



**Policies & Procedures  
Related to Sexual Misconduct & Interpersonal Violence**

**Table of Contents**

*Sexual Misconduct and Interpersonal Violence Policy*

What is Title IX.....	2
A. Policy Statement .....	2
B. Policy Jurisdiction.....	2
C. Policy and Procedural Definitions.....	2
D. Walsh University Consent Standard .....	5
E. Disclosure and/or Reporting Options .....	6
F. Confidentiality and Support.....	8
G. Caring Cavalier Amnesty Policy .....	9
H. Written Statement of Rights, Reporting Options and Resources .....	9
I. First Contact with the Title IX Office .....	10
J. Supportive/Interim Measures .....	10
K. Filing a Formal Complaint .....	12
L. Law Enforcement Notification.....	13
M. Preservation of Evidence .....	13
N. Institutional Grievance Processes .....	15
O. Investigative Outcomes.....	21
P. Disciplinary Action/Sanctioning.....	21
Q. Appeal Process.....	24
R. Annual Training for Conduct and Disciplinary Proceedings.....	25

*Sexual Misconduct and Interpersonal Violence Prevention Policy*

A. Policy Statements.....	27
B. Ongoing Prevention and Awareness Programs and Campaigns .....	27
C. Definitions – Ohio Revised Code .....	28
D. Bystander Intervention .....	33
E. Risk Reduction .....	34
F. Coordinated Community Response Team.....	36

## WALSH UNIVERSITY

# **Sexual Misconduct and Interpersonal Violence Policy**

**Procedures for Students, Employees, and University Volunteers related to Institutional action in Cases of Sexual Misconduct, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, Retaliation and Other Forms of Interpersonal Violence or Sex Discrimination.**

### **What is Title IX?**

Title IX is part of the 1972 re-authorization of the Higher Education Act and that stipulates 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.” Title IX requires all schools receiving federal financial assistance to take reasonable steps to create a safe, nondiscriminatory learning environment.

### **A. Policy Statement**

Walsh University prohibits all forms of sexual misconduct and interpersonal violence, including, but not limited to sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation and other forms of interpersonal violence or sex discrimination. Such conduct violates Walsh University’s values and can cause disruption to the living, learning and work environment of students, employees, University volunteers, and other community members.

### **B. Policy Jurisdiction**

The *Walsh University Sexual Misconduct and Interpersonal Violence Policy* covers all students (prospective, continuing and transfer), employees, and University volunteers. As such, the University can investigate any reported violations of this policy that occur in the United States during a University-sponsored program, University-sanctioned activity, or otherwise directly affect the University’s working or learning environment, regardless of whether the reported conduct occurred on campus, off campus, or through virtual methods.

For every report, the Title IX Office will review the circumstances of the reported conduct to determine whether the University has jurisdiction over the parties involved and take steps within its control to eliminate, prevent, and address the reported conduct. If the Respondent(s) is not a member of the University community or is no longer affiliated with the University at the time of the report or at the time that an *Investigation of Institutional Formal complaints* is initiated (including when the Respondent(s) has graduated or left the University), the University typically is unable to investigate, sanction, or take disciplinary action.

Individuals impacted by sexual misconduct and/or interpersonal violence may contact the Title IX Office as detailed in “Section F. Disclosure and/or Reporting Options.”

### **C. Policy and Procedural Definitions**

For the purposes of determining whether a course of conduct constitutes a violation under this policy and its corresponding procedures, the relevant definitions are listed below.

- **“Employees”** are categorized as staff or faculty of Walsh University.
- **“Faculty”** of the University consists of those individuals with either faculty rank or status.

- **“Complainant(s)”** is an individual(s) who reportedly experienced sexual misconduct and/or interpersonal violence, regardless of whether such individual reports such sexual misconduct and/or interpersonal violence to the University or participates in the University’s conduct process for responding to reports of sexual misconduct and/or interpersonal violence described herein.
- **“Respondent(s)”** is the individual(s) or entity(s) alleged to have committed acts constituting sexual misconduct and/or interpersonal violence, regardless of whether such individual has entered into the University’s conduct process for responding to complaints of sexual misconduct and/or interpersonal violence described herein.
- **“Staff”** are employees of Walsh University (full-time, part time, or casual) where the majority of their work responsibilities are considered non-teaching activities of various types in support of the educational, research, and service programs of the University.
- **“Student”** is any person who is currently enrolled at Walsh University.
- **“Third Party Reporter(s)”** is any individual(s) who reports a violation of this Policy to the University and who is not also the Complainant(s).
- **“University Volunteer”** is any uncompensated individual who is authorized by a University department or division to perform service for or on behalf of the University, or to gain personal or professional experience.
- **“Formal Complaint”** is document filed by a complainant or signed by the Title IX Coordinator against a respondent and requesting that the recipient investigate the allegation of sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation and other forms of interpersonal violence or sex discrimination. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed.

### **Definitions of Prohibited Conduct**

- **“Dating Violence”** means violence committed by a person:
  - Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - Where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - The length of the relationship;
    - The type of relationship; and
    - The frequency of interaction between the persons involved in the relationship.
  - For the purposes of this definition –
    - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - Dating violence does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Note: Walsh University further expands the definition of dating violence to include a pattern of actual or threatened behavior used against a current or former dating partner to control them. Emotional, verbal and financial forms of dating violence are prohibited conduct, and Walsh University will investigate and adjudicate these types of incidents.

- **“Domestic Violence”** means a felony or misdemeanor crime of violence committed by current or former spouse or intimate partner of the victim.

- A person with whom the victim shares a child in common;
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies [under VAWA]; or
- 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.

Note: Walsh University further expands the definition of domestic violence to include a pattern of actual or threatened behavior used against a current or former spouse or intimate partner to control them. Emotional, verbal and financial forms of domestic violence are prohibited conduct, and Walsh University will investigate and adjudicate these types of incidents.

- **“Sexual Harassment”** means 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 (i.e., Quid pro quo); or
  - (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” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).
- **“Retaliation”** No recipient or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the individual has made a formal complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part. 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 formal complaint.
- **“Sexual Assault”** means any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.
  - **Rape:** the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
  - **Fondling:** the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  - **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

- **“Stalking”** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - Fear for his or her safety or the safety of others; or
  - Suffer substantial emotional distress.
- **Sexual Exploitation** is knowingly, intentionally or purposefully taking advantage of the sexuality of another person without consent or in a manner that extends the bounds of consensual sexual activity without the knowledge of the other individual for any purpose, including sexual gratification, financial gain, or personal benefit. 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;
  - Voyeurism;
  - 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;
  - Non-consensual recording of individuals in locations in which they have a reasonable expectation of privacy, such as restrooms or locker rooms, regardless of whether the images captured reveal sexual activity or nudity;
  - Prostituting another individual;
  - Exposing one’s genitals in non-consensual circumstances;
  - Removal of a condom, without consent, during sexual intercourse;
  - Knowingly exposing another individual to a sexually transmitted infection or virus without that individual’s knowledge; and
  - Inducing incapacitation for the purpose of making another person vulnerable to nonconsensual sexual activity, e.g., by using alcohol or other drugs (such as Rohypnol or GHB).

## D. Walsh University Consent Standard

1. **Consent** is an agreement expressed through affirmative, voluntary words and/or actions, and mutually understandable to all parties involved, to engage in a specific sexual act at a specific time:
  - Consent must be ongoing and can be withdrawn at any time by involved parties.
  - Consent requires a mutual, clear and certain yes through words and/or actions.
  - Consent cannot be assumed based on the following:
    - Silence
    - Implied confirmation of interest
    - Initiation of sexual contact
    - The absence of a clear/certain yes
    - The absence of a clear/certain “no” through words and/or actions
    - The existence of a prior or current relationship
    - Prior sexual activity
  - **Consent cannot be coerced or compelled, including but not limited to the use of force, threat, deception or intimidation .**
    - i. **Coercion:** presenting a mentally and/or emotionally manipulative proposal for the purpose of persuading another person and/or party to act against their own interest and/or best judgement.
    - ii. **Force:** is the use or threat of physical violence, intimidation, or coercion to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity. Such action would cause a person to fear for their physical or psychological well-being.

