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# Capital University

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## **2023 Combined Annual Security Report and Fire Safety Report**

Bexley Campus (Main and Trinity Programs) and  
Columbus Campus (Law School)

Fall 2023

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## **Introduction**

This report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended. It provides students and employees of Capital University ("University" or "Capital") with information on: the University's security arrangements, policies, and procedures; programs that provide education on such things as drug and alcohol abuse, awareness of various kinds of sex offenses, and the prevention of crime generally; and procedures the University will take to notify the campus community in the event of an emergency. Its purpose is to provide students and employees with information that will help them make informed decisions relating to their own safety and the safety of others.

## **Policy for Preparing the Annual Report**

This report is prepared by the Vice President and University Counsel in cooperation with local law enforcement authorities and includes information provided by them as well as by the University's campus security authorities and various other elements of the University. Each year an e-mail notification is made to all enrolled students and employees that provides the website link to access this report. Prospective students and employees are also notified of the report's availability. Hard copies of the report may also be obtained at no cost by contacting Chief Scott Kunkle, Public Safety Building, Capital University, 661 College Avenue, Bexley, OH 43209, 614.236.6504. The University is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and staff. As a member of the campus community, you can feel safe and comfortable knowing that security procedures are in place that represent best practices in the field and are constantly tested and re-evaluated for their effectiveness.

## **General Safety and Security Policies**

### **Campus Security Personnel & Relationship with Local Law Enforcement**

The Department of Public Safety is responsible for campus safety at the University, on both the Bexley and Columbus/Law School campuses. In addition, the University employs security officers at the Columbus/Law School campus to assist with safety on that campus.

Capital University recognizes the need to provide safety and security for the campus community. To ensure timely response to unlawful acts, as well as the ability to provide proactive preventative measures, the University has established and maintains as a Public Safety Department, which includes a certified campus police force.

The Capital University police force is established in accordance with section 1713.50 of the Ohio Revised Code (O.R.C.). Members of the University police force are commissioned law enforcement officers. They have the authority to make arrests and carry firearms. The department's jurisdiction covers all of the University's property on both campuses.

The officers of the Department of Public Safety also are empowered by the University to take administrative action against any member of the University community who is in violation of the University's various codes of conduct for employees and students.

In addition, the University uses uniformed security officers at its Law School to assist in maintaining a safe environment. The private security officers are not commissioned police officers; they do not carry weapons; they do not have the power to arrest.

Capital University has entered into a mutual aid agreement with the City of Bexley, for coordination of police activities on the University's Bexley campus. The Capital University Department of Public Safety may utilize this agreement to assist in the investigation of criminal offenses and perform other police functions under certain circumstances, as well as engage in crime interdiction and joint crime prevention projects to benefit the safety and security of the Bexley campus.

While the University does not have any written agreements with the Columbus Police Department, which has jurisdiction at the Columbus/Law School campus, and at Clowson Field (the location of the baseball/softball fields utilized by the University), it does maintain a close working relationship with Columbus PD.

## **Campus Security Authorities**

The University has designated certain officials to serve as campus security authorities. Reports of criminal activity can be made to these officials. They in turn will ensure that the crimes are reported for collection as part of the University's annual report of crime statistics. The campus security authorities to whom the University would prefer that crimes be reported are listed below.

- Director of Residential and Commuter Life at 614.236.6955
- Associate Director of Residential and Commuter Life at 614.236.6811
- Community Coordinators of Residential Life at 614.236.6811
- Resident Assistants, Senior Resident Assistants, and Community Assistants at 614.236.6811
- Associate Provost/Dean of Engagement and Success at 614.236.6904
- Associate Directors of Student and Community Engagement at 614.236.6901
- Executive Director of Diversity and Inclusion at 614.236.6307
- Associate Director of Diversity and Inclusion at 614.236.6671
- Director of Athletics at 614.236.6551
- Head Coaches at 614.236.6209
- Assistant Coaches at 614.236.6209
- Law School Associate Dean of Academic Affairs at 614.236.6589
- Law School Dean of Student Administration at 614.236.6972
- Law School Assistant Dean of Diversity and Inclusion at 614.236.6972
- Law School Assistant Dean for Professional Development at 614.236.6889
- Law School security officers at 614.236.6161
- University police officers at 614.236.6666

## **Reporting a Crime or Emergency**

The University encourages accurate and prompt reporting of all criminal actions, emergencies, or other incidents occurring on campus, on other property owned by the University, or on nearby public property to the appropriate administrator and appropriate police agencies. Such a report is encouraged even when the victim of a crime elects not to make a report or is unable to do so.

- All crimes occurring on or near University property should be reported immediately to the University Department of Public Safety. The number to contact is 614.236.6666. A dispatcher is available 24/7.
- If a crime is in progress or there is some other situation posing imminent danger, local law enforcement can be reached by dialing 911.
- Suspected criminal activity at the Law School may also be reported and requests for assistance made to any Security Officer or to the Security Desk at 614.236.6161.
- Students, staff, and visitors should also report situations to one of the campus security authorities identified above. Once reported, the individual may also be encouraged to report the situation to the appropriate police agency. If requested, a University staff member will assist in making the report to police.
- An anonymous report or tip can be made by using the University's Rave Guardian app., which sends a message to the University's Public Safety Department.
- A report of criminal activity should contain sufficient information to provide reasonable grounds for the University to pursue an investigation, or to refer the matter to local authorities for investigation and prosecution. The University will investigate reports of criminal activity and will prosecute or further investigate reports of the crimes of murder, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson, among others, as required by law.

## **Confidential Reporting**

The University will protect the confidentiality of victims. Only those with a need to know the identity for purposes of investigating the crime, assisting the victim, or disciplining the perpetrator will know the victim's identity.

Pursuant to the University's Sex or Gender-Based Harassment, Discrimination, and Sexual Misconduct Policy, when an employee who is not a confidential resource becomes aware of alleged misconduct under that policy (including, but not limited to, dating violence, domestic violence, sexual assault, and stalking), the employee is responsible for reporting that information, including the status of the parties if known, to the Title IX Coordinator. A victim of other types of crimes (e.g., aggravated assault, burglary, etc.) who does not want to pursue action within the University disciplinary system or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. Upon the victim's request, a report of the details of the incident can be filed with the University without revealing the victim's identity. Such a confidential report complies with the victim's wishes, but still helps the University take appropriate steps to ensure the future safety of the victim and others. With such information, the University can keep an accurate record of the number of incidents involving members of the campus community, determine where a pattern of crime may be developing and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the University.

The University encourages its pastoral and professional counselors, if and when they deem it appropriate, to inform the person they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual report of crime statistics.

## **Security of and Access to Campus Facilities**

Academic and other campus facilities are generally open to students, employees, and guests during normal business hours of 8:30am - 5:00pm Monday through Friday. In addition, the first floor of the Library and the Convergent Media Center are accessible 24/7 to University members with ID key cards.

As an independent institution, Capital University's campus is private property, and persons who do not have legitimate business on campus may be removed or arrested as trespassers. There is no formal policy requiring identification and admission of visitors on campus generally, although specific policies may govern access to particular buildings such as University residence halls and the Law School.

Most buildings are equipped with call boxes located near entrances that enable anyone in need to call Public Safety. The boxes have signs with the phone number for Public Safety and the location of the box. The Department of Public Safety plays an important part in University decisions regarding facilities, landscaping, and lighting. The University regularly updates the locking and door alarm systems for its buildings and has instituted key card access to buildings.

In addition, the University has a weapons policy which generally prohibits individuals who are not law enforcement officers from possessing, displaying, or using firearms, weapons, ammunition, or fireworks on campus at any time. All buildings have no weapons signs located at entrances.

Individuals who have been issued University access cards or who are specifically authorized to use the facilities within a particular building may do so on an individual basis after the designated closing time without prior notification of DPS. Individuals with access cards who enter buildings after the designated closing time must accept the responsibility for immediately securing the door after entering and upon leaving the building. Such individuals should be prepared to provide DPS personnel with appropriate identification if requested.

University police may remove unauthorized persons from campus buildings or take other action as may be appropriate if such persons do not have specific authorization to be in the building.

### Columbus/Law School Campus

During established building hours, normally 7am – 11pm, the Law School is accessible to faculty, staff, and students through the Capital Street entrance. After hours, faculty and staff must use their access ID to enter the building. Law School facilities, like the Bexley campus, are private property, and persons who do not have legitimate business at the Law School may be removed or arrested as trespassers. Guests (non-students or employees) must check in at the security desk at the Capital Street entrance when using the building.

Contractors working at the Law School for afterhours or weekend work, must check in with Security at the security desk at the Capital Street entrance, and with Law School facilities personnel. Upon completion of the work, contractors are to notify facilities personnel before leaving and sign out at the security desk.

## Bexley Campus

Contractors must check in with the Office of Facilities Management for after hours or weekend work, or with DPS if Facilities personnel are unavailable. Facilities Management will notify DPS in writing that such company will be on campus and to provide the contractor information (company name, contact information, where they will be working and schedule). Upon completion of the work, contractors are to sign out with Facilities Management.

### Academic Buildings - Bexley Campus

Fall/Spring Semesters: Access is available from 7:00 am to 7:30 pm through most building doors, and from 7:30 pm to 10:00 pm through designated access points to the building.

Summer Semester: Access hours are reduced in the summer consistent with class meeting times and scheduled events or meetings.

### Residence Halls

As the "home away from home" for students, Residence Halls provide all residents with a sense of privacy, security and community and these policies are based on the premise that residents share responsibility for their community's security concerns.

#### Access:

Residence Hall card access is limited to building residents, and necessary Student Development, Facilities, and Public Safety personnel. Capital University students who are assigned housing on the Bexley campus will be issued an access card that allows them to open the outside door of their assigned residence building at all times during the academic year. Outside doors without a card reader are generally locked and will be monitored for unauthorized entries. Students may not prop open exterior doors or provide access to the residence halls to persons who are not authorized to enter, and violators are subject to disciplinary action under the Student Code of Conduct. Each student room is equipped with standard door locks. Guests and visitors may only be permitted into the building where their host lives. All guests in residence halls must have a student host and are subject to University rules and policies. Hosts are responsible for the actions and damages caused by their guests. The phone number for on-call Resident Assistants are posted in each hall.

Residence Halls will be closed during holiday breaks and during the breaks between semesters. Capital University may provide residential accommodations during certain vacation periods to a limited number of students by prior arrangement through the Residential and Commuter Life Office. Students approved to remain on campus between fall and spring semesters will have 24-hour access, via their card, only to the residence to which they are assigned.

Meeting and Event Services will schedule the Residence Halls for summer events.

### Administration Buildings – Bexley Campus

Normal hours of operation in administrative areas are defined as Monday through Friday from 7:00 am to 5:00 pm. Access to these buildings during afterhours or weekends should be through the designated access points.

## Department of Public Safety

Normal hours of operation are from 8:00 am until 5pm, Monday through Friday, during the academic year. In addition, limited services are available from the dispatch center at the Public Safety office 24 hours/7 days a week. At all times public safety officers may be reached by calling (614) 236-6666, which is answered by the Public Safety dispatch center.

## Building Access After Hours/Weekends/Holidays/Breaks - Bexley Campus

Each building has a designated access point to be used for entry after the building is closed and secured. Entry through these access points is available with a University access card.

