



# **2024 Campus Security & Fire Safety Report**

Published October 1, 2024

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## THE CLERY AND CAMPUS SAVE ACTS

In 1990, Congress enacted the *Crime Awareness and Community Security Act of 1990*, which amended the *Higher Education Act of 1965 (HEA)*. This act required all colleges and universities participating in *HEA's* Title IV student financial aid programs to disclose campus crime statistics and security information. The Act was amended in 1992, 1998, 2000, and 2008. The 1998 amendments renamed the Law the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* in memory of a student who was slain in her dorm room in 1986.

Commonly known as “The *Clery Act*”, the legislation requires Institutions of Higher Education (IHE) to give timely warnings of crimes that represent a threat to the safety of students or employees, and to make public their campus security policies. The *Clery Act* also requires IHE's to collect statistics on crimes that occur on campus and to report the statistics to the campus community, prospective students and their families with accurate, complete, and timely information on campus safety so they can make an informed comparison of their higher education options. Heidelberg University's policies relating to the *Clery Act* and the institution's crime statistics are found in this document and on the Heidelberg University Safety and Security web page. More information on The *Clery Act* is available on the Clery Center's website at [www.clerycenter.org](http://www.clerycenter.org).

The *Clery Act* was amended again in 2013 to address growing concerns regarding sexual assault, domestic violence, dating violence and stalking incidents on campuses nationwide. This amendment occurred through the reauthorization of the *Violence Against Women Act (VAWA)* and more specifically under *VAWA's Campus Sexual Violence Act* (or “*Campus SaVE Act*”) provision, Section 304. This amendment requires expanded crime reporting obligations and the implementation of specific policies, procedures, and training related to sexual violence and intimate partner violence.

Heidelberg University prepares this Annual Campus Security & Fire Safety Report in an effort to better inform our students, faculty, and staff of crime on campus and University controlled properties as well as surrounding public property. The crime statistics are compiled from the past three years and are based on data from the Office of Student Affairs and the Office of Campus Safety & Security. Please note these statistics represent reported cases and do not distinguish between credible incidences and false reports.

Crimes included in the Annual Security Report are those defined by the *Clery Act* for inclusion and occurring within the geography of the University. The geography of Heidelberg University includes any buildings and property that are part of the institution's campus, the institution's non-campus buildings and property, public property within or immediately adjacent to and accessible from the campus, and areas within the patrol jurisdiction of the security office.

Each year, an email notification is sent to all students, faculty and staff that provides the website address to access this report. Copies of the Annual Campus Security & Fire Safety Report may be printed from the Safety & Security website <https://inside.heidelberg.edu/docs/campus-security-fire-safety-report> or be requested from the following offices:

Jacob McGraw, Director of Security and Compliance  
Chris Abrams, Dean of Student Affairs

## Fire Safety

Heidelberg University is committed to providing safe residential environments as well as information on promoting fire safety. The data and information contained in this document are reported annually in compliance with legal requirements set forth by the *Clery Act*. This report includes residential fire safety statistics on the number and cause of fires, the number of injuries resulting in treatment, the number of deaths, and the estimated value of damage to University and personal property.

The Fire Alarm Procedure below is located at the HU Crisis & Emergency Response Summary online at <https://inside.heidelberg.edu/offices/security/crisis-emergency>. The information on electrical appliances permitted in resident housing, no smoking in residential housing, and prohibiting the possession of items that produce an open flame in University-owned residences provided on page 6 of this report is also included in the Student Handbook.

**NOTE:** A fire is defined as any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner that occurred in an on-campus residential facility.

### Fire Alarm Procedures:

**Emergencies:** Dial **911** for the Tiffin Fire & Rescue Division

**Non-emergencies:** Dial **(419) 448-2211** for Campus Security

1. In case of fire, activate the nearest fire alarm. Take appropriate precautions to assure your personal safety.
2. When you are in a safe area, away from the fire, call the Tiffin Fire & Rescue Division at the designated emergency response number **911**. Give your name and the exact location of the fire (building, floor, room, etc.). Be sure to stay on the phone until released by the emergency operator. Follow-up with a call to Campus Security at the designated emergency response number.
3. Evacuate the building by the nearest uninvolved exit. If persons with disabilities cannot safely evacuate the building, assist them to the nearest uninvolved stairwell. Alert emergency personnel of their location.
4. Always evacuate a building when the alarm is ringing.
5. **DO NOT USE ELEVATORS. DO NOT PANIC.**
6. Once outside, move to a clear area that is at least 100 feet away from the affected building and follow instructions from fire personnel. Keep streets and walkways clear for emergency vehicles and crews.
7. **DO NOT RETURN TO OR ENTER AN EVACUATED BUILDING** unless authorized by Tiffin Fire/Rescue Division personnel.
8. The Director of Campus Safety & Security will assess the situation and notify the Dean of Student Affairs and the Associate Vice President of Engineering and Facilities.

### Fire Drills and Alarms in Residence Halls

Fire drills are conducted in the Residence Halls one time each semester by Campus Security Staff and the Tiffin Fire & Rescue Division. When a fire alarm sounds, all students, visitors and guests must evacuate the hall and defer to the directions of Residence Life staff, Campus Security Staff, and Tiffin Fire & Rescue Division personnel. Campus Security staff review evacuation procedures and fire safety equipment with all students living in campus houses and apartments during the first 10 days of the fall semester.

## **Annual Fire Log**

The Heidelberg University Fire Log for the current calendar year is located in the Director of Campus Safety & Security Office, Campus Center 209. Fire Logs older than the current calendar year may also be requested.

## **Future Implementation of Fire Safety Equipment**

Changes in fire safety for residential buildings: Annual meetings are scheduled between the Director of Security and Compliance and the Tiffin Fire & Rescue Division Chief to review policies, procedures, and drill schedules.

## **Residential Fire Safety Policies**

In an effort to maintain an environment that is safe and free of potential fire safety hazards, residents are asked to adhere to the following guidelines within the residence, whether within their own rooms or suites or within the common areas of the building:

### **Electrical Appliances**

1. Each resident is permitted to have a 4.5 cubic feet refrigerator or smaller in his/her room.
2. With the exception of air corn poppers, microwaves, and coffee makers, all other cooking appliances that have a heat source are prohibited.
3. Multiple taps and electrical extension cords are prohibited. UL approved power strips with surge protectors are acceptable for use (1 per resident only).
4. All electrical equipment must be UL approved.
5. Window air-conditioning units are not permitted. (For air conditioning required due to medical need, see Special Residential Accommodations.)
6. Space heaters are not permitted in any residential facility, unless specifically issued by Krammes Service Center on an emergency basis.
7. Halogen Bulbs are not permitted in any residential facility, due to the high risk of fire associated with them.

### **Incense/Candles**

All types of incense, candles, heating elements, and open flames are prohibited in the University-owned houses, apartments, and residence hall rooms. This includes and candle warmers, potpourri heaters, or any type of incense device that plugs into an electrical outlet or contains a heating element.

### **Smoking in Residential Housing**

Smoking, the use of smokeless tobacco products, and the use of electronic smoking devices is prohibited in all facilities owned or leased by Heidelberg University and on the grounds of any property owned or leased by the University.

## Annual Fire Safety Report

<i>Heidelberg University Fire Alert Systems for Student Housing</i>						
<u>Address</u>	Monitored by local police department or Fire Alarm pull stations	Sprinkler system Full or Partial (F/P)	Smoke detectors	Fire Extinguishers	Evacuation plans/placard	# of fire drills done each year
Brown Hall - 93 Greenfield	Monitored		Y	Y	Y	2
King Hall - 255 Main St.	Monitored		Y	Y	Y	2
Krieg Hall - 167 Main St.	Monitored	P	Y	Y	Y	2
Miller Hall - 100 Greenfield	Monitored	F	Y	Y	Y	2
France Hall - 119 Greenfield	Monitored	F	Y	Y	Y	2
Williard Hall - 116 Greenfield	Monitored	F	Y	Y	Y	2
Talmage Hall - 77 Greenfield	Monitored	F	Y	Y	Y	2
2 Clinton Avenue (House)			Y	Y	Y	
14 Clinton Avenue (House)			Y	Y	Y	
21 Circular St. (House)			Y	Y	Y	
141 Main St. (House)			Y	Y	Y	
333/333 1/2 E. Market (House)			Y	Y	Y	
255 E. Perry St. (College Hill Apartments)			Y	Y	Y	
285 E. Perry St. (House - rear apartment)	PULL		Y	Y	Y	
314, 316, 318, 322, 324, 326 Main St. (Stadium View Apartments)			Y	Y	Y	
199 & 225 Main St. (Main Street Town Homes)		F	Y	Y	Y	

### Annual Fire Safety Statistics

Name of Facility	2021			2022			2023		
	Fires	Injuries	Deaths	Fires	Injuries	Deaths	Fires	Injuries	Deaths
Brown Hall - 93 Greenfield	0	0	0	0	0	0	0	0	0
King Hall - 255 Main St.	0	0	0	0	0	0	0	0	0
Krieg Hall - 167 Main St.	0	0	0	0	0	0	0	0	0
Miller Hall - 100 Greenfield	0	0	0	0	0	0	0	0	0
France Hall - 119 Greenfield	0	0	0	0	0	0	0	0	0
Williard Hall - 116 Greenfield	0	0	0	0	0	0	0	0	0
Talmage Hall - 77 Greenfield	0	0	0	0	0	0	0	0	0
2 Clinton Avenue (House)	NS	NS	NS	0	0	0	0	0	0
14 Clinton Avenue (House)	0	0	0	0	0	0	0	0	0
199 & 225 Main St. (Main Street Town Homes)	0	0	0	0	0	0	0	0	0
21 Circular St. (House)	0	0	0	0	0	0	0	0	0
141 Main St. (House)	0	0	0	0	0	0	0	0	0
333/333 1/2 E. Market (House)	0	0	0	NS	NS	NS	NS	NS	NS
255 E. Perry St. (College Hill Apartments)	0	0	0	0	0	0	0	0	0
285 E. Perry St. (House - rear apartment)	0	0	0	0	0	0	0	0	0
314, 316, 318, 322, 324, 326 Main St. (Stadium View Apartments)	0	0	0	0	0	0	0	0	0

\* NS – no students

\* Cause of fire and value of property damage caused by each fire not reported due to no fires



## Crime Statistics Information

Pursuant to the *Campus Security Act of 1990*, the Heidelberg University Security Department annually reports information to students and employees regarding institutional crime statistics. This report includes statistics for the previous three calendar years concerning reported crimes that occurred on campus; in certain off-campus buildings or property owned or controlled by Heidelberg; and on public property within, or immediately adjacent to and accessible from, the campus. The *Clery Act* requires institutions to include four general categories of crime statistics: Criminal Offenses, Hate Crimes, Arrests and Referrals for Disciplinary Action, VAWA Offenses and Unfounded Crimes.

*Heidelberg University also reports crime statistics for the previous three calendar years for the following locations: American Junior Year Program – Heidelberg Germany*

## Definitions of Crime Categories

### Criminal Offenses

1. *Criminal Homicide* – These offenses are separated into two categories;
  1. *Murder and Non-Negligent Manslaughter* – is defined as the willful killing of one human being by another.
  2. *Manslaughter by Negligence* – is defined as the killing of another person through gross negligence.
2. *Sexual Assault (Sex Offenses)* – Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.
  1. *Rape* – is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
  2. *Fondling* – is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  3. *Incest* – is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  4. *Statutory Rape* – is sexual intercourse with a person who is under the statutory age of consent.
3. *Robbery* – is the taking or attempting to take anything of value from the care, Custody or control of a person by force or threat of force or violence and or putting the victim in fear.
4. *Aggravated Assault* – is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by the means likely to produce death or great bodily harm.
5. *Burglary* – is the unlawful entry of a structure with the intent to commit a felony or theft. For reporting purposes this definition includes unlawful entry with the content to commit larceny or felony; breaking and entering with the intent to commit a larceny; housebreaking; safecracking; and all attempts to commit the aforementioned.
6. *Motor Vehicle Theft* – is the theft or attempted theft of a motor vehicle.
7. *Arson* – is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another.

## Hate Crimes

8. *Hate Crime* – is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. For *Clery Act* purposes, Hate Crimes include any of the following offenses that are motivated by bias; *Murder and Non-Negligent Manslaughter, Rape, Fondling, Incest, Statutory Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation, Destruction/Damage/Vandalism of Property.*

## Arrests and Referrals for Disciplinary Action

9. *Weapons Violation* – is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.
10. *Drug Abuse Violations* – are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use growing, manufacturing and making of narcotic substances.
11. *Liquor Law Violations* – are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

## VAWA Offenses (*Violence Against Women Act*)

12. *Domestic Violence* – is a felony or misdemeanor crime of violence committed
  1. By a current or former spouse or intimate partner of the victim;
  2. By a person with whom the victim shares a child in common;
  3. By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
  4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
  5. By any other person against an adult or youth victim who is protected from that person’s act under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
13. *Dating Violence* – is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
14. *Stalking* – is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to
  1. Fear for the person’s safety of others; or
  2. Suffer substantial emotional distress.

## **Geographic Areas for Crime Reporting**

Crime statistics are compiled in accordance with the guidelines set forth by the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* and the *2008 Higher Education Opportunity Act*. These figures include reports of crimes and arrests occurring on campus, in Non-campus University owned or affiliated buildings or property, and public property within the City of Tiffin that is immediately adjacent to campus. These geographic areas are defined as follows:

### **On-Campus**

1. Any building or property owned or controlled by Heidelberg University within the same reasonably contiguous geographical area and used by Heidelberg University in direct support of, or in a manner related to, its educational purposes, including residence halls; and
2. Any building or property that is within or reasonably contiguous to the areas identified in paragraph (1) that is owned by Heidelberg University but controlled by another person, is frequently used by students, and supports institutional purposes (such as food or other retail vendor). Most of the reported offenses and arrest statistics for the On-Campus category are provided by the Heidelberg University Security Department.

### **Public Property**

Public Property is defined as all public property, including thoroughfares, streets, sidewalks, and parking facilities that are within the campus, or immediately adjacent to and accessible from the campus. The reported offenses and arrest statistics for Public Property are provided by the Heidelberg University Security Department and consist of incidents occurring on streets, sidewalks and other public property immediately adjacent to campus.