- iii. **Deception:** knowingly presenting false or misleading information, identity, circumstance, and/or withholding key information.
- iv. **Intimidation:** presenting oneself and/or environment in a way that reasonably frightens, threatens, and/or pressures another person and/or party to comply.

Consent cannot be given by someone who is not of legal age to provide it (per ORC §2907.04). Consent cannot be given by someone who is incapacitated, as defined below.

- 2. **Incapacitation** is when a person’s perception and/or judgement is substantially impaired because of a mental or physical condition [including, but not limited to intoxication] causing the person to lack the ability to effectively make or act on conscious decisions.

## E. Disclosure and/or Reporting Options

Walsh University recognizes a distinction between disclosing and formally reporting incidents of sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation and other forms of interpersonal violence or sex discrimination. Disclosing an incident may not result in a formal complaint, depending on to whom the information is communicated, the circumstances under which the incident occurred, and in many situations, the wishes of the Complainant(s)\*.

### A. Mandatory Reporters

All full- and part-time Walsh University employees, including administration, faculty, staff, University volunteers and student paraprofessionals, such as Resident Assistants and Campus Ministry Peacemakers, are mandated to report any incidents of sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation or other forms of interpersonal violence or sex discrimination directly to the Title IX Coordinator or Title IX Deputies, unless they are one of the **confidential resources** outlined below.

### B. Confidential Resources

\*If you are unsure if you would like to make a formal complaint regarding an incident of sexual harassment, sexual assault, dating violence, domestic violence, stalking, or retaliation, Walsh University’s Counseling Services (students only), Health Services, University Senior Chaplain, Domestic Violence Project, Inc., and COMPASS are confidential resources available to you for disclosure. Confidential resources will not report the disclosure of these incidents to Title IX or Campus Police without a victim/survivor’s written permission, and to the extent, they are permitted to promise confidentiality under the law.

### C. On-Campus Confidential Resources – Students

- a. **Counseling Services** | David Campus Center (Suite 104) | (330)490-7348
  - o Francie Morrow, LPCC-S | Executive Director of Counseling and Health Services
  - o Lisa Lutz, LPCC-S | College Counselor
  - o Megan Rhoads, LPC | College Counselor
  - o Brent Walters, LPCC-S | College Counselor
- b. **University Senior Chaplain** | Our Lady of Perpetual Help Chapel | (330) 490-7051
  - o Father Thomas Cebula\*

*\*The University Senior Chaplain may only promise confidentiality to students when in the Sacrament of Reconciliation. Outside of this sacrament, he is unable to provide confidentiality and is considered a mandatory reporter of the University.*

**D. On-Campus Confidential Resources – Employees**

- a. University Senior Chaplain** | Our Lady of Perpetual Help Chapel | (330) 490-7051
- Father Thomas Cebula\*

*\*The University Senior Chaplain may only promise confidentiality to employees when in the Sacrament of Reconciliation. Outside of this sacrament, he is unable to provide confidentiality and is considered a mandatory reporter of the University.*

**E. Off-Campus Confidential Resources- Students and Employees**

- a. Health Services: Washington Square Aultman** | 6525 Market Ave. N., North Canton | (330) 363-8680
- b. Domestic Violence Project, Inc.** | (330)453-7233
- Available Victim Services:
- 24-hr. Confidential Hotline (330) 453-7233
  - Emergency Shelter
  - Transitional Housing
  - Legal Advocacy Services
  - Outreach and Aftercare Advocacy
  - Medical Advocacy
- c. COMPASS Sexual Assault Education, Prevention and Support** | (330) 452-1111
- Available Victim Services:
- 24 Hr. Confidential Hotline (330-453-7233)
  - Counseling
  - Case Management
  - Outreach Advocacy
  - Legal Advocacy
  - Hospital Advocacy

**F. On-Campus Formal Complaint – Students, Employees and University Volunteers**

- a. Title IX Coordinator**
- Kristi Campbell, Director of International Student Services  
*Student Affairs* | *David Campus Center (Suite 103)* | (330) 490-7105
- b. Title IX Deputy Coordinators**
- Anna Borges, Director of Student Activities & Leadership  
*Student Affairs* | *David Campus Center* | (330) 490- 7173
  - Jason Fautas, Associate Director of Athletics  
*Cecchini Health and Wellness Complex* | (330) 490-7437
  - Vanessa Freiman, Director of Professional Advising  
*La Mennais Hall* | (330) 490-4672
  - Tiffany Kinnard-Payton, Associate Dean of Students  
*Student Affairs* | (330)4907538
  - Meredith Sodik, Director of Academic Support Services

*Farrell Hall 209 | (330) 490-7529*

- Davidcia (Dee) Stubbs, Human Resources-Benefits Specialist

*Farrell Hall | (330) 490-7542*

- Bradyn Shively, Professional Advisor

*La Menais Hall | (330)-244-4689*

## **F. Confidentiality and Support**

Walsh University will maintain the confidentiality of the Complainant(s)—regardless of whether confidentiality is requested—to the extent it is legally permitted and has the ability to appropriately provide accommodations, Supportive/Interim Measures, and/or protective measures. As such, there may be situations where disclosing some personally identifiable information about a Complainant(s) may be necessary. For allegations of misconduct related to sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation and other forms of interpersonal violence or sex discrimination, the Title IX Coordinator will determine what information about the Complainant(s) should be disclosed and to whom this information will be disclosed. Unless extenuating circumstances exist, the Complainant(s) will be informed before sharing personally identifiable information that the University believes is necessary to provide a safe and non-discriminatory environment, to provide an accommodation(s), and/or to provide any interim or protective measures.

If the Complainant(s) requests the University not reveal the Complainant(s)'s name to the Respondent(s) and/or asks the University to not investigate a formal complaint, this may limit the University's ability to respond fully to the incident, including pursuing disciplinary action, and being able to sanction the prohibited conduct against the Respondent(s). Specific confidentiality requests should be made directly to the Title IX Coordinator, Kristi Campbell, at (330) 490-7105.

While Walsh University will strive to honor a Complainant(s)'s requests, there are circumstances when personally identifiable information about a Complainant(s) may be shared and/or when an investigation may occur despite a Complainant(s) requests otherwise. The University has a legal duty to act if it determines it is appropriate and necessary in certain cases of sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation and other forms of interpersonal violence or sex discrimination where an *Imminent Threat* to the campus community and/or pattern of behavior may be present.

**Imminent Threat** is classified as an incident of sexual misconduct and/or interpersonal violence that includes the following:

- 1) a weapon,
- 2) physical force or violence,
- 3) when the victim/survivor is a minor,
- 4) pattern by same perpetrator, and/or
- 5) a significant threat to the University.

Additionally, the University has a duty to complete certain publicly available recordkeeping, including reporting and disclosing information about certain crimes pursuant to a federal law known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act"). Reported incidents of these crimes will be included in the University's annual crime statistics per its annual security report and daily crime logs, as required. The University is also obligated to issue timely warnings of



crimes enumerated in the Clery Act occurring within relevant campus geography that represents a serious or continuing threat to students, employees, and university volunteers, except in those circumstances where issuing such a warning may compromise current law enforcement efforts or when the warning itself could potentially identify the Complainant(s). The University will not report and/or disclose personally identifiable information about a Complainant(s) in its recordkeeping required by the Clery Act.

The University will make every effort to respect a Complainant(s) 's autonomy in determining how to proceed when they disclose and/or formally report an incident of sexual misconduct and/or interpersonal violence. Support and resources are always available to Complainant(s)—regardless of the chosen course of action. Receiving a formal complaint of an incident permits the University to keep records of reported incidents and determine the appropriate response and the potential need to alert the University community to potential danger.

## **G. Caring Cavalier Amnesty Policy**

The University recognizes that students who experience or witness a sexual assault, dating violence, domestic violence, stalking, and/or a medical emergency while under the influence of alcohol or illegal substances may be hesitant to report these occurrences due to concerns for the potential consequences of violating the student code of conduct.

The Caring Cavalier Amnesty Policy is focused on empowering students to support the health and well-being of themselves and others. Any student coming forward to report incidents involving sexual assault, dating violence, domestic violence, stalking, and/or a medical emergency will be granted amnesty by the Student Conduct and Community Standards Office and will not be subject to violations of the University's alcohol and/or substance abuse policies that occurred at or near the time of the alleged incident(s).

