Wellness and Psychological Services and clergy when the person is acting within her or his professional capacity. In addition, Advocates from Xavier's Advocate Program (serving victims of harassment, discrimination, relationship violence, sexual assault, rape and stalking) are also a confidential resource. The Advocate Program discloses all reports it receives (without revealing the victim's identity if confidentiality is requested) for purposes of the annual Clery reported crime statistics.

For gender-based crimes (e.g. sexual assault, rape, domestic violence, dating violence, stalking) when reporting to a XUPD Officer and/or Xavier's Title IX Coordinator, a victim of a crime may state her or his preference that no further investigation action proceed. All reasonable steps will be taken to honor that request while allowing Xavier personnel to meet their responsibility to provide a safe, nondiscriminatory environment for all students, staff and faculty. Details on when and how XUPD and/or the Title IX Coordinator evaluate requests for limited or no further investigation action occur can be found under the Confidentiality section of this report on page 48. If a victim requests to make a confidential report, XUPD and the Title IX Coordinator will count and disclose that report in the annual crime statistics for the University without revealing the victim's identity. This allows the University to keep an accurate record of the number of incidents involving students, employees and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger.

XUPD is located in Flynn Hall across from the Commons Apartments. The dispatch office is staffed 24 hours a day and the department's dispatchers are always available to answer questions or to have an officer respond to assist.

Below are a few tips for contacting the police.

XUPD encourages everyone that has become a victim of crime to come forward and report it to the police. However, on occasion and depending on the nature of the crime the victim may decide not to press charges. This is the victim's option. Just because a report is filed with the police department does not mean that criminal charges have to be filed. Students also have the option of contacting other University resources, such as the Xavier University Multicultural, Gender & Women's Center, Xavier's Title IX Coordinator, the Office of Student Integrity or confidential campus resources, such as, McGrath Health & Wellness Center, Psychological Services Center, and Xavier's Advocate Program. For further information on confidential resources, see <http://www.xavier.edu/titleix/documents/5XavierGender-BasedSexualMisconductReportingSupportOptions.pdf>.

Victims/witnesses of crimes can anonymously, voluntarily and confidentially report crimes to 513-709-STOP (7867). Crimes can also be reported to XUPD for the purpose of making Timely Warning reports and the annual statistical disclosure. XUPD has two phone numbers.

(513)745-1000 is for police, fire and rescue emergency calls. (513)745-2000, is for non-emergency calls.

Xavier University maintains a confidential anonymous hotline that enables the community to report crimes/incidents 24 hours a day anonymously by calling **1-855-481-6238** or by following this link to the "Make Report" area of the website. <https://secure.ethicspoint.com/domain/media/en/gui/34090/index.html>

**IMPORTANT NOTICE: THIS IS AN ANONYMOUS TIP LINE AND IS NOT FOR EMERGENCIES. CALL (513) 745-1000 or 911 if you have an emergency.**

### **Response to Reported Incidents**

Reports may be made to the Director of Student Integrity for review and potential action by calling 513-745-3166 or by accessing the online reporting form at <http://www.xavier.edu/studentconcern>. In addition, a call to XUPD will connect the caller to one of the dispatchers who are available at the number listed above for XUPD (513)-745-1000 24 hours a day.. In response to a call, XUPD will take the required action, either dispatching an officer or asking the victim to report to XUPD to file an incident report. All reported crimes will be investigated by the University and may become a matter of public record to the extent they are noted on the Crime Log. XUPD incident reports are forwarded to the Director of Student Integrity for review and possible referral for disciplinary action through the student conduct process, as appropriate. In reports involving gender-based and sexual misconduct, including sexual assault, dating violence, domestic violence, and stalking, XUPD reports are forwarded to the Title IX Coordinator for investigation and possible referral for action through the student conduct process or employee conduct process. XUPD Officers, the Title IX Coordinator, the Director of Student Integrity, the Affirmative Action Office or others as denominated in the Student Handbook and HCAP will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the appropriate person/office such as XUPD, Title IX Coordinator, Director of Student Integrity or others as denominated in the Student Handbook and HCAP. If assistance is required from the Cincinnati or Norwood Police Department or the Cincinnati or Norwood Fire Department, XUPD will contact the appropriate unit where warranted, although any member of the Xavier community should always feel, and are encouraged, to also report incidents that could constitute crimes to local law enforcement. If a sexual assault or rape should occur, staff on the scene, including XUPD, will offer the victim a wide variety of services which are described in this report under section "Services, Security Awareness, and Crime Prevention Information" and those that follow.

### **Services, Security Awareness and Crime Prevention Information**

#### **Alcohol and Drug Abuse Prevention Services**

Resources for alcohol/drug abuse treatment and prevention are provided by Xavier's McGrath Health and Wellness Center and Xavier's Psychological Services Center. McGrath Health and Wellness is located at 1714 Cleneay Avenue and may be contacted at 513-745-3022. , Psychological Services Center is located in the Sycamore House, at 3818 Winding Way and may

be contacted at 513 745-3531. .

Xavier University prohibits the illegal use, possession, sale and manufacturing or distribution of drugs and alcohol by all students and employees on University premises or as part of any University activity. Any misuse of substances by University students and employees that presents physical or psychological hazard to individuals also is prohibited.

### **Safety and Security Programs**

XUPD has a full time Crime Prevention Sergeant that provides security awareness educational programming, security surveys, and other crime prevention functions to the University Community. Examples of educational programs include Alcohol Awareness, Active Shooter Response, Bicycle Safety, Drug Awareness, Operation ID, Personal and Property Safety (basic crime prevention and personal safety), and Women's Awareness and Safety.

Safety programs begin with orientation sessions for incoming freshmen and their parents. Once school begins, XUPD publishes the Safety Training Calendar highlighting the courses offered that semester, and actively recruits participants for its interactive programs. These programs include personal safety and security, drug and alcohol awareness, women's awareness, sexual assault prevention, and other requested topics. All programs are available to faculty, staff and students upon request or if a need becomes apparent. XUPD presented programs addressing alcohol, self-defense, bicycle regulations, crime statistics, Rape Aggression Defense, emergency phones, crime prevention, campus and traffic safety. Programs presented by the Xavier's Advocate Program, the Office for Student Integrity, Title IX Coordinator, Residence Life, the Multi-Cultural, Gender & Women's Center, and other faculty, staff and students included domestic and dating violence prevention, healthy relationships, effects of media on violence against women, sexual assault, sexual harassment, stalking, violence against women, mentors in violence prevention, and bystander intervention. During the 2013-2014 academic year, XUPD offered approximately 63 programs covering security awareness. A common theme covered during these sessions is to encourage individuals to be responsible for their own security as well as the security of others.

### **Violence Against Women Act Provisions**

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

For a complete copy of the Harassment Code and Accountability Procedures (applies when an employee is accused of Sex Discrimination), visit

<http://www.xavier.edu/titleix/HarassmentCodeandAccountabilityProcedures.pdf>

To access the Student Code of Conduct (applies when a student is accused of Sex Discrimination), visit

<http://www.xavier.edu/student-integrity/documents/studenthandbook.pdf>

For questions about sexual harassment, to include sexual violence, how Xavier University responds to complaints, how to make a complaint, or to find out more about the University's policies and procedures, visit <http://www.xavier.edu/titleix/Gender-Based-Sexual-Misconduct-Reporting-Options-Support.cfm> or contact any representative on the University's Title IX Team using the below information:

**Title IX Coordinator:** Kate Lawson—Gallagher Student Center 332,  
(513) 745-3046, [lawsonk1@xavier.edu](mailto:lawsonk1@xavier.edu)

**Deputy Coordinator for Employment:** Rachel Lucky, 132 Alumni Center, Human Resources,  
(513) 745-3673, [luckeyr@xavier.edu](mailto:luckeyr@xavier.edu)

Xavier University defines the forms of gender-based and sexual misconduct it prohibits in the Student Handbook and HCAP. Many of these forms of misconduct are also violations of Ohio criminal and/or civil law. Below is a summary of Xavier's definitions and policies, and Ohio legal definitions where applicable.

## CONSENT

### Xavier Definition/Policy

**Consent** means words or actions that demonstrate an affirmative, knowing and voluntary agreement to engage in a mutually agreed-upon sexual act.

- Consent must be informed and freely given.
- Consent is invalidated when it is forced, coerced, or when a person is physically and/or mentally incapable of giving consent. For example, a person who is substantially impaired by drugs or alcohol may not be able to consent. Some signs of substantial impairment may include, but are not limited to, loss of balance/inability to walk without stumbling, slurred speech, inability to focus their vision, vomiting, erratic or extreme behavior, knowledge of person's significant use of drugs or alcohol, or passing out.
- Consent is an active, on-going process. It can be withdrawn at any time, and consent for one sexual act does not imply consent for another subsequent sexual act.
- Consent, a lack of consent or a withdrawal of consent can be expressed by words or actions or both. For example, verbal silence or the absence of physical resistance does not automatically mean someone has consented to a sexual act; nor is physical resistance required for a person to verbally communicate a lack of consent or to withdraw consent.

### Ohio Revised Code 2907.01

No person shall engage in sexual conduct with another when the offender purposely compels the other person to submit by force or threat of force. No person may substantially impair another person's judgment or control by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception for the purposes of preventing resistance to sexual conduct. No person may engage in sexual conduct with another person whose ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age.