### **Non-Campus Building or Property**

1. Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
2. Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same contiguous geographic area. The Heidelberg University Security Department provided the reported offenses and arrest statistics for the Non-Campus Buildings or Properties category.

## **Daily Crime Log**

Any institution, regardless of whether it's public or private, that has a campus police or security department, must create, maintain and make available a daily crime log. The purpose of the daily crime log is to record all criminal incidents and alleged criminal incidents that are reported to the campus police or security department. All Heidelberg University Daily Crime Logs for the current calendar year and years past are located in the Director of Security and Compliance Office, Campus Center 209. The log is open to public inspection, free of charge, upon request, during normal business hours.

## Annual Crime Statistics for Heidelberg University, Tiffin, Ohio

<b>Criminal Offenses</b>	2021	2022	2023
<b>Murder/Non-negligent manslaughter</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Negligent manslaughter</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Rape</b>			
<i>On Campus</i>	1	1	1
<i>Student Housing Facilities</i>	1	1	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Fondling</b>			
<i>On Campus</i>	0	1	0
<i>Student Housing Facilities</i>	0	1	0
<i>Noncampus</i>	0	0	1
<i>Public Property</i>	0	0	0
<b>Incest</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Statutory rape</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Robbery</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Aggravated assault</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Burglary</b>			
<i>On Campus</i>	0	2	0
<i>Student Housing Facilities</i>	0	2	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Motor vehicle theft</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Arson</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0

<b>Hate Crimes</b>	2021	2022	2023
<b>Murder/Non-negligent manslaughter</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Negligent Manslaughter</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Rape</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Fondling</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Incest</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Statutory rape</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Robbery</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Aggravated assault</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Burglary</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Motor Vehicle Theft</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Arson</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Hate Crimes continued on next page</b>			

<b>Simple Assault</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Larceny-theft</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Intimidation</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Destruction/damage/vandalism of property</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0

<b>VAWA Offenses</b>	2021	2022	2023
<b>Domestic Violence</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Dating Violence</b>			
<i>On Campus</i>	1	1	0
<i>Student Housing Facilities</i>	1	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Stalking</b>			
<i>On Campus</i>	0	2	1
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Arrests</b>	2021	2022	2023
<b>Weapons: carrying, possessing, etc.</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Drug abuse violations</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Liquor law violations</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Disciplinary Referrals</b>	2021	2022	2023
<b>Weapons: carrying, possessing, etc.</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Drug abuse violations</b>			
<i>On Campus</i>	3	3	3
<i>Student Housing Facilities</i>	2	3	3
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Liquor law violations</b>			
<i>On Campus</i>	24	24	26
<i>Student Housing Facilities</i>	24	24	26
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
	2021	2022	2023
<b>Unfounded Crimes</b>	0	0	0

## Annual Crime Statistics for American Junior Year Program, Heidelberg Germany

<b>Criminal Offenses</b>	2021	2022	2023
<b>Murder/Non-negligent manslaughter</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Negligent manslaughter</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Rape</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Fondling</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Incest</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Statutory rape</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Robbery</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Aggravated assault</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Burglary</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Motor vehicle theft</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Arson</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0



<b>Hate Crimes</b>	2021	2022	2023
<b>Murder/Non-negligent manslaughter</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Negligent Manslaughter</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Rape</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Fondling</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Incest</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Statutory rape</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Robbery</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Aggravated assault</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Burglary</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Motor Vehicle Theft</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Arson</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Hate Crimes continued on next page</b>			

<b>Simple Assault</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Larceny-theft</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Intimidation</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Destruction/damage/vandalism of property</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0

<b>VAWA Offenses</b>	2021	2022	2023
<b>Domestic Violence</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Dating Violence</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Stalking</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Arrests</b>	2021	2022	2023
<b>Weapons: carrying, possessing, etc.</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Drug abuse violations</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Liquor law violations</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Disciplinary Referrals</b>	2021	2022	2023
<b>Weapons: carrying, possessing, etc.</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Drug abuse violations</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
<b>Liquor law violations</b>			
<i>On Campus</i>	0	0	0
<i>Student Housing Facilities</i>	0	0	0
<i>Noncampus</i>	0	0	0
<i>Public Property</i>	0	0	0
	2021	2022	2023
<b>Unfounded Crimes</b>	0	0	0

## Reporting Crimes and Other Emergencies

The Office of Campus Safety & Security is a support service, charged with enforcing Heidelberg University policies and regulations while maintaining a safe and secure environment for the campus community. The department is staffed with a Director of Campus Security and Compliance, an Assistant Director of Security, two (2) full-time Security Officers, and two (2) part-time Security Officers.

The Campus Security Office is located on the first floor of the Campus Center (Room 209). The Campus Security Office is staffed 24 hours a day seven days a week for 365 days a year. The Office of Campus Safety & Security has a collaborative relationship with the Tiffin Police Department and Tiffin Fire & Rescue Division. Heidelberg Security currently has memorandums of understanding or (MOUs) with Tiffin Police Department, Sisters in Shelter, Open Arms and the Seneca County Prosecutors office. These MOUs allow Heidelberg to offer more resources to our students, faculty and staff that help ensure their safety.

Campus Security Officers are not police officers and do not maintain legal authority to arrest individuals. The University encourages anyone who believes a crime or violation of University policy has occurred to report it to either the Campus Security Department or the Tiffin Police Department. Campus Security can be reached at (419) 448-2211 and the Tiffin Police Department can be reached at (419) 447-2323 or 911 for emergencies.

Under Ohio law, people who have knowledge of a felony are required to report the crime to the police (Ohio Revised Code 2921.22). Failure to report a crime may itself be a crime.

*Anyone who believes a crime or violation of University policy has occurred on the American Junior Year Campus in Heidelberg Germany should report the crime or violation to the AJY Resident Director, Martin Kley. Martin Kley can be reached by email at [mkley@heidelberg.edu](mailto:mkley@heidelberg.edu). If Martin cannot be reached, contact the Dean of Student of Affairs, Chris Abrams at 419-448-2065 or [cabrams@heidelberg.edu](mailto:cabrams@heidelberg.edu).*

## Disseminating Information on Serious Crimes

We encourage everyone to take responsibility for the safety and security of themselves and others. We promote this crime prevention message through campus programs, literature distribution and by publicizing crime.

## Reporting Conduct Violations and Incidents on Campus

To report student conduct violations and incidents on campus to the Office of Student Affairs or the Director of Campus Security and Compliance, use the following link:

<https://inside.heidelberg.edu/departments-offices/safety-security/incident-communication-form>

If you have been the victim of or have witnessed a crime on the Heidelberg University campus and would like to take the opportunity to report it *anonymously*, please reach out, or speak with one of Heidelberg's confidential resources listed below:

## **Confidential and Anonymous Resources:**

### **John Sharp**

*Assistant Director of Counseling*

[jsharp@heidelberg.edu](mailto:jsharp@heidelberg.edu)

419-448-2898

Campus Center 134

[Counseling Services](#)

### **Meridith Lucius**

*Sexual Assault Advocate*

[mlucius4@heidelberg.edu](mailto:mlucius4@heidelberg.edu)

Campus Center 312

The above resources can file an incident report on anyone's behalf if they wish to stay anonymous. These resources are not mandated reporters and will not share any information given to them unless asked to do so by the reporting party.

## **Possible Conduct Sanctions**

The Dean of Student Affairs, or a designee when appropriate, reserves the right to notify parent(s) or guardian(s), faculty, or staff of any or all levels of disciplinary sanctions. The following sanctions may be imposed upon any student found to have violated the Student Code:

- a. Deferred Suspension – This sanction is a suspension that is delayed pending specified behavioral performance. A definite period of observation and review occurs during deferred suspension. If a student is found responsible of violating the Student Code again, the suspension will take place immediately without appeal.
- b. Discretionary Sanctions – Sanctions that work to restore, repair, or reverse the damage(s) done by a Student Code violation or other related discretionary assignments.
- c. Educational Measures – Work assignments, essays, workshops, class(es), service to the University, or other related educational assignments.
- d. Expulsion - Permanent separation of the student, group, or organization from 81 the University.
- e. Fines - Previously established and published fines may be imposed.
- f. Housing Reassignment - Required move from housing unit to another on campus.
- g. Interim Suspension - In certain circumstances, the Dean of Student Affairs, or a designee, may impose a University or residence hall suspension prior to the Administrative Hearing. Interim suspension may be imposed only:
  - i. to ensure the safety and well-being of members of the University community or preservation of University property;
  - ii. to ensure the student's own physical or emotional safety and wellbeing; or

ii. if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University. During the interim suspension, a student may be denied access to the residence halls and/or to the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible, as the Dean of Student Affairs, or a designee, may determine to be appropriate. The interim suspension does not replace the regular process, which shall proceed on the normal schedule, up to and through an Administrative Hearing, if required.

h. Loss of Privileges - Denial of specified privileges for a designated period of time.

i. Notifications – A written notification to parent, guardian, coach, advisor and/or University officials regarding Student Code violation(s).

j. Probation - A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.

k. Restitution - Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.

l. Revocation of Degree – A degree awarded from the University may be revoked for violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

m. Suspension - Separation of the student/group/organization from the University for a definite period of time, after which the student, group, or organization is eligible to return. Conditions for readmission or reinstatement may be specified.

n. Warning - A notice in writing to the student that the student is violating or has violated institutional regulations.

o. Withholding Degree – The University may withhold awarding a degree otherwise earned until the completion of the process set forth in the Student Conduct Code, including the completion of all sanctions imposed, if any. More than one of the sanctions listed above may be imposed for any single violation.

Failure to complete a sanction to the expectations of the assigning Hearing Officer may result in a conduct hold being placed on the student's account until the sanction is completed as outlined. Other than University expulsion or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record with the Dean of Student Affairs Office. Upon graduation, the student's disciplinary record may be expunged of disciplinary actions (other than University Suspension, University expulsion, or revocation or withholding of a degree), upon application to the Dean of Student Affairs, or a designee. Cases involving the imposition of sanctions other than University Suspension, University expulsion, or revocation or withholding of a degree shall be expunged from the student's confidential record seven years after the student leaves the University. In situations involving both a Reporting Party (or group or organization) and a student claiming to be the victim of another student's conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the Reporting Party and the student claiming to be the victim, because the educational career and chances of success in the academic community of each may be impacted.

All recognized student groups, clubs, and organizations are subject to all sanctions listed in the Student Handbook. In each case, in which a Conduct Board or Hearing Officer determines that a student group, club, or organization has violated the Student Code, the sanction(s) shall be determined and imposed by the Conduct Administrator, or a designee. In cases where persons other than, or in addition to, the Conduct Administrator have been authorized to serve as a member of the Conduct Board, the recommendation of the Conduct Board shall be considered by the Conduct Administrator, or a designee, in determining and imposing sanctions. The Conduct Administrator, or designee, is not limited to sanctions recommended by members of the Conduct Board. Following an Administrative Hearing, the Conduct Board and the Conduct Administrator, or a designee, shall advise the Reporting Party, group, club, or organization (and Responding students who believe they were the victim(s) of another student's conduct) in writing of its determination and of the sanction(s) imposed, if any.

To learn more about the complete conduct process please review the student handbook at the link below.

<https://inside.heidelberg.edu/sites/default/files/documents/2023-24heidelberguniversitystudenthandbook.pdf>

## Crime Prevention Tips

The Heidelberg University Office of Campus Safety & Security considers the safety and security of the students, faculty, and staff and guests the highest priority.

For this reason, we continually re-evaluate our procedures and our facilities to ensure that our students are living and learning in the best and safest environment possible. Campus security officers patrol campus 24 hours a day, 365 days a year. They assist in unlocking and securing facilities, responding to emergencies, and providing security escorts.

### TIPS TO REMEMBER WHEN WALKING AND TRAVELING CAMPUS AT NIGHT

- Never travel alone at night. Groups of two or more are preferred.
- If you have a cell phone, talk on it even if no one is on the line.
- Call the campus safety & security office for a security escort.
- Avoid interaction with suspicious persons or someone you don't know.
- Avoid dark or secluded places. (i.e., unlit alleys, perimeters of parking lots.)
- Trust your instincts. Your personal intuition is the best defense against an attack.
- Keep vehicle doors locked at all times.

### TIPS TO REMEMBER TO PREVENT AUTOMOBILE THEFT AND BURGLARY

- Never leave your vehicle running or leave the keys in it unattended.
- Always lock your vehicle.
- If equipped, remember to use your vehicle's alarm at all times.
- Do not ignore a vehicle alarm. Call the campus safety & security office immediately.
- Do not leave valuables (i.e., cell phones, purses, laptops) in plain view inside your vehicle. Keep these items in the trunk or your room.

### TIPS TO PREVENT LOSS OF PERSONAL PROPERTY

- Be alert! Never leave personal items unattended.
- Never leave a personal item in a public area.
- Never leave your vehicle unlocked when returning to your room.
- Never leave your room unlocked when using the restroom or shower.
- Engrave your name on personal items like appliances and electronics.
- Lock bicycles at all times with a hard lock. Cable locks can be easily cut with a bolt cutter.

## Blue Emergency Phones

Heidelberg has five Emergency Code Blue Phones throughout campus. Students may call the Tiffin Police Department **911** by pressing the red button in an emergency. The red button should only be used in an emergency. Students may call campus security for any non-emergency situation by pressing the black button and dialing **2211**.



## **Campus Escort Service**

Campus Security provides escorts as a safe alternative to walking alone on campus after dark. Escorts are provided to and from any on campus location 24 hours a day, 365 days a year. To arrange for an escort, phone **(419) 448-2211**.

## **Building Security**

Campus Security maintains security of all buildings on campus. Each officer is required two building checks per shift or every 4 hours. This ensures building are locked and secured as well as maintenance logs are kept. University maintenance personnel inspect campus facilities and grounds regularly, make repairs and respond to reports of potential safety and security hazards such as broken windows and locks. Maintenance staff are on campus Monday through Friday and are available on call for emergency situations.