Report immediate health and safety emergencies to Walsh University's Campus Police (330-490-7474 or 330-316-1088). Report non-emergencies to the University's Title IX Office (330-490-7105) or Student Conduct and Community Standards Office (330-490-7301).

The Caring Cavalier Amnesty Policy provides amnesty for violations of the student code of conduct as it relates to alcohol and/or substance abuse policies only. Students will be required to meet with a representative from the Student Conduct and Community Standards Office to provide further information about the incident(s). Students may be required to participate in online education, reflection assignments, and/or assessment and treatment referrals. Students who repeatedly use the amnesty policy may be required to participate in additional supportive measures. Failure to complete assignments required by the University will result in ineligibility for amnesty. Additionally, this policy does not grant amnesty from criminal, civil, or legal consequences for violations of federal, state, or local laws.

## **H. Written Statement of Rights, Reporting Options and Resources**

Any student, employee or University volunteer that discloses an incident and/or makes a formal complaint to the Title IX Office of sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation and/or other forms of interpersonal violence or sex discrimination will receive a written notification of their rights, reporting options, and resources. Please note that the receiving of this information is not dependent on the filing of a formal complaint.

## I. First Contact with the Title IX Office

Upon disclosure of an incident of sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation and other forms of interpersonal violence or sex discrimination from a student, employee, or University volunteer to the Title IX Office, the Title IX Office will outreach to the person(s) who may have experienced the sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation and other forms of interpersonal violence or sex discrimination. The outreach (from the Title IX Coordinator or a Title IX Deputy) includes ensuring the Complainant(s) receive information regarding:

- medical and confidential counseling and support resources;
- options for pursuing a formal complaint and/or reporting the incident to law enforcement;
- how to request an interim no-contact order;
- how to request other Supportive/Interim Measures from the University;
- how to preserve evidence;
- where to access more information.

The outreach will also include an invitation to meet with or provide additional information to the Title IX Office. The initial meeting may be followed by 1) filing a formal complaint or 2) a request by the Respondent(s) to take no further action.

The University will strive to honor the request of the Complainant(s) as to a course of action. However, the University has a legal duty to act if the University determines it is appropriate and necessary in certain cases of sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation and other forms of interpersonal violence or sex discrimination where an *Imminent Threat* to the campus community and/or pattern of behavior may be present (see Section F “Confidentiality and Support” for additional information).

The University will make every effort to respect a Complainant(s) ’s autonomy in determining how to proceed. Support and resources are always available to a Complainant(s) regardless of the chosen course of action. Receiving a formal complaint of an incident permits the University to keep records of reported incidents and determine the appropriate response and the potential need to alert the University community to potential danger. Reported incidents will also be included in the University’s annual crime statistics as required.

## J. Supportive/Interim Measures

In the case of sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation and other forms of interpersonal violence or sex discrimination, the Title IX Coordinator or Title IX Deputies may take immediate action to assist the Complainant(s) in resuming educational activities while deciding the next steps, if any, to pursue against a Respondent(s) or while awaiting the results of a resolution process.

“**Supportive/Interim Measures**” are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent 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 recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties. Furthermore, the supportive/interim measures are based on what is not clearly unreasonable in light of the known circumstances and does not second guess a school’s disciplinary decisions. Finally, a

school is required to offer supportive measures, and provide remedies to Complainant(s) whenever Respondent(s) are found responsible.

Walsh University will provide information, in writing, to Complainant(s) or Respondent(s) about options for, available assistance in, and how to request changes to academic, living, transportation and working situations or protective measures. The institution will make accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the Complainant(s) chooses to report the crime to Campus Police or local law enforcement. Additionally, the University is obligated to comply with a student's reasonable request for a living and/or academic situation change following an alleged sex offense. \*Please note that some Supportive/Interim Measures that impact both the Complainant and Respondent may require a finding of "in-violation" (see *italicized* measures listed below).

Supportive/Interim Measures can include but are not limited to, the following:

- Providing an escort,
- Changing the Complainant(s) class schedule or room assignment in the residence halls,
- Arranging academic accommodations,
- Waiving the service fee for on-campus health center services,
- *Issuing no contact orders\**,
- Complying with protection orders\*\*,
- *Limiting the Respondent(s)' access to campus,*
- *Limiting the Respondent(s)' access to facilities and activities,*
- *Changing the Respondent(s)' course schedule or room assignment, and/ or*
- Implementing other appropriate educational or prevention strategies to address the environment in which the offense took place.
- Change in University-related work schedules or job assignments
- Voluntary Leave of Absence
- Assistance in contacting community resources
- Transportation related to accessing services/support after an incident of sexual misconduct or interpersonal violence
- When appropriate, Supportive/Interim Measures can include Respondent(s) being placed on interim suspension or interim administrative leave.

*\*A person may contact the Title IX Coordinator (330-490-7105) to inquire and request a No Contact Order. This is a written order issued by the University that generally requires an alleged Respondent(s) to stay away from a victim/survivor and is supported by University consequences for non-compliance with the order.*

*\*\*A person may also seek a protection order from the local court of the state of Ohio. This is a legal process independent of the University. A protection order is a written order that generally requires an alleged perpetrator to stay away from a victim/survivor and is supported by legal consequences for non-compliance with the order. If a court order is issued, the University will, to the extent possible, assist the protected person in benefitting from the restrictions imposed by the court and will also facilitate on-campus compliance with the order.*

*The Title IX Coordinator (330-490-7105) or a Title IX Deputy, an advocate from COMPASS Sexual Assault Education, Prevention & Support (330-452-1111) or Domestic Violence Project, Inc. (330-453-7233), and Campus Police (330-490-7474 or 330-316-1088) are all able to assist victims/survivors who want to request a protection order. Below are the legal options available in the state of Ohio:*

*Criminal Protection Order*  
*Domestic Violence Criminal Temporary Protection Order*  
*Domestic Violence Civil Protection Order*  
*Dating Violence Civil Protection Order*  
*Civil Stalking Protection Order*  
*Sexually Oriented Offense Protection Order*

*If a victim/survivor believes there has been a violation of a court-ordered protection order, they should contact the police department in the jurisdiction where the violation has occurred.*

Information will be provided in writing to a Complainant(s) regarding the above support/interim measures, as well as existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims both on and off campus. Additionally, it is not required for a formal complaint to be filed and/or investigated for supportive/interim measures to be implemented, as deemed necessary by the Title IX office. The Title IX Coordinator and/or a Title IX Deputy will use the following factors to determine appropriate Supportive/Interim Measures to be implemented:

- specific need expressed by the complainant
- the age of the students involved
- the severity or pervasiveness of the allegations
- any continuing effects on the complainant
- whether the complainant and alleged perpetrator share the same residence hall, dining hall, class, transportation or job location; and
- whether other judicial measures have been taken to protect the Complainant(s) (e.g., civil protection orders)

**For more information about Supportive/Interim Measures, please contact the Title IX Coordinator, Kristi Campbell at (330) 490-7105, or [titleix@walsh.edu](mailto:titleix@walsh.edu).**

## **K. Filing a Formal Complaint**

Any current Walsh University student, employee, or University volunteer may file a formal complaint of sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation and other forms of interpersonal violence or sex discrimination against other current students, employees, or University volunteers connected to the University. These formal complaints may be submitted in person, by mail, electronic mail, or via phone using the University's contact information for the Title IX Coordinator and must include the Complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. All formal complaints should be submitted directly to the Title IX Coordinator, **Kristi Campbell at (330) 490-7105, or [titleix@walsh.edu](mailto:titleix@walsh.edu)** and should include the following information:

- Name of the Alleged Respondent(s)
- Date of the Alleged Incident
- Location of the Alleged Incident
- Details regarding the Alleged Prohibited Conduct being reported

It is strongly encouraged to submit a formal complaint as soon as possible after the incident takes place or becomes known in order to optimize opportunities to secure evidence and witnesses. As there is no time limit on reporting violations of this policy, if a reporting or Respondent(s) is no longer affiliated with Walsh University (e.g. a formal complaint is made after a student has withdrawn/graduated, or an employee or University volunteer is no longer employed and left their position), The University is often limited in its recourse to dress the concern, as the University no longer has jurisdiction over the reported incident.