During breaks and holidays, when there is an event in public spaces that attracts large numbers of attendees, event organizers should coordinate with Meeting and Event Services, University Counsel, Building Manager (if applicable) and DPS about procedures that are responsive to the needs of the event.

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

The University Public Safety Department works with the Facilities Department to identify maintenance issues on both campuses that may be safety hazards. Safety checks are completed to identify street or safety lights that are not functioning properly, or to determine if shrubs or other landscaping might need trimming. Maintenance personnel regularly check to ensure there is adequate lighting on pathways and that egress lighting is working in hallways and stairwells.

The University's Safety Implementation Team meets regularly to plan safety infrastructure improvements, and to review safety needs of the University.

## **Educational Programs Related to Security Awareness and Prevention of Criminal Activity**

The University seeks to enhance the security of its campus and the members of the campus community by periodically presenting educational programs to inform students and employees about campus security procedures and practices, to encourage students and employees to be responsible for their own security and the security of others and to inform them about the prevention of crimes. These programs are discussed below.

Capital sponsors on-going programs and information on public safety-related issues and provides information on personal safety such as information entitled "Keeping Yourself Safe" posted on the University's Public Safety webpage at <http://www.capital.edu/campus-safety/>. The "Keeping Yourself Safe" webpage provides information on the University's Public Safety department and tips on how to prevent crimes such as a theft, telephone harassment, assault, rape, personal injury, and what to do if a crime occurs.

During student orientation, students are informed of services offered by the University's Department of Public Safety (DPS). The security awareness training materials outline ways to maintain personal safety and residence hall security. Crime prevention programs are also presented each semester by Residential and Commuter Life. In addition, email blasts are periodically sent out to students and employees with crime prevention and other safety tips.

Security awareness materials and information are offered to students, faculty, and staff on a continual basis via the University's Safety Bulletin located at <https://www.capital.edu/about/campus-safety/campus-safety-bulletin/> as well as through email communications.

### **Monitoring Off Campus Locations of Recognized Student Organizations**

The University does not have any officially recognized student organizations with off campus locations and therefore does not monitor or record criminal conduct occurring at such locations.

### **Disclosure of the Outcome of a Crime of Violence or Non-Forcible Sex Offense**

Upon written request, the University will disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), 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 a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of the paragraph.

The previous paragraph does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the Violence Against Women Act both the accused and accuser in these cases are given the results without the need to make a written request.

## **Drug and Alcohol Policy**

The University is committed to creating and maintaining an environment that is free of alcohol abuse. The University prohibits the possession, use, and sale of alcohol beverages on campus or as any part of the University's activities, unless it is done so in accordance with applicable University policies, and it also enforces the state's underage drinking laws.

The University also enforces federal and state drug laws. The possession, sale, manufacture, or distribution of illegal drugs is prohibited on campus or as any part of the University's activities. Violators of the University's policies or federal and state laws regarding illegal drugs will be subject to disciplinary action and possibly criminal prosecution.

### **Federal Drug Laws (updated 08.01.2023)**

**Denial of Federal Benefits (21 U.S.C. § 862)** A federal drug conviction may result in the loss of federal benefits, including loans, grants, scholarships, contracts, and licenses, although the Department of Education has said it will no longer disqualify students from Title IV aid for a federal or state conviction for possession or sale of a controlled substance.

**Forfeiture of Personal Property and Real Estate (21 U.S.C. § 853)** Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation. A warrant of seizure may be issued and property seized at the time an individual is arrested on charges that may result in forfeiture.

**Federal Drug Trafficking Penalties (21 U.S.C. § 841)** Penalties for federal drug trafficking convictions vary according to the type and quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are more severe. Federally-defined schedules of controlled substances are published at 21 U.S.C. 812.

In the case of a controlled substance in schedule I or schedule II, GHB (or, “liquid ecstasy”), or flunitrazepam (or, “rohypnol”), a person shall be sentenced to a term of imprisonment of not more than 20 years. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces the possibility of a life sentence and fines ranging up to \$10 million.

In the case of a controlled substance in schedule III, a person shall be sentenced to a term of imprisonment of not more than 10 years, and if death or serious bodily injury results, shall be sentenced to a term of imprisonment of not more than 15 years or a fine not to exceed \$500,000, or both, for a first offense.

For less than 50 kilograms of marijuana, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

In the case of a schedule IV substance, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

Persons convicted on federal charges of drug trafficking within 1,000 feet of an elementary school, secondary school, college, or university (**21 U.S.C. § 860**) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year, unless the offense involves five grams or less of marijuana.

**Federal Drug Possession Penalties (21 U.S.C. § 844)** Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison, a mandatory fine of no less than \$1,000, or both. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.

For the most recent and complete Federal Trafficking Penalties information, visit the website of the U.S. Drug Enforcement Administration at [www.campusdrugprevention.gov/sites/default/files/2022-07/Federal\\_Trafficking\\_Penalties\\_Chart\\_6-23-22.pdf](http://www.campusdrugprevention.gov/sites/default/files/2022-07/Federal_Trafficking_Penalties_Chart_6-23-22.pdf).

### Drug and Alcohol State Laws

Category	Summary (Ohio Revised Code)
Possession of Marijuana	The use and possession of recreational marijuana is illegal. OHIO REV. CODE ANN. § 2925.11(A). Violators are guilty of a minor misdemeanor if the amount is less than 100 grams, resulting in a \$150 fine. OHIO REV. CODE ANN. § 2925.11(C)(3). Increased amounts lead to increased penalties. <i>Id.</i> Medical marijuana use is permitted under certain conditions. OHIO REV. CODE ANN. §§ 3796.01-3796.30.

Category	Summary (Ohio Revised Code)
Controlled Substances	<p>Ohio has a wide range of laws governing controlled substances and their possession and distribution. OHIO REV. CODE ANN. §§ 2925.01-2925.58. Penalties vary widely based on the amount and type of substance used. Under Ohio law, no person shall knowingly obtain, possess, or use a controlled substance. OHIO REV. CODE ANN. § 2925.11. Possession of certain drugs, like cocaine, LSD, and heroin, results in a charge of aggravated possession of drugs, a fifth-degree felony. <i>Id.</i></p> <p>Selling or offering to sell a controlled substance is illegal. OHIO REV. CODE ANN. § 2925.03. Doing so results in an aggravated felony (unless the substance is marijuana), subject to prison time and fines. OHIO REV. CODE ANN. §§ 2925.11, 2929.12.</p> <p>As an example, if a person is found guilty of possession of 12 grams of opium, they are guilty of a third-degree felony, facing 9–36 months in prison and a possible \$10,000 fine.</p>
Alcohol and Minors	<p>No person under the age of 21 shall purchase beer or intoxicating liquor. OHIO REV. CODE ANN. § 4301.63. Doing so can result in a fine between \$25–\$100. OHIO REV. CODE ANN. § 4301.99. Providing false information concerning one’s name, age, or other identification for the purpose of obtaining alcohol is a misdemeanor. OHIO REV. CODE ANN. §§ 4301.634; 4301.99. Selling beer or intoxicating liquor to a minor is also a misdemeanor and can result in a fine between \$500–\$1000 and imprisonment up to 60 days. OHIO REV. CODE ANN. §§ 4301.22; 4301.99.</p>
Driving Under the Influence (DUI)	<p>No person shall operate a vehicle under the influence of alcohol with a blood-alcohol concentration of .08 percent or more. OHIO REV. CODE ANN. § 4511.19. Operating under the influence results in a mandatory prison term of at least 3 days as well as the possibility of an intervention program. OHIO REV. CODE ANN. § 4511.19(G)(1)(a)(i).</p>

## Drug and Alcohol Abuse Prevention Program

The University has a drug and alcohol abuse and prevention program and conducts a biennial review of this program to evaluate its effectiveness. For more information, see below.

- Student alcohol/drug policy is located in the Student Handbook which can be found here: <http://www.capital.edu/current-students/> and specifically on pages 47 – 52 here: <https://www.capital.edu/media/xd4pabhs/student-handbook.pdf>
- Employee alcohol/drug policy is located on the University's Policies and Handbooks webpage which can be found here: <https://www.capital.edu/faculty-and-staff/human-resources/policies-and-handbooks/>
- Alcohol/drug webpage: <https://www.capital.edu/health-resources/>
- Biennial review of the University’s drug and alcohol abuse prevention program is located under "Health and Safety" here: <https://www.capital.edu/about-capital/facts-and-figures/consumer-information/> and specifically here: <https://www.capital.edu/media/fbpizali/2019-2021-aod-biennial-review.pdf>

The University provides drug and alcohol awareness information and counseling services to all students through the Center for Health and Wellness, including Alcohol Use Checkup (E-Checkup to Go).

For employees, through Capital University’s benefits program, an Employee Assistance Plan (EAP) is available through Unum. Unum's EAP assists employees and their eligible dependents with personal or job-related concerns, including concerns related to drug and alcohol use, and addiction.

## **Policies, Procedures, and Programs Related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

Consistent with applicable laws, the University prohibits dating violence, domestic violence, sexual assault, and stalking. The University's policy used to address complaints of this nature, as well as the procedures for filing, investigating, and resolving complaints, may be found at:

- Sex or Gender-Based Harassment, Discrimination, and Sexual Misconduct Policy: <https://www.capital.edu/media/2knnugyw/300-sexual-misconduct-policy-final-71316.pdf>

The following sections of this report discuss the University's educational programs to promote the awareness of dating violence, domestic violence, sexual assault, and stalking, provide information concerning procedures students and employees should follow and the services available in the event they do become a victim of one of these offenses, and advise students and employees of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred.

### **Primary Prevention and Awareness Program:**

The University conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees. The PPAP advises campus community members that the University prohibits the offenses of dating violence, domestic violence, sexual assault, and stalking. They are also informed of the topics discussed below, including relevant definitions, risk reduction, and bystander intervention.

### **Crime Definitions**

<b>Crime Type (Ohio Revised Code)</b>	<b>Definitions</b>
Dating Violence	The institution has determined, based on good-faith research, that Ohio law does not define the term dating violence.