## **Reporting Violent or Criminal Behavior**

**First Contact – Tiffin Police Department (419) 447-2323 or 911 for emergencies**

**Second Contact – Campus Security: 419-448-2211**

Everyone on campus will be expected to assist in providing a safe environment by being alert to suspicious behavior and promptly reporting the situation to Campus Security at the designated emergency response number.

1. If you are a victim, observe a criminal act, or observe a suspicious person on campus, immediately notify the Tiffin Police Department at **419-447-2323 or 911** for an emergency and then Campus Security **419-448-2211** and report the incident, including the following:
  - Your name
  - Nature of the incident
  - Location, date, and time of incident
  - Description of person(s) involved Description of property involved
2. Assist the officer(s) when they arrive by providing additional information upon request.
3. Take the following action if you are a victim of a property crime:
  - Go to a safe place and notify the Tiffin Police Department then Campus Security
  - Do not touch anything.
  - Meet with the officer at the location the officer requests.
  - Explain to the officer everything you observed, including telling the officer if you did touch or move anything. Follow the officer's instructions.
4. Take the following action if you are a victim of a violent/personal crime:
  - Be observant! The more information you can provide; the better chance the criminal will be apprehended. Remember: *Whatever you decide to do, you must be prepared both mentally and physically. Your safety is the most important thing to remember during any attack.*
  - As soon as possible get to a safe place and notify the Tiffin Police Department and then Campus Security at the designated emergency response number. Advise officers of the nature of the incident, location, if medical assistance is needed, and a description of the person(s) involved.
  - Meet with the officer. Follow the officer's instructions.

## **Emergency Notification Procedures**

The Office of Campus Safety & Security assumes the role of issuing emergency notifications to the campus community. As defined, an emergency notification is the process of immediately notifying the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus.

Heidelberg University will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notifications system unless issuing a notification will, in the professional judgement of responsible authorities, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency.

Emergency notifications may be authorized by the Director of Campus Safety & Security, the Dean of Student Affairs, or the designee of any of these individuals.

The process of issuing an emergency notification begins by confirming there is a significant emergency or dangerous situation. The Office of Campus Safety & Security will verify information about a potential significant emergency or dangerous situation. This occurs by collecting and assimilating information from a variety of possible sources, including but not limited to firsthand accounts from the campus community or campus security officers in the field, and through the use of the campus safety surveillance system.

In some circumstances, other local, state, or federal agencies may notify the Office of Campus Safety & Security of a possible emergency and may provide information or guidance to be used in verifying whether a significant emergency or dangerous situation exists. The Office of Campus Safety & Security may contact or be contacted by external law enforcement agencies, emergency management agencies, public health agencies, or other agencies with expertise in the type of situation affecting the campus.

Upon confirming that an emergency or dangerous situation involving an immediate threat to the health or safety of the campus community, the Office of Campus Safety & Security will begin the process of issuing an emergency notification.

The Office of Campus Safety & Security is responsible for determining the content of an emergency notification, based on the circumstances and the manner in which the situation is impacting campus. The content of the notification message is designed to provide instruction to the University community that promotes safety and wellbeing of those impacted. To alert the campus as quickly as possible, messages may state simply that an emergency has occurred on campus and advise the community to be observant and take necessary action as appropriate. In those situations, the Office of Campus Safety & Security will provide timely updates to keep the community informed as more information about the emergency becomes available. At other times, messages may recommend specific protective action, information about an area of campus to avoid, or recommendations or information about the nature of the incident itself. A message may be directed to the entire campus community or to specific areas or segments of the campus, depending on the nature of the incident.

Upon determination of the notification's content, the system utilized to transmit emergency notifications will be activated to deliver the desired content relating to the emergency to the campus community. This system is described in the next section.

Delivery of an emergency notification may occur within minutes of the initial confirmation of a significant emergency or dangerous situation, depending upon the time of day and the successful activation and performance of the technology used to issue the notification.

## **Emergency Notification System**

Heidelberg University uses an emergency notification system (SendWordNow) to notify the campus community in case of emergency. SendWordNow delivers time-sensitive information to students, faculty and staff simultaneously via multiple paths including phone calls, SMS text messages, and email when unforeseen events or emergencies arise. Information pertaining to incidents and emergencies on campus will be disseminated to the larger public via media organizations through the University's Media & Communications Specialist. The University will without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless the notification will, in the professional judgement of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

Students and employees are automatically enrolled in the SendWordNow system by their email. Students, Faculty, and Staff are notified via email in September to add additional contact information such as phone numbers.

The Office of Campus Safety & Security receives weather alerts from the Seneca County Emergency Management Office via the National Weather Service. In the event the National Weather Service issues a Tornado Warning that is likely to impact campus, an emergency notification will be sent by the Office of Campus Safety & Security using SendWordNow.

## **Emergency Evacuations**

To protect our campus population from the effects of emergencies, protective action recommendations or evacuation instructions may be issued by the Office of Campus Safety & Security and other emergency response authorities (e.g., Tiffin Fire & Rescue Division). These instructions may order evacuations for individual buildings or regions of campus, or they could be campus wide.

In the rare event that an evacuation of the entire campus is ordered, it is important to follow evacuation instructions disseminated through the communication systems used to inform the campus of an emergency. Any evacuation of a majority of the campus may include portions of the City of Tiffin. If an evacuation were required, Heidelberg University and the Office of Campus Safety & Security, in consultation with other local, state, and/or federal agencies, would determine the most appropriate method and route for evacuating the area. It is possible that traffic routes may be altered, that some areas of campus may be inaccessible, and that travel off campus may require the use of other transportation arrangements.

It is important to remember that evacuations are issued only if the safety and well-being of the University community is at serious risk. Heidelberg University asks that you work together to assist each other during evacuation, and that you follow all instructions and guidance from University officials and first responders.

Building-specific evacuation procedures vary by building. We encourage all individuals on campus to familiarize themselves with evacuation procedures in the buildings they occupy.

You may be asked to shelter-in-place rather than evacuate a building or area, because leaving the area may expose you to danger. Shelter in place means finding a safe location and staying there until you are given an "all clear" or told to evacuate by emergency personnel. You may be asked to shelter in place because of an active threat; tornado; or chemical, radiological, or other hazard.

## **Testing and Exercises**

Exercises designed to test the Heidelberg University Crisis & Emergency Response Plan are conducted at least annually and may be conducted in the form of a drill, tabletop, functional, or full-scale exercise. These exercises will include the Office of Campus Safety & Security, other University personnel, local first responders, and members of the University community. The Office of Campus Safety & Security is required to document a description of each exercise, the date and time of the exercise, and information about whether the test was announced or unannounced. Testing of the SendWordNow system occurs annually at a minimum, but may occur at more frequent intervals at the discretion of the Office of Campus Safety & Security. A log of all SendWordNow tests is maintained by the Director of Campus Safety & Security.

## **Statement of Policy on Timely Warnings**

Timely Warnings are provided to heighten safety awareness by giving students, faculty and staff notification of *Clery Act* crimes that occur only on campus property, non-campus property, or on public property immediately adjacent to and accessible from campus and are considered by Heidelberg University to present a serious or continuing threat to students and employees.

The Office of Campus Safety & Security is responsible for preparing a timely warning notice when a crime is reported to or brought to their attention and that crime represents a continuing threat to the safety of students and employees. Information for alerts may come from other law enforcement agencies or other offices. While every attempt will be made to distribute the alert after an incident or series of incidents is reported, the release will occur after a determination is made that the crime(s) represents a continuing threat to students and employees and is subject to the availability of accurate facts concerning the incident.

Information about criminal incidents is reviewed on a case-by-case basis to determine whether those incidents represent a serious or continuing threat to students and employees. Incidents will be reviewed based on the nature of the crime, the facts of the case, and the information known to the Office of Campus Safety & Security.

Criminal suspects are often unknown to the victims. In the instance of a violent crime occurring between two individuals who know each other, the Office of Campus Safety & Security will look at each instance to determine if the suspect poses a continued threat to the campus community and will issue a warning when necessary.

The Office of Campus Safety & Security will make every effort to properly classify a criminal incident when issuing a timely warning. Upon further analysis and investigation, it may be determined that incidents for which timely warnings are issued do not fall within the definitions of reportable crimes included in this report; therefore, some incidents for which timely warnings are issued may not be included in the crime statistics provided by this report.

## **Timely Warning Procedure**

The Office of Campus Safety & Security will prepare a timely warning when a report is received of a *Clery Act* crime against a person or particularly threatening crime against property that represents a continuing threat to the safety of the students, faculty, and staff. Notices may be issued for such crimes that occur within the *Clery* reporting geography. Timely warnings may not include all facts regarding the incident if they are unknown. Timely warnings do not include the names of crime victims. Timely warnings are distributed via email to all heidelberg.edu addresses. Other forms of communication may be used to issue the timely warning if deemed necessary.

Information a timely warning may include:

- Details of the crime/incident
- Location, date and time of the crime/incident
- Physical description of the suspect, if known
- Possible connection to previous incidents
- Other relevant information about the crime(s)
- Information about personal safety and other community safety resources

In addition to Timely Warnings and Emergency Notifications, the Office of Campus Safety & Security may issue a Crime Alert via email to all heidelberg.edu email addresses for serious or violent crimes or crime patterns that occur on non-*Clery*-reportable property when they present a serious or continuing threat to students and employees. Determinations about issuances of these “off-campus” Crime Alerts will be made on a case-by-case basis, and issuance is within the discretion of the Director of Campus Safety & Security. Although the Office of Campus Safety & Security works to remain aware of crimes that occur in areas close to campus, the Office of Campus Safety & Security may not always be aware of a particular crime that occurs in an off-campus area or may not have sufficient information to issue a Crime Alert.

### **Heidelberg University Crisis and Emergency Response Summary**

The Heidelberg University Crisis and Emergency Response summary provides recommended procedures to be followed during specific types of emergencies and it is intended to provide guidance to any person who initially discovers an emergency or who is first on the scene. The Crisis and Emergency Response Summary is available online at:

<https://inside.heidelberg.edu/offices/security/crisis-emergency>

### **Sex Offender Registry**

The federal Campus Sex Crimes Prevention Act, enacted on Oct. 2, 2000, went into effect on Oct. 28, 2002. The law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information, which is provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice, as required under state law, of each institution of higher education in that state at which the person is employed, carries on a vocation, volunteer services or is a student. The Office of Campus Safety & Security, while not law enforcement certified, maintains a Web link with the Seneca County Sheriff's Web page for Registered Sex Offenders within Seneca County.

<https://inside.heidelberg.edu/departments-offices/safety-security/sex-offender-registry>

## Missing Student Policy & Procedure

### Policy

If any member of the Heidelberg University community has reason to believe a Heidelberg University student who resides in on-campus housing has been missing for at least 24 hours, they should promptly contact Campus Security at **419-448-2211**. All students have the option to identify an individual to be contacted by the University within 24 hours after the student is determined to be missing in accordance with this policy. Student contact information will be registered confidentially and only authorized campus officials and law enforcement officers in furtherance of a missing person investigation may have access to this information. Confidential contact information can be registered by the student in OASIS. If Campus Security makes an official determination that a student is missing the Tiffin Police Department will be notified and emergency contact procedures will be initiated within 24 hours in accordance with the student's designation. In addition, the Dean of Student Affairs will be notified. If a missing student is under 18 years of age and is not emancipated, Heidelberg University is required to notify the missing student's custodial parent or guardian within 24 hours after the student is determined missing, in addition to notifying any additional contact person designated by the student. **Procedure**

1. Any report of a missing student, from whatever source, should immediately be directed to Campus Security.
2. When a student is reported missing:
  1. Campus Security will notify the Director of Campus Safety & Security.
  2. Campus Security will initiate an investigation to determine the validity of the missing person report.
  3. Campus Security will contact the Dean of Student Affairs if the student cannot be located.
  4. The Dean of Students shall notify the individual identified by the missing student as the emergency contact within 24 hours of making a determination that the student is missing.
  5. If the missing student is under the age of 18, the Dean of Students Affairs will notify the student's custodial parent or guardian as contained in the records of the University within 24 hours of the determination that the student is missing.
  6. Campus Security will notify the Tiffin City Police within 24 hours after determining that the student is missing.
3. The Dean of Student Affairs will notify the President of the University.
4. The Dean of Student Affairs shall initiate whatever action he or she deems appropriate under the circumstances, is in the best interest of the missing student.



## **Weapons Policy**

Heidelberg University Board of Trustees mandates the following ban on all weapons. Additionally, the Board of Trustees gives the administration the authority to enforce this policy.

The possession, manufacture, transfer, sale or use of weapons by anyone on University property, which includes personal vehicles, or at any University event, without the written authorization of Heidelberg University, is expressly prohibited. Likewise, the possession, manufacture, transfer, sale or use of weapons is prohibited while conducting University business, whether or not on University property or at a University sponsored event. This prohibition exists whether or not a federal or state license to possess a weapon has been issued to the possessor.

Weapons are defined as any device or substance that is designed, used or likely to be used to cause bodily harm or property damage. Included are firearms, which are defined as any gun, rifle, pistol, handgun or device designed to fire bullets, BBs, pellets, or shots (including paint balls), or other projectiles regardless of the propellant used. Other weapons include but are not limited to Taser/stun guns, knives with fixed blades, switchblades, spring-loaded knives, pocket knives, kitchen utensils not used for their intended purpose, martial arts weapons, bow and arrows of any type, swords, brass knuckles, sling shots, explosives or incendiary devices.

This prohibition includes other items deemed by the Campus Safety and Security Department to be dangerous, including but not limited to hazardous chemical or biological material of any sort, displays or collections of the weapons, ornamental weapons and ornamental ammunition. Prohibited items are subject to the immediate removal of the weapon from University property or at the University event.

Any member of the University community who observes an individual possessing, manufacturing, transferring, selling or using a weapon and who reasonably believes that the individual is doing so without the consent of Heidelberg University should immediately report this to the Campus Safety and Security Department. Likewise, any member of the community who observes unattended items they reasonably believe to be weapons should also immediately contact the Campus Safety and Security Department with a description and location of these items.