## **L. Law Enforcement Notification**

The University also urges the Complainant(s) to report all instances of sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation and other forms of interpersonal violence or sex discrimination or criminal activity to Walsh University Campus Police or other law enforcement agencies. The Complainant(s) may contact Campus Police or local law enforcement directly, whether or not a formal complaint has been filed with the University. If requested, the University can assist the Complainant(s) in notifying law enforcement or legal service organizations to learn about these remedies. The Complainant(s) may also decline to notify law enforcement. Please see the Sexual Misconduct and Interpersonal Violence Prevention Policy (Section C “Definitions – Ohio Revised Code”) for more information on the definitions of these crimes according to the Ohio Revised Code.

A person may formally report an incident to either the police or the University or to both.

### **1. How to File a Police Report**

A victim/survivor wanting to make a police report can contact Campus Police (available 24/7) using the below information.

#### **a. On-Campus Law Enforcement– Students and Employees**

**Walsh University Campus Police** | (330) 490-7474 or (330) 316-1088  
2020 East Maple Street, North Canton, OH 44720

Filing a formal complaint with Campus Police or local law enforcement allows the department the ability to investigate the alleged crime(s), gather evidence, and refer a case for prosecution when warranted. A victim/survivor may choose to have an advocate present from COMPASS Sexual Assault Education, Prevention & Support (330-452-1111) or Domestic Violence Project, Inc. (330-453-7233) when filing the report.

### **2. Effect of Law Enforcement Notification**

The filing of a formal complaint of sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation and other forms of interpersonal violence or sex discrimination under this policy is independent of any criminal investigation or proceeding. The University typically does not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation or to take any necessary interim remedies to protect the Complainant(s) and the University community. However, the University may temporarily delay its investigation to enable law enforcement to gather evidence and to engage in a preliminary investigation of sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation and other forms of interpersonal violence or sex discrimination that may also violate state or federal law.

## **M. Preservation of Evidence**

As time passes, evidence of sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation and other forms of interpersonal violence or sex discrimination may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary

proceedings, or obtaining orders of protection related to the reported incident more difficult. If a Complainant(s) chooses not to make a formal complaint to the University regarding an incident, they nevertheless they are still able to speak with Walsh University Campus Police or other law enforcement agencies and/or a local Sexual Assault Nurse Examiner (SANE) program regarding evidence preservation in the event the Complainant(s) changes their mind at a later date. Further, completion of a medical forensic evaluation may also allow a Complainant(s) to preserve evidence while deciding whether to later file a police report.

### **1. Preserving Evidence for Sexual Assaults**

Physical evidence is crucial in helping to prosecute assailants in cases of rape or sexual assault and in obtaining a protection order. Physical evidence must be collected in a timely manner by a certified medical facility. Two of these local medical programs include Aultman Hospital's Serenity Program and Mercy Medical Center's Haven Program whose contact information is listed below #4. Prior to a medical/legal exam, victim/survivors of rape or assault should not bathe, change clothes, douche, use the toilet (if possible), smoke or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that the evidence may be preserved. If victim/survivors do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted diseases.

### **2. Preserving Evidence for Victim/Survivors of Violence**

Preserving evidence may be necessary to prove criminal domestic violence or dating violence, and in obtaining a protection order. Victim/survivors of violence should not bathe or change clothes prior to documentation of physical evidence. Two of the local medical programs that can provide a domestic violence forensic examination for victims/survivors include Aultman Hospital's Serenity Program and Mercy Medical Center's Haven Program whose contact information is listed below in (SECTION #). If victim/survivors do not opt for forensic evidence collection, health care providers can still treat injuries.

### **3. Preserving Evidence for Victim/Survivors of Stalking**

Preserving evidence of stalking may be necessary to prove criminal stalking and assisting a victim/survivor in obtaining a protection order. Victim/survivors of stalking should save evidence such as any letters, notes, emails, phone calls, videos, photos, texts, social media postings, computer screenshots, voicemails, or any other form of evidence that would be helpful.

### **4. Off-Campus Sexual Assault Nurse Examiner (SANE) Programs – Students and Employees**

- a. **Aultman Hospital Serenity Program** | (330) 363-6788 | [www.aultman.org](http://www.aultman.org)  
2600 6th St SW, Canton, OH 44710

*\*Please go to the Aultman Emergency Department to access Serenity Program services.*

- b. **Mercy Medical Center's Haven Program** | (330) 489-1000 x2170 | [www.cantonmercy.org](http://www.cantonmercy.org).

Healing After Violent Encounter's Network Program  
1320 Mercy Drive NW, Canton, OH 44708

## **N. Institutional Grievance Processes**

### **1. Criminal Complaints**

Ohio state and/or federal law will apply, and the matter will follow criminal processes through a police investigation, a referral to the County Prosecutor's Office, and/or the criminal court system for resolution.

### **2. Formal Complaint**

The University's investigation of formal complaints of policy violations is different and separate from a criminal complaint investigation by any law enforcement agency. An ongoing law enforcement investigation does not relieve the University of its obligation to investigate allegations of conduct prohibited by this policy. In cases involving potential criminal conduct, University personnel must determine, consistent with federal, state, and local law, whether appropriate law enforcement agencies or other authorities should be notified. Conduct may constitute a violation of this policy and result in disciplinary action by the University even if a law enforcement agency and/or court of law determines that the conduct did not constitute a crime.

### **3. Informal Resolution of Formal Complaints**

In appropriate circumstances, and with the approval of both the Complainant(s) and Respondent(s), the Title IX Coordinator may attempt informal resolution options, such as alternate resolutions or restorative justice to resolve a formal complaint of an alleged policy violation without the need for additional proceedings. When *Informal Resolution of a Formal Complaint* is pursued, the Title IX Coordinator will provide written notice to the Complainant(s) and Respondent(s) regarding:

- 1) the allegations;
- 2) the voluntary nature of the informal resolution process and the availability of a formal investigation at all times; and
- 3) any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Effort will be made to resolve an institutional formal complaint within approximately sixty (60) days of the filing of a formal complaint. The objective of the informal process will be to reasonably resolve the incident to the mutual satisfaction of the parties involved, if possible.

#### **a. Alternative Resolutions**

In some cases, both the Complainant and Respondent(s) have the opportunity to request a specific type of informal resolution process. In order to proceed with an informal process, both parties must agree to the Informal Resolution. It is not appropriate to conduct an Informal Resolution in cases of sexual assault, dating violence, domestic violence, or intimate partner stalking. At any time, either party has the right to pursue a formal process.

Walsh University may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment. Similarly, Walsh University may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. Walsh University must not offer or

facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

#### **4. Investigation of Formal complaints**

In instances where informal methods of resolution are inappropriate or declined, a formal investigation will be conducted. While all investigations will vary due to the individual circumstances surrounding the particular report, formal investigations under this policy will typically involve the following:

##### **a. Initial Review**

Preliminary review by the Title IX Coordinator of any formal complaint filed to determine whether, on its face, an alleged violation of the policy has occurred, and an investigation is needed.

##### **b. Investigation of Allegations**

Investigations are conducted by the Title IX Office. For the purposes of investigation, the Title IX Coordinator will assign Title IX Team members(s). Title IX Team members include the Title IX Coordinator and Title IX Deputies, and all team members are trained to conduct each stage of the formal investigation process.

##### **i. Initial Title IX Team Assignment**

Prior to the start of a formal investigation, the Title IX Coordinator will send a written “Initial Title IX Team Assignment” to the Complainant(s) and Respondent(s), which will include the names of the Title IX Team member(s) assigned to the particular formal complaint.

##### **ii. Conflict of Interest**

If any Complainant(s) and/or a Respondent(s) believes any Title IX Team member assigned to the particular formal complaint has a conflict of interest, the party must contact the Title IX Coordinator in writing no more than seven (7) days (excluding University holidays) of receiving the Initial Title IX Team Assignment with an explanation of the alleged conflict of interest (a “Conflict of Interest Actual knowledge notice”).