Crime Type (Ohio Revised Code)	Definitions
Domestic Violence (Ohio Rev. Code § 2919.25)	<p>A person is guilty of domestic violence if violating any of the following provisions: (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.</p> <p>“Family or household member” means any of the following: (a) Any of the following who is residing or has resided with the offender: (i) A spouse, a person living as a spouse, or a former spouse of the offender; (ii) A parent, a foster parent, or a child of the offender, or another person related by consanguinity or affinity to the offender; (iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a person, living as a spouse, or former spouse of the offender; (b) The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.</p>
Stalking (Ohio Rev. Code § 2903.211(A))	<p>The following constitutes “menacing by stalking” under Ohio law: (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 a family or household member of the other person or cause mental distress to the other person or a family or household member of the other person. In addition to any other basis for the other person's belief that the offender will cause physical harm to the other person or the other person's family or household member or mental distress to the other person or the other person's family or household member, the other person's belief or mental distress may be based on words or conduct of the offender that are directed at or identify a corporation, association, or other organization that employs the other person or to which the other person belongs; (2) No person, through the use of any form of written communication or any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, r-computer system, or telecommunication device shall post a message or use any intentionally written or verbal graphic gesture with purpose to do either of the following: (a) Violate division (A)(1) of this section; (b) 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.</p>
Sexual Assault	<p>The institution has determined, based on good-faith research, that Ohio law does not define the term sexual assault.</p>
Rape, Fondling, Incest, Statutory Rape	<p>For purposes of the Clery Act, the term “sexual assault” includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Ohio law are as follows:</p> <ul style="list-style-type: none"> <li>• Rape (Ohio Rev. Code Ann. §2907.02): <ul style="list-style-type: none"> <li>○ 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: <ul style="list-style-type: none"> <li>(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;</li> </ul> </li> </ul> </li> </ul>

Crime Type (Ohio Revised Code)	Definitions
	<p>(b) The other person is less than thirteen years of age, whether or not the offender knows the age of the other person;</p> <p>(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.</p> <ul style="list-style-type: none"> <li>○ 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.</li> <li>• Fondling: The institution has determined, based on good-faith research, that Ohio law does not define the term fondling.</li> <li>• Incest: The institution has determined, based on good-faith research, that Ohio law does not define the term incest.</li> <li>• Statutory Rape: The institution has determined, based on good-faith research, that Ohio law does not define the term statutory rape.</li> </ul>
Other "sexual assault" crimes	<p>Other crimes under Ohio law that may be classified as a "sexual assault" include the following:</p> <ul style="list-style-type: none"> <li>• Sexual Battery (Ohio Rev. Code Ann. § 2907.03): 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</li> </ul>

Crime Type (Ohio Revised Code)	Definitions
	<p>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; or (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.</p> <ul style="list-style-type: none"> <li>• Unlawful Sexual Conduct with Minor (Ohio Rev. Code Ann. § 2907.04): 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.</li> <li>• Gross Sexual Imposition (Ohio Rev. Code Ann. § 2907.05): <ul style="list-style-type: none"> <li>○ 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.</li> <li>○ 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.</li> </ul> </li> <li>• Sexual Imposition (Ohio Rev. Code Ann. § 2907.06): 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</li> </ul>

Crime Type (Ohio Revised Code)	Definitions
	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.
Consent (as it relates to sexual activity)	The institution has determined, based on good-faith research, that Ohio law does not define the term consent (as it relates to sexual activity).

University Definition of Consent

The University uses the following definition of consent in its sexual misconduct policy for the purpose of determining whether sexual violence (including sexual assault) has occurred:

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

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

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

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

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

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

Being under the influence of alcohol or other drugs will not excuse behavior that violates this policy.

### **Risk Reduction**

Capital University is committed to providing information to help community members reduce risk surrounding sexual situations. These suggestions may help reduce risk:

- Host both large-group and small-group training and educational sessions.
- Have frequent conversations with partners about boundaries and limits.
- Know that you can withdraw consent to any sexual activity at any time.
- Be as direct as possible with a sexual aggressor that you do not want to be in their physical presence. Enlist the help of other people who may be nearby.
- Know and respect your limits with drugs and alcohol.
- Attend parties and gatherings with friends and make plans to look out for one another.
- Don't be afraid to step in if you see someone else trying to take advantage of an incapacitated or nearly incapacitated person.
- Know and recognize warning signs of an abusive person. Some examples include: past abuse; threats of violence or abuse; breaking objects; using force during an argument; jealousy; controlling behavior; quick involvement; unrealistic expectations; isolation; blames others for problems; hypersensitivity; cruelty to animals or children; “playful” use of force during sex; Jekyll-and-Hyde personality.

If you find yourself in the position of being the initiator of sexual behavior, these suggestions may help you to reduce your risk of being accused of sexual assault or another sexual crime:

- Remember that you owe sexual respect to the other person.
- Don't make assumptions about the other person's consent or about how far they are willing to go.
- Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
- If your partner expresses a withdrawal of consent, stop immediately.
- Clearly communicate your sexual intentions so that the other person has a chance to clearly tell you their intentions.
- Consider “mixed messages” a clear sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
- Don't take advantage of someone who is really drunk or on drugs, even if they knowingly and intentionally put themselves in that state.

Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.

### **Bystander Intervention**

Bystander intervention is a practice of recognizing a potentially harmful situation and responding in a way to positively influence the outcome of the situation, when it is safe to do so. When intervening in a situation, remember to always be respectful of everyone involved. It is helpful to remember the four D's of Bystander Intervention:

- Direct: Call out behavior directly, ask the person if they are okay, ask the aggressor to stop the behavior.
- Distract: Interrupt a situation by sparking a new conversation with one of the people, spilling a drink, asking someone to go to the restroom or another room in a venue with you, telling the aggressor their car is being towed, etc.
- Delegate: Ask for assistance stepping in. Call an authority figure or enlist others in the situation to take action.
- Delay: If you cannot intervene in the moment, it's always good to check in with the person later to make sure they have the support they need and are connected to resources.

**You should not intervene if it is not safe to do so.**

### *Other Information Covered by the PPAP*

The PPAP also provides information on possible sanctions and protective measures that may be imposed following a determination that an offense of dating violence, domestic violence, sexual assault, or stalking has occurred, an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged, the rights of the parties in such a proceeding, available resources, and other pertinent information. Much of this information is set forth in the upcoming sections of this security report.

### **Ongoing Prevention and Awareness Campaign:**

The University also conducts an Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and employees. This campaign covers the same material as provided in the PPAP but is intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault, and stalking.

### **PPAP and OPAC Programming Methods:**

The PPAP and OPAC are carried out in a variety of ways, using a range of strategies, and, as appropriate, targeting specific audiences throughout the University. Methods include, but are not limited to presentations, online training modules, distribution of written materials, annual climate surveys through the Ohio Department of Higher Education Changing Campus Culture program, and socio-educational programs throughout the academic year.

- New students receive education on the prevention of dating violence, domestic violence, sexual assault, and stalking online training modules in CAP 101 the summer

before classes begin and through a presentation sponsored by the Office of Student and Community Engagement and Title IX Office during Welcome Weekend. All new employees are required to complete an online training module on these topics upon hire and are required to retake the online training each year.

- As part of its ongoing campaign, the University uses a variety of strategies, such as in-person presentations by sexual assault organizations, social media campaigns, student organization presentations, campus-wide emails, and in-person programming. Programming occurs on campus and through passive presentations on social media throughout the academic year, with an increased focus during Domestic Violence Awareness Month and Sexual Assault Awareness Month.

### **Procedures to Follow if You are a Victim of Dating Violence, Domestic Violence, Sexual Assault, or Stalking:**

If you are a victim of dating violence, domestic violence, sexual assault, or stalking, go to a safe place and seek support by one or more of the following means:

- Call 911
- Call Public Safety at 614-236-6666, if on either the Bexley or Law School campuses.
- Call the Law School Security Desk at 614-236-6161, if on the Law School campus.
- Connect with the Title IX Coordinator at [titleix@capital.edu](mailto:titleix@capital.edu) or 614-236-6904.
- Contact the RA or CC on duty at the numbers posted on all residence halls.
- Connect with the Center for Health and Wellness or an on-call counselor by calling 614-236-6114.
- Connect with a community resource. Trusted partners can be found here: <https://www.capital.edu/title-ix-and-sexual-harassment/>.

Victims will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported (contact the Title IX Coordinator or refer to the other resources listed in this report).
2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order.
3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (b) the option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses (the institution is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities.
4. Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

#### *Preservation of Evidence & Forensic Examinations*

Victims of physical assault are advised to not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence. Don't bathe or wash, or otherwise clean the environment in which the assault occurred. You can

obtain a forensic examination at Ohio State Hospital - East, 181 Taylor Avenue, Columbus, OH 43203, 614-257-3414 (Emergency Room Phone Number).

Completing a forensic examination does not require you to file a police report but having a forensic examination will help preserve evidence in case you decide at a later date to file a police report.

Victims are also advised to retain evidence in electronic formats (e.g., text messages, emails, photos, social media posts, screenshots, etc.). Such evidence is valuable in all situations, and it may be the only type of evidence available in instances of stalking.

### Security/Law Enforcement & How to Make a Police Report

- Both Campuses: Capital University Public Safety, 614-236-6666
- Bexley Campus: Bexley Police Department, 911 or 614-559-4444 (non-emergency), 558 N. Cassingham Rd, Columbus, OH 43209.
- Columbus/Law School Campus:
  - Columbus Police Department, 911 or 614-645-4545 (non-emergency)
  - Law School Security, 614-236-6161
- To make a police report, a victim should contact the local police agency listed above either by phone or in-person. The victim should provide as much information as possible, including name, address, and when and what occurred, to the best of the victim's ability.

### Information about Legal Protection Orders

In Ohio, victims may obtain a Protection Order, which provides protective relief for victims of domestic violence, stalking, or sexual assault. Information about Protection Orders may be found at: <https://city-attorney.columbus.gov/prosecution-guidetoprotection.aspx>.

A protection order may be obtained by filing a petition with the court. There are four different kinds of protection orders. Municipal (Criminal) court may issue a Domestic Violence Temporary Protection Order (DVTPO) or a Criminal Protection Order (CRPO) depending on the type of charge and your relationship to the defendant. Civil (Domestic) Court issues Civil Protection Orders (CPO) if you are a family or household member of the defendant. If you are being stalked, Common Pleas Court may issue a Civil Stalking or Sexually Orientated Offense Protection Order (SSOOPO). Additional information about the orders may be found at: <https://city-attorney.columbus.gov/prosecution-guidetoprotection.aspx>.

- Assistance for victims in Franklin County can be found here: <https://lssnetworkofhope.org/choices/>
- The Ohio Domestic Violence Network can assist victims and can help you find assistance in your local area. More information may be found at: <https://www.odvn.org/find-help/>.

When a protection order is granted, it is enforceable statewide. If you have obtained a protection order and need it to be enforced in your area, you should contact the local police department.

The University will also enforce any temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court. Any student or employee who has a protection order or no contact order should notify the Title IX Coordinator and provide a copy of the restraining order so that it may be kept on file with the University and can be enforced on campus, if necessary. Upon learning of any orders, the University will take all reasonable and legal action to implement the order.

The University does not issue legal orders of protection. However, as a matter of university policy, the University may impose a no-contact order between individuals in appropriate circumstances. The University may also issue a “no trespass warning” if information available leads to a reasonable conclusion that an individual is likely to cause harm to any member of the campus community. A person found to be in violation of a No Trespass Warning may be arrested and criminally charged.

### **Available Victim Services:**

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to them, both within the University and in the surrounding community. Those services include:

#### *University Resources*

- Center for Health and Wellness (for mental and physical health needs), 614.236.6114, [chw@capital.edu](mailto:chw@capital.edu), <https://www.capital.edu/health/>
- Student Financial Aid – Sometimes a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence based on the circumstances of a complaint, he/she should understand there may be financial aid implications in taking such leave. This should be discussed with financial aid personnel, and the Title IX Coordinator can assist in facilitating this conversation if desired. The University’s financial aid website can be found at: <https://www.capital.edu/financial-aid/>.