The only exceptions to this policy are:

1. Authorized law enforcement officers or authorized military personnel, acting on behalf of and within the scope of their official duties, and to the extent, they are legally permitted to possess weapons in the state of Ohio.
2. Persons legally permitted to possess weapons in the state of Ohio, to the extent that such possession is necessary as a part of an academic, research or work-related activity. Such use must have received prior written approval by the Director of Campus Safety and Security.
3. A state of Ohio Concealed Handgun licensee, who is transporting a handgun and where the handgun and all of the ammunition remains inside the person's privately owned motor vehicle while the person is physically present, or each handgun and all the ammunition is locked within the trunk, glove box or enclosed compartment or container within or on the person's privately-owned motor vehicle and the vehicle is in a location where vehicles are permitted.

## Drug Free Campus

The unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees is prohibited by Heidelberg University. The University adheres to the Drug-Free Schools and Communities Act Amendments of 1989. Violations (e.g., possession, sale, use, transfer, purchase and/or delivery of illegal drugs or drug paraphernalia) will result in an administrative hearing and/or a hearing before a Conduct body. Refer to the Student Code of Conduct section of this handbook for information on the social judicial system process and the disciplinary sanctions.

In addition to the University's disciplinary sanctions, violators are subject to legal sanctions under local, state, or federal law. The University recognizes drug abuse not only as a likely safety and security problem, but as an illness and major health problem. Consistent with the concern related to all life-threatening illnesses and serious diseases, the University offers a range of resources and services as follows:

1. Student education and information, counseling and support services, and referral to agencies and organizations which offer supportive services are available through the Stoner Health & Counseling Center, as well as the office of the Dean of Student Affairs.
2. Education programs dealing with controlled substances are sponsored by the Student Affairs staff.

## Federal, State, & Local Legal Sanctions

The following is a description of the applicable legal sanctions under Local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol.

### A. Federal Law

#### a. Controlled Substances

Any person knowingly or intentionally manufacturing, distributing, dispensing, or possessing with an intent to distribute or dispense, a "controlled substance" (as defined in 21 U.S.C. Sections 802,812) is subject to sentencing under Federal law.

- <https://www.law.cornell.edu/uscode/text/21/802>
- <https://www.law.cornell.edu/uscode/text/21/812>

#### b. Alcohol

The 21<sup>st</sup> Amendment of the Constitution regulates federal laws that govern the illegal manufacture or sale of alcoholic beverages.

### B. State Law: Criminal sanctions under Ohio law vary significantly depending upon the controlled substance and the act involved. All specific laws and relevant sections are written in the Ohio Revised Code (ORC) which is available online.

#### a. Controlled Substances

**Ohio Revised Code Chapter 2925** regulates the state laws for drug offenses.

- **2925.01** Drug offense definitions
- **2925.03** Trafficking, aggravated trafficking in drugs
- **2925.04** Illegal manufacture of drugs
- **2925.11** Possession of controlled substances

#### b. Alcohol

**ORC 4301.63** Provides that no person under the age of twenty-one (21) shall purchase beer or intoxicating liquor.

**ORC 4301.69A** Prohibits selling beer or intoxicating liquor to a person under the age of twenty-one (21) years, or buying it for or furnishing it to such a person.

**ORC 4301.69E** Provides that no underage person shall knowingly possess or consume any beer or intoxicating liquor, in any public or private place, unless he is accompanied by a



parent, spouse, or legal guardian, who is not an underage person, unless it is for medical or religious reasons.

- C. Local Ordinances: The city of Tiffin enforces all the state criminal statutes cited above and all others cited in the **Ohio Revised Code**.

## **Alcohol Policy**

The University expects all students to comply with the Ohio law regarding possession and consumption of alcoholic beverages.

To comply with state and local law and University policies, the following guidelines are established:

1. The possession of empty alcohol containers in University-owned housing is prohibited. Prohibiting empty containers supports the enforcement of the University alcohol policy, combats health and odor issues in University-owned housing, and helps to maintain a higher image of Heidelberg University and its students. For the purpose of consistently meeting these goals, all empty containers, including but not limited to alcohol, beer and wine containers, alcohol boxes, or other alcohol paraphernalia, are prohibited, and may not be used as room decoration.
2. No one under the legal drinking age is permitted to possess or consume alcohol on the University campus.
3. Students who are under the legal drinking age may not possess alcohol in their room. This includes alcohol brought to the room by any guest or visitor.
4. Students who are under the legal drinking age are not restricted from choosing to live with another student who is of legal drinking age. However, students of legal drinking age will be held responsible for policy violations if they do not take reasonable measures to ensure that underage residents do not gain access to the alcohol.
5. Students who are of legal drinking age may not bring or consume alcohol in another room where a student who is under the legal drinking age resides.
6. Those of legal age may possess only reasonable quantities of alcohol for their personal use in their rooms. No large quantities (greater than one 12 oz. 6-pack per person) of beer or its equivalent will be permitted on University-owned property. Kegs, party balls and large quantities of alcohol are not permitted on University-owned property. No other forms of alcohol are permitted.
7. No alcohol is permitted to be possessed or consumed in any public area without permission of the Dean of Student Affairs or his designee. Public areas are defined as areas, indoors and outdoors, that are used in common by the University community, such as lounges, hallways, parking lots, green spaces, and athletic facilities. In some instances, private spaces, such as residence hall rooms, may become public by action of the occupants.
8. Any student who appears at a University function or on campus in an intoxicated condition, or who creates a disturbance when it is apparent the student has been consuming alcoholic beverages, will be subject to disciplinary action.
9. Under no circumstances is a person of legal age permitted to furnish alcoholic beverages to a minor.
10. Hosts of private social gatherings are responsible for insuring adherence to state law and University regulations.
11. No activity shall include any form of alcoholic drinking contest in either its promotion or its program. Drinking games are prohibited.
12. Hosts or overnight and weekend guests assume all responsibility for their guest(s). (See Guests & Student Visitors for further information).
13. No recognized student organization, or individual student using the school name, shall obtain an F-1 permit in order to sponsor an off-campus activity at which alcoholic beverages are served.
14. Any recognized student organization or individual student sponsoring an on-campus activity at which alcoholic beverages are served shall adhere to the following guidelines:
  - a. Have all alcohol provided and served by the University's food service provider (Parkhurst).

- b. Coordinate with Parkhurst to check identification of individuals who are being served alcoholic beverages to ensure that alcoholic beverages are not accessible or served to persons under the legal age of consumption.
  - c. Coordinate with Parkhurst to ensure that alcoholic beverages are not served to individuals who appear to be intoxicated.
  - d. Provide non-salty snacks and food when alcohol is present.
  - e. The consumption of alcoholic beverages shall occur only within the approved area for the activity.
  - f. Non-alcoholic beverages shall be available at the same place as alcoholic beverages and shall be featured as prominently as alcoholic beverages.
  - g. A reasonable allotment of the budget for an activity shall be designated for the purchase and serving of food.
  - h. No activity shall include any form of alcoholic drinking contest in either its promotion of its program. Drinking games are prohibited.
  - i. Organizations shall not use alcohol as the predominant feature in the advertisements or promotions. For example, a picture of alcohol should not be your only or largest graphic and any text detailing alcohol being served should not be your only or largest text. Additionally, no promotions can include the unauthorized use of trademark images.
15. Any recognized student organization, or individual student which sponsors an off-campus activity at which alcoholic beverages are served under the alcohol permit of another agent (e.g., a hotel, a country club, or a restaurant) shall observe the following guidelines:
- a. Each organization sponsoring an off-campus activity at which alcoholic beverages are served should consider the following:
    - i. Checking identification of individuals who are being served alcoholic beverages to ensure that alcoholic beverages are not accessible or served to persons under the legal age of consumption.
    - ii. Ensuring that alcoholic beverages are not served to individuals who appear to be intoxicated.
    - iii. Arranging for the transportation for those individuals who appear to be intoxicated.
    - iv. Arranging for the presence of security personnel at all times during the activity.
    - v. Providing non-salty snacks and food when alcohol is present.
  - b. No one in the sponsoring organization shall be designated as a server of alcoholic beverages.
  - c. The consumption of alcoholic beverages shall occur only within the approved area for the activity.
  - d. Non-alcoholic beverages shall be available at the same place as alcoholic beverages and shall be featured as prominently as alcoholic beverages.
  - e. A reasonable allotment of the budget for an activity shall be designated for the purchase and serving of food.
  - f. No activity shall include any form of alcoholic drinking contest in either its promotion or its program. Drinking games are prohibited.
  - g. No advertisements promoting the serving of alcoholic beverages at off-campus activities shall be displayed or distributed on campus.
  - h. Informational materials (e.g., invitations, memoranda, or advertisement fliers) used by student organizations to announce off-campus activities shall not make reference to the amounts of alcoholic beverages (e.g., the number of kegs of beer) to be served.
16. No recognized student organization shall use alcoholic beverage as a recruitment tool, at a new member education events, or initiation activities.
17. The only exception to these policies are for religious observances or well-established, historically verified, religious institutions that use alcohol during a religious ritual.

## Health Risks

The following is a brief description of the health risks associated with the use of illicit drugs and the abuse of alcohol.

### 1. Illicit drug use

According to the CDC (2018), injection drug use is a well-known route of transmission of blood borne infections, particularly HIV and hepatitis B and C. Use of illicit drugs is associated with increased rates of TB and STDs. The CDC reports that, marijuana use directly affects the brain - specifically the parts of the brain responsible for memory, learning, attention, decision making, coordination, emotions, and reaction time. Heavy users of marijuana can have short-term problems with attention, memory, and learning, which can affect relationships and mood. Marijuana also affects brain development. When marijuana users begin using as teenagers, the drug may reduce attention, memory, and learning functions and affect how the brain builds connections between the areas necessary for these functions. Marijuana's effects on these abilities may last a long time or even be permanent. This means that someone who uses marijuana may not do as well in school and may have trouble remembering things.

### 2. Alcohol use

According to the CDC (2018), excessive alcohol use has immediate effects that increase the risk of many harmful health conditions. These are most often the result of binge drinking and include the following:

- Injuries, such as motor vehicle crashes, falls, drownings, and burns.
- Violence, including homicide, suicide, sexual assault, and intimate partner violence
- Alcohol poisoning, a medical emergency that results from high blood alcohol levels.
- Risky sexual behaviors, including unprotected sex or sex with multiple partners. These behaviors can result in unintended pregnancy or sexually transmitted diseases, including HIV.
- Miscarriage and stillbirth or [fetal alcohol spectrum disorders \(FASDs\)](#) among pregnant women.

The CDC (2018) reports that over time, excessive alcohol use can lead to the development of chronic diseases and other serious problems including:

- High blood pressure, heart disease, stroke, liver disease, and digestive problems.
- Cancer of the breast, mouth, throat, esophagus, liver, and colon.
- Learning and memory problems, including dementia and poor school performance.
- Mental health problems, including depression and anxiety.
- Social problems, including lost productivity, family problems, and unemployment.
- Alcohol dependence, or alcoholism.

## **Treatment and Counseling**

The following is a description of any drug or alcohol counseling, treatment, rehabilitation, or re-entry programs that are available to employees or students.

1. Heidelberg University is concerned that our students and employees do not abuse the use of tobacco, alcohol and other drugs. Should a member of the Heidelberg Community want help with his/her alcohol or drug problem, we are anxious to aid the person in any possible way. Professional help is offered through our Stoner Health & Counseling Center, Firelands Counseling & Recovery Services or smoking cessation programs available through Mercy Hospital via a referral from the Stoner Health & Counseling Center. Helping such an individual is of great importance, but the individual should initiate such action himself/herself.
2. Heidelberg University has a Counseling Center with services available to all students. Also, Firelands Counseling & Recovery Services provides counseling by professionals experienced with the complexities of substance abuse. The counseling might be one-on-one, in a group, or with families. The aim of counseling is to help people see their substance abuse patterns clearly - where they come from, where these patterns are leading, and what can be done to break old habits.
3. Support groups that meet in the Tiffin community include Alcoholics Anonymous, eating disorder groups, Alanon, Ala-Teen, Narcotics Anonymous, and 12-Step Groups.

## **Employees and Student Pell Grant Recipients**

Under a similar but separate law, the Drug-Free Workplace Act, a Pell grant recipient must certify that he or she will not engage in any activity involving illicit drugs during the period covered by the Pell grant; this also applies to activities that are not sponsored by Heidelberg University, such as off-campus non-academic pursuits.

Under the Drug-Free Workplace Act, any student or employee is required to notify the University within five days of any criminal drug conviction relating to illegal drug activity in the workplace.

The University is then required to notify the applicable federal agency of any employee conviction. Employee refers to students receiving Pell grants and/or student employees in addition to full and part-time employees.

## DRUG AND ALCOHOL-FREE WORKPLACE STATEMENT

The University subscribes to and endorses an alcohol and drug policy founded on the principle of freedom with responsibility. The University is dedicated not only to learning and the advancement of knowledge, but also to the development of ethically sensitive and responsible persons. The institution will strive to provide an educational environment conducive to making conscientious and healthy decisions when individuals are faced with difficult choices associated with the use of legal and illegal drugs.

Members of the University community are individually responsible for being aware of applicable laws, regulations, ordinances, and institutional policies and for complying with them. The University will assist in that endeavor by providing current information on an ongoing basis to the campus community.

Drug and alcohol use is highly detrimental to the safety and productivity of employees in the workplace. No employee may be illegally under the influence of any illicit drug or alcohol while in the workplace, while on duty, or while operating a vehicle or equipment owned or leased by the University.

In accordance with the Drug-Free Work Place Act of 1988, the University must maintain a drug-free work place. Failure to comply with this law could jeopardize the important government funds that the University receives. The unlawful manufacture, possession, distribution, transfer, purchase, sale, use, or being under the influence of alcoholic beverages or illegal drugs while on the University's property, while attending business-related activities, while on duty, or while operating a vehicle or machine leased or owned by the University is strictly prohibited and may lead to disciplinary action, including suspension without pay or discharge. When appropriate, the University may refer the employee to approved counseling or rehabilitation programs.