In the event that the Title IX Coordinator receives a Conflict of Interest Actual knowledge, the Title IX Coordinator will make any substitutions the Title IX Coordinator deems appropriate. Similarly, if an assigned Title IX Team Member believes the particular formal complaint poses a conflict of interest for the individual, the Title IX Team member will contact the Title IX Coordinator immediately and the Title IX Coordinator will make any substitutions the Title IX Coordinator deems appropriate. After the Conflict of Interest Actual knowledge notice period has passed, the Title IX Coordinator will send a written “Final Title IX Team Assignment” to the Complainant(s) and Respondent(s).

##### **iii. Title IX Team Member Notification**

The Title IX Team member(s) will send written notification to the Complainant(s) and the Respondent(s) that the formal investigation has started, along with the



relevant conduct provision(s) at issue and the potential sanctions and disciplinary actions if a violation of the policy is found.

**iv. Investigative Interviews**

The Title IX Team member(s) will conduct interviews of the Complainant(s), the Respondent(s), and any witnesses identified by those parties. The Respondent(s) shall be provided a copy of any written report or otherwise informed of the substance of any Complainant(s) 's allegations. Similarly, the Complainant(s) shall be provided with a copy of any written response provided by a Respondent(s) or otherwise informed of the substance of any Respondent(s)'s response to the allegations.

**v. Consideration of Evidence by Title IX Team Member(s):**

The Title IX Team member(s) will gather relevant documents or evidence (e.g., law enforcement investigatory records, student and/or personnel files, etc.). Both the Complainant(s) and Respondent(s) will be asked to provide a list of possible witnesses as well as any written or physical evidence (e.g., text messages, social media postings, emails, photos, medical records, etc.) that they wish to be included as part of the investigation.

**vi. Prepare Investigative Report**

The Title IX Team Member(s) will prepare an Investigative Report complete with a summary of interviews, relevant documents, and next steps.

**vii. Distribute Investigative Report**

The Title IX Team member(s) shall provide any Complainant(s) and Respondent(s) with access to the Investigation Report as well as any non-confidential documents or evidence gathered by the Title IX Investigator(s) that were used to prepare the Investigation Report to the parties.

The evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint will be made available to the parties and their advisors, including the evidence upon which the University may not rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence. The parties will have 10 calendar days to review the evidence. The parties will be offered the opportunity to review the evidence and provide a written response that will be submitted to the investigators for the completion of the Investigation Report.

The investigator shall then prepare a written Investigation Report fairly summarizing the relevant evidence, and provide a copy to both parties. The investigator shall submit this Investigation Report to the parties no less than ten days before any scheduled hearing. Each party may submit a written response to the Investigation Report. The purpose of the Investigative Report is to summarize factual findings, not conclusions as to whether a policy violation occurred. The investigator may also make findings that go to the credibility and cooperation of witnesses. Due to the privacy of all those involved, evidence is shared in an electronic format will not be

printable, downloadable or electronically shareable by the parties or their advisors. Exceptions may be made in compliance with Section 504 of the Rehabilitation Act of 1973.

**c. Pre-Hearing Conference**

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

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

Evidence and witnesses may only be presented at the hearing if they were submitted to the investigators and made available to the parties for review, unless they were unavailable at the time of the investigation or the relevance was unknown until the investigative report was submitted. The Hearing Chair will address any requests to present new evidence and new witnesses at the Prehearing Conference.

The advisor is strongly encouraged to discuss lines of questioning with the Sexual Misconduct and Interpersonal Violence Hearing Chair at the Prehearing Conference to obtain guidance from the Hearing Chair on relevancy prior to the hearing. The Sexual Misconduct and Interpersonal Violence Hearing Chair will discuss the expectations and guidelines for appropriate behavior and decorum during the hearing.

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

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

**d. Live Hearing**

Once all the initial investigation and interviews have taken place, the live hearing will be scheduled by the Title IX Coordinator. During the live hearing, the decision-makers, called the Sexual Misconduct and Interpersonal Violence Hearing Board will facilitate the process of permitting each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including that challenging credibility. The Hearing Board consists of the Title IX Hearing Board Facilitator, 1 faculty member and 1 staff member. Live hearings may be conducted with all parties physically present in the same geographic location or, at the school's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually. Additionally, schools must create an audio or audiovisual recording, or transcript, of any live hearing.

**i. Cross Examination**

- a. Cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
- b. At the request of either party, the recipient must provide for the entire live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other.
- c. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker must first determine whether the question is relevant and explain to the party's advisor asking cross-examination questions any decision to exclude a question as not relevant.
- d. If a party does not have an advisor present at the live hearing, the school must provide, without fee or charge to that party, an advisor of the school's choice who may be, but is not required to be, an attorney to conduct cross-examination on behalf of that party.
- e. If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

**e. Advisor or Support Person of Choice: Reporting and Respondent(s)**

Complainant(s) and Respondent(s) have a right to be accompanied by one advisor or support person who may be, but is not required to be, an attorney, of the individual's choosing, or if the party needs an advisor, chosen/suggested by the University, during any meeting with a Title IX Team Member and including the live hearing (if applicable). That advisor or support person:

- is permitted to provide support but cannot advocate for the party or impede the investigation.
- is not permitted to be someone who is a potential witness in the investigation.
- is permitted to cross examine/ask questions during the live hearing on behalf of the Complainant(s) or Respondent(s), provided they are relevant to the investigation and have been approved by the university decision makers.

Any advisor that becomes disruptive in any meeting/hearing, the university reserves the right to remove the advisor from that meeting and/or prohibit them from participating in the remainder of the process. Any person who serves as an advisor should plan to make themselves available for meetings throughout the process. Scheduling of the interviews and meetings will not be unduly delayed due to the lack of availability of the advisor.

**f. Rights of the Complaint(s) and Respondent(s)**

During the investigation and resolution of a formal complaint filed, the Complainant(s) and Respondent(s) shall have equal rights. These rights include the right to:

- have written notice of the of the allegations upon receipt of a formal complaint.
- to present fact and expert witnesses and other inculpatory and exculpatory evidence.
- to select an advisor of the party's choice who may be, but need not be, an attorney.  
to send written notice of any investigative interviews, meetings, or hearings.
- to send the parties, and their advisors, evidence directly related to the allegations, in electronic format or hard copy, with at least 10 days for the parties to inspect, review, and respond to the evidence.
- to freely discuss and gather evidence related to the allegation (no gag orders)
- to identify and have considered witnesses and other relevant evidence.
- to be apprised of the substance of any statements or evidence provided by the other party.
- to receive, along with their advisors, an investigative report that fairly summarizes relevant evidence, in electronic format or hard copy, with at least 10 days for the parties to respond.
- to cross examine the Complainant(s) or Respondent(s) and corresponding witnesses during a live hearing.
- to appeal determinations pursuant to "Section Q. Appeal Process"

**g. Investigation Timeline**

Efforts will be made to complete a formal investigation within approximately sixty (60) days of receiving the initial formal complaint. If the University is unable to complete a formal investigation within sixty (60) days of receipt of a formal complaint, the Title IX Coordinator or Title IX Deputy assigned to the investigation, will notify any Complainant(s) and any Respondent(s) in writing of the need for additional time, the reason(s) that additional time is needed, and an approximate date for completion of the formal investigation.

**h. Promptness, Fairness and Impartiality**

These investigative procedures provide for prompt, fair, and impartial investigations and resolutions. The Title IX Team member shall discharge their obligations under these procedures fairly and impartially. If the Team IX Team member determines that they cannot apply these procedures fairly and impartially because of the identity of a Complainant(s), Respondent(s), or witness, or due to any other conflict of interest, the Title IX Team member shall designate another appropriate individual to administer these procedures.

**i. Dismissal of Allegation**

Walsh University must dismiss allegations of conduct that do not meet the definition of sexual harassment or did not occur in a school's education program or activity against a person in the U.S. Such dismissal is only for Title IX purposes and does not preclude the school from addressing the conduct in any manner the school deems appropriate. Furthermore, Walsh University may, in their discretion, dismiss a formal complaint or allegations therein if the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein, if the respondent is no longer enrolled or employed by the school, or if specific circumstances prevent the school from gathering sufficient evidence to reach a determination. In cases of a request for a withdrawal of a formal complaint, the school must give the parties written notice of a dismissal (mandatory or discretionary) and the reasons for the dismissal.