## **RAPE**

### **Xavier Definition/Policy**

**Rape:** any Act involving vaginal or anal penetration (with any body part or object) or oral sex by a man or a woman that takes place without the other person's Consent or that is Coerced.

### **Ohio Revised Code 2907.02 Rape**

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

- (a) For the purpose of preventing resistance, the offender substantially impairs the other person's judgment or control by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception.
- (b) The other person is less than thirteen years of age, whether or not the offender knows the age of the other person.
- (c) The other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age.

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

## **SEXUAL ASSAULT**

### **Xavier Definitions/Policies**

**Sexual Assault:** occurs when an Act is committed by (a) physical force, violence, threat, or intimidation; (b) ignoring the objections of the other person; (c) causing another's intoxication or impairment through the use of drugs or alcohol; or (d) taking advantage of another person's inability to Consent. All sexual misconduct involving physical force, violence, threat or intimidation falls under the definition of sexual assault and will be treated as such.

**Sexual Imposition:** sexual touching of another when the touching is unwanted or offensive to the other person, including the touching of thighs, genitals, buttocks, the pubic region, or the breast/chest area, without the person's Consent, or when Coercion is used.



**Sexual Exploitation:** without the person's Consent, taking sexual advantage of another for one's benefit or the benefit of a third party.

**Ohio Revised Code 2907.03 – 2907.06**

**2907.03 Sexual battery**

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

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

**2907.04 Unlawful sexual conduct with minor**

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

### **2907.05 Gross sexual imposition**

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

- (1) The offender purposely compels the other person, or one of the other persons, to submit by force or threat of force.
- (2) For the purpose of preventing resistance, the offender substantially impairs the judgment or control of the other person or of one of the other persons by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception.
- (3) The offender knows that the judgment or control of the other person or of one of the other persons is substantially impaired as a result of the influence of any drug or intoxicant administered to the other person with the other person's consent for the purpose of any kind of medical or dental examination, treatment, or surgery.
- (4) The other person, or one of the other persons, is less than thirteen years of age, whether or not the offender knows the age of that person.
- (5) The ability of the other person to resist or consent or the ability of one of the other persons to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the ability to resist or consent of the other person or of one of the other persons is substantially impaired because of a mental or physical condition or because of advanced age.

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

### **2907.06 Sexual imposition**

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

- (1) The offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard.
- (2) The offender knows that the other person's, or one of the other person's, ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired.
- (3) The offender knows that the other person, or one of the other persons, submits because of being unaware of the sexual contact.
- (4) The other person, or one of the other persons, is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of such person, and the offender is at least eighteen years of age and four or more years older than such other person.
- (5) The offender is a mental health professional, the other person or one of the other persons is a mental health client or patient of the offender, and the offender induces the other person who is the client or patient to submit by falsely representing to the other

person who is the client or patient that the sexual contact is necessary for mental health treatment purposes.

## **STALKING**

### **Xavier Definition/Policy**

**Stalking:** a pattern of conduct by a person with a sexual, romantic or gender-based motivation that causes or is intended to cause another person to believe that the offender will cause physical harm or mental distress to the other.

### **Ohio Revised Code 2903.211 Menacing by stalking**

(A) (1) No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or cause mental distress to the other person.

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

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

## **DOMESTIC VIOLENCE**

### **Xavier Definition/Policy**

**Domestic Violence:** abusive behavior in an intimate or family relationship where the behavior is used to exert power and control over another party in the relationship. Domestic violence can include but is not limited to physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. Abusive behavior can be spoken, written, or physical. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Both men and women can perpetrate domestic violence and can be victims of domestic violence. Domestic violence can be perpetrated by and against individuals who identify as heterosexual, lesbian, gay, bisexual, and/or transgender, and crosses all social, ethnic, racial, age, and economic lines.

### **Ohio Revised Code 2919.25 Domestic violence (Criminal)**

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

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

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

### **2903.11 Felonious assault**

(A) No person shall knowingly do either of the following:

(1) Cause serious physical harm to another or to another's unborn;

(2) Cause or attempt to cause physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance.

(B) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall knowingly do any of the following:

- (1) Engage in sexual conduct with another person without disclosing that knowledge to the other person prior to engaging in the sexual conduct;
- (2) Engage in sexual conduct with a person whom the offender knows or has reasonable cause to believe lacks the mental capacity to appreciate the significance of the knowledge that the offender has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome;
- (3) Engage in sexual conduct with a person under eighteen years of age who is not the spouse of the offender.

### **Ohio Revised Code 3113.31 Domestic violence definitions – hearings (Civil)**

(A) As used in this section:

- (1) "Domestic violence" means the occurrence of one or more of the following acts against a family or household member:
  - (a) Attempting to cause or recklessly causing bodily injury;
  - (b) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section [2903.211](#) or [2911.211](#) of the Revised Code;
  - (c) Committing any act with respect to a child that would result in the child being an abused child, as defined in section [2151.031](#) of the Revised Code;
  - (d) Committing a sexually oriented offense.

## **DATING VIOLENCE**

### **Xavier Definition/Policy**

**Dating violence:** abusive behavior committed by a person who is or has been in a relationship of a romantic or intimate nature with the victim. Dating violence can include but is not limited to physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. Abusive behavior can be spoken, written, or physical. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Both men and women can perpetrate dating violence and can be victims of dating violence. Domestic violence can be perpetrated by and against individuals who identify as heterosexual, lesbian, gay, bisexual, and/or transgender, and crosses all social, ethnic, racial, age, and economic lines.

### **Ohio Revised Code**

Dating violence is not specifically defined in Ohio state criminal statutes.

## **ADDITIONAL IMPORTANT DEFINITIONS & POLICIES**

### **Xavier Definitions & Policies**

**Act:** a sex act, including but not limited to sexual intercourse, anal sex, oral sex, sexual penetration with an inanimate object, the touching of a person's intimate parts (including genitalia, groin, breast, buttocks, or clothing over these parts), or compelling a person to touch his or her own or another person's intimate parts without Consent.

**Coercion:** compelling another person to do something through emotional or physical pressure, threats, or other forms of intimidation. Real or perceived power differentials between individuals also may create an atmosphere of Coercion that can significantly impair a person's ability to Consent.

### **Ohio Revised Code**

#### **2907.01 Sex offenses general definitions** (as used in sections 2907.01 to [2907.38](#))

(A) "Sexual conduct" means vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

(B) "Sexual contact" means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

(C) "Sexual activity" means sexual conduct or sexual contact, or both.

(D) "Prostitute" means a male or female who promiscuously engages in sexual activity for hire, regardless of whether the hire is paid to the prostitute or to another.

(E) "Harmful to juveniles" means that quality of any material or performance describing or representing nudity, sexual conduct, sexual excitement, or sado-masochistic abuse in any form to which all of the following apply:

(1) The material or performance, when considered as a whole, appeals to the prurient interest of juveniles in sex.

(2) The material or performance is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for juveniles.

(3) The material or performance, when considered as a whole, lacks serious literary, artistic, political, and scientific value for juveniles.

(F) When considered as a whole, and judged with reference to ordinary adults or, if it is designed for sexual deviates or other specially susceptible group, judged with reference to that group, any material or performance is "obscene" if any of the following apply:

(1) Its dominant appeal is to prurient interest;

(2) Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement, or nudity in a way that tends to represent human beings as mere objects of sexual appetite;

(3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty, or brutality;

(4) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way that inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral, or artistic purpose;

(5) It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty, or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose.

(G) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(H) "Nudity" means the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

(I) "Juvenile" means an unmarried person under the age of eighteen.

(J) "Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record, or tape, or other tangible thing capable of arousing interest through sight, sound, or touch and includes an image or text appearing on a computer monitor, television screen, liquid crystal display, or similar display device or an image or text recorded on a computer hard disk, computer floppy disk, compact disk, magnetic tape, or similar data storage device.

(K) "Performance" means any motion picture, preview, trailer, play, show, skit, dance, or other exhibition performed before an audience.

(L) "Spouse" means a person married to an offender at the time of an alleged offense, except that such person shall not be considered the spouse when any of the following apply:

(1) When the parties have entered into a written separation agreement authorized by section [3103.06](#) of the Revised Code;

(2) During the pendency of an action between the parties for annulment, divorce, dissolution of marriage, or legal separation;

(3) In the case of an action for legal separation, after the effective date of the judgment for legal separation.

(M) "Minor" means a person under the age of eighteen.

(N) "Mental health client or patient" has the same meaning as in section [2305.51](#) of the Revised Code.

(O) "Mental health professional" has the same meaning as in section [2305.115](#) of the Revised Code.

(P) "Sado-masochistic abuse" means flagellation or torture by or upon a person or the condition of being fettered, bound, or otherwise physically restrained.

The following definitions are taken from the Violence Against Women Act and the US Code. They are not the same definitions used in the Ohio Revised Code for these crimes or in Xavier's Student Handbook and HCAP defining this type of misconduct. These definitions are used by Xavier's Clery Compliance Officer to help classify crimes for counting purposes only. They are not used in the criminal prosecution under Ohio Law or in the student or employee conduct processes at Xavier.

**Sexual Assault:** "Sexual assault" means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

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

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

**Incest:** non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** a non-forcible sexual intercourse with a person who is under the statutory age of consent.