#### *State/Local Resources*

- Ohio State East Hospital - 614-257-3000, 181 Taylor Avenue, Columbus, OH 43203, <https://wexnermedical.osu.edu/locations/east-hospital>
- Mount Carmel East - 614-234-6000, 6001 East Broad Street, Columbus, OH 43213, <https://www.mountcarmelhealth.com/location/mount-carmel-east>
- Ohio Health - Riverside Hospital - 614-566-5000, 3535 Olentangy River Road, Columbus, OH 43214, [https://www.ohiohealth.com/locations/hospitals/riverside-methodist-hospital?utm\\_source=yext&utm\\_medium=listings&utm\\_campaign=websiteclicksfacility](https://www.ohiohealth.com/locations/hospitals/riverside-methodist-hospital?utm_source=yext&utm_medium=listings&utm_campaign=websiteclicksfacility)
- Ohio State University Hospital - 614-293-8000, 410 W. 10th Avenue, Columbus, OH 43210, <https://wexnermedical.osu.edu/>
- Sexual Assault Response Network of Central Ohio (SARNCO), 24-hour rape line: 614-267-7020, <https://www.ohiohealth.com/community-health/sarnco>

- CHOICES for Domestic Violence, 24-hour crisis line: 614-224-4663, <https://lssnetworkofhope.org/choices/>
- Buckeye Region Anti-Violence Organization (BRAVO), 1-866-862-7286, Text: 614-333-1907, [report@bravo-ohio.org](mailto:report@bravo-ohio.org) , web chat available on website, <https://bravo.equitashealth.org> .
- Behavioral and Mental Health at OhioHealth, <https://www.ohiohealth.com/services/neuroscience/our-programs/behavioral-and-mental-health>
- Legal Aid Society of Columbus, 1108 City Park Avenue, Columbus, 614-241-2001, <https://www.columbuslegalaid.org/>

### *National Resources*

- National Domestic Violence Hotline: 1-800-799-7233
- National Sexual Assault Hotline: 1-800-656-4673
- Rape, Abuse, and Incest National Network (RAINN): <https://www.rainn.org/>
- US Dept. of Justice Office on Violence Against Women: <https://www.justice.gov/ovw>
- National Coalition Against Domestic Violence: <http://www.ncadv.org/>
- National Sexual Violence Resource Center: <http://www.nsvrc.org/>
- U.S. Citizenship and Immigration Services: <https://www.uscis.gov/>
- Immigration Advocates Network: <https://www.immigrationadvocates.org/>

### **Accommodations and Protective Measures:**

The University will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations or protective measures. If victims request these accommodations or protective measures and they are reasonably available the University is obligated to provide them, regardless of whether the victim chooses to report the crime to campus security or local law enforcement.

Requests for accommodations or protective measures should be made to the Title IX Coordinator at 614-236-6904 or [titleix@capital.edu](mailto:titleix@capital.edu). The Title IX Coordinator is responsible for deciding what, if any, accommodations or protective measures will be implemented.

When determining the reasonableness of such a request, the University may consider, among other factors, the following:

- The specific need expressed by the complainant.
- The age of the students involved.
- The severity or pervasiveness of the allegations
- Any continuing effects on the complainant
- Whether the complainant and alleged perpetrator share the same class or job location.
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

The University will maintain as confidential any accommodations or protective measures provided a victim to the extent that maintaining confidentiality would not impair the University's ability to provide them. However, there may be times when certain information must be disclosed to a third party in order to implement the accommodation or protective

measure. Such decisions will be made by the University in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or protective measure is provided. In the event it is necessary to disclose information about a victim in order to provide an accommodation or protective order, the University will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why.

### **Procedures for Disciplinary Action:**

Allegations of domestic violence, dating violence, sexual assault, or stalking will be processed through the University's Sex or Gender-Based Harassment, Discrimination, and Sexual Misconduct Policy, Student Handbook and Faculty and Staff handbooks.

The complaint resolution procedures are invoked once a report is made to the following individual:

Deanna Wagner  
Associate Provost/Title IX Coordinator  
614-236-6904  
Yochum Hall 209  
[dwagner1453@capital.edu](mailto:dwagner1453@capital.edu)

[titleix@capital.edu](mailto:titleix@capital.edu)

Reports may be made in-person, electronically, by phone, through a Title IX reporting form, or an anonymous report through Ethics Point.

Once a Formal Complaint is made, the Title IX Coordinator, or other University employee as appropriate, will provide notice to the parties of the investigation, including a description of the process to be utilized, the identities of the parties, the conduct at issue, and the date and location of the alleged incident, if the alleged behavior falls within Title IX jurisdiction. The Title IX Coordinator will work with involved parties to determine if a formal or informal resolution process is most appropriate for the allegations and the situation.

### **Formal Resolution Proceedings**

The Formal Resolution may only be pursued after a Formal Complaint has been filed.

### **Notice of Charges**

**1. Initial Notice of Charges.** Upon receipt of a Formal Complaint, but prior to commencing the investigation, the University shall provide the following written notice to the parties. The notice will be provided reasonably in advance of any interview with the investigators to allow sufficient time for meaningful preparation. The notice shall include:

- a. The Title IX policy;
- b. The specific section of the policy allegedly violated;
- c. The specific conduct alleged to constitute potential violation under this policy;

- d. The identities of the parties involved in the incident;
- e. The date and location of the alleged incident;
- f. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Formal Resolution;
- g. Notification to the parties that they may have an advisor of their choice;
- h. Notification to the parties that they may inspect and review evidence, as set forth in this policy;
- i. The names of the investigators and the ability to challenge their participation for conflict of interest or actual bias;
- j. The appropriate policy language that prohibits a party from knowingly making false statements or knowingly submitting false information;
- k. Notice of the preponderance of evidence standard;
- l. List of all possible sanctions the institution may impose if there is a finding of responsibility; and
- m. Notice that Retaliation is prohibited.

2. **Amended Notice of Charges.** If, in the course of an investigation, the University decides to investigate allegations about the Complainant or Respondent that are not included in the initial notice of charge, the University must provide notice of the additional allegations to the parties.

3. **Principles for the Grievance Process.** The University's Title IX Coordinator will appoint two investigators who will conduct a thorough, reliable, and impartial investigation of the reported allegation. Title IX investigators are employees of the University who have received training on how to conduct an investigation in a manner that is equitable and impartial. The University may engage external investigators as one or both of the assigned investigators. Under this grievance process, the University shall:

- a. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the University and not on the parties;
- b. A person's medical, counseling, or treatment records are privileged, and confidential documents are not required to be disclosed. Should a party wish to provide a confidential record as evidence, the party will provide written voluntary, consent to share the medical, counseling, or treatment record as part of the investigation, and the record should be limited to the portion directly related to the allegations raised in the Formal Complaint. The record will be included in the file for review by the other party and for use in the investigative process.

- c. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- d. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- e. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, and not limit the choice or presence of advisor for either the Complainant or Respondent in any meeting or grievance proceeding; however, the University may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
- f. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
- g. Require an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence—and provide that credibility determinations may not be based on a person’s status as a Complainant, Respondent, or witness.
- h. Include a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- i. Use the preponderance of the evidence standard to determine responsibility for allegations in a Formal Complaint of prohibited conduct under this policy.

**4. Extensions of the Grievance Process.** The Title IX Coordinator may grant or deny requests from either party to temporarily delay the grievance process or may issue the limited extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

**5. Investigation of Formal Complaints.** The University shall investigate within 60 working days of receiving the Formal Complaint, unless unusual or complex circumstances exist. When investigating the Formal Complaint, the University shall:

- a. Engage in fact-gathering of all relevant facts. Credibility resolutions and fact-finding shall be conducted in the live hearing phase of the grievance process.
- b. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

**c.** Prior to completion of the investigative report, send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties have 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

**d.** Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

**e.** Make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

## **6. Pre-Hearing Conference**

**a.** Each party will have their own pre-hearing conference. The Title IX Coordinator will communicate to the parties, their advisors, and the Hearing Chair the date, time, and format for their Pre-Hearing Conference. The Title IX Coordinator, the Hearing Chair, and the advisor must be in attendance. While the parties are strongly encouraged to attend, they are not required to do so.

**b.** During the Pre-Hearing Conference, the advisors must share with the Hearing Chair their list of witnesses to appear at the hearing, the identity of any requested witnesses that were not questioned during the investigation, the request for any new evidence to be considered that was not submitted previously to the investigators, and the availability of the advisor and the party for hearing dates.

**c.** Evidence and witnesses may only be presented at the hearing if they were submitted to the investigators and made available to the parties for review, unless they were unavailable at the time of the investigation or the relevance was unknown until the investigative report was submitted.

**d.** The Hearing Chair will address any requests to present new evidence and new witnesses at the Pre-Hearing Conference.

**e.** The advisor is strongly encouraged to discuss lines of questioning with the Hearing Chair at the Pre-Hearing Conference to obtain guidance from the Hearing Chair on relevancy prior to the hearing. The Hearing Chair will discuss the expectations and guidelines for appropriate behavior and decorum during the hearing.

**f.** After reviewing each party's witness list, the Hearing Chair may, at their discretion, add names of other witnesses contained in the report for the purpose of appearing at the hearing and submitting to cross examination.

**g.** After the conclusion of the Pre-Hearing Conferences, the Title IX Coordinator will provide each party and their advisor with written notice of the date, time, and manner for the hearing, which will typically occur no less than five (5) working days after the conclusion of the final pre-hearing conference.

## **7. Live Hearings Under the Grievance Process**

### **a. Requirement of a Live Hearing for Fact-Finding and Determining Responsibility**

**i.** Following the investigation, within 30 working days of sending the final investigative report to the parties, unless unusual or complex circumstances exist, the University shall conduct a live hearing for the purposes of determining responsibility for allegations of sexual harassment in the Formal Complaint.

**ii.** The decision-maker will not be the same individuals as the Title IX Coordinator or the Title IX investigators.

**iii.** If a party does not have an advisor present at the live hearing, the University shall provide without fee or charge to that party, an advisor of the University's choice to conduct cross examination on behalf of that party. The University is obligated to ensure each Party has an advisor, either of the Party's or University's choice.

**iv.** Live hearings may be conducted with all parties physically present in the same geographic location or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

**v.** At the request of either party, the University shall provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker and parties to simultaneously see and hear the party or the witness answering questions.

**vi.** The University shall create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

### **b. Questioning at the Live Hearing**

**i.** At the live hearing, the decision maker must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.

**ii.** Only relevant cross examination and other questions may be asked of a party or witness.

**iii.** Cross examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the University's ability to otherwise restrict the extent to which advisors may participate in the proceedings.

**iv.** Before the Complainant, Respondent, or witness answers a cross-examination or other question, the decision-maker must first determine whether the question is relevant. The decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant.

v. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

**c. Use of Witness Statements**

i. If a party or witness does not submit to cross examination at the live hearing, the decision-maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility; and

ii. The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross examination or other questions.

**d. Decorum and Well-being of the Parties in the Live Hearing**

i. The school will require all parties, advisors, and witnesses to maintain appropriate decorum throughout the live hearing. Participants at the live hearing are expected to abide by the decision-maker's directions and determinations, maintain civility, and avoid emotional outbursts and raised voices. Repeated violations of appropriate decorum will result in a break in the live hearing, the length of which will be determined by the decision-maker. The decision-maker reserves the right to appoint a different advisor to conduct cross-examination on behalf of a party after an advisor's repeated violations of appropriate decorum or other rules related to the conduct of the live hearing.

ii. Parties and advisors may take no action at the hearing that a reasonable person would see as intended to intimidate that person (whether party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.