## O. Investigative Outcomes

### 1. Investigative Finding & Determination

The decision-maker (who cannot be the same person as the Title IX Coordinator or the investigator) will issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant. This determination will be provided simultaneously in writing to both the Complainant (s) and Respondent become final. The following are the potential outcome:

#### a. Actual Knowledge Notice of Violation

In the event the Sexual Misconduct and Interpersonal Violence Hearing Board determines that there is probable cause to believe that a violation of this policy occurred, the Title IX Coordinator will issue a “Actual Knowledge Notice of Violation” in writing to any Respondent(s) and provide a copy of the Actual knowledge notice of Violation to any Complainant(s).

#### b. Actual Knowledge Notice of No-Violation

In the event that the Sexual Misconduct and Interpersonal Violence Hearing Board does not find that there is probable cause to believe that a violation of this policy occurred, the board will issue (through the Title IX Coordinator) a “Actual knowledge Notice of No Violation” in writing to any Complainant(s) and provide a copy of the Actual knowledge notice of No Violation to any Respondent(s). The Title IX Coordinator will also notify the parties of their right to appeal the Investigative Findings & Determination, and, if applicable, the sanctions or disciplinary measures recommended.

### 2. Standard of Proof

The standard of proof used for all sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation and other forms of interpersonal violence or sex discrimination is a preponderance of evidence. This means there is a greater than 50% chance (based on the evidence provided within the investigation) that the Respondent(s) is responsible for the violation as indicated in the filed report.

If there is a finding of responsibility, the finding will be forwarded as follows for sanctioning or disciplinary action:

- **Staff and University Volunteers:** The Director of Human Resources and the employee’s direct supervisor. Together, in collaboration with the supervising Vice-President and Title IX Office, disciplinary action will be assigned.
- **Faculty:** The Vice-President for Academic Affairs and the faculty members’ Division Chair. Together, in collaboration with the supervising Vice-President and the Title IX Office, disciplinary action will be assigned.
- **Students:** The Associate Dean of Students/Chief Conduct Officer. Sanctions will be assigned accordingly.

## P. Disciplinary Action/Sanctioning

Depending on the nature of the charges, the disciplinary actions and sanctions include:

- **For Students:**
  - a. **Sexual Assaults or Attempted Sexual Assaults**



scholarships.

**e. Retaliation**

Interim suspension and/or removal from campus including athletic and extracurricular involvement pending the outcome of the student conduct case. Charges of retaliation are as separate matter from the Title IX issues and will be addressed promptly through the student conduct system.

Charging an individual with code of conduct violations that do not involve sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation and other forms of interpersonal violence or sex discrimination but arise out of the same facts or circumstances as a report or formal complaint of sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation for the purpose of interfering with any right or privilege secured by Title IX constitutes retaliation. Complaints alleging retaliation may be filed according to a school's prompt and equitable grievance procedures. - The exercise of rights protected under the First Amendment does not constitute retaliation.

• **For Employees:**

**a. Walsh University Employee Handbook: Professional and Support Staff**

Section A.18: "Disciplinary Action: Sexual Misconduct and Interpersonal Violence  
Walsh University prohibits all forms of sexual misconduct, including, but not limited to sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation and other forms of interpersonal violence or sex discrimination. Such conduct violates Walsh University's values and can cause disruption to the living, learning and work environment of students, employees, University volunteers, and other community members. Depending on the seriousness of the problem, violations of this type of prohibited conduct by employees will result in the following types of disciplinary action: verbal warning, written warning, no contact orders, job restrictions or reassignments, probation, suspension and discharge."

**b. Walsh University Employee Handbook: Faculty**

If the faculty member is found in violation of any form of sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation and other forms of interpersonal violence or sex discrimination, faculty will face "appropriate and necessary discipline up to and including termination." Also refer to moral turpitude discussion regarding tenured faculty in the Faculty Handbook.

**c. Walsh University Volunteer Policies (University Volunteer Handbook, pg. 9)**

**i. Volunteer Code of Conduct:** "Harassment of any nature, abuse, alcohol/drug use, and discrimination will not be tolerated in any form. University volunteers will behave with the utmost respect and be caring, supportive and friendly in nature at all times in their positions. Staff shall act in a reciprocal nature and infractions will not be tolerated. The University has the right to discipline a University volunteer who does not conduct themselves in an appropriate and professional manner."

**ii. University Volunteer Dismissal Policy:** "Dismissal of University volunteers may occur. Prior to dismissal and depending on the seriousness of the infraction, the sponsoring University department or division volunteer supervisor may issue

a verbal warning, followed by a written warning. Activities that may warrant immediate dismissal can include but are not limited to the following: poor performance, abuse (sexual or physical), sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation and other forms of interpersonal violence or sex discrimination (depending upon the seriousness), alcohol or drug use/abuse, insubordination, falsifying information, illegal or violent acts, and breach of confidentiality. These actions once reported and investigated by the sponsoring University department or division volunteer supervisor will be discussed with the Director of Human Resources and decided upon in terms of whether or not they warrant immediate dismissal. The University volunteer can be dismissed for just cause without warning. All warnings and reports should be placed on file for record and will be treated as confidential in nature. The dismissal process will be dependent on the level of seriousness of the infraction. Volunteers serve at the sole discretion of Walsh University. See paragraph 7 of the volunteer agreement.”

**d. Retaliation**

Charges of retaliation are as separate matter from the Title IX issues and will be addressed promptly through the Human Resources office in collaboration with the employee’s direct supervisor.

**Q. Appeal Process**

The Complainant(s) or Respondent(s) have the right to appeal a determination and recommended sanctioning only on the following grounds:

- 1) There is a substantial likelihood that newly discovered information, not available at the time evidence was presented to the investigating Title IX Team Member or Sexual Misconduct and Interpersonal Violence Hearing Board Member, would result in a different decision,
- 2) There was a procedural error significant enough to call the outcome into question, and/or
- 3) The sanction or disciplinary action imposed is disproportionate to the offense.

Appeals are not intended to be full re-hearings of the formal complaint and investigation. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. This is not an opportunity for Appeal Review Board members to substitute their judgment for that of the original hearing body merely because they disagree with its finding and/or sanctions.

Appeals decisions are to be deferential to the original hearing body, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so. Complainant(s) and Respondent(s) will be notified, simultaneously, in writing if a change is made to the investigative finding and when results become final.

**1. Method of Appeal**

Complainant(s) and Respondent(s) may file a written appeal with the Vice-President for Student Affairs/Dean of Students (or designee) within seven (7) calendar days from the date of the written decision.

The appeal must be in writing and contain the following:



- 1) Name of the Complainant(s)
- 2) Name of the Respondent(s)
- 3) A statement of the outcome of the investigation, including disciplinary action or sanctioning recommendations, if any
- 4) A detailed statement of the basis for the appeal including the specific facts, circumstances, and argument in support of it, and requested action, if any

The non-appealing party will have an opportunity to provide a written response to the request for appeal to the Vice-President for Student Affairs/Dean of Students (or designee). The written response must be submitted within seven (7) calendar days of receipt of Request for Appeal.

\*Per University policy, third parties are unable to utilize the institutional process as they are not under the University's jurisdiction, and must be addressed through appropriate administrators, Campus Police, and/or local enforcement.

## **2. Resolution of the Appeal**

The Vice-President for Student Affairs/Dean of Students will generally resolve the appeal within fourteen (14) days of receiving it and may take any and all actions that they determine to be in the interest of a fair and just decision. The decision of the Vice-President for Student Affairs/Dean of Students is final. The Vice-President for Student Affairs/Dean of Students shall issue a short and plain, written statement of the resolution of the appeal, including any changes made to the Sexual Misconduct and Interpersonal Violence Hearing Board previous written determination and/or the sanctions and remedial measures imposed. The written statement shall be provided to the Complainant(s), Respondent(s), and the Title IX Coordinator within ten (10) days of the resolution. Sanctions imposed are then implemented immediately, pending the outcome.

## **R. Annual Training for Conduct and Disciplinary Proceedings**

Annual training on issues related to sexual misconduct and interpersonal violence is provided for all university officials involved in Walsh University's Title IX process and conduct and disciplinary proceedings. Any investigative procedures implemented will be conducted by officials who have received annual training on issues related to sexual misconduct and interpersonal violence and how to conduct an investigation that protects the safety of victims and promotes accountability.