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

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

**Dating Violence:** The term “dating violence” means violence committed by a person:

- 1) Who is or has been in a social relationship of a romantic or intimate nature with the victim and
- 2) The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition-

- (i) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- (ii) Dating violence does not include acts covered under the definition of domestic violence.

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

**Stalking:** The term “stalking” means:

- 1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to
  - (i) fear for the person’s safety or the safety of others; or
  - (ii) Suffer substantial emotional distress.
- 2) For the purposes of this definition
  - (i) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
  - (ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
  - (iii) Reasonable persons means a reasonable person under similar circumstances and with similar identities to the victim.
- 3) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

### **Education and Prevention Programs**

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

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

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

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



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

The University has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students; participating in and presenting information and materials during new employee orientation; and presentations, activities and other programming initiatives on an ongoing basis to employees and students.

The University offered the following **primary prevention and awareness programs for all incoming students** in 2013:

(DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking)

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
Healthy Relationships by Director of Women's Center	Spring 2013	Gallagher Student Center	DoV, DaV, SA and S
Bystander Intervention by Director of Women's Center	Spring 2013	Gallagher	DoV, DaV, SA and S
Think About It (2.5 hour mandatory sexual violence and alcohol course for incoming students)	Summer 2013	Online	DaV, SA and S
Title IX Primer for incoming grad and Adult,	August 13, 2013	GSC 330 & 214	DoV, DaV, SA and S

Weekend & Evening Students			
Intro to TIX/TIX Coordinator for all incoming students	August 23, 2013	Cintas	DoV, DaV, SA and S
Intro to TIX/TIX Coordinator for all incoming transfer students	August 23, 2013	Cintas	DoV, DaV, SA and S
Hookup Culture, TIX, and Community Expectations for 1 <sup>st</sup> Year Athletes  (2 sessions)	November 19th, 2013	Albers Hall	DoV, DaV, SA and S

The University offered the following **primary prevention and awareness programs for all new employees** in 2013:

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
Preventing Sexual Harassment	Within 30 days of hire	Online	Sexual harassment, SA, S
It Starts with You: Staff and Faculty Training- 2 sessions offered	April 2013	HR	SA
Preventing & Reporting Sex Discrimination at Xavier (1 hour mandatory online training for all employees- every	November 2013	Online	DoV, DaV, SA and S

new hire through year must take)			
In-Depth Sex Discrimination & Title IX Primer for three new Xavier Police	October 13, 2013	Flynn Hall	DoV, DaV, SA and S

The University offered the following **ongoing awareness and prevention programs** for **students** in 2013:

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
11 Primary Prevention programs on healthy relationships, sexual violence prevention and self –defense for RAs	2012 – 2013	Various Locations	SA, DoV, DaV, and S
26 ongoing awareness and prevention programs on healthy relationships, sexual violence prevention and self –defense for RAs	2012 – 2013	Various Locations	SA, DoV, DaV, and S

International Women's Day Tea	March 22nd, 2013	XU Women's Center	SA, DoV
Women Hold Up Half the Sky	March 19 <sup>th</sup> , 2013	National Underground Railroad Museum	SA, DoV
Take Back the Night- one Sexual Assault Awareness Month event	April 25 <sup>th</sup> , 2013	Downtown Cincinnati	SA
Clothesline Project- one Sexual Assault Awareness Month event	April 23 <sup>rd</sup> , 2013	Clocktower Lounge	SA, DoV, DaV, and S
SA, DoV, DaV and S Response Protocol for RAs	August 14 <sup>th</sup> , 2013	Kennedy Auditorium	SA, DoV, DaV, and S
Sex Discrimination & Title IX Primer for Manresa Orientation Leaders	August 19 <sup>th</sup> , 2013	GSC Theater	SA, DoV, DaV, and S
In-Depth Sex Discrimination & Title IX Primer for Interlink Mentors	August 19 <sup>th</sup> , 2013	GSC 214	SA, DoV, DaV, and S
In-Depth Sex Discrimination & Title IX Primer for Intramural Sports Managers	August 20 <sup>th</sup> , 2013	O'Conner Sports Center	SA, DoV, DaV, and S

In-Depth Sex Discrimination & Title IX Primer for Student Government Association	August 26th, 2013	GSC 214	SA, DoV, DaV, and S
Sex Discrimination & Title IX Primer for Club Sports Leaders	September 4th, 2013	Kennedy	SA, DoV, DaV, and S
Sex Discrimination & Title IX for Advocates from Xavier's Advocate Program	September 10th, 2013	Elet Hal	SA, DoV, DaV, and S
Sex Discrimination & Title IX Primer for Student Life Advisory Board	September 15th, 2013	GSC Clock Tower Lounge	SA, DoV, DaV, and S
Update on Response Policy for RAs	October 28 <sup>th</sup> , 2013	GSC 330	SA, DoV, DaV, and S
Gender Stereotypes/Sexual Violence Prevention for male floor of Husman Hall	October 30th, 2013	Husman Hall	SA, DoV, DaV, and S

Sexual Misconduct & Title IX for University Conduct Board (students sit on board)	October 2013	GSC 304	SA
In-Depth Sex Discrimination & Title IX Primer for students in English 205 Gender & Violence course (2 sessions)	December 9 <sup>th</sup> , 2013	Hinkle Hall	SA, DoV, DaV, and S
Sex Discrimination & Title IX Primer for students attending Community Dinner	December 9 <sup>th</sup> , 2013	GSC Clock Tower Lounge	SA, DoV, DaV, and S

The University offered the following **ongoing awareness and prevention programs** for **employees** in 2013:

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
International Women's Day Tea	March 22 <sup>nd</sup> , 2013	XU Women's Center	SA, DoV
Women Hold Up Half the Sky	March 19 <sup>th</sup> , 2013	National Underground Railroad Museum	SA, DoV
Take Back the Night- one Sexual Assault Awareness Month event	April 25 <sup>th</sup> , 2013	Downtown Cincinnati	SA

<p>Clothesline Project- one Sexual Assault Awareness Month event</p>	<p>April 23<sup>rd</sup>, 2013</p>	<p>Clocktower Lounge</p>	<p>SA, DoV, DaV, and S</p>
<p>Preventing &amp; Reporting Sex Discrimination at Xavier (1 hour mandatory online training for all employees)</p>	<p>Fall 2013</p>	<p>Online</p>	<p>DoV, DaV, SA and S</p>
<p>In-Depth Sex Discrimination &amp; Title IX Primer for Res Life Professional Staff</p>	<p>July 23rd, 2013</p>	<p>Muskie Mezzanine</p>	<p>DoV, DaV, SA and S</p>
<p>Sex Discrimination &amp; Title IX Primer for McGrath Counseling Staff</p>	<p>September 11, 2013</p>	<p>McGrath Health &amp; Wellness</p>	<p>DoV, DaV, SA and S</p>
<p>In-Depth Sex Discrimination &amp; Title IX Primer for Xavier Police</p>	<p>October 1, 2013</p>	<p>Flynn Hall</p>	<p>DoV, DaV, SA and S</p>
<p>In-Depth Sex Discrimination &amp; Title IX Primer for all staff involved in TIX compliance, coordination, investigation, and adjudication</p>	<p>October 10, 2013</p>	<p>Smith Hall</p>	<p>DoV, DaV, SA and S</p>

Sex Discrimination & Title IX Primer for Center for International Education staff	October 16, 2013	GSC 330	DoV, DaV, SA and S
Sexual Misconduct & Title IX for University Conduct Board members	October 2013	Various Locations	SA

### Procedures for Reporting a Complaint

The University has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The University will make such accommodations, if the victim requests them and if they are reasonable and available, regardless of whether the victim chooses to report the crime to XUPD or local law enforcement. Students and employees should contact Kate Lawson, Title IX Coordinator, in person at Gallagher Student Center, Room 332, Xavier University 3800 Victory Parkway, Cincinnati, OH 45207, via telephone at 513-745-3046, or via email at [lawsonk1@xavier.edu](mailto:lawsonk1@xavier.edu)

After an incident of sexual assault, domestic violence dating violence or stalking, the victim should consider seeking medical attention as soon as possible at one of the medical facilities listed below. In Ohio, evidence may be collected even if you chose not to make a report to law enforcement. The University of Cincinnati Health SANE Program has certified Sexual Assault Nurse Examiners (SANE) who are specially trained to collect evidence from men and women who have been sexually assaulted.

University of Cincinnati Medical Center	234 Goodman Street, Cincinnati, OH 45219	513-584-5700
University of Cincinnati Health Sexual Assault Nurse Examiner (SANE) Program	234 Goodman Street, Cincinnati, OH 45219   513-584-1000	(513) 584-3379
Good Samaritan Hospital	375 Dixmyth Avenue Cincinnati, OH 45220-2489	(513) 862-1400



It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 72 hours so that evidence may be preserved. Doing so may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful the University complaint resolution process (investigation and student or employee conduct proceedings or to a criminal investigation by police. Although the University strongly encourages all members of its community to report incidents of sexual assault to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. The University will assist any victim with notifying local police if they so desire. XUPD are sworn police officers with jurisdiction to investigate reports of assault and work closely with local law enforcement in investigating these offenses. The Cincinnati Police Department may also be reached directly by calling 513-765-1212 or in person at any of the District stations (see maps online at the web address below for all addresses, telephone numbers and directions to each District Station.) Additional information about the Cincinnati Police Department and Norwood Police Department may be found online respectively at: <http://www.cincinnati-oh.gov/police/> and <http://www.norwoodpolice.org/>.