Any employee engaged in government contract or grant work must comply with this policy as a condition of employment. Should an employee be convicted of a drug-related crime that occurred in the workplace, the employee must notify Heidelberg within five days of the conviction. The University is then required to notify the appropriate government agency within 10 days of the conviction. Appropriate human services action, including disciplinary action and/or participation in a drug-abuse assistance or rehabilitation program, may result after notice of the conviction is received.

Employees who voluntarily admit to having drug or alcohol problems that have not resulted in disciplinary action may be eligible for unpaid time off to participate in a rehabilitation program. Such a leave will be granted if the employee abstains from use of the substance while on leave, abides by all organization policies, rules, and prohibitions relating to conduct in the workplace, and if Heidelberg will not suffer an "undue hardship" as a consequence of granting the leave. Final authorization for all leave requests rests with the Chief Human Resources Officer and / or the Vice President for Academic Affairs & Provost.

**Employee Assistance Program:** The Employee Assistance Program (EAP) can assist employees in seeking professional guidance regarding a drug- or alcohol-related problem. The EAP provides free, confidential access to local short-term counseling and referrals to community treatment programs. Participation in the EAP may be initiated by self-referral or may be initiated by management-referral as part of a performance improvement plan or last chance agreement. Heidelberg's EAP program can be contacted at (888)-628-4824.

## **DRUG TESTING: Commercial Driver’s License (CDL) - Employees Substance Abuse and Drug Testing Policy**

**Statement of Policy:** The use of banned/illegal drugs (identified by the Omnibus Transportation Employees Testing Act of 1991 –49 CFR Part 40- and the Department of Transportation and Federal Transit Administration Rules) by commercial drivers licensed (CDL) employees with the University presents a serious threat to the safety and health of the individual using the substances or doing such acts, their fellow colleagues, and the general public. It is the policy of the University that all CDL employees, regardless of their role or status with the University, should be free of drugs. As a condition of being involved and/or registered with the University, all CDL licensed employees will abide by the terms of this policy statement, its rules and procedures.

**Statement of Rules:** The University establishes the following rules applicable to all CDL licensed employees of the University. This policy requires all CDL licensed employees to comply with the drug-testing program set forth in this policy.

- All CDL licensed employees must be “physically qualified” to do the task assigned to them. A person is not “physically qualified” to perform their assigned work if the employee:
  - Uses any habit-forming drug, including drugs banned by any federal or state governmental agency, except if such use consists of a substance prescribed by a licensed physician familiar with the individual’s medical history and involvement with the University, or
  - Fails to meet the drug testing requirements under this policy.
- No CDL licensed employee may be involved with the University vehicle activities and possess, be under the influence of, or use any drug or other substance identified under this policy as a banned/illegal drug or any controlled substance regardless of whether or not the individual may safely perform with the exception of the possession or use of a substance administered to an individual by or under the instructions of a licensed physician who has advised the individual that the substance will not affect the individual’s ability to safely function in their role as a safe, skilled and competent employee.
- No CDL licensed employee shall be in possession of an intoxicating beverage, regardless of its alcoholic content while involved with employment unless prescribed by a physician. Cold medications are contained in this category.
- No employee shall be involved with employment if general appearance or conduct indicates the use of a banned/illegal substance or intoxicating beverage. • An employee of the University who tests positive for the use of a banned/illegal substance or intoxicating beverage will be medically and physically unqualified to function as an employee, and will be immediately terminated from employment at the University.

**Discipline:** In the event of a positive test result, a CDL licensed employee may be subject to the following disciplinary measures.

- In the case of a CDL licensed employee’s positive test result, the individual will be immediately terminated from employment at the University.
- In the case of an employee’s serious offense off campus (i.e., arrest for possession/use/dealing), the CDL licensed employee may be immediately terminated from employment at the University.

**Confidentiality:** All information regarding drug or alcohol tests, test results and investigations shall be treated confidentially. Such information will only be released to the employee, the appropriate University representatives, and the physician and as required by any state or federal law or regulation or by court order. The CDL licensed employee may request that such information be released to others provided the individual submits a written consent form containing the following information: the person or persons who are authorized to obtain the information; the purpose of disclosure; the precise information to be disclosed; and the duration of the consent. Regardless of the foregoing, The University expressly reserves the right to disclose or utilize such information to the extent The University deems necessary to protect its interests with regard to inquiries, investigations, claims or litigation directly or indirectly involving the University.

**Disclaimer:** The purpose of this Substance Abuse and Testing policy is to describe the current policies used by the University and is subject to change by the University at its sole discretion and at any time without notice.

### **Alcohol Policy**

State Alcohol Guidelines – The sale of beer and wine at the Berg Bistro 1850 is to legal age patrons only. State law states that it is illegal to sell, serve, or furnish beer, wine, or other alcoholic or intoxicating liquor to a person under 21 years of age. It is also illegal for any person under 21 years of age to purchase or attempt to purchase, possess, or consume any alcoholic or intoxicating liquor. Guests or visitors must observe this rule while on campus or on the University property. Noncompliance may subject a person to sanctions imposed by the University as well as provisions of local and state law.

Disciplinary Action - Individuals who fail to abide by the provisions of this policy or the laws of the State of Ohio will be referred to the employee's immediate supervisor for disciplinary action.



## Alcohol and Substance Abuse Programs

*3<sup>rd</sup> Millennium Classrooms (online)*

Alcohol-Wise Intervention: Tailored to the individual, students receive a confidential drinking profile that summarizes personal drinking-related problems, compares drinking habits with social norms, challenges personal expectations, and provides a range of non-drinking strategies.

Marijuana 101: Tailored to the individual, students receive a confidential personalized-feedback report that summarizes use and negative consequences, compares individual use with social norms, challenges personal expectations, and provides a range of strategies to quit.

### On Campus and Local Resources

Stoner Health & Counseling Center	419-448-2041
Mercy Hospital	419-445-7000
Tiffin Police Department	911 or 419-447-2323
Tiffin Fire & Rescue Division	911 or 419-448-5444
Firelands Counseling & Recovery Services	419-448-9440
<b>Student Affairs</b>	
Chris Abrams, Dean of Student Affairs	419-448-2062
<b>Human Resources</b>	
Erin Grothaus	419-448-2180
<b>Academic Affairs</b>	
Courtney DeMayo Pugno Vice President for Academic Affairs and Provost Associate Professor of History	419-448-2510

### Campus Organizations that Sponsor Alcohol-Free Activities

Groups	Contact Person	Ext.
'Berg Events Council (BEC)	Jacqueline Sironen	419-448-2207
Residence Halls (IRHC)	Dennis LoConti	419-448-2214
Student Senate	Jacqueline Sironen	419-448-2207



## **Tobacco Free Campus**

Heidelberg University remains committed to the health and wellness of its employees, students and the broader campus community. Among the efforts to be implemented by the University are efforts to promote and assist health awareness, wellness, and smoking/tobacco cessation and to enhance air quality and concern for the health and wellness of others throughout campus.

Though possession is not a violation, smoking, the use of smokeless tobacco products, and the use of electronic smoking devices is prohibited in all facilities owned or leased by Heidelberg University and on the grounds of any property owned or leased by the University. This means all buildings owned or controlled by Heidelberg University, including shelters, indoor and outdoor athletic facilities, walkways, sidewalks, residence halls, and parking lots. Smoking, the use of smokeless tobacco products, and the use of electronic smoking devices is prohibited on sidewalks that adjoin University property. Smoking, the use of smokeless tobacco products, and the use of electronic smoking devices is also prohibited in any vehicle or equipment owned, leased or operated by Heidelberg University.

Students, faculty, and staff violating this policy may be subject to University action. Visitors who violate this policy may be denied access to Heidelberg University campus and may be subject to prosecution for trespass.

*Smoking* is defined as inhaling, exhaling, burning of any lighted cigar, cigarette, shisha pipe, pipe, water pipe (hookahs) or other lighted smoking device for burning tobacco or any other plant.

*Smokeless tobacco* includes, but is not limited to, chew, snus, snuff, strips and orbs.

*Electronic smoking devices*, commonly referred to as electronic cigarettes or e-cigarettes, are battery operated devices and closely resemble cigarettes.

For the purpose of enforcement, the presence of smoking devices, smokeless tobacco or electronic smoking devices in a residence facility may be reasonable grounds for Residence Life staff or Security to questions and/or document an alleged violation. As such, students are cautioned to use good judgement within this setting.

## Sexual Assault Programs and Awareness

All students and employees within our campus deserve to feel safe and supported. Heidelberg University Prohibits the crimes of sexual assault, domestic violence, dating violence and stalking and works year-round to provide you with education, tools, and resources to recognize concerning or harmful behaviors and strategies for intervening or to help others get the support they need. Heidelberg University has multiple programs that are directed at reducing sexual assault, domestic violence, dating violence and stalking on campus.

- All Heidelberg students are required to complete an annual online training titled: *Sexual Violence Prevention for Students*. This course discusses the finer points of consent, provides an overview of sexual violence, and empowers students to take action to prevent further harm. Using presenter-led content, personal accounts of interpersonal violence, interactive elements, and scenarios that demonstrate key concepts, this course illustrates how sexual violence prevention goes beyond victims and perpetrators.
- All Heidelberg employees are also given an annual online training that covers Harassment and Title IX topics.
- The Heidelberg University Sex Discrimination & Gender-Based Misconduct Policy is published in the Student Handbook that all students are required to sign receipt for at verification.
- There are a variety of awareness and prevention activities planned throughout the course of the academic year that address dating/domestic violence, sexual assault, and stalking. Such programs include a Walk-a-Mile event, consent and healthy relationship workshops, Domestic Violence and Sexual Assault Awareness month activities and social media campaigns. Many of these programs and activities are coordinated through the Center for Survivor Empowerment which is funded through a DOJ VAWA grant.
- An interactive presentation called “The Talk” was given to all first-year students put on by faculty and staff at the beginning of the semester. The Talk covered topics such as consent, Green Dot, the Title IX Department, supportive resources, The Safety and Security Department, Stoner Health Department, sexual health, mental health, The counseling department and a general overview of where to find resources.
- In the fall of 2019 Heidelberg University adopted the Green Dot Bystander program which has trained over half of employees on campus. Training for students rolled out in the fall semester of 2019. Trainings have continued to occur every year and are offered for all students, faculty and staff.

More information about Sexual Assault Safety and Prevention is available at:

<https://inside.heidelberg.edu/departments-offices/stoner-health-counseling-center/sexual-assault-safety-prevention>

## Availability of Victim Services and Advocacy on Campus

In the fall of 2018, the Center for Survivor Empowerment was established on campus. The Center for Survivor Empowerment is dedicated to providing free and confidential support including advocacy services to survivors of sexual assault, domestic violence, dating violence, and stalking. The mission of the Center for Survivor Empowerment is to educate the entire campus community by providing awareness and prevention programs that empower bystanders to share responsibility in ending sexual violence.

Information for the Center for Survivor Empowerment can be found at:

<https://inside.heidelberg.edu/departments-offices/center-survivor-empowerment>

Heidelberg University has a memorandum of understanding in place with the Seneca County Victim Services Program in Tiffin. The Victim Services Program provides Heidelberg University students with Victim Advocate Services when requested.

### **Counseling Services**

The Counseling Center can be contacted if you are in need of counseling services. Information shared with this office is kept personal and confidential. The Counseling Center is located in the Stoner Health & Counseling Center, level one of the Campus Center. The Center offers free counseling services with licensed counselors or counseling interns for all full time Heidelberg students Monday through Friday when classes are in session. Walk in services are available with these students being triaged by the available staff. A Graduate Assistant for the Stoner Health & Counseling Center focuses on outreach services for both the health and counseling services. Counseling appointments can be made by calling the Stoner Health & Counseling Center at [419-448-2041](tel:419-448-2041) or emailing [counseling@heidelberg.edu](mailto:counseling@heidelberg.edu). For more information about the Counseling Services available at Heidelberg go to <https://inside.heidelberg.edu/health-services/counseling-services>. For suicide prevention tips go to [https://inside.heidelberg.edu/counseling-services/suicide-prevention#tab\\_tab-fourth](https://inside.heidelberg.edu/counseling-services/suicide-prevention#tab_tab-fourth)

### **Uwill Student Mental Health & Wellness**

Uwill is the leading mental health and wellness solution for colleges and students. Uwill provides free immediate access to teletherapy and mental health crisis support for students.

#### How does it work?

With Uwill, you have the ability to choose a therapist based on your unique needs and preferences (focus area, gender, language, ethnicity), at a time that fits your schedule (day, night, weekend availability), and by the appointment type preferred (video, phone, chat, message). For students facing a mental health emergency, Uwill offers a crisis connection phone number 833.646.1526.

#### Who is eligible?

All students have access to Uwill.

#### Is it free?

Yes, Uwill is available free of charge.

#### How do I get started?

You can access the Uwill platform by clicking [here](#) and completing your profile using your school email address and current location. After completing your profile, you can immediately schedule an appointment with a therapist of your choosing. Many students have their first session within hours of profile completion.

If you are facing a mental health emergency, call 833.646.1526 to reach one of Uwill's licensed therapists trained in crisis response. For medical emergencies, please call 911.

## Health Services

The Stoner Health & Counseling Center is open Monday through Friday when classes are in session for full-time students from 8:00 AM – 4:30 PM in Campus Center Office 141. The Center features clinic visits Monday through Friday when classes are in session. Our Health Center team members include our nurse practitioner, Janelle Baldosser CNP, and Lori Groves RN. Insurance companies are NOT billed for visits so ALL full-time students are eligible to use the Center. The Stoner Health Center does not provide excuses for routine illnesses or injuries that may lead to missed classes, labs, exams, or deadlines. The vast majority of legitimate excuses for missing classes, exams, or work (such as colds, headaches, nausea, vomiting, diarrhea, abdominal pain, dizziness, etc.) do not lend themselves to objective confirmation, especially after the fact. Students are expected to work with their faculty members on these issues. However, when a student is hospitalized or has a serious ongoing illness or injury, the Stoner Health Center will work with the Student Accessibility Coordinator to set up accommodations.

