

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)

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)

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)

- 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)

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 8/14/2020