**8. Written Determination of the Decision-Maker**

a. The decision-maker shall issue a written determination regarding responsibility within 15 working days following the conclusion of the live hearing. To reach this determination, the decision-maker shall apply the preponderance of evidence standard. The written determination will include:

i. Identification of the allegations potentially constituting violation of conduct as defined by this policy;

ii. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

iii. Findings of fact supporting the determination;

iv. Conclusions regarding the application of the University's policy to the facts;

v. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided to the complainant; and

vi. The procedures and permissible bases for the Complainant and Respondent to appeal, as set forth in this policy.

b. The University shall provide the written determination to the parties simultaneously.

c. The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

9. **Sanctions:** Sanctions are actions that the University will take against the Respondent that are proportionate to the violation(s). Sanctions may be issued individually, or a combination of sanctions may be imposed. The determination of sanctions is based upon a number of factors, including: the harm suffered by the Complainant; any ongoing risk to either the Complainant or the University community posed by Respondent; the impact of the violation on the University community, its members, or its property; any previous sexual misconduct violations; any pattern of sexual misconduct behavior; and any mitigating or aggravating circumstances.

When the Respondent is an employee, examples of sanctions include:

- Warning – Written or Verbal
- Performance Improvement Plan
- Mandatory Training or Education
- Probation
- Demotion
- Suspension (paid or unpaid)
- Termination (If for a faculty member, the additional procedures set forth in the *Faculty Handbook*, Section 7.5 Dismissal for Cause, will be followed.)

When the Respondent is a student, examples of sanctions include:

- Monetary Fines/Restitution
- Warning – Written or Verbal
- Mandatory Training or Education
- Restricted Access
- Restriction from extracurricular and/or co-curricular activities
- Alcohol/Drug/Anger Assessment
- Residence Hall Probation or Dismissal
- Disciplinary Probation
- Suspension
- Dismissal

- Withholding Diploma
- Revocation of Degree
- Organizational Sanctions

**First time student Respondents who are found responsible for nonconsensual sexual intercourse** may receive a sanction to include at minimum the following:

- Suspended from the University for a least one semester or up to dismissal;
- Not allowed on University property during the period of suspension, or permanent exclusion from University property if dismissed;
- Contact with the survivor is strictly forbidden;
- Must submit documentation of a qualified assessment of the student’s ability to return to the University without threatening the safety of others.

**Second time student Respondents who are found responsible for nonconsensual sexual intercourse** may receive a minimum of the following sanction:

- Dismissal from the University;
- Permanent exclusion from University property.

Separate from the University process, individuals should be aware that criminal liability can be incurred from a sexual misconduct violation in penalties established in the Ohio Revised Code for all offenses deemed criminal.

## 10. Appeal

**a. Timeline for Appeal.** Either party may appeal the outcome, including a finding of responsibility or no responsibility and/or the sanction. The appealing party must submit the appeal within five (5) calendar days from the date the written decision is sent out. The appeal must be submitted in writing to the Title IX Coordinator. An appeal may not be filed on behalf of a Complainant or Respondent by a third party. If no appeal is submitted within the five (5) calendar days, the administrative disposition of the resolution becomes final, and the sanctions/recommendations shall be implemented.

### b. Appeals Process

**i. Request for Appeal:** The written request for appeal must identify the reasons and evidence supporting the appeal, state the result sought, and be submitted to the Title IX Coordinator within the appeal timeline set forth in 10(a) above. The four possible grounds for appeal are as follows:

- 1) Procedural irregularity that affected the outcome of the matter;
- 2) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- 3) The Title IX Coordinator, investigators, or decision-makers had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; and

4) The sanctions imposed are substantially disproportionate to the severity of the violation.

ii. Within three (3) calendar days, the Title IX Coordinator will provide a copy of the written appeal request to the non-appealing party, who may submit to the Title IX Coordinator a **written response** to the appeal request within five (5) working days from the date the appeal request was sent out.

iii. The Title IX Coordinator will forward the report, the file, the request for appeal, and the response (if any) to the Appeals Officer.

iv. The Appeals Officer will be a neutral and impartial decision maker. The parties shall be informed, in writing, of the specific Appeals Officer. Within one (1) calendar day from the date the notice was sent out with the identity of the Appeals Officer, the Complainant and Respondent may submit a written request to the Title IX Coordinator to replace the named Appeals Officer if there are reasonable articulable grounds to establish bias, conflict of interest, or an inability to be fair and impartial. The Title IX Coordinator may grant or deny requests from either party.

v. **Final Outcome:** Typically, within ten (10) calendar days from receipt of the appeal documents, the Appeals Officer will issue the decision. Both the Complainant and Respondent will be advised in writing of the Appeal Officer's decision (Notice of Final Outcome) simultaneously. The following are the potential outcomes of the appeal process: determine whether the appeal satisfies the grounds for an appeal; affirm the findings from the Formal Resolution process; alter the findings from the Formal Resolution process; alter the sanctions from the Formal Resolution process; or request additional steps to be taken.

### **Informal Resolution Proceedings**

The Informal Resolution may only be pursued after a formal complaint has been filed. The Informal Resolution may occur with voluntary and written consent of both parties and the Title IX Coordinator. Informal Resolution is not permitted to resolve allegations that an employee engaged in sexual harassment against a student.

Consistent with the requirements of this section, prior to initiating an Informal Resolution, the University will provide to the parties a written notice disclosing:

1. The allegations;
2. The requirements of and procedures for the Information Resolution process, including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and resume the grievance process with respect to the Formal Complaint; and
3. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

The University does not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints of sexual harassment under this policy.

The Title IX Coordinator retains the discretion to determine the type of Information Resolution that may be appropriate and may refer a complaint to a Formal Resolution at any time. The Informal Resolution process will be completed within 30 working days of receiving the Formal Complaint, unless unusual or complex circumstances exist. Information Resolution agreements are signed by the parties and the Title IX Coordinator. Any violation of an Information Resolution agreements will be referred by the Title IX Coordinator and may be referred to Formal Resolution or Student Conduct for further review. Informal Resolutions may result in agreed-upon disciplinary action, such as probation, suspension, or dismissal, against the respondent.

Informal Resolution is an administrative process and matters resolved through this method of resolution are not part of a student's conduct file, except that such records can be used in reviewing any additional sexual misconduct proceedings or developing sanctions in such proceedings, and would then become part of a student's conduct record. For employees, informal resolution records would be kept by the Title IX Coordinator in the same manner as findings from the formal investigation process.

If alleged behavior does not fall within Title IX jurisdiction, and involved parties are students, the alleged behavior is referred to the Student Conduct process.

### **Student Conduct Proceedings**

The following section outlines the student conduct process for students at Capital University related to violations of the Student Code of Conduct, Residential and Commuter Life, and all other University policies, procedures, or regulations. The University may use this process to address allegations of domestic violence, dating violence, sexual assault, or stalking, when the allegations fall outside of the scope of the Resolution Proceedings described above. In certain circumstances following an incident of serious misconduct by an individual or group, the Provost/Vice President of Learning, or their designee, has the option to impose a suspension, dismissal, or other sanctions without a formal hearing process.

1. Any member of the University community may file a complaint (via an Incident Report, contacting a staff member with Residential and Commuter Life, or contacting the Chief Conduct Officer) against a student, group, or student organization for misconduct. A report must be prepared in writing and directed to the Chief Conduct Administrator for distribution to a Conduct Officer.
2. After reviewing and investigating a complaint, the chief conduct administrator or designated officer will determine whether or not the offense will be assigned to a Conduct Officer or the Campus Hearing Board.
3. Students involved in an alleged complaint are contacted to meet with a Conduct Officer within a designated period of time. During an investigation, if a student takes responsibility for alleged misconduct a conduct officer will assign sanctions.
4. If a formal hearing is warranted, the complaint will be presented to the responding student or student organization in written form. A time will be set for a hearing, not less than two and no more than 10 days after the student has received notification. Maximum time limits for scheduling of hearings may be extended at the discretion of

the Conduct Administrator. Notice of conduct proceedings and related materials will be expediently sent to the student's Capital email address.

5. Conduct administrator or officer may determine if the complaint has merit and/or if a complaint can be resolved by mutual consent of both parties involved. Such informal resolutions will be final and there will be no subsequent proceedings.
6. All Residential and Commuter Life professional staff designated as conduct officers may conduct conferences as assigned by the chief conduct administrator. The hearing will be used to determine responsibility and where appropriate assign sanctions.
7. Once the incident/complaint is assigned to a Conduct Officer, the conduct administrator or their designee assumes the role of monitor, advisor, and record keeper. All decision letters are kept in Maxient, and a copy is forwarded to the chief conduct administrator.

A student who is alleged to have violated the Code of Conduct is entitled to the following:

- To be informed of the complaint and the alleged misconduct on which the complaint is based.
- To receive an expeditious hearing of the case.
- To be assured of confidentiality in accordance with the terms of the Federal Educational Rights and Privacy Act (FERPA).
- To the standard of a preponderance of the evidence to determine responsibility (i.e., it is more likely than not to have occurred).
- To appeal a decision of a Conduct Officer or Hearing Board.

Beyond conduct including: the general conduct process described above, more specific processes can be used to adjudicate:

### **Mediation**

Mediation is encouraged as an alternative means to resolve some conduct cases, except those involving sexual misconduct. A conduct officer, conduct administrator, or hearing body may recommend mediation to resolve disputes within the University community. Mediation is appropriate only when all parties involved (complainants and respondents) voluntarily agree to engage in the mediation process. In cases where a complaint is filed by a University official serving solely in that role, mediation is not an option. Mediation will involve the resolution of the incident, including sanctioning when needed. If mediation fails, the case will be forwarded to a hearing board.

### **Board Hearings**

Formal hearings conducted by the Campus Hearing Board will follow these guidelines:

Admission of any person to the hearing will be at the discretion of the Hearing Board. Every attempt will be made to respect the confidentiality of the parties. In situations involving more than one Respondent, the hearings concerning each student usually will be conducted separately.

The Complainant and the Respondent have the right to be assisted by any Process Advisor they choose, at their own expense. Both the Complainant and the Respondent are responsible for presenting their own case and therefore Process Advisors are not permitted to address the Hearing Board, although they may consult with the individual(s) to whom they are serving as a Process Advisor.

The Respondent is required to appear at a hearing. If the Respondent fails to appear, the Hearing Board reserves the right to conduct a hearing on the basis of the information submitted, or to postpone the hearing. Except in the case of a complaint against a student for failing to obey the summons of a Hearing Board or University official acting on behalf of the Hearing Board, no student may be found to have violated the Code of Student Conduct or other University policy or procedure because a student failed to appear before the Hearing Board. In all cases, all information collected through the investigation will be presented and considered including a summary of past violations of misconduct. All procedural questions are subject to the final decision of the Chair of the hearing in conjunction with the Chief Conduct Administrator.