The University strongly encourages victims of domestic violence, dating violence, sexual assault, rape, or stalking to report the incident promptly to the Title IX Coordinator, Kate Lawson by calling, writing or coming into the office to report in person and to XUPD if so desired. The University will provide resources, on campus off campus or both, that include medical, health, counseling, legal assistance, victim advocacy, and visa and immigration assistance to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who commit those violations. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

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

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the University, the below are the procedures that the University will follow. The standard of evidence that will be used during any student conduct hearing before the University Conduct Board, employee conduct hearing before the Harassment Hearing Panel, or administrative decision on campus arising from such a report is preponderance of the evidence, which means it

must be shown that it is more likely than not that the misconduct occurred for discipline of the accused to occur.

Incident Being Reported:	Procedure Xavier University Will Follow:
<b>Sexual Assault</b>	<ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), the University will provide complainant with access to medical care</li> <li>2. The University will assess immediate safety needs of complainant and the University community.</li> <li>3. The University will assist complainant with contacting local police if complainant requests AND will provide the complainant with contact information for local police department</li> <li>4. The University will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, and/or “No Contact” orders. The University will provide a “No Contact Order” directive to the accused party if deemed appropriate</li> <li>5. The University will provide a copy of the Gender-Based &amp; Sexual Misconduct Policy to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution</li> <li>6. The University will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is</li> <li>7. The University will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation</li> </ol>
<b>Stalking</b>	<ol style="list-style-type: none"> <li>1. The University will assess immediate safety needs of complainant</li> <li>2. The University will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</li> <li>3. The University will provide written instructions on how to apply for Protective Order</li> <li>4. The University will provide written information to complainant on how to preserve evidence (verbal when a police report is filed)</li> <li>5. The University will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, and/or “No Contact” orders The University will provide a “No contact order” directive to the accused party if deemed appropriate</li> <li>6. The University will provide a copy of the Gender-Based &amp; Sexual Misconduct Policy to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution</li> <li>7. The University will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is</li> <li>8. The University will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation</li> </ol>

<p><b>Dating Violence</b></p>	<ol style="list-style-type: none"> <li>1. The University will assess immediate safety needs of complainant</li> <li>2. The University will assist complainant with contacting local police if complainant requests AND will provide the complainant with contact information for local police department</li> <li>3. The University will provide written information to complainant on how to preserve evidence (verbal when a police report is filed)</li> <li>4. The University will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, and/or “No Contact” orders The University will provide a “No Contact Order” directive to the accused party if deemed appropriate</li> <li>5. The University will provide a “No Contact Order” directive to the accused party if deemed appropriate</li> <li>6. The University will provide a copy of the Gender-Based &amp; Sexual Misconduct Policy to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution</li> <li>7. The University will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is</li> <li>8. The University will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation</li> </ol>
<p><b>Domestic Violence</b></p>	<ol style="list-style-type: none"> <li>1. The University will assess immediate safety needs of complainant</li> <li>2. The University will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</li> <li>3. The University will provide written instructions on how to apply for Protective Order (verbal if police report is filed)</li> <li>4. The University will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, and/or “No Contact” orders The University will provide a “No Contact Order” to accused party if deemed appropriate</li> <li>5. The University will provide a “No Contact Order” directive to the accused party if deemed appropriate</li> <li>6. The University will provide a copy of the Gender-Based &amp; Sexual Misconduct Policy to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution</li> <li>7. The University will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is</li> <li>8. The University will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation</li> </ol>

**Assistance for Victims: Rights & Options**

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the University will assist victims of sexual assault,

domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. In Ohio, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights: A victim’s state constitutional rights are found in Article I, Section 10a of the Constitution of Ohio: “Victims of criminal offenses shall be accorded fairness, dignity, and respect in the criminal justice process, and, as the general assembly shall define and provide by law, shall be accorded rights to reasonable and appropriate notice, information, access, and protection and to a meaningful role in the criminal justice process.” For further information on Victim’s Rights in the State of Ohio, visit the Attorney General’s webpage at <http://www.ohioattorneygeneral.gov/getattachment/6a036767-97bc-41d5-bff9-81b8ee3e5dbd/Picking-Up-the-Pieces-A-Guide-to-Helping-Crime-Vic.aspx> Xavier University complies with Ohio law in recognizing orders of protection and encourages any person who obtains an order of protection from any U.S. state to provide a copy to XUPD and the Office of the Title IX Coordinator. A complainant may then meet with XUPD to develop a Safety Action Plan, which is a plan for XUPD and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, providing a temporary cellphone, changing classroom location, supervisor, work location, or allowing a student to complete assignments from home. The University cannot apply for a legal order of protection for the victim from the applicable jurisdiction(s). The victim is required to apply directly for these services. For access to all required forms related to orders of protection, visit the Clerk of the Courts page at [https://www.courtclerk.org/cp\\_civil\\_forms.asp](https://www.courtclerk.org/cp_civil_forms.asp)

**Types of Protection Orders in Ohio**

There are different kinds of Protection Orders available to victims of domestic violence, sexual assault and stalking from governmental agencies. Depending on who the perpetrator is, what happened, and other factors, there are differences in where, when and how you seek these orders, what they do, and how long they last. The chart below provides basic information on each, and then detailed information follows. Ohio has jurisdiction over these cases as long as some of the acts occurred in Ohio, regardless of where the perpetrator lives. In Protection Order cases, the person who files the motion for the Protection Order is the “Petitioner” and the accused perpetrator is the “Respondent.”

Type of Order:	Who Can File For One:	Court:	Based On:
Domestic Violence Civil Protection Order – up to 5 years, can be renewed**	Family or household members including : <ul style="list-style-type: none"> <li>• Spouses, former spouses</li> <li>• Parent, child, foster parent</li> <li>• People who have kids together</li> <li>• Intimate partners who lived together in the last 5 years</li> <li>• Same sex couples are eligible</li> </ul>	Domestic Relations Court – where victim lives, where abuser lives or has a business, or where incident(s) occurred	Causing or trying to cause injury or placing someone in fear of imminent serious harm (Courts use different requirements for how recent the incident must be)
Stalking Protection Order - up to 5 years, can be renewed**	Any person who is a victim of stalking. No relationship with stalker is required.	Common Pleas Court - where victim lives (if family or household member, can be filed as DV Protection Order, see above)	Pattern of conduct (2 or more events), closely related in time, that cause distress or make a victim believe the stalker will cause

			harm
Sexually Oriented Offense Protection Order - up to 5 years, can be renewed**	Any person who was a victim of a sexually oriented offense (see ORC 2950.01). No relationship with offender is required. Case does not have to be criminally prosecuted.	Common Pleas Court – where victim lives	Sexual assault or unwanted sexual contact (see ORC 2950.01)
Juvenile Protection Order – until abuser reaches age 19	Victim of abuse by a person who is under age 18, or the victim’s parent or other household member, or other parties the Court approves.	Juvenile Court – where victim lives	Assault, stalking, sexual offenses, threats of harm or aggravated trespass

**Frequently Asked Questions About Protective Orders**

*Are law enforcement officers required to enforce protection orders?* Yes. The statute requires law enforcement officers to enforce protection orders and to use arrest as the “preferred course of action” if they have reasonable cause to believe that someone has violated a civil or criminal protection order (unless the violator is a juvenile.)

*Are protection orders enforceable statewide?* Yes. Law enforcement officers in any county in Ohio are required to enforce valid civil and criminal protection orders issued in any other county.

*Must Ohio law enforcement agencies and courts enforce protection orders issued by the courts of other states?* Yes. Under the federal Violence Against Women Act (VAWA) Ohio courts must enforce protection orders issued in other states if the other state provided notice and an opportunity for a fair hearing to the abuser.

*Can a victim who obtains a protection order be charged with violating her or his own protection order?* No, the order is directed against the abuser, and not against the victim. Some prosecutors and judges may want to punish a victim if she or he permits or encourages the abuser to have contact in violation of the protection order. In 2003, the Ohio Supreme Court held that a victim who invited her abuser into her home to attend her son’s birthday party after she obtained a CPO against him could not be prosecuted for aiding and abetting his violation of the protection order.

The University may issue an institutional “No Contact Order” if deemed appropriate or at the request of the victim or accused. To the extent of the victim’s cooperation and consent, University offices will work cooperatively to provide a Campus environment where the complainant’s health, physical safety, work and academic status are protected, pending the outcome of a formal University investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement. Additionally, personally identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20).) Further, the University will treat as confidential, any accommodations or protective measures provided to the victim to the extent

that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University does not publish the name of crime victims nor house identifiable information regarding victims in the campus police departments Daily Crime Log or online. Victims may request that directory information on file be removed from public sources by request. Employees should contact HR and students may request directory information be removed from public sources by filling out the required form at the Registrar's Office.