Services provided include injury and illness care, first aid, over-the-counter and a limited prescription formulary. Lab testing is also offered (e.g., urinalysis, strep screening, mono tests, flu tests, COVID-19, glucose, pregnancy tests, etc.). Tuberculin (Mantoux) tests and vaccinations are also available. A nominal, at-cost fee, payable by cash, check or student account are charged for medication, vaccinations, and lab services. Flu shots are offered at a designated time during the fall semester. For more information about the health services available at Heidelberg go to <https://inside.heidelberg.edu/departments-offices/stoner-health-counseling-center>.

**COVID-19** campus information is available at <https://www.heidelberg.edu/student-life/health-and-safety/covid-19-campus-information>.

## Student Accessibility Services

Heidelberg University welcomes all of its students, including students with disabilities and other accessibility needs. To help these students meet their unique and individual needs, Heidelberg University operates an Office of Student Accessibility Services. The mission of Student Accessibility Services is to provide the student with disabilities and/or accessibility needs the services and support to achieve equal access while pursuing higher education. Student Accessibility Services also serves the wider campus community as a resource in understanding disability, accessibility, and inclusivity. Students with disabilities and other accessibility needs who require housing, dining, and/or academic accommodations to overcome barriers to their educational experience are encouraged to contact the Director of Student Accessibility Services. The director will review the student's rights and responsibilities, and guide them through the confidential, interactive process of arranging appropriate accommodations.

This process includes an interview with the director and the student providing documentation. Specific requests are not guaranteed, and the interactive process may reveal alternative accommodations that are more appropriate for each individual student. Unlike primary schools, in colleges and post-secondary education it is the student's responsibility to notify the University and request appropriate accommodations. Accommodations cannot be made retroactively. If you feel you need accommodations, please contact the Office of Student Accessibility Services to start the process. For more information about the rights and responsibilities of students with disabilities in higher education, please review this pamphlet from the [U.S. Department of Education](#). Refer here for more information about [Student Accessibility Services](#).

### Housing Accommodations:

1. Student Accessibility Services works closely with Residence Life & Housing to coordinate housing accommodations for students with disabilities, severe environmental allergies, chronic medical conditions, or with other housing-related accessibility needs. These accommodations include, but are not limited to:
  - a. Single rooms;
  - b. Air conditioning;
  - c. Centralized housing;
  - d. Private restroom;
  - e. Elevator;
  - f. Off campus approval;
  - g. Any need that requires an exception to the established room selection or assignment process
2. Requests for housing accommodations must be submitted to the Coordinator of Student Accessibility Services. The coordinator will guide students through the process, which includes an interview and documentation. The Assistant Dean for Residence Life & Housing, or designee, following approval and direction from the Coordinator of Student Accessibility Services, will provide reasonable residential accommodations.
3. For more information and to begin the process, please contact the Coordinator of Student Accessibility Services at [419-448-2484](tel:419-448-2484) or email [akontak1@heidelberg.edu](mailto:akontak1@heidelberg.edu).

## Heidelberg University Sex Discrimination & Gender-Based Misconduct Policy

### INTRODUCTION

Members of the Heidelberg University community, guests and visitors have the right to be free from all forms of sex/gender harassment, discrimination and misconduct, examples of which can include acts of sexual violence, sexual harassment, domestic violence, dating violence, and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. When an allegation of misconduct is brought to an appropriate official's attention, protective and other remedial measures will be offered and may be used to reasonably ensure that such conduct ends, is not repeated, and the effects on the victim and community are remedied, including serious sanctions when a responding party is found to have violated this policy. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated.

Heidelberg University's Policy on Sex Discrimination and Gender-Based Misconduct ("Policy") is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include controversial or sensitive subject matters protected by academic freedom. Academic freedom extends to topics that are pedagogically appropriate and germane to the subject matter of courses or that touch on academic exploration of matters of public concern.

### NON-DISCRIMINATION STATEMENT

It is the policy of Heidelberg University not to engage in discrimination or harassment against any person because of race, color, national and ethnic origin, age, political affiliation, socioeconomic status, sex, veteran status, or disability in the administration of its admissions policies, educational policies and programs, financial aid programs, employment practices, and athletic and other school-administered programs and activities and to comply with all federal and state non-discrimination, equal opportunity, and affirmative action laws, orders, and regulations, including remaining complaint and consistent with the Civil Rights Act; the Americans with Disabilities Act; the Rehabilitation Act of 1973, and Title IX of the Education Amendments of 1972. This policy on non-discrimination applies to admissions, enrollment scholarships and financial aid, participation in University activities, employment and access to, participation in, and treatment in all University centers, programs and activities.

Heidelberg University's Title IX Coordinator is designated and authorized to oversee compliance with all aspects of the Sex Discrimination and Gender-Based Misconduct policy. Questions about this policy should be directed to the Title IX Coordinator.

#### **Jake McGraw**

Title: Director of Campus Security and Compliance & Title IX Coordinator

Office of Campus Safety and Security

Location/Address: Campus Center 209

(419) 448-2048

Email: [jmcgraw@heidelberg.edu](mailto:jmcgraw@heidelberg.edu)

Additionally, anonymous reports can be made using the online [Reporting Process](#). Note that an anonymous report may prompt a need for the institution to investigate. Individuals experiencing harassment or discrimination also always have the right to file a formal grievance with government authorities:

Office for Civil Rights (OCR)

400 Maryland Avenue, SW

Washington, DC 20202-1100

Customer Service Hotline #: (800) 421-3481 | Facsimile: (202) 453-6012 | TDD#: (877) 521-2172

Email: [OCR@ed.gov](mailto:OCR@ed.gov) Web: <http://www.ed.gov/ocr>

## **Title IX of the Education Amendments of 1972**

The Policy addresses all forms of discrimination on the basis of sex, including sexual harassment. Heidelberg University does not discriminate on the basis of sex, gender, or gender identity in its educational, extracurricular, athletic, or other programs or in the context of admissions or employment in accordance with Title IX of the Education Amendments of 1972 and the regulations found in Part 106 of Title 34 of the Code of Federal Regulations (Title IX).

Title IX is a federal law that provides that, “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Heidelberg University, as an educational community, will promptly and equitably respond to all reports of sex discrimination in order to eliminate the misconduct and/or harassment, prevent its recurrence, and address its effects on any individual or the community.

The Policy applies to all members of the University community including: students, employees, volunteers, independent contractors, visitors, and any individuals regularly or temporarily employed, studying, living, visiting, conducting business, or having any official capacity at the University.

### **Title IX Coordinator and Team**

The Title IX Coordinator is the employee at Heidelberg University, designated and authorized to coordinate the institution’s efforts to comply with Title IX. The Title IX Coordinator and the Title IX Deputy Coordinator oversees the implementation of grievance procedures, which includes notification, investigation and disposition of complaints of sex discrimination and sexual harassment. The Title IX Coordinator will coordinate the provision of educational materials and training for the campus community. Finally, the Title IX Coordinator, or designee, will ensure a fair and neutral process for all parties and monitor all other aspects of the University’s Title IX compliance.

Reports of sex discrimination or sexual harassment to the Heidelberg University Title IX Coordinator can be made in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. A report may be submitted at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

The Title IX Coordinator and Title IX Deputy Coordinators can be contacted by telephone, email, or in person at:

**Jake McGraw**

Title: Title IX Coordinator  
Office of Safety and Security  
Campus Center 209  
(419) 448-2048

Email: [jmcgraw@heidelberg.edu](mailto:jmcgraw@heidelberg.edu)

**Kayela Tidrick**

Title: Title IX Deputy Coordinator  
Saurwein Health & Wellness Center 218  
(419) 448-2594

Email: [ktidrick@heidelberg.edu](mailto:ktidrick@heidelberg.edu)



## **Section 1: Definitions**

**Actual Knowledge:** Actual Knowledge is notice of sexual harassment or allegations of sexual harassment to one of the University's Title IX Coordinators, or any University official who has authority to institute corrective measures on behalf of the University.

**Formal Complaint:** a document filed by a reporting party, or signed by the Heidelberg University Title IX Coordinator, alleging sexual harassment against a responding party and requesting that the University investigate the allegation of sexual harassment. At the time of filing a formal complaint, a reporting party must be participating in or attempting to participate in the institution's education program or activity of the institution in with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator or any additional method designated by the institution. Additionally, a "document filed by a reporting party" can be in the form of an electronic submission (such as by electronic mail or through an online portal provided for this purpose by the institution) that contains the reporting party's physical or digital signature, or otherwise indicates that the reporting party is the person filing the formal complaint.

**Reporting Party:** A reporting party is defined as an individual who is alleged to be the victim of conduct that could constitute sexual harassment. This definition is a direct substitute for the term "Complainant" as defined in 34 C.F.R. § 106.30(a). In situations, where the Title IX Coordinator initiates or signs a formal complaint, the Title IX Coordinator is not a reporting party.

**Responding Party:** A responding party is defined as an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. This definition is a direct substitute for the term "Respondent" as defined in 34 C.F.R. § 106.30(a).

**Title IX Sexual Harassment:** The Policy prohibits "sexual harassment," which is defined as:

Conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
- (3) "Sexual assault" – a forcible or non-forcible sex offense as classified under the Uniform Crime Reporting system of the FBI,<sup>2</sup> to include:
  - a. *Rape* – The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. Carnal knowledge is defined as the slightest penetration of the sexual organ of the female (vagina) by the sexual organ of the male (penis). Attempts or assaults to commit rape are considered rape under this Policy.
  - b. *Sodomy* – Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving



consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

- c. *Sexual Assault With An Object* – To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. An object or instrument is anything used by the offender other than the offender’s genitalia, e.g., a finger, bottle, handgun, stick.
- d. *Fondling* – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- e. *Incest* – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- f. *Statutory Rape* – Sexual intercourse with a person who is under the statutory age of consent. In Ohio, no person may have sex with a child under the age of thirteen,<sup>4</sup> nor may a person over the age of eighteen have sex with a child under the age of sixteen.

(4) “Dating violence” means violence committed by a person:

- a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - i. The length of the relationship;
  - ii. The type of relationship;
  - iii. The frequency of interaction between the persons involved in the relationship.

(5) “Domestic violence,” which is defined to include felony or misdemeanor crimes of violence committed:

- a. by a current or former spouse or intimate partner of the victim,
- b. by a person with whom the victim shares a child in common,
- c. by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- d. by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or
- e. by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

(6) “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- a. Fear for his or her safety or the safety of others; or
- b. Suffer substantial emotional distress.

Non-Title IX Sex-Based Conduct: The Policy also prohibits Non-Title IX “sex-based conduct,” which is defined as:

Conduct on the basis of sex that satisfies one or more of the following:

- (1) Sexual Exploitation - Sexual exploitation is an act or acts committed through non-consensual abuse or exploitation of another person’s sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses.

Examples of sexual exploitation include:

- observing another individual’s nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- prostituting another individual;
- exposing one’s genitals in non-consensual circumstances;
- knowingly exposing another individual to a sexually transmitted disease or virus without that individual’s knowledge; and
- inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity

- (2) Physical Assault - Physical assault is a purposeful action meant to hurt another person. Examples include, but are not limited to, kicking, punching, hitting with or throwing an object, or biting, when these acts occur in the context of intimate-partner violence or when the behavior is perpetrated on the basis of sex, gender, or sexual orientation.

- (3) Bullying and Intimidation - Bullying includes any intentional electronic, written, verbal, or physical act or a series of acts directed at another person or persons on the basis of sex, gender, or sexual orientation, that is severe, persistent, or pervasive and that has the intended effect of doing any of the following:

- substantially interfering with a person’s education or work;
- creating a threatening environment; or
- substantially disrupting the orderly operation of the University.

Intimidation is any verbal, written, or electronic threats of violence or other threatening behavior directed toward another person or group on the basis of sex, gender, or sexual orientation that reasonably leads the person(s) in the group to fear for her/his physical well-being.

**Supportive Measures:** Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the reporting party or the responding party before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University’s educational environment, or deter sexual harassment. Supportive measures may include:

- Counseling;
- Extensions of deadlines or other course-related adjustments;

- Modifications of work or class schedules;
- Campus escort services;
- Mutual restrictions on contact between the parties;
- Changes in work or housing locations;
- Increased security and monitoring of certain areas of campus; and
- Other similar measures.

**Consent:** An informed, freely given agreement, communicated by clearly understandable words or actions, to participate in each form of sexual activity. General guidance for consent:

- Consent cannot be inferred from silence, passivity, or lack of active resistance.
- A current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- When consent is requested verbally, absence of any explicit verbal response constitutes lack of consent. A verbal “no” constitutes lack of consent, even if it sounds insincere or indecisive.
- By definition, there is not consent when there is a threat of force or violence or any other form of coercion or intimidation, physical or psychological.
- Either person may withdraw consent at any time. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.
- A person who is the object of sexual aggression is not required to physically or otherwise resist the aggressor; the lack of informed, freely given consent to sexual contact constitutes sexual misconduct.
- Intoxication is not an excuse for failure to obtain consent.
- A person incapacitated by alcohol or drug consumption, or who is unconscious or asleep or otherwise physically or mentally impaired, is incapable of giving consent.
- A person who is below the legal age of consent is incapable of giving consent.

**Advisor:** The term “Advisor” means any person who is invited by the reporting party or responding party, or who is assigned by the University, to attend any meetings, investigative sessions, hearings, or conferences. For the purposes of hearings, the Advisor must conduct a cross-examination on all issues of credibility.

**Education Program or Activity:** Means locations, events, or circumstances over which the University exercises substantial control over both the responding party and the context in which the sexual harassment occurs and also includes any building owned or controlled by a student organization that is officially recognized by Heidelberg University.

## **Section 2: Grievance Procedure**

Heidelberg University strongly supports and encourages prompt reporting of sex discrimination. Reporting provides resources to victims and contributes to keeping the campus safe. All Heidelberg community members (students, faculty, and staff) should help ensure that violations of the Policy are promptly reported. Most Heidelberg employees are mandatory reporters as described in the *Importance of Reporting* section below. Normally, this means reporting any witnessed violations, or violations learned about through the disclosure of the reporting party. Reporting is not the same as filing a formal complaint (although for some purposes a formal complaint may also serve as a report).