After the hearing, the Hearing Board will determine whether the student is responsible for engaging in any misconduct. If the Hearing Board determines that the student is responsible for engaging in misconduct, it will also determine sanctions. Formal rules of evidence are not applicable in hearings. Any determination of responsibility will be supported by a written finding that is placed in the Respondent's disciplinary file and will be made available to the Respondent to view, upon request. There will be a single record, kept in the form of an audio recording, a video recording, or a hand transcription of all hearings before a Hearing Board, not including deliberations. Deliberations will not be recorded. The record is the property of the University.

With Hearing Board proceedings, all students are entitled to:

- Have a reasonable time to prepare and present their own case. To speak on their behalf throughout the hearing. However, Complainants and Respondents are not required to make any statement to the Hearing Board.
- Bring persons having pertinent information to the hearing as witnesses, and to question any witness approved by the Conduct Administrator. The hearing board may ask for witnesses to be called in addition to the approved list.
- Be assisted by a Process Advisor of their choosing. During the hearing, the Process Advisor may speak only to the individual being advised and may not speak directly to the Hearing Board.
- Request that any member of the Hearing Board be removed from the processes because of personal bias provided, however, that except in extraordinary circumstances, such as the discovery of new information, this request is made prior to the beginning of the hearing.

## **Appeals**

Appeals under the Student Conduct Process will use the following procedures:

1. A student found in violation of the Code of Conduct may appeal the disciplinary decision only once. An appeal of the conference/ hearing outcome must be based on the following:
  - a. New information or evidence, unavailable during the original hearing, that could determine a different outcome.
  - b. Hearing procedures deviated from the written procedures in the Student Handbook and significantly impacted the fairness of the hearing process or altered the outcome.
  - c. Sanction(s) are grossly disproportionate to violation.

2. The appeal must be made in writing.
3. Appeals must be received within three (3) business days of receipt of the written case outcome. Appeals should be directed to the person(s) outlined in the outcome letter.
4. If an appeal is not filed within three (3) business days of the date the party received the initial case outcome, the right to appeal is waived and the original hearing outcome becomes final.
5. An appeal will be reviewed by an appeals officer(s), who will determine whether the outcome was clearly erroneous based on one or more of the grounds for appeal. The appeals officer(s) will notify the appellant within seven (7) business days of the outcome of the appeal. The appeals officer(s) will take one of the following actions:
  - a. Deny the appeal and uphold the decision of the Hearing Board or Conduct Officer.
  - b. Grant the appeal as to the sanction, uphold the finding of responsibility and reduce the sanction.
  - c. Grant the appeal and return the case for a new hearing by a new hearing board or new conduct officer.
6. All sanctions may remain in place until the appeal is decided.

When the involved parties are employees, regardless of whether the behavior falls within the Title IX jurisdiction, allegations of dating violence, domestic violence, sexual assault, and stalking, fall under the University's Sex or Gender-Based Harassment, Discrimination, and Sexual Misconduct Policy. The procedures for filing, investigating, and resolving complaints, are those described above under "Procedures for Disciplinary Action".

### **Rights of the Parties in an Institutional Proceeding:**

During the course of the process described in the previous section, both the accuser and the individual accused of the offense are entitled to:

1. A prompt, fair and impartial process from the initial investigation to the final result.
  - A prompt, fair and impartial process is one that is:
    - Completed within reasonably prompt timeframes designated by the institution's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
    - Conducted in a manner that:
      - Is consistent with the institution's policies and transparent to the accuser and the accused.
      - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
      - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
    - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and

on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

- The Title IX Coordinator, Title IX Investigators, Decision-Makers, and any person who facilitates an informal resolution process (whether internal or external) shall receive training on the definition of sexual harassment under this policy, the scope of the University's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. These individuals shall receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. Title IX Investigators shall receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Decision makers shall receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

Any materials used to train Title IX Coordinators, Title IX Investigators, Decision-Makers, and any person who facilitates an informal resolution process, will not rely on sex stereotypes, and will promote impartial investigations and adjudications of Formal Complaints of sexual harassment.

Specific Trainings include:

- Bricker and Eckler Level 1: Higher Education Annual Clergy Training and Introduction to Title IX Basics
  - Bricker and Eckler Level 2: Title IX Coordinator
  - Bricker and Eckler Level 2: Investigator
  - Bricker and Eckler Level 2: Decision-Maker
  - Bricker and Eckler Advisor
  - Bricker and Eckler Level 2: Informal Resolution Officer
  - Bricker and Eckler Level 2: Appeals Officer
  - Bricker and Eckler/ODHE Advanced Title IX Coordinator
  - Bricker and Eckler/ODHE Advanced Title IX Coordinator Writing Workshop
  - Bricker and Eckler/ODHE Advanced Title IX Investigator
  - Bricker and Eckler/ODHE Advanced Title IX Investigator Writing Workshop
  - ATIXA Coordinator Training, Level 1, 4, 5
  - ATIXA Investigator Training, Level 1 and 2
3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.

4. Have the outcome determined using the Preponderance of the Evidence Standard .
5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, “result” means “any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters” and must include the rationale for reaching the result and any sanctions imposed.

### **Possible Sanctions or Protective Measures that the University May Impose for Dating Violence, Domestic Violence, Sexual Assault or Stalking Offenses:**

Following a final determination in the institution’s disciplinary proceeding that dating violence, domestic violence, sexual assault, or stalking has been committed, the institution may impose a sanction depending on the mitigating and aggravating circumstances involved.

#### **Title IX Process Sanctions**

Sanctions may be issued individually, or a combination of sanctions may be imposed. The determination of sanctions is based upon a number of factors, including: the harm suffered by the Complainant; any ongoing risk to either the Complainant or the University community posed by Respondent; the impact of the violation on the University community, its members, or its property; any previous sexual misconduct violations; any pattern of sexual misconduct behavior; and any mitigating or aggravating circumstances.

When the Respondent is an employee, possible sanctions include:

- Warning – Written or Verbal
- Performance Improvement Plan
- Mandatory Training or Education
- Probation
- Demotion
- Suspension (paid or unpaid)
- Termination (If for a faculty member, the additional procedures set forth in the *Faculty Handbook*, Section 7.5 Dismissal for Cause, will be followed.)

When the Respondent is a student, the sanctions include:

- Monetary Fines/Restitution
- Warning – Written or Verbal
- Mandatory Training or Education
- Restricted Access
- Restriction from extracurricular and/or co-curricular activities
- Alcohol/Drug/Anger Assessment
- Residence Hall Probation or Dismissal
- Disciplinary Probation
- Suspension
- Dismissal
- Withholding Diploma
- Revocation of Degree
- Organizational Sanctions

**First time student Respondents who are found responsible for nonconsensual sexual intercourse** may receive a sanction to include at minimum the following:

- Suspended from the University for a least one semester or up to dismissal;
- Not allowed on University property during the period of suspension, or permanent exclusion from University property if dismissed;
- Contact with the survivor is strictly forbidden;
- Must submit documentation of a qualified assessment of the student's ability to return to the University without threatening the safety of others.

**Second time student Respondents who are found responsible for nonconsensual sexual intercourse** may receive a minimum of the following sanction:

- Dismissal from the University;
- Permanent exclusion from University property.

Separate from the University process, individuals should be aware that criminal liability can be incurred from a sexual misconduct violation in penalties established in the Ohio Revised Code for all offenses deemed criminal.

### **Student Conduct Process Sanctions**

The following University sanctions may be assigned in response to students found in violation of the Student Code of Conduct. Sanctions may be imposed independently or in combination with other sanctions. Sanctions can be assigned to an individual student, group of students, and/or student organizations.

1. **Warning:** The official warning is notification to the student(s) that they have been found responsible for a violation and that any other violations could result in more serious sanctions. A warning can be time-designated.
2. **Probation:** Probation is a sanction permitting a student to remain enrolled under prescribed conditions. Probation is designated for a specified period of time and includes the probability of more severe disciplinary sanctions if the student is found to have engaged in any additional misconduct during the probationary period.
3. **Loss of Privileges:** Denial of specific privileges for a designated period of time.
4. **Restitution:** Compensation for loss, damage, or injury. This may take the form of service, monetary, or property replacement. Payments required may not exceed the cost of repair or replacement of the damaged or stolen item, but a lesser amount may be specified.
5. **Discretionary Sanctions:** Work assignments, essays, service to the University, learning outcome specific assignments, or other related assignments may be assigned.
6. **Residential/Housing Relocation:** If a student is living in a residence hall, they may be required to move to another floor or into another residence hall.
7. **Residential/Housing Probation:** Residential probation is a sanction permitting a student to remain in residence under prescribed conditions. This probation is designated for a specific time with the conditions outlined. A student on residential probation will not be permitted to stay in University housing over break periods.
8. **Residential/Housing Suspension:** Students who are suspended from University housing will be required to move out of /check out of University housing within 24

hours of notification of the disciplinary action for the length of time specified by the Hearing Board or Conduct Officer. Housing fees for the full semester in which the suspension occurs will still be charged. Any student who receives a suspension from University housing will lose eligibility to live in apartment style housing or theme learning communities.

9. Residential/Housing Dismissal: Students who are permanently dismissed from housing will be required to vacate their residential facility within 24 hours of notification of the disciplinary action. Housing fees for the full semester in which the dismissal occurs will still be charged. The student may not reapply for residency.
10. University Disciplinary Suspension in Abeyance: This sanction is a suspension that is delayed pending a specified behavioral performance. A definite period of observation and review occurs during the deferred suspension period. If a student is again found responsible for violating the Student Code of Conduct, the suspension will take place immediately without appeal for any subsequent violation.
11. University Disciplinary Suspension: Separation of the student from the University for a defined period of time, exclusion from University premises, privileges, and activities. Students will be removed from the University within 24 hours of notification of the disciplinary action. No refunds of tuition, fees, room, or board will be made if a student is suspended. The student will be required to apply for readmission at the end of the specified period of suspension. If a dependent student is suspended from the University, a letter will be sent to their parent(s) or legal guardians with notification of the suspension.
12. University Disciplinary Dismissal: Permanent separation of the student from the University and permanent exclusion from University premises, privileges, and activities. No refunds of tuition, fees, room, and board will be made if a student is dismissed. A copy of the letter imposing disciplinary dismissal will be sent to a dependent student's parents or legal guardians.
13. No Contact Order: a No Contact Order may be imposed in instances where it is determined that a student poses a potential threat or the escalation of disruption to another person. It may be used as an immediate sanction in some cases. This means no contact in person, via phone, cell phone, text message, instant message, any form of social media, communication via friends or other third parties, etc. In the event that the individual meets by chance/other reasons with the student in question, they are instructed to refrain from making any contact. A violation of the No Contact Order could result in either a Housing or University Suspension.
14. Revocation of Admission: Admission to Capital University may be revoked for fraud, misrepresentation, or other violation of Capital University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
15. The following sanctions may be imposed upon student organizations or groups:
  - a. Those sanctions listed above in Section A-F
  - b. Student Organization Suspension: loss of privileges, including University recognition, for a specified period of time. At the end of the period of suspension, the student organization is eligible to seek University recognition and privileges, subject to conditions for reinstatement.
  - c. Student Organization Expulsion: permanent loss of University recognition
  - d. Accountability: Any student organization may be held accountable for the actions of any of its members if the misconduct is in any way related to the student organization. Group misconduct need not have been officially

approved by the entire membership in order to be considered grounds for possible disciplinary action against the student organization. There is no minimum number of student organization members who must be involved in an incident before disciplinary action may be taken against the entire student organization. In some instances, the conduct of a single member may provide sufficient grounds for action against the entire student organization. An appropriate test to determine whether a student organization may be held accountable for the conduct of individuals is to ask whether it is likely that the individuals who have been involved in the incident if they were not members of the student organization, or, if, by student organization action, the incident was encouraged, fostered, or might have been prevented.