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

**On-Campus**

<b>Resource</b>	<b>Address/Location on Campus</b>	<b>Phone Number</b>
McGrath Health and Wellness Center (counseling and medical)	1714 Cleneay Ave, Cinti OH 45207	513-745-3022
Xavier Advocate Program	The Advocate Program has an office within a residence hall and within XUPD.	513-745-1000
XUPD	1648 Musketeer Dr, Cinti OH 45207	513-745-1000 513-745-2000
Xavier Psychological Services	Sycamore House, 3818 Winding Way, Cinti OH 45207	513-745-3531
Office of the Title IX Coordinator	332 Gallagher Student Center	513-745-3046
Director of Student Integrity	Gallagher Student Center, Suite 300	513-745-3166
Center for Mission and Identity	Fenwick Hall	513-745-3530
Multicultural, Gender, & Women's Center	Suite 200, Gallagher Student Center	513-745-1029
Center for International Education	Suite 230, Gallagher Student Center	513-745-2861

### Off-Campus

<b>Resource</b>	<b>Address/Location</b>	<b>Phone Number</b>
Cincinnati Police Department	District 4 4150 Reading Road Cincinnati, OH 45229	Emergencies: 911  Non-Emergencies 513-765-1212  District 4: 513-569-8600
Norwood Police Department	4701 Montgomery Rd, Cincinnati, OH 45212	Emergencies: 911  Non-Emergencies (513) 458-4520
University of Cincinnati Medical Center	234 Goodman Street, Cincinnati, OH 45219	513-584-5700
University of Cincinnati Health Sexual Assault Nurse Examiner (SANE) Program*	234 Goodman Street, Cincinnati, OH 45219   513- 584-1000	(513) 584-3379
Women Helping Women	215 E. Ninth Street, 7th Floor Cincinnati, OH 45202-6109	phone 513.977.5541 24-Hour Crisis Line 513.381.5610 TTY 513.977.5545
YWCA of Greater Cincinnati	898 Walnut Street, Cincinnati, OH 45202	(513) 241-7090
Ohio Alliance to End Sexual Violence	526 Superior Avenue, Suite 1400 Cleveland, Ohio 44114	216.658.1381  888.886.8388
Ohio Domestic Violence Network	4807 Evanswood Dr, Columbus, OH 43229	(614) 781-9651
Hamilton Co. Court of Domestic Relations	800 Broadway, Cincinnati, OH 45202	513-946-9000
Hamilton Co. Court of Common Pleas	1000 Main Street Cincinnati, Ohio 45202	(513) 946-5800
Juvenile Court	800 Broadway, Cincinnati, OH 45202	(513) 946-9200
Hamilton Co. Prosecuting Attorney Victim Services	230 E. Ninth Street Suite 4000 Cincinnati, Ohio 45202	(513) 946-3070
Legal Aid Society of Greater Cincinnati	215 E 9th St #200, Cincinnati, OH 45202	(513) 241-9400

University of Cincinnati Domestic Violence and Civil Protection Order Clinic	University of Cincinnati College of Law Center for Race, Gender, and Social Justice PO Box 210040 Clifton Avenue and Calhoun Street Cincinnati, Ohio 45221-0040	513-556-0180
Ohio Domestic Violence Network Legal Assistance Program (lawyers available for sexual assault and stalking victims as well)	4807 Evanswood Drive, Suite 201 Columbus, OH 43229	614.781.9651
Cincinnati Bar Association Lawyer Referral Service	225 E. Sixth Street, Cincinnati, Ohio 45202	(513) 381-8359 or toll free at (888) 628-2577
Visa/Immigration Assistance- see all legal resources above and Catholic Charities Southwestern Ohio Su Casa Hispanic Center	7036 Fairpark Avenue, Cincinnati, Ohio 45216	(513) 761-1588
Gay, Lesbian & Straight Education Network Greater Cincinnati Chapter	PO Box 19856 Cincinnati OH 45219	866.934.9119

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

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

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

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

### **How to be an Active Bystander**

Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved, but have the choice to intervene, speak up, or do something about it. The University promotes a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Persons may not always know what to do even if they want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911 or call XUPD at 513-745-1000. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are okay.



2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

### **Risk Reduction**

No victim is ever to blame for being sexually assaulted, being abused in a relationship, or being stalked. There is no mistake in judgment or “poor decision” that can make a person “deserve” to be victimized by another person. The more an individual knows about these types of Sex Discrimination, the better prepared she or he will be if something does happen to them or someone they know. Below are some tips on reducing your risk and on how to help someone else who may be experiencing domestic violence, dating violence, stalking and/or sexual assault (taken in a part from the Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org)).

- **Educate yourself!** The more you know about how most perpetrators of sexual assault commit the assault, the power and control dynamics and cycle of dating violence, and what types of behaviors may constitute stalking, as well as the resources available to potential victims, the better prepared you will be if something happens to you or someone you know.
- **Trust your instincts**—if something doesn’t feel right, speak up and seek resources. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.) or XUPD at 513-745-1000.
- **If you see someone isolating another person** who looks uncomfortable or who may be intoxicated, intervene! For example, let the person who is trying to remove your friend from the group know that you will be taking her or him home instead.
- **Be aware of the effects** of drugs used to facilitate sexual assault. If you feel extremely tired, out of it or more intoxicated for amount of alcohol you may have consumed, you may have been drugged. Find your friends and ask them to leave with you as soon as possible. If you suspect you have been drugged, go to a hospital and ask to be tested. Similarly, if you see a friend reacting in a way that is atypical for the amount of alcohol they have consumed or they are acting out of character for the situation, ask her or him to leave with you and get them to a safe place immediately. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don’t drink from the punch bowls or other large, common open containers.
- **Talk with your friends** about watching out for each other and not leaving one person behind BEFORE you go out- have a plan and stick to it!

- When you go to a social gathering, **go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- **Make sure your cell phone is with you** and charged and that you have cab money.
- If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - **Remember that being in this situation is not your fault**. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - **Be true to yourself**. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - **Lie**. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
  - **Try to think of an escape route**. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
  - **If you and/or the other person have been drinking**, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

### **Adjudication of Violations**

Whether or not criminal charges are filed, the University or a person may file a complaint with designated University officials. Reports of sexual harassment by students are handled under the Student Conduct process found in the Xavier Student Handbook. Reports of sexual harassment by others are handled under the Xavier Harassment Code and Accountability Procedures (HCAP). These processes may be pursued whether or not criminal charges are filed. All persons who investigate sexual assault, dating violence, domestic violence and stalking cases (criminal or student conduct/Title IX) and hearing board members receive annual training on these offenses that focus on protecting victims and promoting offender accountability in order to be in compliance.

Below is a summary of the process. For a complete description of the process please see the Xavier Student handbook at

<http://www.xavier.edu/student-integrity/documents/studenthandbook.pdf>

Who Policy Applies to:	Name of Policy:	Major Steps in Policy/Procedures and Timelines	Decision-Making Process	How Xavier Determines Which Policy to Use
Students	Student Code of Conduct	<p>1. A complaint is reported to the Title IX Coordinator. The Title IX Coordinator (or deputy) will promptly investigate all complaints of sex discrimination. Under Title IX, this investigation must be adequate, reliable and impartial. While the time it takes to conduct an investigation depends on the particular facts and circumstances, most investigations will begin within 10 business days of a complaint being made and will be completed within 15 business days of the date the investigation is started.</p> <p>2. After concluding the fact-finding investigation, the Title IX Coordinator or deputy shall prepare a written report, summarizing the facts, materials or other information collected and any observations made during the investigation. The report is intended to be factual in nature and not draw conclusions or give opinions about as to whether a violation occurred. The report and any other collected materials are provided by the Title IX Coordinator to the Hearing Officer or Panel.</p> <p>3. At any time before the start of a hearing or alternate resolution process, the Respondent may elect to accept responsibility for the alleged violation(s) and accept the benchmark or other appropriate sanctions.</p> <p>4. In the event an alternate process is not offered by the Director of Student Integrity or an alternate process is not agreed to by the parties, and the Respondent has not accepted responsibility and/o the sanctions offered, the matter will proceed to a hearing.</p> <p>5. Hearing Panels will consist of no less than six individuals, comprised of no less than two faculty members, two administrators, and two students. In addition to the six members of a Hearing Panel, a Panel Chair will be selected from the Level One Pool. The Panel Chair may not be a student. The accused student and the complaining party will be advised as to the date, time and location in advance and the hearing will be scheduled no sooner than 5 business days after the accused student has received the charge letter. Both parties shall have advanced access to the documents being used by the Officer or Hearing Panel in rendering their decision.</p> <p>6. Within 5 days, the Hearing Panel will render</p>	A finding of responsibility is based on the preponderance of the evidence standard, which means that the evidence shows it is more likely than not that sexual misconduct occurred.	Xavier uses the Student Code of Conduct's procedures in each case in which the accused party is a student