If a person believes they or someone they directly know has been the victim of sex discrimination, it should promptly be reported to the University's Title IX Coordinator. This could be done in person, by

mail, by telephone, or by electronic mail using the contact information listed above for the Title IX Coordinator. Such a report can be made at any time (including during non-business hours) by using the telephone number, email address, or by sending mail to the office address listed in this policy. Additionally, if a person believes they or someone they directly know has been the victim of sex discrimination a report may be made to the Heidelberg University Office of Campus Safety & Security at (419) 448-2211 or through any member of the Residence Life staff.

A person filing a complaint will be provided with information regarding the Heidelberg University Sex Discrimination policy and procedures as well as confidential resources and information for reporting criminal offenses to local law enforcement.

Instances of sex discrimination may violate both the University's sex discrimination policy and the law. As a result, the University encourages victims to pursue their complaints through both the University's process for sex discrimination and through the criminal justice system. The Tiffin Police Department, which can be reached at (419) 448-2323, can explain the procedures for pursuing a criminal investigation of sex discrimination. The Tiffin Police Department will investigate every incident reported to police to determine if a crime has been committed.

**Administrative Complaints:** The University has the authority to institute an administrative complaint against any student, faculty, administrator, or staff if a violation occurs of the Policy.

**Investigation:** A complete and thorough investigation into a complaint shall be conducted by a member of the Title IX team or its designee. The preliminary investigation shall be concluded as quickly as possible within the timeline set by this policy. The investigation will be conducted in a manner that is thorough, reliable, and impartial and may include interviews of the parties involved, including witnesses, and the gathering of other relevant information and documentation. A copy of the investigative report will be made available to both the reporting and responding parties for the purposes of review all evidence obtained that will be used in reaching a determination of responsibility.

**Privacy:** To the greatest extent possible, the University will treat all reported violations of this policy as private and confidential. If a reporting party requests confidentiality or asks that the incident not be pursued, the University will take all reasonable steps to investigate and respond to the incident consistent with the request for confidentiality or the request not to pursue an investigation. If the reporting party continues to ask that his or her name or other identifiable information not be revealed, the University will evaluate that request in the context of its responsibility to provide a safe and nondiscriminatory environment for all members of the community. Thus, the University may weigh the request for confidentiality against factors including but not limited to the following: the seriousness of the alleged harassment; the reporting party's age; whether there have been other harassment complaints about the same individual; and the alleged harasser's rights to receive information about the allegations if the information is maintained by the school as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 C.F.R. Part 99.15

**Grounds for Dismissal of Formal Complaint:** If upon review of the formal complaint the University determines any of the following, the University will dismiss the complaint from investigation under this Policy if the alleged conduct:

- Would not constitute Sexual Harassment;
- Did not occur in the University's education program or activity, or;
- Did not occur against a person in the United States.

The University may also dismiss a formal complaint or allegations therein if:

- A reporting party notifies the Title IX Coordinator in writing that the reporting party would like to withdraw the formal complaint or any allegations therein;
- The responding party is no longer enrolled or employed by the University, or;
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Such a dismissal does not preclude the University from proceeding under another University conduct process.

The University will send written notice of the dismissal and the reasons for dismissal simultaneously to all parties.

**Equitable Treatment:** Reporting parties and responding parties are eligible for Supportive Measures as defined within this Policy. The University will not impose disciplinary sanctions against a responding party unless a determination of responsibility for sexual harassment has been made against the responding party.

The University will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

The University will conduct an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence. The University will not require, allow, rely upon, evaluate, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected by a legally recognized privilege (e.g., attorney client), unless the person holding such privilege has waived the privilege.

The parties will have 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. The University will not consider or provide for inspection and review evidence which the University knows was illegally or unlawfully created or obtained. The University may impose on the parties and party Advisors restrictions or require a non-disclosure agreement not to disseminate any of the evidence subject to inspection and review.

**Bias and Conflicts of Interest:** Any individual designated by the University as a Title IX Coordinator, investigator, Conduct Board, or any person designated by a University to facilitate an informal resolution process, must not have a conflict of interest or bias for or against reporting parties or responding parties generally or an individual reporting party or responding party. The following will not be considered evidence of bias:

- The Title IX Coordinator's initiation of a formal complaint, or;
- An individual's decision that allegations warrant an investigation.

The University will apply an objective (whether a reasonable person would believe bias exists), common sense approach to evaluating whether a particular person serving in a Title IX role is biased, and will exercise caution not to apply generalizations that might unreasonably conclude that bias exists. An individual's current job title, professional qualifications, past experience, identity, or sex will not alone indicate bias.

Use of trauma-informed practices will not be considered evidence of bias when such practices do not:

- Rely on sex stereotypes;
- Apply generalizations to allegations in specific cases;
- Cause loss of impartiality, and;
- Prejudge of the facts at issue.

**Presumption of Not Responsible:** There is a presumption that a responding party is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

**Timeframe:** The University will attempt to complete most investigations within [60] days. The timeframe for formal investigations will begin upon filing of a complaint and will conclude upon submittal for adjudication. Investigations may be delayed and timeframes for investigations may be extended for good cause and with written notice provided by the University to reporting parties and responding parties including the reason for the delay or extension. 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. Delays caused solely by administrative needs are not considered good cause. The University will attempt to accommodate the schedules of parties and witnesses however, grievance resolution must be completed in a reasonably prompt timeframe, and must proceed to conclusion even in the absence of a party or witness.

**Emergency Removal:** If, after receipt of a complaint and an individualized safety and risk assessment, the University determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal of a responding party, the University may remove the responding party on an emergency basis. A removed responding party will receive notice and an opportunity to challenge the decision immediately following the removal. Threats must pose more than a generalized, hypothetical, or speculative risk to health and safety for emergency removal to be appropriate. Non-student employees may be placed on administrative leave during the grievance process.

**Notice:** The University will provide to all known parties, written notice of:

- The University's grievance process;
- Allegations of sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview;
- The University's position that the responding party is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- The parties right to have an Advisor of their choice, who may be an attorney;
- The parties right to inspect and review evidence;
- The University's prohibition on knowingly making false statements or knowingly submitting false information during the grievance process;
- 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, and;
- Additional allegations not included in the original notice.

**Consolidation of Formal Complaints:** The University may consolidate formal complaints as to allegations of sexual harassment against more than one responding party, or by more than one reporting party against one or more responding parties, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. The same facts and circumstances mean that the multiple reporting parties' allegations are so intertwined that their allegations directly relate to all parties.



Advisors: Parties will have equal opportunities to have others present during the grievance proceeding, including the opportunity to be accompanied by the Advisor of their choice, who may be, but is not required to be, and attorney. The University will not limit the choice or presence of an Advisor for a reporting party or responding party in any meeting or grievance proceeding. Advisors are required to abide by University restrictions regarding the extent to which they may participate in proceedings, and any restrictions will apply equally to both parties. If a party's Advisor refuses to comply with restrictions set by the University, the University may require the party to use a different Advisor.

Treatment Records: The University will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent.

Party Discussion of Allegations: The University will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. A party's communication with a witness or potential witness is considered part of a party's right to meaningfully participate in furthering the party's interests in the case, and not an "interference" with the investigation. However, where a party's conduct toward a witness might constitute "tampering" (for instance, by attempting to alter or prevent a witness's testimony), such conduct also is prohibited as retaliation.

### **Section 3: Interim Support Measures**

Upon receipt of a report, the University will provide interim support and reasonable protective measures to prevent further acts of misconduct, and to provide a safe educational and work environment. The University will determine the necessity and scope of any interim support measures. Even when a reporting party and/or responding party does not specifically request that protective action be taken, the University may choose to impose interim support measures at its discretion to ensure the safety of any individual, the broader University community, or the integrity of the review process.

The Title IX Coordinator or designee will promptly contact the reporting party to discuss the availability of supportive measures, consider the reporting party's wishes with respect to supportive measures, inform the reporting party of the availability of supportive measures with or without the filing of a formal complaint, explain to the reporting party the process for filing a formal complaint, and will coordinate such requests on the behalf of the person. The University will maintain contact with the parties to ensure that all safety and emotional and physical well-being concerns are being addressed.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The University will take immediate and responsive action to enforce measures previously ordered or implemented by the University.

The University may impose any remedy that can be tailored to the involved parties to achieve the goals of this policy, even if not specifically listed here. The range of interim support measures may include, but are not limited to:

- No Contact Order: A reporting party or responding party may request, or the University may impose, communication and contact restrictions to prevent further potentially harmful interaction. These communications and contact restrictions generally preclude in person, telephone, electronic or third- party communications. In some cases, an individual may also wish to consider a Protection Order from the local courts. This is a civil proceeding independent of the University. If

a court order is issued, the University will, to the best of institution's ability, assist the protected person in benefiting from the restrictions imposed by the court and facilitate on campus compliance with the order. The University may also limit an individual or organization's access to certain University facilities or activities as part of the no contact order.

- Academic, Employment, or Residence Modifications: A reporting party or responding party may request an academic or employment modification or a change in residence after a report of sex discrimination. An individual who requests assistance in changing their academic, employment or living situation after an incident of sex discrimination will receive appropriate and reasonably available modifications. These may include:
  - Academic modifications; including a change in class schedule, taking an incomplete, dropping a course without penalty, attending a class via electronic or other alternative means, providing an academic tutor, or extending deadlines for assignments;
  - Change of residential living assignment;
  - Change in work assignment or schedule;
  - Providing an escort to ensure safe movement around campus.
  -
- Emotional Support: The University will provide access to counseling services through Stoner Health and Counseling Center or will assist in providing a referral to off campus agencies.
- Interim Separation: Where the report of sex discrimination poses an ongoing risk of harm to the safety or well-being of an individual or members of the campus community, the University may place an individual or organization on interim suspension or impose leave for an employee. Pending resolution of the complaint, the individual or organization may be denied access to campus. When interim suspension or leave is imposed, the University will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

#### **Section 4: Informal Resolution**

With the agreement of both parties, a formal complaint under the sex discrimination policy may be resolved using an informal resolution process (mediation) overseen by one or more members of the Title IX team or its designee if (i) the University determines, in its discretion, that such a process would be appropriate; and (ii) all parties voluntarily agree and provide written consent to participate. An informal resolution process is available at any time prior to reaching a determination regarding responsibility in the grievance process. Informal resolution is not available in cases of sexual harassment of a student by a University employee.

Before initiating informal resolution, the University will provide written notice to the parties disclosing the allegations, the requirements of the informal resolution process, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared

The parties to any such informal process will not be required to deal directly with one another. Instead, after a preliminary review of the reported incident the Title IX Coordinator or other official selected by the Title IX team will commence coordinated discussions with both the reporting party and the responding party in order to seek a mutually agreed upon resolution. At any time, if either party is dissatisfied with the proceedings of the informal resolution process, that party may request the informal resolution process be terminated, in which case the formal resolution procedure (described below) would commence. In addition, any party can pursue formal resolution if dissatisfied with a proposed informal resolution. The parties may not request formal resolution after the parties fully complete the informal resolution process. Finally, as described above, the University may elect to pursue a formal resolution procedure even if the reporting party does not wish a formal resolution.



During informal resolution, the reporting party and the responding party have the right to be assisted by an Advisor of their choice. The reporting party and/or the responding party is responsible for presenting his or her own information and, therefore, Advisors are not permitted to cross-examine or question any party or to participate directly in the process.

### **Section 5: Formal Resolution**

For allegations of sexual discrimination that cannot be resolved informally, a Title IX Conduct Board Conference shall be conducted.

For the purpose of a formal resolution the following definitions and standards will be used:

The term “Title IX Conduct Board” means any person or persons trained to determine formal sex discrimination violations. The Title IX Conduct Board members will be selected from a broad representation of the campus community, including faculty and staff appointed by the Title IX Coordinator. One member of the Title IX Conduct Board will serve as Chairperson. The Title IX Conduct Board is the Conduct Board for purposes of determining responsibility and making recommendations for sanctioning. Title IX Conduct Board members cannot be the Title IX Coordinator or the investigator. The Title IX Conduct Board is under an obligation to objectively evaluate all relevant evidence both inculpatory and exculpatory, and must therefore independently reach a determination regarding responsibility without giving deference to the investigative report. The Title IX Conduct Board has the right and responsibility to ask questions and elicit information from parties and witnesses on the Board’s own initiative to aid the Board in obtaining relevant evidence both inculpatory and exculpatory, and the parties also have equal rights to present evidence in front of the Title IX Conduct Board so the Board has the benefit of perceiving each party’s unique perspectives about the evidence. The Title IX Coordinator may also appoint a hearing officer to oversee and/or conduct the hearing.

The term “Appellate Board” means any person or persons trained to determine formal sex discrimination violations. The Appellate Board members will be selected from a broad representation of the campus community, including Faculty and Staff appointed by the Title IX team. Appellate Board members may also serve on a Title IX Conduct Board; however, no member of a Title IX Conduct Board may also serve on the Appellate Board for the same case.

The term “Conduct Administrator” means any person who is trained by the Title IX Team to oversee the formal resolution process and to select members of a Conduct Board. A member of the Title IX Team can serve as Conduct Administrator.

**Investigative Report:** The University will prepare an investigative report that fairly summarizes relevant evidence. Prior to completion of the investigative report, the University will 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 will have 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. All evidence subject to the parties’ inspection and review will be available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

At least 10 days prior to a hearing or other time of determination regarding responsibility, the University will 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. The report will not include a summary of evidence not considered to be relevant. If a party disagrees with an investigator’s determination about relevance, the party may argue relevance in their written response and/or to the Conduct Board at the hearing.

The investigative report may include recommended findings and conclusions; however, the Conduct Board will objectively evaluate relevant evidence and will not defer to recommendations made by the investigator.

The investigative report may include a credibility analysis, but such analysis cannot result in a determination regarding responsibility.

If the report involves multiple reporting parties, multiple responding parties, or both, the University may issue a single investigative report.

The report will include an assessment as to whether the conduct, if proven, would constitute Title IX Sexual Harassment as defined within this Policy, including whether the University has jurisdiction under this Policy. If not, the Title IX Coordinator or their designee will dismiss the formal complaint, notify the parties of the finding, and refer the matter to the appropriate University conduct process. The notification will include notice of the right of either party to appeal the dismissal of the formal complaint through the process set forth in this Policy.