- e. In cases where a student organization faces conduct action, a complaint may also be filed on an individual basis against each person participating in the misconduct. Such action will not constitute double jeopardy.

More than one sanction listed above may be imposed for any single instance of misconduct.

### **Other Sanctions**

In certain circumstances following an incident of serious misconduct by an individual or group, the University's Provost/Vice President of Learning, or their designee, may impose a suspension, dismissal, or other sanctions without a formal hearing process. The Provost/Vice President of Learning or their designee may also take the following actions:

- **Interim Suspension:** When imposed, the student may be temporarily separated from the University until such time as the incident is resolved before a conduct officer or Campus Hearing Board and until a final decision including any appeal is issued. This interim action may be imposed if there is any reason to believe that it is necessary including:
  - to ensure the safety and well-being of members of the Capital University community;
  - to ensure the student's own physical or emotional safety and well-being;
  - If the student poses a threat of disruption of or interference with the normal operations of the University; or when a felonious act has been committed. Interim suspension may also include other losses of privilege determined to be appropriate by the Provost/Vice President of Learning or their designee.

For employees, non-title IX sanctions are the same as the title IX sanctions listed in the section above.

In addition, the University can make available to the victim a range of protective measures. At the time of a report of prohibited conduct under this policy, the University may implement supportive measures as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent. Supportive measures are designed to restore or preserve equal access to the University's education programs and activities without unreasonably burdening the other party. Supportive measures are non-disciplinary, non-punitive individualized services and may include measures designed to protect the safety of all parties or the University's educational environment, or to deter sexual harassment. Supportive

measures are available to both the complainant and respondent regardless of whether the complainant chooses to file a formal complaint.

Supportive measures are services, accommodations, or other assistance that the University puts in place after receiving notice of alleged conduct prohibited under this policy but before any final outcomes —investigatory, disciplinary, or remedial—have been determined. The following are examples of interim measures and are not expected to be all-inclusive:

- Academic accommodations for Complainant or Respondent.
- Medical and mental health services, including counseling, for Complainant or Respondent.
- Change in University housing.
- Assistance in finding alternative housing.
- Assistance in arranging for alternative University employment arrangements and or changing work schedules.
- Mutual No Contact directive; such a directive serves as a notice to the parties that they must not have verbal, electronic, written, or third-party communication with one another.
- Provide escort so the individual can move safely between school programs and activities.
- Respondent placed on administrative leave (employee) or interim suspension (student).
- Voluntary leave of absence.
- University-imposed leave or separation.

The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures. The University will maintain as confidential any accommodations or protective measures provided, to the extent that maintaining such confidentiality will not impair the ability of the University to provide the accommodations or protective measures.

### **Publicly Available Recordkeeping:**

The University will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of dating violence, domestic violence, sexual assault, and stalking who make reports of such to the University to the extent permitted by law.

### **Victims to Receive Written Notification of Rights:**

When a student or employee reports to the University that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the University will provide the student or employee a written explanation of his or her rights and options as described in the paragraphs above.

### **Sex Offender Registration Program:**

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or

carrying on a vocation. The state is then required to notify the University of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting CU Police Chief Scott Kunkle at 614.236.6991. The state registry of sex offender information may be accessed at the following link:

<https://ohio.gov/residents/resources/sex-offender-search>

## **Timely Warnings and Emergency Response**

### *Timely Warnings*

In the event of criminal activity occurring either on campus or off campus is reported to or brought to the attention of DPS that, in the judgment of the Police Chief or a designee who is responsible for preparing the Timely Warning, constitutes a serious or continuing threat to members of the campus community, a campus-wide “timely warning” will be issued. Examples of such situations may include a sexual assault or a series of motor vehicle thefts in the area that merit a warning because they present a continuing threat to the campus community. Warnings will be communicated to students and employees via one or more of the methods discussed later in this section. Updates to the warnings will be provided as appropriate.

Anyone with information warranting a timely warning, on either campus, should immediately report the circumstances to:

- Police Chief, 614.236.6991
- Department of Public Safety, 614.236.6666

The University has communicated with local law enforcement asking them to notify the University if it receives reports or information warranting a timely warning.

### *Emergency Response*

The University has an emergency management plan designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of members of the campus community. The University has communicated with local police requesting their cooperation in informing the University about situations reported to them that may warrant an emergency response.

It is impossible to anticipate every emergency that can occur on a college campus. Therefore, the University has developed protocols that represent, in some detail, emergencies that might arise and steps that students, faculty or staff should take in encountering and/or reporting a critical incident. The actual circumstances — the nature, scope, and duration of the incident — will determine the appropriate response. Each protocol is designed with two goals in mind: 1) to ensure the health, safety, and security of the campus community, and 2) to minimize damage to University property.

The University emergency response protocols and procedures are described and available on the University website at: <http://www.capital.edu/emergency/>, including procedures for

general emergencies as well as specific types of incidents which include, but are not limited to tornadoes, bomb threats, chemical spills, disease outbreaks, fires, active shooters, etc.

Students, staff, and visitors are encouraged to notify the Police Chief at 614.236.6991 or Public Safety Department at 614.236.6666 of any emergency or potentially dangerous situation.

The University's Police Chief, or a designee, will access available sources of information from campus administrative staff and local authorities to confirm the existence of the danger and will be responsible for initiating the institution's response and for marshaling the appropriate local emergency response authorities for assistance. Depending on the nature of the emergency, other University departments may be involved in the confirmation process, such as Facilities, Student Development, and the Center for Health and Wellness.

The Police Chief may consult as appropriate with other agencies – such as Bexley Police, Columbus Police or Fire, Homeland Security, National Weather Service, FBI, etc. – to confirm a significant emergency or dangerous situation for the campus.

Once the emergency is confirmed, and based on its nature, the University's Police Chief will consult with other appropriate University officials to determine the appropriate segment or segments of the University community to be notified.

The University's Police Chief, or a designee, in collaboration with other appropriate personnel, will determine who should be notified, and will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Depending on the segments of the campus the notification will target, the content of the notification may differ. The Police Chief may collaborate with the Director of Communication to determine the content of the notification and, when appropriate, the content of the notification will be determined in consultation with local authorities. Also, as appropriate, the notification will give guidance as to whether its recipients should shelter in place or evacuate their location.

Generally, the entire University community will be notified so that all members have information relevant to their safety; unless the emergency is so contained that only a segment of the community should be notified.

The Police Chief will direct the issuance of emergency notifications, which will be accomplished using one or more of methods discussed later in this section, depending on the nature of the threat and the segment of the campus community being threatened.

At the direction of the Police Chief, the University's Director of Communication will notify local law enforcement of the emergency if they are not already aware of it and local media outlets in order that the larger community outside the campus will be aware of the emergency.

Methods for Issuing Timely Warnings and Emergency Notifications

The method(s) listed below may be utilized when the University issues a timely warning or emergency notification to the campus community.

<b>Method</b>	<b>Sign Up Instructions</b>
CapAlert – an emergency notification system that provides notification of an emergency on campus by sending a text message to Short Message Service (SMS) devices (Ex: cell phone, pager, etc.) and/or e-mail accounts.	All Capital email addresses are automatically signed up to receive these alerts. To receive emergency text messages from Capital Alert, you must update your profile on myCap (contract employees should use capalert.capital.edu instead). You will be provided with the option to add up to four additional email addresses or communication devices to be notified in case of an emergency.
Email notification	All University email accounts are enrolled in the emergency notification system
The campus safety bulletin at <a href="https://www.capital.edu/about/campus-safety/campus-safety-bulletin/">https://www.capital.edu/about/campus-safety/campus-safety-bulletin/</a>	No need to sign up as this is a publicly accessible webpage.
University Facebook and Twitter accounts	No sign up needed but you may choose to follow these accounts through the social media applications.
Alertus notification on University computers	No sign up needed, this is automatically sent to all University computers.
Big Voice - a commercial public address system installed on a central campus building, which allows the broadcast of prerecorded or live messages and announcements. The system is designed to be clearly heard throughout the campus grounds	No sign up needed, the system is designed to be clearly heard throughout the campus grounds.
Capital web site— <a href="http://www.capital.edu">www.capital.edu</a> ; or the emergency page — <a href="http://www.capital.edu/emergency">www.capital.edu/emergency</a>	No sign up needed as these are publicly accessible webpages.

Testing & Documentation

The University tests its emergency response and evacuation procedures at least once a year. The tests may be announced or unannounced. Also, at various times the Emergency Management Team will meet to train and test and evaluate the University’s emergency response plan. In 2022, the University conducted an announced tornado drill to test its emergency response and notification tools. This drill was conducted on Wednesday March 23, 2022, in connection with a statewide tornado drill and test.

The Police Chief maintains a record of these tests and training exercises, including a description of them, the dates, and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the University will distribute to its students’ and employees’ information to remind them of the University’s emergency response and evacuation procedures.

**Missing Student Policy**

If a member of the University community has reason to believe that a student who resides in on-campus housing is missing, that information should be reported immediately to the

Director of Residential and Commuter Life at 614.236.6955, or the Residential Community Coordinator on duty at 614.323.3282. Any University employee receiving a missing student report should immediately notify campus safety, at 614.236.6666, so that an investigation can be initiated.

Students residing in on-campus housing have the option to identify confidentially an individual to be contacted by the University only in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, the University will notify that individual no later than 24 hours after the student is determined to be missing. The option to identify a contact person in the event the student is determined missing is in addition to identifying a general emergency contact person, but they can be the same individual for both purposes. A student's confidential contact information will be accessible only by authorized campus officials, and it will only be disclosed to law enforcement personnel in furtherance of a missing student investigation.

During orientation to the University, as part of the Cap101 online orientation, each resident is requested to identify the name and contact number of the individual(s) to be contacted in case of an emergency, as well as the option to provide a confidential contact in the event that the resident has been reported missing for a period of 24 hours.

After investigating a missing person report, if it is determined that the student has been missing for 24 hours, the University will notify local police authorities unless it was local law enforcement that made the determination that the student is missing. If the missing student is under the age of 18 and is not emancipated, the University will also notify that student's custodial parent or legal guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student. For any resident over the age of 18, the custodial parent/legal guardian will be notified if a confidential contact person has not been provided to the University.