		<p>their decision on a finding of responsibility to the Director of Student Integrity. The Panel may then receive additional information regarding the accused student's conduct history. The Panel then recommends the sanctions to the Director of Student Integrity. Both parties will be notified, simultaneously, and in writing, of the outcome, the reason for the outcome and any applicable sanctions being applied.</p> <p>7. Either party may appeal to the Associate Provost of Student Affairs or to the University Appeals Board.</p> <p>*The entire process, less the appeal, is resolved in 60 days or less absent extraordinary circumstances (such as the investigation takes a longer period of time to be conducted thoroughly.) In the event that the process takes longer than 60 days, the parties will be updated on the institution's progress and provided the reason for the delay.</p>		
Employees	<p>Xavier Harassment Code and Accountability Procedures (HCAP)</p> <p>(Faculty should also see the Faculty Handbook)</p>	<p>1. A complaint is submitted either in writing or verbally to the Affirmative Action Officer or Title IX Coordinator.</p> <p>2. The Title IX Coordinator (or deputy) will promptly investigate all complaints of sex-based discrimination. This investigation must be adequate, reliable and impartial. While the time it takes to conduct an investigation depends on the particular facts and circumstances, most investigations will begin within 10 business days of a complaint being made and will be completed within 15 business days of the date the investigation is started.</p> <p>2. After concluding the fact-finding investigation, the Title IX Coordinator or deputy shall prepare a written report, summarizing the facts, materials or other information collected and any observations made during the investigation. The report is intended to be factual in nature and not draw conclusions or give opinions about as to whether a violation occurred. The report and any other collected materials are provided by the Title IX Coordinator to the Affirmative Action Officer.</p> <p>3. The case may then be informally resolved if the respondent is willing to accept responsibility.</p> <p>4. If the respondent is not willing to accept responsibility, or the Affirmative Action Officer determines that the matter is inappropriate for informal resolution, then within seven business days of the determination to address a complaint using the formal procedures, the Affirmative Action Officer will provide the</p>	<p>In deciding whether a violation of the HCAP has occurred, the Hearing Panel attempts to reach a consensus. If consensus cannot be reached, a vote is taken. All decisions of the Hearing Panel are made by a majority and are based on the preponderance of the evidence standard which means that the evidence shows it is more likely than not that sexual misconduct occurred.</p>	<p>Xavier uses the HCAP procedures in each case in which the accused party is an employee</p>

		<p>respondent with a copy of the complaint. The respondent may submit a written response to the charges of harassment to the Affirmative Action Officer within ten business days of the date the copy of the complaint was sent to the respondent. Upon receipt of an answer by the respondent, the Affirmative Action Officer will forward a copy of the response to the complainant.</p> <p>5. The complainant and the respondent will then each have five business days from the day the answer is received by the Affirmative Action Officer to indicate the procedure (mediation or a formal hearing) they wish to use to resolve the complaint by providing a signed written statement to the Affirmative Action Officer. (Mediation is never appropriate in cases of sexual assault.)</p> <p>6. The request for a hearing must be made no later than seven business days after the party receives written notice of the right to proceed.</p> <p>7. Within ten business days of the initiation of the formal hearing process the Affirmative Action Officer will notify the complainant and respondent of the members of the Hearing Panel. The complainant and respondent will then have three business days to object in writing to any one or more of the members of the Panel, or raise potential conflicts of interest. Any decision to change a member or members of a Panel will be in the sole discretion of the Affirmative Action Officer.</p> <p>8. The Hearing Panel will notify the complainant and respondent of the hearing date, time and place, which shall be set for no less than seven but no more than 15 business days after the date of the Affirmative Action Officer's initial notice of the members of the Hearing Panel. The hearing may be set for an earlier or later time for good cause as determined in the discretion of the Affirmative Action Officer or by agreement of the complainant and respondent.</p> <p>9. If the Panel finds that the respondent violated the University's HCAP, it will determine the appropriate remedial action, taking into consideration all of the circumstances of the respondent's conduct. Both parties are notified simultaneously and in writing of the outcome of the Hearing, the reason for the outcome and any applicable actions being taken against the respondent.</p> <p>10. To appeal any Hearing Panel decision, a request for appeal must be filed with the</p>		
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		President or his designee's office by the complainant or respondent within five business days after the date the Chair delivers the Hearing Panel's decision to the appropriate individuals.		
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Reports of all domestic violence, dating violence, sexual assault and stalking made to XUPD will automatically be referred to the Title IX Coordinator for investigation regardless of whether the complainant chooses to pursue criminal charges.

The University disciplinary process is consistent with the University's policies and procedures and will include a prompt, fair, and impartial investigation and resolution process transparent to the accuser and the accused. Usually, the resolution of complaints of sexual misconduct are completed within 60 days of the report, however the proceedings timeframe allows for extensions for good cause with notice to the accuser and the accused of the delay and the reason for the delay. Investigators are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking; how to conduct an impartial, fair investigation compliant with Title IX; and how to facilitate a hearing process that protects the safety of the victim and promotes accountability. Conduct Board members are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking; what investigations entail; and how to ensure a hearing process protects the safety of the victim and promotes accountability. The University's procedures provide that:

1. The accuser and the accused student each have the opportunity to attend a hearing before a properly trained hearing board that protects the safety of victims and promotes accountability;
2. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
3. The University will allow for timely access to the accuser, the accused and appropriate officials to any information that will be used after the fact-finding investigation but during formal and informal University disciplinary meeting and hearings;
4. The University's disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;
5. The University provides the accuser and accused the same opportunities to have others present during an institutional disciplinary proceeding. The accuser and the accused student each have the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or proceeding;
6. A student conduct decision is based on the preponderance of evidence standard, i.e. "more likely than not to have occurred" standard. In other words, the conduct process asks: "is it more likely than not that the accused student violated the university's Student Conduct Code?"
7. The accuser and the accused will be notified simultaneously in writing of the result of any disciplinary proceeding, as well as any changes to those result or disciplinary actions prior to the time that such results become final; and
8. The accuser and the accused each have the right to appeal the outcome of the hearing as noted in the policy chart set out above and in greater detail in the Student Handbook

and the HCAP and will be notified simultaneously in writing, of any change to the result prior to the time that it becomes final and of the final result after the appeal is resolved.

When a complainant does not consent to the disclosure of his or her name or other identifiable information to the alleged perpetrator, the University's ability to respond to the complaint may be limited.

### **Confidentiality**

The University will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking to the fullest extent of the law and as previously mentioned in this document.

All individuals with knowledge of Sex Discrimination (including sexual harassment, sexual assault, rape, dating violence, domestic violence and stalking), are encouraged to report the incident to Xavier University. So that Xavier can effectively respond to gender-based and sexual misconduct, and ensure a safe, nondiscriminatory environment for all community members, most Xavier employees who receive information about Sex Discrimination must report it to the Title IX Coordinator so that she or he can respond promptly and in compliance with all federal, state, and other applicable law. Confidential resources not required to report to the Title IX Coordinator include rape crisis advocates, mental health counselors, campus health center professionals and clergy functioning as a pastoral counselor. Individuals experiencing Sex Discrimination should review Xavier's [Gender-Based and Sexual Misconduct Reporting & Support Options](#) resource sheet for full information regarding on- and off-campus confidential and non-confidential reporting resources.

In accordance with Title IX, Xavier prohibits retaliation. It is a separate violation of the Student Handbook and HCAP. Xavier will take steps to prevent retaliation and strong responsive action if it occurs.

Even if an individual who has been negatively affected by Sex Discrimination does not want to pursue the matter through the student or employee conduct process or the criminal justice system, he or she should still consider making a confidential report to Xavier. The purpose of the confidential report is to maintain confidentiality while allowing Xavier to take steps to ensure the future safety of the individual and the community. Anonymous reports can be made by calling the Anonymous Reporting Hotline at 855-481-6238 or submitting an anonymous report online by following the link on the Audit & Risk Management's website <http://www.xavier.edu/audit-risk/ethicspoint.cfm>

By reporting the incident, Xavier can keep an accurate record of the number of reported incidents involving students, determine where there is a pattern of sex discrimination with regard to a particular location, method, or assailant, alert the campus community to potential danger, and initiate the Student Conduct Process. Pursuant to the Clery Act, reports of certain types of Sex Discrimination to Xavier (including but not limited to reports to the Title IX Coordinator, Residence Life, Resident Assistants, the Director of Student Integrity, the Advocate Program, the Multicultural, Gender & Women's Center, the Anonymous Reporting Hotline, the Xavier University Police Department, and any other Xavier faculty, staff or administrator) must

be counted and disclosed in the annual crimes statistics for Xavier. Xavier's annual crime statistics report does not reveal the identities of the persons involved. Disclosure of the reported incident for inclusion in the annual crimes statistics does not typically involve disclosure of personally identifiable information within Xavier except to the extent necessary to ensure the incident is not double counted. Only reports to pastoral and professional counselors (i.e., counselors at the Health and Wellness Center and Psychological Services Center) acting in their role of pastoral or professional counselor may not be disclosed and counted in the annual crimes statistics for Xavier.

If an individual who has been negatively affected by Sex Discrimination reports the incident and requests confidentiality or asks that the complaint not be pursued through the student or employee conduct process, Xavier will still take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue the investigation. Individuals should be aware that Xavier's ability to respond (including sanctioning the alleged perpetrator through the student or employee conduct processes) may be limited by such a request. Still, Xavier will pursue other steps to limit the effects of the alleged discrimination and prevent its recurrence.

Xavier must evaluate all requests for confidentiality in the context of its responsibility to provide a safe and nondiscriminatory environment for all students. The Title IX Coordinator or her designee in her absence will be responsible for evaluating request for confidentiality. When weighing an individual's request for confidentiality that could preclude a meaningful investigation or potential discipline of the alleged perpetrator, the University will consider a range of factors. These factors include circumstances that suggest there is an increased risk of the alleged perpetrator committing additional acts of sexual violence or other violence (e.g., whether there have been other sexual violence complaints about the same alleged perpetrator, whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence, whether the alleged perpetrator threatened further sexual violence or other violence against the student or others, and whether the sexual violence was committed by multiple perpetrators). These factors also include circumstances that suggest there is an increased risk of future acts of sexual violence under similar circumstances (e.g., whether the student's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group). Other factors that should be considered in assessing a request for confidentiality include whether the sexual violence was perpetrated with a weapon; the age of the student subjected to the sexual violence; and whether the University possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).