**Standard of Evidence:** The standard of evidence for review of formal complaints under this Policy against students and employees, including faculty, is preponderance of the evidence. Preponderance of the evidence is a determination based on facts that are more likely true than not. In the preponderance of the evidence standard, where the evidence in a case is “equal” or “level” or “in equipoise,” the preponderance of the evidence standard results in a finding that the responding party is not responsible.

The standard of evidence reflects the “degree of confidence” that a Conduct Board has in correctness of the factual conclusions reached.

The University will apply the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty, and apply the same standard of evidence to all formal complaints of sexual harassment.

**Burden of Proof:** 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.

### The Conduct Board Hearing

Prior to a Title IX Conduct Board hearing the responding party shall be presented with all charges in written form. A time shall be set for a Conduct Board Conference, not less than ten (10) nor more than fifteen (15) business days after the responding party has been notified. Maximum time limits for scheduling of Conduct Board Conferences may be extended at the discretion of the Conduct Administrator.

The following general guidelines will be used for Title IX Conduct Board Conferences:

1. Conferences are of an educational nature and are not subject to the rules of criminal proceedings.
2. The responding party and reporting party will receive at least 10-days’ notice of the hearing date and will receive an informational packet including, but not limited to: a final investigative report, conference rules and procedures, and the list of Title IX Conduct Board members.
3. Conferences normally shall be conducted in private.

4. Conferences shall be live hearings. Separate rooms, with technology enabling the Conduct Boards and the parties to simultaneously see and hear all proceedings may be arranged at the request of either party.
5. The reporting party, responding party, and their Advisors, shall be allowed to attend the entire portion of the Conduct Board Conference at which information is received.
6. The reporting party and responding party will receive the name(s) of the Conduct Board member(s) prior to the conference. The reporting party and responding party may challenge any Conduct Board member prior to the conference if they believe they have a conflict of interest. The Conduct Administrator will review the concern and will have sole discretion to make a change in Conduct Board Members.
7. In Conduct Board Conferences involving more than one responding party, the Conduct Administrator, in his or her discretion, may permit the Conduct Board Conferences concerning each person to be conducted either separately or jointly.
8. The reporting party and the responding party have the right to be assisted by an Advisor they select. In the event a party does not select an Advisor, the University will provide, without fee or charge to that party, an Advisor who will conduct cross-examination on behalf of that party. Parties will not be permitted to conduct cross examination on their own. The University may require parties to acknowledge whether they intend to have an Advisor present during the hearing.
9. The reporting party, the responding party, and the Conduct Board may arrange for witnesses to present pertinent information to the Conduct Board. The University will try to arrange the attendance of witnesses, if reasonably possible, and who are identified by the reporting party and/or responding party at least two business days prior to the Conduct Board Conference. Witnesses will provide information to and answer questions from the Conduct Board and answer questions during cross- examination by either party's Advisor.
10. The Conduct Board Chair will make all determinations of relevance and procedure for the conference.
11. After the portion of the Conduct Board Conference concludes in which all pertinent information has been received, the Conduct Board shall determine by majority vote whether the responding party has violated the sex discrimination policy.
12. The Conduct Board's determination shall be made on the basis of whether it is more likely than not (a preponderance of evidence) that the responding party violated the sex discrimination policy.
13. There shall be a single verbatim record, such as a tape recording of all Conduct Board Conferences before a Conduct Board. The record shall be the property of the University but, upon request, will be made available to the parties for inspection or review.

After the hearing, the Conduct Board will issue a written notice of Conference outcome (determination of responsibility). The notice will include:

- Identification of the allegations potentially constituting sexual harassment
- 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;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, recommendations for disciplinary sanctions the University may impose on the responding party, and whether remedies will be provided by the University to the reporting party, and;
- The University's procedures and permissible bases for the reporting party and responding party to appeal.

The determination will lay out the evidentiary basis for conclusions reached in the case. The nature of remedies, if any, will not be included within the determination. The determination will be provided to the parties simultaneously. The determination of responsibility becomes final either on the date that the Title IX Coordinator 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.

At the live hearing, the Conduct Board will permit each party's Advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Cross-examination at the live hearing will be conducted directly, orally, and in real time by the party's Advisor of choice and never by a party personally. All questioning will be relevant, respectful, and non-abusive. No party or witness will be "yelled" at or asked questions in an abusive or intimidating manner.

The Conduct Board may determine a question is irrelevant, however, parties are not permitted to waive a question.

A party or witness may decide not to attend a hearing or to respond to cross-examination by an Advisor or questions from the Conduct Board. A party or witness's absence or refusal to submit questioning at the hearing may impact the Conduct Panel's assessment regarding credibility or weight of a party's or witness's information and statements. The Conduct Board will not 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.

Video evidence showing the conduct alleged within a complaint may be considered, even if the party does not submit to cross-examination.

Relevance: During the hearing, only relevant cross-examination and other questions may be asked of a party or witness.

The following may be considered irrelevant:

- Repetition of the same question;
- Evidence that is duplicative of other evidence;
- Information protected by a legally recognized privilege;
- Questions and evidence about the reporting party's sexual predisposition or prior sexual behavior, unless:

- Such questions and evidence about the reporting party's prior sexual behavior are offered to prove that someone other than the responding party committed the conduct alleged by the reporting party, or;
- The questions and evidence concern specific incidents of the reporting party's prior sexual behavior with respect to the responding party and are offered to prove consent;
- Any party's medical, psychological, and similar records, unless the party has given voluntary, written consent, and;
- Party or witness statements that have not been subjected to cross examination at a live hearing.

The University will not exclude relevant evidence because such relevant evidence may be unduly prejudicial, concern prior bad acts, or constitute character evidence, however, the Conduct Board Chair may objectively evaluate such evidence by analyzing whether that evidence warrants a high or low level of weight or credibility.

Before a reporting party, responding party, or witness answers a cross-examination or other question, the Conduct Board Chair will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The University will not require parties to submit cross-examination questions before they are asked.

The Conduct Board Chair is not required to give a lengthy or complicated explanation of a relevancy determination during the hearing. The Chair may send to the parties after the hearing any revisions to the Chair's explanation that was provided during the hearing.

**Weighing Credibility:** The Conduct Board will evaluate all admissible, relevant evidence for weight or credibility. The degree to which any inaccuracy, inconsistency, or implausibility in a narrative provided by a party or witness should affect a determination regarding responsibility is a matter to be decided by the Conduct Board, after having the opportunity to ask questions of parties and witnesses, and to observe how parties and witnesses answer the questions posed by the other party. Corroborating evidence is not required.

Credibility determinations are not based solely on observing demeanor, but also are based on other factors (e.g., specific details, inherent plausibility, internal consistency, corroborative evidence). Cross-examination brings those important factors to a Conduct Board's attention.

A party's answers to cross-examination questions can and should be evaluated by a Conduct Board in context, including taking into account that a party may experience stress while trying to answer questions. Parties will not be unfairly judged due to inability to recount each specific detail of an incident in sequence, whether such inability is due to trauma, the effects of drugs or alcohol, or simple fallibility of human memory.

**Sanctions and Remedies:** Sanctioning can vary according to the relationship (student, faculty, or staff) the responding party has with the University.

If the reporting party is a student, the Conduct Board will make sanctioning recommendations based on sanctions described in the Student Code of Conduct. The recommendation will be sent to the Dean of Student Affairs for final approval.

If the reporting party is a faculty member, the Conduct Board will make sanctioning recommendations based on sanctions described in the Faculty Manual. The recommendation will be sent to the Provost for final approval.

If the reporting party is a staff member, the Conduct Board will make sanctioning recommendations based on sanctions described in the Employee Handbook. The recommendation will be sent to the Office of Human Resources for final approval.

Sanctions may include anything from a warning, up to and including disciplinary expulsion or termination. The University will also provide remedies to reporting parties found to have been subjected to conduct which violates the Policy. Remedies could include counseling, academic accommodations, academic support, and employment accommodations.

Appeals: A decision reached by the Title IX Conduct Board may be appealed by the reporting party or responding party to the Title IX Coordinator within five (5) **business** days of receiving the written determination. Such appeals shall be in writing and shall be delivered to the Title IX Coordinator.

The University will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. Both parties will have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. The decision-maker for the appeal will issue a written decision describing the result of the appeal and the rationale for the result and provide the written decision simultaneously to both parties.

Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of the Title IX Conduct Board Conference and supporting documents for one or more of the following purposes:

1. A procedural irregularity that affected the outcome of the matter.
2. To determine whether the Conduct Board Conference was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the reporting party a reasonable opportunity to prepare and to present information that the Sex Discrimination policy was violated, and giving the responding party a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
3. To determine whether the sanction(s) imposed were appropriate for the violation of the Sex Discrimination policy which the responding party was found to have committed.
4. To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original Conference, because such information and/or facts were not known to the person appealing at the time of the original Conduct Board Conference. Failure to appear at a hearing and prepare and to present information, when appropriate notice was provided, will not be an acceptable reason for appeal.
5. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against reporting parties or responding parties generally or the individual reporting party or responding party that affected the outcome of the matter.

All grounds for appeal will be available to all parties.

The decision-maker for the appeal will not be the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator.

If an appeal is upheld by a majority decision of the Appellate Board, the matter shall be returned to the original Conduct Board for re-opening of the Conduct Board Conference to allow reconsideration of the original determination and/or sanction(s). If an appeal is not upheld by a majority decision, the matter shall be considered final and binding upon all involved.



## **Section 6: Amnesty for Those Who Report Sex Discrimination**

The University encourages reporting and seeks to remove any barriers to reporting by making the procedures for reporting transparent and straightforward. The University recognizes that an individual who has been drinking alcohol or using drugs at the time of an act of sex discrimination may be hesitant to make a report because of potential consequences for his/her/their own conduct. An individual who reports sex discrimination, either as a reporting party or a third-party witness, will not be subject to disciplinary action by the University for his/her/their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The University may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

## **Section 7: Anti-Retaliation**

Neither the University nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the regulations

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by title IX or the regulations, constitutes retaliation. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination adopted by the University.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under the regulations does not constitute retaliation, as described above, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this provision.

Individuals who are alleged to engage in retaliatory tactics may face disciplinary action independent of the sanction or interim measures imposed in response to the underlying allegations of sex discrimination. Any acts of retaliation should be reported promptly to the Title IX Coordinator.

## **Section 8: Bystander Intervention**

The University expects all community members to take reasonable and prudent actions to prevent or stop an act of sex discrimination. Appropriate action may include direct intervention, calling law enforcement, or seeking assistance from a person in authority. The University will support its members who choose to intervene in this fashion.

## **Section 9: Education and Programs**

The University provides education to members of the community. All full-time students and employees complete an online training module which addresses the issues surrounding sex discrimination and behaviors that may be associated with violations of University policy such as alcohol and drug use. Incoming students are required to prove they have completed the online training module prior to arrival on campus. Employees must complete the module within thirty (30) days of their initial employment start

date. Additional programming is offered to both new and upper-class students, faculty and staff, including passive and active programs. Students are encouraged to attend education session through athletic participation, Greek Life and other organization memberships.

Conduct Board members, the Title IX team, and investigators receive yearly training focused on adjudicating cases of sex discrimination. First responders, such as the Department of Safety and Security Staff and the Campus Life Staff receive regular, ongoing training focused on working with victims of sex discrimination.

NCAA Regulation for Mandatory Self-Reporting by Student Athletes: All incoming, current, and transfer college athletes must disclose annually to the Title IX Coordinator and Director of Athletics whether their conduct has resulted in an investigation, discipline through a Title IX proceeding or criminal conviction for sexual, interpersonal, or other acts of violence. A failure by the student-athlete to accurately and fully disclose investigatory activity, a disciplinary action, or a criminal conviction may result in penalties, including a loss of athletics eligibility as determined by Heidelberg University.

### **Section 10: Victim Support Information**

Heidelberg University is committed to providing support for students who have been victims of sex discrimination. Below is a brief description of resources available. For more information or to request an accommodation which may not be listed, victims should contact the Title IX Coordinator.

1. Assistance finding confidential counseling and support either through the Stoner Health Center or through referrals to an outside agency.
2. Assistance finding confidential medical services either through the Stoner Health Center or through referrals to an outside agency such as the Mercy Hospital System.
3. Academic modifications which may include a change in class schedule, taking an incomplete, dropping a course without penalty, attending a class via electronic or other alternative means, or extending deadlines for assignments.
4. Housing modifications which may include changes in residential status, changes in room assignment or temporary accommodations in a residential safe room.
5. Employment modifications such as change in work assignment or schedule.
6. Preventing contact with the perpetrator through escort services from the Office of Safety and Security, no contact orders or interim separation of the perpetrator.
7. Hiding personal information such as directory information through the Registrar office.
8. Additionally, a victim may seek support for one of the outside agencies listed below:

Tiffin City Prosecutor's Victim Assistance Program - (419) 448-5413  
Seneca County Prosecutor's Victim Assistance Program – (419) 448-5070  
Firelands Counseling and Recovery Services - (419) 448-9440  
Seneca County Job and Family Services - (419) 447-5011  
Mercy Tiffin Hospital - (419) 447-3130  
Seneca Community Chaplain Corps – (419) 618-0165  
First Call for Help - (419) 448-4357



## **Section 11: Reporting Importance**

Title IX focuses on the adverse consequences faced by victims of sex and gender discrimination, including sexual harassment and sexual misconduct. It creates obligations for the University to investigate and to provide a “prompt and effective remedy.” If the victim is a student, Title IX means among other things that the University must provide a safe environment that does not interfere with the victim’s right to pursue an education. The University incurs this obligation when a victim has given notice to a faculty or staff member that the victim believes has some ability to address the complaint or advance the report to the appropriate resources as an exercise of reasonable care and/or the faculty or staff member knows, or should have known about the assault or harassment.

It is the University’s policy that most employees are mandatory reporters under this policy. Accordingly, unless otherwise specified, employees who become aware, directly or indirectly, of possible violations of this policy are obligated to promptly contact the Title IX Coordinator. Exclusions to the University’s mandatory reporting requirement include the Stoner Health and Counseling Center licensed counseling staff and any Stoner Health Center employee when scheduling counseling appointments, the campus Chaplain, and trained peer advocates.