## University Crime Statistics

The statistical summary of crimes for this University over the previous three calendar years:

### Bexley Campus Crime Statistics

#### A. Bexley Campus Crime Statistics

<u>Type of Offense</u>	<u>Year</u>	<u>On Campus</u>	<u>On Campus Residential Facility</u>	<u>Non-Campus Building or Property</u>	<u>Public Property</u>
<b>Murder and Non-Negligent Manslaughter</b>	2020	1 *	1*	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Manslaughter By Negligence</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Rape</b>	2020	3	3	0	0
	2021	3	3	0	0
	2022	4	4	0	2
<b>Fondling</b>	2020	6	6	0	1
	2021	0	0	0	0
	2022	2	1	0	1
<b>Incest</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Statutory Rape</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Robbery</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Aggravated Assault</b>	2020	0	0	0	0
	2021	0	0	0	3
	2022	0	0	0	0
<b>Burglary</b>	2020	2	1	0	0
	2021	2	1	0	0
	2022	3	3	0	0
<b>Motor Vehicle Theft</b>	2020	4	0	0	0
	2021	0	0	0	0
	2022	3	0	0	10
<b>Arson</b>	2020	1	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Domestic Violence</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	3	1	0	0
<b>Dating Violence</b>	2020	2	1	0	0
	2021	1	1	0	0
	2022	1	1	0	0
<b>Stalking</b>	2020	1	1	0	0
	2021	2	2	0	0
	2022	0	0	0	0

\* In 2020 a child living in family housing died of an apparent drug overdose which is currently classified and being investigated as a homicide.

## B. Bexley Campus Arrest and Discipline Referral Statistics

<u>Type of Violation</u>	<u>Year</u>	<u>On Campus</u>	<u>On Campus Residential Facility</u>	<u>Non-Campus Building or Property</u>	<u>Public Property</u>
<b>ARRESTS</b>					
Weapons Law Violations	2020	0	0	0	0
	2021	1	0	0	0
	2022	0	0	0	0
Drug Law Violations	2020	0	0	0	0
	2021	0	0	0	6
	2022	5	1	0	15
Liquor Law Violations	2020	1	1	0	0
	2021	1	1	0	0
	2022	0	0	0	1
<b>REFERRALS</b>					
Weapons Law Violations	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Drug Law Violations	2020	14	10	0	1
	2021	18	18	0	0
	2022	33	30	0	0
Liquor Law Violations	2020	79	75	0	0
	2021	21	21	0	0
	2022	29	28	0	0

## C. Bexley Campus Hate Crime Statistics

**2020: There were zero (0) reportable hate crimes**

**2021: There were zero (0) reportable hate crimes**

**2022: There were zero (0) reportable hate crimes**

## D. Bexley Campus – Unfounded Crimes

**There were zero (0) unfounded crimes in 2020, 2021, and 2022.**

## Columbus/Law School Campus Crime Statistics

### A. Columbus/Law School Crime Statistics

*Note: The Columbus/Law School Campus does not have on-campus residential facilities.*

	<u>Year</u>	<u>On Campus</u>	<u>Non-Campus Property</u>	<u>Public Property</u>
<b>Murder and Non-Negligent Manslaughter</b>	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
<b>Manslaughter By Negligence</b>	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
<b>Rape</b>	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
<b>Fondling</b>	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
<b>Incest</b>	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
<b>Statutory Rape</b>	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
<b>Robbery</b>	2020	0	0	1
	2021	0	0	0
	2022	0	0	0
<b>Aggravated Assault</b>	2020	0	0	1
	2021	0	0	0
	2022	0	0	0
<b>Burglary</b>	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
<b>Motor Vehicle Theft</b>	2020	0	0	1
	2021	0	0	0
	2022	0	0	5
<b>Arson</b>	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
<b>Domestic Violence</b>	2020	0	0	0
	2021	0	0	0
	2022	0	0	3
<b>Dating Violence</b>	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
<b>Stalking</b>	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

## B. Columbus/Law School Arrest and Discipline Referral Statistics

*Note: The Columbus/Law School Campus does not have on-campus residential facilities.*

<u>Type of Violation</u>	<u>Year</u>	<u>On Campus</u>	<u>Non-Campus Property</u>	<u>Public Property</u>
<b>ARRESTS</b>				
<b>Weapons Law Violations</b>	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
<b>Drug Law Violations</b>	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
<b>Liquor Law Violations</b>	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
<b>REFERRALS</b>				
<b>Weapons Law Violations</b>	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
<b>Drug Law Violations</b>	2020	0	0	0
	2021	0	0	0
	2022	0	0	0
<b>Liquor Law Violations</b>	2020	0	0	0
	2021	0	0	0
	2022	0	0	0

## C. Columbus/Law School Campus Hate Crime Statistics

**2020: There were zero (0) reportable hate crimes**

**2021: There were zero (0) reportable hate crimes**

**2022: There were zero (0) reportable hate crimes**

## D. Columbus/Law School Campus – Unfounded Crimes

**There were zero (0) unfounded crimes in 2020, 2021, and 2022.**

### Data from law enforcement agencies:

- The data above, for both campuses, reflects statistics provided from law enforcement agencies related to crimes that occurred on the University’s Clery Geography.

## Annual Fire Safety Report

### Housing Facilities and Fire Safety Systems

The University maintains on-campus housing for its students. Below is a description of fire safety systems and the number of fire drills conducted during the previous calendar year.

Campus: Capital University - Bexley Campus, 1 College and Main, Columbus, OH 43209

Facility	Fire Alarm Monitoring Done on Site	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of evacuation (fire) drills in previous calendar year
591 Sheridan Avenue				X	X		0
597 Sheridan Avenue				X	X		0
617 Sheridan Avenue				X	X		0
631 Sheridan Avenue				X	X		0
637 Sheridan Avenue				X	X		0
645 Sheridan Avenue				X	X		0
647 Sheridan Avenue				X	X		0
651 Sheridan Avenue				X	X		0
657 Sheridan Avenue				X	X		0
675 Sheridan Avenue				X	X		0
691 Sheridan Avenue				X	X		0
701 Sheridan Avenue Apt.				X	X		0
707 Sheridan Avenue Apt.				X	X		0
713 1/2 Sheridan Ave.				X	X		0
713 Sheridan Avenue				X	X		0
719 Sheridan Avenue				X	X		0
721 Sheridan Avenue				X	X		0
727 Sheridan Avenue				X	X		0
732 Sheridan Avenue				X	X		0
734 Sheridan Avenue				X	X		0
735 Sheridan Avenue				X	X		0
737 College Avenue				X	X		0

Facility	Fire Alarm Monitoring Done on Site	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of evacuation (fire) drills in previous calendar year
737 Sheridan Avenue				X	X		0
741 Sheridan Avenue				X	X		0
743 Sheridan Avenue				X	X		0
754 Sheridan Avenue				X	X		0
756 Sheridan Avenue				X	X		0
760 Sheridan Avenue				X	X		0
761 College Avenue				X	X		0
762 Sheridan Avenue				X	X		0
766 Sheridan Avenue				X	X		0
767 College Avenue				X	X		0
768 Sheridan Avenue				X	X		0
Capital Commons, 572-628 Park				X	X		0
Capital University Apartments, 2130 Astor	X		X	X	X	X	4
College Avenue Hall, 707 College	X		X	X	X	X	4
Cotterman Hall, 709 Pleasant Ridge	X			X	X	X	2
Honors House, 741 College				X	X		0
Lohman Complex, 2315 East Mound	X	X		X	X	X	4
Saylor Ackermann Hall, 2280 East Mound Street	X	X		X	X	X	4
Schaaf Hall, 698 College Avenue	X			X	X	X	4
Trinity Apartments, 2186-2188 E. Main Street				X	X		0
Trinity Suites, 2199 East Main Street	X			X	X	X	4

**Note:** The locations with 0 fire drills are individual houses or apartments; staff review evacuation procedures with the residents and conduct safety inspections in these homes once per semester.

## **Policies on Portable Appliances, Smoking, and Open Flames**

The use of open flames, such as candles, and the burning of such things as incense, and smoking are prohibited in campus housing. Only surge-protected extension cords and power strips are permitted. Coffee pots, toasters, toaster ovens, and Foreman-type grills are only permitted in houses and apartment style residences with kitchens. Microwave ovens that are provided by the University are permitted. Also, tampering with fire safety systems is prohibited and any such tampering may lead to appropriate disciplinary action.

The University reserves the right to make periodic inspections of campus housing to ensure fire safety systems are operational and that the policy on prohibited items is being complied with. Prohibited items, if found, will be confiscated, and donated or discarded without reimbursement.

## **Fire Evacuation Procedures**

In the event of a fire, the University expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is nearby) as they leave. If circumstances permit at the time of the alarm, additional instructions will be given regarding where students and/or staff are to relocate.

Building evacuations will occur when building alarm sounds and/or upon notification by Public Safety.

- Leave the building by the nearest exit and alert others to do the same.
- Do not use the elevators.
- Depending on the nature of the incident, Public Safety or Residence Life will conduct a door-to-door check of the building, telling all occupants to evacuate.
- Once outside the building, proceed to a clear area that is at least 100 feet away from the affected building. Keep streets, fire lanes, hydrant areas and walkways clear for emergency vehicles and personnel.
- Depending upon the possible length of evacuation, Public Safety or Residential Life may direct people to alternate sites.
- DO NOT return to an evacuated building unless told to do so by an authorized official. Department of Public Safety or Residential Life will take reasonable steps to prevent people from re-entering evacuated areas, which could include re-coring exterior doors, posting personnel at all entrances, or posting signs at all entrances.

## **Fire Education and Training Programs**

On-campus student housing staff are trained on fire safety to familiarize them with the fire safety systems, train them on procedures to follow if there is a fire, and inform them of the University's fire safety policies. Residential staff review evacuation procedures with the residents at hall/floor meetings, and staff conduct safety inspections. Accessibility Services works with Residential Life staff and any student with a disability to develop safety plans.

## **Reporting Fires**

The University is required to disclose each year statistical data on all fires that occurred in on-campus student housing. When a fire alarm is pulled and/or the fire department responds to a fire, these incidents are captured. If you encounter a fire that presents an emergency situation, ensure your own safety, and then please call 911.

There may also be instances when a fire is extinguished quickly, and an alarm is not pulled or a response by the fire department was not necessary. It is important that these incidents be recorded as well. Therefore, if you are aware of such a fire, see evidence of one or hear about one, you should contact the CU police dispatch at 614.236.6666 or the Police Chief at 614.236.6991. When providing notification of a fire, give as much information as possible about the location, date, time, and cause of the fire.

**Plans for Future Improvements**

The University has an on-going capital improvements plan, which includes improvements to fire detection and alarm systems. The University also has a master plan which includes improvements and upgrades to residence facilities. The University annually determines capital projects and improvements, subject to the availability of funding.

**Fire Statistics: On Campus Housing, Bexley Campus Only**

<u>Year</u>	<u>Location</u>	<u>Number of Fires</u>	<u>Cause of Fire</u>	<u>Number of Fire Related Injuries Requiring Treatment at a Medical Facility</u>	<u>Number of Fire Related Deaths</u>	<u>Value of Property Damaged</u>
2020	NO FIRES REPORTED	0				
2021	Capital Univ. Apts. 2130 Astor Avenue	1	Unintentional-Cooking	0	0	\$0-99
2022	Trinity Apartments 2186-2188 E. Main	1	Unintentional-Faulty wiring	0	0	\$100-999
	Saylor Ackerman Hall 2180 E. Mound St.	1	Unintentional-Heater cord	0	0	\$0-99

No other fires were reported in 2021 and 2022 in University residential facilities.