### **Title IX Coordinator, Title IX Deputies, Chief Conduct Officer, Conduct Officers, Sexual Misconduct and Interpersonal Violence Hearing Board, and Appellate are annually trained in:**

- Title IX, VAWA, Clery legislation and statutes
- Neurobiology of trauma
- Definitions of sexual assault, domestic violence, dating violence, and stalking
- Information about the causes and effects of sexual assault, domestic violence, dating violence and stalking
- The ways victims respond to trauma/tactics of offenders
- Information on the issue of consent in sexual assault cases
- Confidentiality
- Supportive/interim measures
- Conduct and Hearing Procedures
  - Basic Procedure for proceedings
  - Addressing conflicts of interest
  - Evidence gathering and use
  - Questioning witnesses

- Disciplinary action and sanctioning
- Grievance appeals process

**The Director of Human Resources, President, Vice-President for Academic Affairs, Vice Presidents, are annually trained in:**

- Title IX, VAWA, Clery legislation and statutes
- Definitions of sexual assault, domestic violence, dating violence, and stalking
- Information about the causes and effects of sexual assault, domestic violence, dating violence and stalking
- The ways victims respond to trauma/tactics of offenders
- Information on the issue of consent in sexual assault cases
- Confidentiality
- Supportive/interim measures
- Conduct and hearing procedures
  - Basic procedure for proceedings
- Disciplinary action and sanctioning
- Grievance appeals process

**Student Conduct Board is annually trained in:**

- Title IX, VAWA, Clery legislation and statutes
- Definitions of sexual assault, domestic violence, dating violence, and stalking
- Information about the causes and effects of sexual assault, domestic violence, dating violence and stalking
- Confidentiality
- Supportive/interim measures
- Conduct and Hearing Procedures
  - Basic procedure for proceedings
  - Addressing conflicts of interest
  - Evidence gathering and use
  - Questioning witnesses
- Disciplinary action and sanctioning
- Grievance appeals process

WALSH UNIVERSITY

# Sexual Misconduct and Interpersonal Violence Prevention Policy

## A. Policy Statement

Walsh University prohibits all forms of dating violence, domestic violence, sexual assault, and stalking as defined by the Clery Act, and believes all members of the campus community share the responsibility of preventing sexual misconduct and interpersonal violence. Campus prevention and awareness programming for students and employees include a statement that the university prohibits all forms of dating violence, domestic violence, sexual assault, and stalking as defined by the Clery Act; the definitions for consent, sexual assault, dating violence, domestic violence, and stalking as defined by Walsh University and Ohio law; and information on safe and positive bystander intervention strategies and risk reduction strategies as defined by the Clery Act.

## B. Ongoing Prevention and Awareness Programs and Campaigns

Walsh University annually provides for its students and employees comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and either are informed by research or are assessed for value, effectiveness, or outcome. These also consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Some of these prevention and awareness programs and campaigns include:

- **EVERFI Sexual Assault Prevention for College Students:** a mandatory, online, research-informed sexual misconduct and interpersonal violence prevention training for all new and incoming first-year and transfer students.
- **EVERFI Sexual Assault Prevention for Employees:** an online research-informed sexual misconduct and interpersonal violence prevention training for new employees.
- **EVERFI Protecting Youth–** a mandatory, online, research-informed child sexual abuse prevention training for all employees.
- **Bringing in the Bystander®:** an evidence-based prevention workshop for students focused on addressing sexual and relationship violence on campus by promoting the concept of shared responsibility. Demonstration sessions are also available for faculty and staff.
- **Bystander Intervention is a Piece of Cake:** a life-sized board game program that teaches students bystander intervention skills and promotes awareness of domestic violence and intimate partner stalking
- **Domestic Violence Awareness & Prevention Month:** programs, which focus on primary prevention and educating the campus community on the warning signs of unhealthy relationships.
- **Heroes Walk:** a prevention and awareness program for students and employees focused on bystander intervention and consent education in recognition of Sexual Assault Awareness & Prevention Month, which is held in collaboration with the local rape crisis center

- **Know It. Name It. Stop It.:** a stalking awareness poster campaign for students and employees
- **Know Your IX Campaign** – a poster campaign displaying pertinent information regarding Title IX policies and procedures and the Title IX Team
- **White Ribbon Campaign** – a prevention campaign that challenges male students and employees to never commit, condone, or stay silent about violence against women
- **Your Story Matters**—an educational training about employees’ mandatory reporting responsibilities and effective responses to disclosures of sexual misconduct and interpersonal violence

### C. Definitions – Ohio Revised Code

Walsh University uses the following definitions from the Ohio Revised Code (ORC) for **prevention and educational purposes only**.

**Note:** For the purposes of adjudicating students and employees for violations of the Walsh University Sexual Misconduct and Interpersonal Violence Policy, the University uses the following definitions of these crimes (as outlined in the Clery Act):

- “Sexual assault” can be found in Section C. Procedural Definitions.
- “Consent” can be found in Section D. Walsh University Consent Standard.
- “Domestic Violence”, “Dating Violence” and “Stalking” can be found in Section E. Domestic Violence, Dating Violence and Stalking.
- **Consent (§ORC 2907.02) | <http://codes.ohio.gov/orc/2907.02>**  
Ohio law does not currently define the term “consent.” However, the Ohio Revised Code does include the conditions in which sexual conduct becomes rape, and describes non-consensual circumstances, which are outlined below:  
**(A)(1)** No person shall engage in sexual conduct with another who is not the spouse of the offender or who is the spouse of the offender but is living separate and apart from the offender, when any of the following applies:
  - (a)** For the purpose of preventing resistance, the offender substantially impairs the other person's judgment or control by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception.
  - (b)** The other person is less than thirteen years of age, whether or not the offender knows the age of the other person.
  - (c)** The other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age.**(2)** No person shall engage in sexual conduct with another when the offender purposely compels the other person to submit by force or threat of force.

**Note:** Walsh University also uses the definition of consent, as outlined in “Section D. Walsh

University Consent Standard” of the *Sexual Misconduct and Interpersonal Violence Policy* for prevention and educational purposes.

- **Domestic Violence (§ORC 2919.25) | <http://codes.ohio.gov/orc/2919.25>**
  - (A) No person shall knowingly cause or attempt to cause physical harm to a family or household member
  - (B) No person shall recklessly cause serious physical harm to a family or household member
  - (C) No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member
  
- **Dating Violence**

Ohio law does not currently define the term “dating violence.” However, the following crimes are recognized and defined in the Ohio Revised Code:

  - §ORC 2903.11 Felonious Assault
  - §ORC 2903.12 Aggravated Assault
  - §ORC 2903.13 Assault
  - §ORC 2903.14 Negligent Assault
  - §ORC 2905.01 Kidnapping
  - §ORC 2905.02 Abduction
  - §ORC 2905.03 Unlawful Restraint
  - §ORC 2905.12 Coercion
  - §ORC 2917.11 Disorderly Conduct
  
- **Stalking (§ORC 2903.211) | <http://codes.ohio.gov/orc/2903.211>**
  - (A)(1) No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or a family or household member of the other person or cause mental distress to the other person or a family or household member of the other person. In addition to any other basis for the other person's belief that the offender will cause physical harm to the other person or the other person's family or household member or mental distress to the other person or the other person's family or household member, the other person's belief or mental distress may be based on words or conduct of the offender that are directed at or identify a corporation, association, or other organization that employs the other person or to which the other person belongs.
  - (A)(2) No person, through the use of any form of written communication or any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, r-computer system, or telecommunication device shall post a message or use any intentionally written or verbal graphic gesture with purpose to do either of the following:
    - (a) Violate division (A)(1) of this section:
    - (b) Urge or incite another to commit a violation of division (A)(1) of this section.
  - (A)(3) No person, with a sexual motivation, shall violate division (A)(1) or (2) of this section.

- **Sexual Assault**

Ohio law does not currently define the term, “sexual assault.” Rather, it defines several types of sex offenses as outlined below:

- **Rape (§ORC 2907.02)**

<http://codes.ohio.gov/orc/2907.02>

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

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

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

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

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

- **Sexual Battery (§ORC 2907.03)**

<http://codes.ohio.gov/orc/2907.03>

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

**(1)** The offender knowingly coerces the other person to submit by any means that would prevent resistance by a person of ordinary resolution.