Accordingly, Xavier cannot guarantee absolute confidentiality in response to every request, but will inform the person requesting confidentiality if it cannot ensure confidentiality in light of the foregoing factors.

### **Sanctions and Protective Measures**

In all cases, investigations that result in a finding of more likely than not that a violation of the applicable policy occurred will lead to the initiation of disciplinary procedures against the accused individual. University sanctions against students include a written warning, parental notification, educational sanctions, limitations on activities, fines, restitution, no contact



directives, residence life probation, removal from University housing, university probation, suspension and expulsion. Employees may receive participation in counseling; prohibition of the respondent from participating in grading honors, recommendations, reappointment and promotion decisions, or other evaluations of the complainant; letter of reprimand and copy of grievance record placed in respondent's permanent file; restrictions on the respondent's access to University resources, such as merit pay or other salary increases for a specific period, or suspension or dismissal from the University. All outcomes are based on the egregiousness of the prohibited conduct and other factors as set forth in relevant policies of the University. For students, sexual assault, domestic violence, dating violence, and stalking are violations of the Student Conduct Code and the Student Handbook state certain benchmark sanctions for their occurrence. Employees who violate this policy will be subject to discipline, up to and including termination of employment. Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties under federal and state law.

The Title IX Coordinator or their designee will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: a University No Contact Order, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Xavier University.

### **Retaliation is strictly prohibited.**

The University will disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

### **Sex Offender Registration**

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In Ohio, information on registered sex offenders can be accessed using the website for the Ohio Office of the Attorney General, which is here [http://www.communitynotification.com/cap\\_main.php?office=55149](http://www.communitynotification.com/cap_main.php?office=55149).

### Xavier University Campus Crimes Statistics Two Prior Years

	On Campus		Non-Campus		Public Property		Year Total		Residential	
	2011	2012	2011	2012	2011	2012	2011	2012	2011	2012
<b>Murder/Non-negligent Manslaughter</b>	0	0	0	0	0	0	0	0	0	0
<b>Negligent Manslaughter</b>	0	0	0	0	0	0	0	0	0	0
<b>Sex Offenses - Forcible</b>	0	5	0	0	0	0	0	5	0	5
<b>Sex Offenses - Non-Forcible</b>	0	0	0	0	0	0	0	0	0	0
<b>Robbery</b>	0	1	0	0	2	0	2	1	0	0
<b>Aggravated Assault</b>	0	0	0	0	0	0	0	0	0	0
<b>Burglary</b>	3	1	0	0	0	0	3	1	3	1
<b>Motor Vehicle Theft</b>	1	0	0	0	0	0	1	0	0	0
<b>Arson</b>	1	1	0	0	0	0	1	1	0	0
<b>Weapons; Carrying Possession, etc. Arrests</b>	0	0	0	0	0	0	0	0	0	0
<b>Drug Abuse Violations Arrests</b>	0	0	0	0	0	0	0	0	0	0
<b>Liquor Law Arrests</b>	0	0	0	0	0	0	0	0	0	0
<b>Weapons; Carry, Possession, etc., Referred</b>	0	2	0	0	0	0	0	2	0	0
<b>Drug Abuse Violations, Referred</b>	100	114	0	0	0	0	100	114	85	104
<b>Liquor Law Violations, Referred</b>	749	665	0	0	0	0	749	665	690	665

\*No hate crimes were reported in 2011 or 2012

### Xavier University Campus Crimes Statistics 2013

	On Campus		Non-Campus		Public Property		Year Total		Residential	
	2013		2013		2013		2013		2013	
<b>Murder/Non-negligent manslaughter</b>	0		0		0		0		0	
<b>Negligent Manslaughter</b>	0		0		0		0		0	
<b>Rape*</b>	6		0		0		6		6	
<b>Forcible Fondling*</b>	2		0		0		2		2	
<b>Incest*</b>	0		0		0		0		0	
<b>Statutory Rape*</b>	0		0		0		0		0	
<b>Robbery</b>	1		0		1		2		0	
<b>Aggravated Assault</b>	1		0		0		1		0	
<b>Burglary</b>	7		0		0		7		2	
<b>Motor Vehicle</b>	0		0		0		0		0	
<b>Arson</b>	0		0		0		0		0	
<b>Domestic Violence**</b>	0		0		0		0		0	
<b>Dating Violence**</b>	0		0		0		0		0	
<b>Stalking**</b>	8		0		0		8		5	
<b>Weapons; Carrying Possession, etc. Arrests</b>	0		0		0		0		0	
<b>Drug Abuse Violations Arrests</b>	2		0		0		2		0	
<b>Liquor Law Arrests</b>	1		0		1		2		0	
<b>Weapons; Carry, Possession, etc., Referred</b>	0		0		0		0		0	
<b>Drug Abuse Violations, Referred</b>	50		0		0		50		46	
<b>Liquor Law Violations, Referred</b>	468		0		3		471		440	

\*No hate crimes were reported for 2013

\*In 2013 Forcible and Non-Forcible Sex Offense were replaced by Rape, Forcible Fondling, Incest and Statutory Rape

\*\* In 2013 the Violence Against Women Act required the counting of the Crimes of Domestic Violence, Dating Violence and Stalking

## Fire Safety Annual Compliance Report Overview

The "Higher Education Opportunity Act" (Public Law 110-315) became law in August, 2008, requiring all United States academic institutions to produce an annual fire safety report outlining fire safety practices, standards, and all fire-related on-campus statistics related to student housing. The following public disclosure report details all information required by this law as it relates to Xavier University as outlined in the initial regulation; subsequent yearly reports will comply with the act as amended and published October 29, 2009.

### On-Campus Housing Fire Safety Equipment

At Xavier University, our residence halls are protected by fire detection and alarm systems which are centrally monitored 24 hours a day, seven days a week. The buildings are also equipped with emergency lighting fixtures that incorporate backup batteries; upon loss of power, these systems automatically activate to assure adequate egress lighting in hallways and emergency exit stairwells. All fire safety systems and equipment are strictly maintained and tested in accordance with applicable national standards

Building Name	Alarm Monitoring (Xavier University Police)	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguishing Devices	Evacuation Plans & Signs	Number of Fire Drills Each Year
Brockman Hall	X	X		X	X	X	1
Buenger Hall	X	X		X	X	X	1
Husman Hall	X	X		X	X	X	1
Kuhlman Hall	X	X		X	X	X	1
Fenwick Place	X		X	X	X	X	1
Commons Apartments	X		X	X	X	X	1
Village Apartments				X	X		
1019 Dana Ave.				X	X		
University Apartments				X	X		
Manor House				X	X		
1513 Dana Ave.				X	X		
1517 Dana Ave.				X	X		
1519 Dana Ave.				X	X		
1521 Dana Ave.				X	X		

### **Fire Safety Education, Training and Fire Drills**

On-campus residents, including those with special needs, receive comprehensive fire safety training at the beginning of the academic year. Training on fire and life safety is also provided to all Hall Directors, Residential Advisors, and Building Service Staff. In addition, a quality control program that covers emergency and evacuation procedures is reviewed regularly with the occupants and staff of each respective residence hall. Each resident is required to review and comply with the requirements outlined in the Xavier University Code of Student Conduct which includes information on fire safety and what appropriate action to take during a fire alarm or fire emergency. Fire drills are conducted annually in all of the occupied residence halls in coordination with Xavier University's offices of Clery Compliance and Safety, Residence Life, Physical Plant, and XUPD.

<b>2011</b>	<b>Description of Exercise</b>	<b>Date of Drill</b>	<b>Announced/Unannounced</b>
Brockman Hall	Evacuation/Fire Drill	9/13/2011	Unannounced
Buenger Hall	Evacuation/Fire Drill	9/16/2011	Unannounced
Husman Hall	Evacuation/Fire Drill	9/15/2011	Unannounced
Kuhlman Hall	Evacuation/Fire Drill	9/14/2011	Unannounced
Fenwick Place	Evacuation/Fire Drill	9/21/2011	Unannounced
Commons Apartments	Evacuation/Fire Drill		Unannounced

<b>2012</b>	<b>Description of Exercise</b>	<b>Date of Drill</b>	<b>Announced/Unannounced</b>
Brockman Hall	Evacuation/Fire Drill	9/11/2012	Unannounced
Buenger Hall	Evacuation/Fire Drill	9/12/2012	Unannounced
Husman Hall	Evacuation/Fire Drill	9/13/2012	Unannounced
Kuhlman Hall	Evacuation/Fire Drill	8/18/2012	Unannounced
Fenwick Place	Evacuation/Fire Drill	9/19/2012	Unannounced
Commons Apartments	Evacuation/Fire Drill		Unannounced

<b>2013</b>	<b>Description of Exercise</b>	<b>Date of Drill</b>	<b>Announced/Unannounced</b>
Brockman Hall	Evacuation/Fire Drill	9/10/2013	Unannounced
Buenger Hall	Evacuation/Fire Drill	9/26/2013	Unannounced
Husman Hall	Evacuation/Fire Drill	9/12/2013	Unannounced
Kuhlman Hall	Evacuation/Fire Drill	9/11/2013	Unannounced
Fenwick Place	Evacuation/Fire Drill	9/25/2013	Unannounced
Commons Apartments	Evacuation/Fire Drill	9/18/2013	Unannounced

## Fire Prevention

- Fire Prevention and Emergency Action Plans help to ensure that faculty, staff and students comply with University health and safety policies and programs, attend required training, report any identified safety or health hazard, and know their roles in an emergency.
- Policy on Smoking: prohibits smoking in all University buildings owned and operated by Xavier University, including residence halls.
- University Facilities Usage and Event Approval, requires that an application must be submitted for certain types of events on campus, and affirms that these events are subject to a review and approval process. The use of open flames and pyrotechnics, layout of assembly areas/events, and use of decorations are all evaluated during this review.
- Residence Hall Fire and Fire Alarm Procedures, ensures that students must evacuate the building upon fire alarm activation and outlines the role of staff members in overseeing evacuation procedures and reentry into the building when authorized.
- Residence Life procedures, require that all staff and Resident Advisors be trained to perform safety audits of residence rooms, coordinate emergency evacuations and warning procedures, and facilitate the performance of fire and other drills.
- The Xavier University Code of Student Conduct, which is part of the housing agreement contract, limits the types of electrical appliances allowed in residence halls, establishes expectations for compliance with drills and training, provides for periodic health and safety inspections of residence rooms, affirms limitations on materials that may be stored in resident rooms, prohibits open flames without a permit, limits the use of combustible decorations/furnishings, and defines the consequences if students violate University policies and programs. Specifically:
  - Electrical appliances such as electric stoves, George Foreman-type grills, toaster ovens, toasters, crock pots, sandwich makers, air conditioners, space heaters, hot plates, and other open coiled appliances are not permitted in residence hall rooms. No extension cords of any type are permitted, and halogen bulb lamps and high intensity lamps are prohibited.
  - Room furnishings/decorations and the decorating of public spaces are strictly controlled.
  - Items that require an open flame, operate on fuel, or produce heat (such as Bunsen burners, lit candles, incense, and alcohol burners) are prohibited.
  - Student rooms, common areas, storage, and mechanical areas are subject to regular inspection by the Office of Residence Life. In addition, resident room inspections are conducted once per semester by hall staff in order to identify any health or safety concerns.
  - Violations of fire and life safety policies are subject to University student conduct action and appropriate sanctions.
  - Anyone found causing a false fire alarm, tampering with fire-safety equipment, or

not properly evacuating during a fire alarm may face arrest and/or student conduct referral.

## Fire Statistics

### Statistics and Related Information Regarding Fires in Residential Facilities 2011

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Fire Related Deaths	Value of Property Damage Caused by Fire
Brockman Hall	0	0	N/A	N/A	N/A	N/A
Buenger Hall	0	0	N/A	N/A	N/A	N/A
Commons Apartments	1	1	Unintentional/Pizza Boxes left in stove	0	0	Unknown
Husman Hall	1	1	Undetermined	0	0	\$0-99
Kuhlman Hall	0	0	N/A	N/A	N/A	N/A
Manor House	0	0	N/A	N/A	N/A	N/A
University Apartments	0	0	N/A	N/A	N/A	N/A
Village Apartments	0	0	N/A	N/A	N/A	N/A
Bishop Fenwick Place	1	1	Unintentional/Outlet Fire	0	0	\$100-999
1019 Dana	0	0	N/A	N/A	N/A	N/A

### Statistics and Related Information Regarding Fires in Residential Facilities 2012

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required treatment at a Medical Facility	Number of Fire Related Deaths	Value of Property Damage Caused by Fire
Brockman Hall	0	0	N/A	N/A	N/A	N/A
Buenger Hall	0	0	N/A	N/A	N/A	N/A
Commons Apartments	0	0	N/A	N/A	N/A	N/A
Husman Hall	0	0	N/A	N/A	N/A	N/A
Kuhlman Hall	0	0	N/A	N/A	N/A	N/A
Manor House	0	0	N/A	N/A	N/A	N/A
University Apartments	0	0	N/A	N/A	N/A	N/A
Village Apartments	0	0	N/A	N/A	N/A	N/A
Bishop Fenwick Place	0	0	N/A	N/A	N/A	N/A
1019 Dana	0	0	N/A	N/A	N/A	N/A

### Statistics and Related Information Regarding Fires in Residential Facilities 2013

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required treatment at a Medical Facility	Number of Fire Related Deaths	Value of Property Damage Caused by Fire
Brockman Hall	0	0	N/A	N/A	N/A	N/A
Buenger Hall	0	0	N/A	N/A	N/A	N/A
Commons Apartments	1	1	Unintentional/Plastic Cutting Board on Stove	0	0	\$100-999
Husman Hall	0	0	N/A	N/A	N/A	N/A
Kuhlman Hall	0	0	N/A	N/A	N/A	N/A
Manor House	0	0	N/A	N/A	N/A	N/A
University Apartments	0	0	N/A	N/A	N/A	N/A
Village Apartments	0	0	N/A	N/A	N/A	N/A
Bishop Fenwick Place	0	0	N/A	N/A	N/A	N/A
1019 Dana Ave	0	0	N/A	N/A	N/A	N/A
1513 Dana Ave	0	0	N/A	N/A	N/A	N/A
1517 Dana Ave	0	0	N/A	N/A	N/A	N/A
1519 Dana Ave	0	0	N/A	N/A	N/A	N/A
1521 Dana Ave	0	0	N/A	N/A	N/A	N/A

#### Fire Reporting

XUPD monitors the status of all fire detection and Fire reporting systems in residence halls. If a fire is occurring, contact XUPD by calling the emergency line at 513-745-1000. If a fire has occurred and has been handled and needs to be reported, call the non-emergency line at 513-745-2000. A paper copy of the fire log is available for viewing at the police department 24 hours a day or by visiting [www.xavier.edu/police/](http://www.xavier.edu/police/).

#### Residence Hall Fire Safety-Procedures for Students

All persons must leave the building during fire alarms and may not reenter until approved by the fire department and instructed to do so by a University official (i.e., Xavier Police Officer, or a Hall Director). Violations, including students who refuse to evacuate, or return before they are told to do so, are serious grounds for student conduct proceedings. Any person who sets off a false alarm or misuses a fire extinguisher commits a severe violation and may be subjected to prosecution under Ohio Law in addition to serious University sanctions. If in a residence hall, please leave the window blinds open, close and lock doors, and turn off the lights. Any student, who activates a false alarm, tampers with fire or safety equipment (such as fire extinguishers and door alarms) or fails to evacuate in the event of a fire alarm places the lives and safety of his/her fellow students in danger. This is one of the most severe violations of University Policy. Any student, who in any way misuses fire or safety equipment, accidentally or maliciously, is subject to severe University disciplinary action and prosecution under Ohio Statutes.



## **GENERAL EVACUATION PROCEDURES**

When a fire is detected, building occupants are to calmly proceed to the appropriate exit (as indicated by the posted evacuation route) and vacate the building. An alternate route is provided in case exits or stairways are blocked. If possible, activate the nearest fire alarm pull station, call XUPD at 513-745-1000, and advise them of the situation.

Individuals are to assemble in their designated meeting point. A head count should be conducted to ensure that all individuals are accounted for. Should individuals be missing, the Incident Commander or their alternate should be notified, they will confer with fire department or other emergency personnel. Only emergency personnel will be allowed to enter the building.

### **As you leave the building:**

- Before opening a closed door, feel the surface of the door with the back of your hand.
- If the door is hot, do not open it because there is probably fire on the other side. Backtrack and use your alternate escape route.
- If the door is cool, open it carefully.
- Close all doors behind you to help prevent the spread of smoke and fire.
- Do not attempt to use an elevator.
- If you encounter smoke, stay low or crawl if necessary, since there is usually cleaner air close to the floor. If available, place a wet rag over your mouth and nose to help filter the air.
- Assist anyone who appears to be disoriented or injured.
- Once outside the building, proceed directly to your assigned assembly point.
- Do not reenter the building until directed to do so by XUPD or the Fire Department.

### **If you become trapped during a fire emergency:**

- Find a room, preferably with a window.
- Close the door.
- If smoke starts to enter the room, seal the door with rags, clothing, or other materials.
- Look for a phone and try to call XUPD at 513-745-1000. Tell the dispatcher that you are trapped and give your location.
- If there is a window, signal rescuers with a rag, piece of paper, clothing, etc.
- If there is visible smoke outside the window, do not open it!
- If there is no visible smoke outside the window, open the top part of the window a few inches to let smoke out and open the bottom of the window to let fresh air in.
- It may be possible to exit the building from a window, however, you should not attempt to jump from any window higher than the second floor from the ground level unless absolutely necessary. Wait as long as you can for rescuers to help you down.
- If no window is available, remain calm. Stay near the floor. Shout at regular intervals to alert emergency crews of your location.

### **Open Flames in Student Housing - Candles/Incense/Oil Lamps**

The possession of candles and/or incense (decorative or functional) is not permitted in on campus housing facilities due to the fire hazard they create. Any damage caused by the burning

of these items will be the responsibility of the residents. Items will be confiscated.

**Plans for Future Improvement**

Xavier University maintains a prioritized list of projects to upgrade older fire systems, enhance the capabilities of existing systems, or install new fire safety systems in existing buildings in accordance with local/state fire codes. Currently the University does not have any plans for future improvements to fire safety.