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

**(3)** The offender knows that the other person submits because the other person is unaware that the act is being committed.

**(4)** The offender knows that the other person submits because the other person mistakenly identifies the offender as the other person's spouse.

**(5)** The offender is the other person's natural or adoptive parent, or a stepparent, or guardian, custodian, or person in loco parentis of the other person.

**(6)** The other person is in custody of law or a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the other person.

**(7)** The offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the state board of education prescribes minimum standards pursuant to division(D) of section 3301.07 of the Revised Code, the other person is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school.

- (8) The other person is a minor, the offender is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the other person is enrolled in or attends that institution.
- (9) The other person is a minor, and the offender is the other person's athletic or other type of coach, is the other person's instructor, is the leader of a scouting troop of which the other person is a member or is a person with temporary or occasional disciplinary control over the other person.
- (10) The offender is a mental health professional, the other person is a mental health client or patient of the offender, and the offender induces the other person to submit by falsely representing to the other person that the sexual conduct is necessary for mental health treatment purposes.
- (11) The other person is confined in a detention facility, and the offender is an employee of that detention facility.
- (12) The other person is a minor, the offender is a cleric, and the other person is a member of, or attends, the church or congregation served by the cleric.
- (13) The other person is a minor, the offender is a peace officer, and the offender is more than two years older than the other person.
- **Unlawful Sexual Conduct with a Minor (§ORC 2907.04)**  
<http://codes.ohio.gov/orc/2907.04>  
 (A) No person who is eighteen years of age or older shall engage in sexual conduct with another, who is not the spouse of the offender, when the offender knows the other person is thirteen years of age or older but less than sixteen years of age, or the offender is reckless in that regard.
  - **Gross Sexual Imposition (§ORC 2907.05)**  
<http://codes.ohio.gov/orc/2907.05>  
 (A) No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more other persons to have sexual contact when any of the following applies:
    - (1) The offender purposely compels the other person, or one of the other persons, to submit by force or threat of force.
    - (2) For the purpose of preventing resistance, the offender substantially impairs the judgment or control of the other person or of one of the other persons by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception.
    - (3) The offender knows that the judgment or control of the other person or of one of the other persons is substantially impaired as a result of the influence of any drug or intoxicant administered to the other person with the other person's consent for the purpose of any kind of medical or dental examination, treatment, or surgery.
    - (4) The other person, or one of the other persons, is less than thirteen years of age, whether or not the offender knows the age of that person.
    - (5) The ability of the other person to resist or consent or the ability of one of the other persons to resist or consent is substantially impaired because of a mental or physical

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

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

o **Sexual Imposition (§ORC 2907.06)**

<http://codes.ohio.gov/orc/2907.06>

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

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

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

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

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

**(5)** The offender is a mental health professional, the other person or one of the other persons is a mental health client or patient of the offender, and the offender induces the other person who is the client or patient to submit by falsely representing to the other person who is the client or patient that the sexual contact is necessary for mental health treatment purposes.

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

## **D. Bystander Intervention**

Bystander interventions mean safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene.

Walsh University encourages bystanders to be active in interrupting (potentially) harmful situations they may witness, including those that promote or are an act of sexual misconduct and/or



interpersonal violence. Walsh promotes the idea of shared responsibility and that each member of our community plays a role in preventing violence from occurring. When interrupting a harmful situation, bystanders should stay at a distance and gather others for assistance, when possible. Walsh promotes the 4 Ds of Bystander Intervention in its trainings and programs as safe options for intervention.

Employees and students should take the following steps when implementing intervention strategies:

- 1. Actual knowledge notices the Situation** – Bystanders must first notice harmful actions taking place. Educate yourself about interpersonal violence and the warning signs of abuse. Share this information with your friends and colleagues.

#### **Warning Signs That Could Lead to a Sexual Assault:**

- Withdrawing from other relationships or activities, for example, spending less time with friends, leaving sports teams, or dropping classes
- Saying that their partner doesn't want them to engage in social activities or is limiting their contact with others
- Disclosing that sexual assault has happened before
- Any mention of a partner trying to limit their contraceptive options or refusing to use safer sexual practices, such as refusing to use condoms or not wanting them to use birth control
- Mentioning that their partner is pressuring them to do things that make them uncomfortable
- Signs that a partner controlling their means of communication, such as answering their phone or text messages or intruding into private conversations
- Visible signs of physical abuse, such as bruises or black eyes

*(Taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org))*

#### **Warning Signs of Relationship Violence**

- Tells you that you can never do anything right
- Shows extreme jealousy of your friends and time spent away
- Keeps you or discourages you from seeing friends or family members
- Insults, demeans or shames you with put-downs
- Controls every penny spent in the household
- Takes your money or refuses to give you money for necessary expenses
- Looks at you or acts in ways that scare you
- Controls who you see, where you go, or what you do
- Prevents you from making your own decisions
- Tells you that you are a bad parent or threatens to harm or take away your children
- Prevents you from working or attending school
- Destroys your property or threatens to hurt or kill your pets
- Intimidates you with guns, knives or other weapons
- Pressures you to have sex when you don't want to or do things sexually you're not comfortable with
- Pressures you to use drugs or alcohol

*(Taken from The National Domestic Violence Hotline, [www.thehotline.org](http://www.thehotline.org))*

### Warning Signs of Stalking

[When a friend is...]

- Always looking over [their] shoulder?
- Confused about how someone always seems to know where [they] are?
  - Unsure when that person will show up again?
  - Nervous about checking [their] e-mail or phone because it might be him/her/them again?
  - Scared of what that person might do next?

*(Taken from SPARC, [www.stalkingawareness.org](http://www.stalkingawareness.org))*

- 2. Interpret the situation as harmful** – Bystanders also need to evaluate the situation and determine whether it is harmful – or at least one in which someone needs assistance.
- 3. Assume Responsibility** – Another decision bystander make is whether they should assume responsibility for the harmful situation and provide help.
- 4. Attempt to Help** - Help the person leave the situation, confront a behavior, diffuse a situation, or call for other support/security. Confront friends who make excuses for other people’s abusive behavior. Implement the **4 Ds of Bystander Intervention**:
  - **Direct** – A bystander may choose to directly engage with a perpetrator, victim, or both. Using this strategy, they would directly address the inappropriate attitudes or behaviors that are occurring and/or would remove the victim from the harmful situation.
  - **Delegate** – A bystander may choose to ask someone else or a group to help intervene in the harmful situation.
  - **Distract** – A bystander may choose to divert the attention of the perpetrator and help remove the victim from the situation or to draw the attention of other bystanders to the situation occurring.
  - **Delay** – If a situation is unsafe or if a bystander is unsure of all the details of the situation, the bystander can check back in with the victim or make a report after the incident occurs.

If someone is in immediate danger, call Campus Police at 330-490-7474 or local police at 911 for assistance.

## E. Risk Reduction

Risk reduction strategies are designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one’s risk of sexual assault or harassment:

### 1. Avoiding Dangerous Situations

- **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- **Try to avoid isolated areas.** It is more difficult to get help if no one is around.
- **Walk with purpose.** Even if you don’t know where you are going, act like you do.
- **Trust your instincts.** If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.

- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- **Make sure your cell phone is with you** and charged and that you have cab money, and/or an on-demand driver app loaded.
- **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
- **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.

## 2. In a Social Situations

- **When you go to a social gathering, go with a group of friends.** Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- **Trust your instincts.** If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- **If you suspect you or a friend has been drugged,** contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

## 3. If Someone is Pressuring You

If you need to get out of an uncomfortable or scary situation, here are some things that you can try:

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

*(Taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org))*

## **F. Coordinated Community Response Team**

In addition to implementing these strategies to reduce the perpetration and victimization of sexual misconduct and interpersonal violence on campus, Walsh University has its own Coordinated Community Response Team (CCRT) that actively seeks to address risk and protective factors of sexual assault, domestic violence, dating violence, and stalking at the institution. The CCRT's mission statement explains this team "...is a collaborative body of campus and community experts who provide the Walsh University community with inclusive, culturally competent and trauma-focused education, safety and prevention efforts to end sexual assault, dating violence, domestic violence, and stalking."

### **Record of Revision**

\*revised 04/23/2021