Annual Security Report
and Annual Fire Safety Report

Bexley Campus and
Columbus/Law School Campus

Fall 2019

Provides data on calendar years
2016, 2017, and 2018
PREFACE

Capital University is concerned about the safety and welfare of all of its students, faculty, staff and guests, and seeks to provide a safe environment at its main campus in Bexley and its Law School campus in Columbus. Over the years Capital has not experienced a significant number of serious crimes, but no campus is isolated or immune from crime. Capital has its own fully commissioned university police department, and the Bexley Police Department is located approximately two miles from main campus. At the Law School, security is provided by security guards and the University police department, as well as the Columbus Police Department.

A significant part of every campus public safety program is prevention, including cooperative and precautionary steps by each member of the university community. Accordingly, Capital sponsors on-going programs and information on public safety-related issues, and provides information on personal safety (entitled “Keeping Yourself Safe”) on the University’s Public Safety webpage at http://www.capital.edu/campus-safety/. The Manual of Policies and Procedures of the Law School provides information to students about building and parking regulations. The Law School works closely with student organizations throughout the year to educate students about safety and security at the law school, using resources such as the Student Life section on the Current Students webpage, located at: http://law.capital.edu/CurrentStudents.aspx. In addition, the University has developed an Emergency Operations Plan that designates areas of responsibility and detailed response plans for incidents at both campus locations.

The University has developed these policies and procedures to enhance safety for members and guests of the University community, and in compliance with federal and state requirements.

The full text of this report can be located on the University’s website via Capital University’s homepage at www.capital.edu, and on its Public Safety page at http://www.capital.edu/safety/, and on the law school’s website at http://law.capital.edu/Safety_and_Security/. If you have any questions or concerns related to the information in this document, or if you would like to obtain a copy of this report, contact the Capital University Police Department, located on the Bexley campus at 661 College Avenue, Bexley, Ohio 43209, or by telephone at 614-236-6666.
Table of Contents

Capital University Police Department .......................................................................................... 6
Public Safety Law Enforcement Authority .................................................................................. 6
Criminal Activity Off-Campus Involving Students ........................................................................ 8
Working Relationships with Local Law Enforcement ................................................................. 8
Campus Sex Crimes Prevention Act (Sex Offender Registration) ............................................. 9
How to Report a Criminal Offense ............................................................................................. 10
Emergency Call Boxes ............................................................................................................... 11
Campus Security Authorities ..................................................................................................... 12
Voluntary Confidential Reporting .............................................................................................. 13
Disclosures to Victims of Crimes of Violence or Non-forcible Sex Offenses ....................... 14
Notifications .......................................................................................................................... 14
  A. Emergency Notifications .................................................................................................. 14
  B. Timely Warnings ............................................................................................................. 15
Clery Act Crimes and Reportable Locations (Definitions) ....................................................... 17
  A. Crime Definitions used for Collecting Clery Crime Statistics ..................................... 17
  B. Definitions of Geographical Categories used to Report Clery Crimes .................. 20
Daily Crime and Fire Logs .......................................................................................................... 21
University Crime Statistics ......................................................................................................... 22
  A. Bexley Campus Crime Statistics ...................................................................................... 23
  B. Bexley Campus Arrest and Discipline Referral Statistics ....................................... 24
  C. Bexley Campus Hate Crime Statistics .......................................................................... 24
  D. Bexley Campus Unfounded Crimes .............................................................................. 24
E. Columbus/Law School Campus Crime Statistics.............................................. 25
F. Columbus/Law School Campus Arrest and Discipline Referral Statistics...... 26
G. Columbus/Law School Campus Hate Crime Statistics............................... 26
H. Columbus/Law School Campus Unfounded Crimes................................... 26

Fire Safety Report and Fire Statistics............................................................... 27
A. Fire Safety Systems in Capital University Residential Facilities................. 27
B. Fire Safety Rules for Student Housing Facilities........................................ 28
C. Reporting A Fire.......................................................................................... 29
D. Procedures for Student Housing Evacuation in Case of a Fire............... 30
E. Fire Safety Information............................................................................... 30
F. Fire Safety Education.................................................................................. 31
G. Fire Safety Improvements and Upgrades.................................................. 32
H. Fire Statistics – On Campus Housing Facilities, Bexley Campus Only...... 32

Missing Student Notification Policy................................................................. 32

Emergency Operation Plan........................................................................... 33

Test of Emergency Response and Evacuation Procedures, 2017............... 37

Evacuation Procedures.................................................................................. 37
A. Building Evacuation.................................................................................... 37
B. Campus Evacuation..................................................................................... 38

Crime Prevention and Safety........................................................................ 38

Preventing Dating Violence, Domestic Violence, Sexual Assault and Stalking...... 39

Campus Facilities and Building Security....................................................... 42

Alcohol and Drug Policies and Programs....................................................... 47

EthicsPoint Reporting................................................................................... 56

Sex or Gender-Based Harassment, Discrimination and Sexual Misconduct Policy.................................................. 57
Annual Disclosure of Crime and Fire Statistics


The University prepares an Annual Security Report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act and the Higher Education Opportunity Act. The report is prepared in cooperation with the University’s Department of Public Safety, the Bexley Police Department, Columbus Police Department, University Counsel, the University’s Facilities Department, the Student Affairs division, and Law School administration. Each entity provides updated information on their training and awareness efforts and programs, and crime and fire statistics to comply with the Acts.

In addition to safety policies/procedures and awareness programs, information to be outlined in the report includes campus crime, arrest and referral statistics. These statistics include those incidents/crimes reported to the University’s Department of Public Safety, Student Affairs division (including the office of Residential and Commuter Life), Campus Security Authorities, and local law enforcement. Ohio law (ORC 2921.22 B) requires prompt, mandatory reporting to the local law enforcement agency by health care practitioners (such as those at the University’s Center for Health and Wellness) when they provide medical services to a person they know or reasonably suspects is suffering from wounds inflicted by a firearm or is a result of an offense of violence. Health and Wellness counseling staff shall inform their clients of the procedures to report crime to the University Police on a voluntary or confidential basis in the event the staff member feels it is in the best interest of the client. Capital University shall make available a procedure to anonymously capture crime statistics disclosed confidentially during such a session.

A report for both the Bexley Campus and the Columbus/Law School Campus will be completed no later than October 1st for the previous calendar year. Each year the University shall send an e-mail notification to all students, faculty, and staff that provides access to the Annual Security Report. The report is also made available to students, faculty, staff and general public by annually posting the information on the University’s web site at http://www.capital.edu/security-reports/. Copies of the report may be obtained at the Department of Public Safety office located at 661 College Avenue, Bexley Ohio 43209, or by calling (614) 236-6011. Prospective employees and students may also obtain a copy of the report through the Department of Public Safety.
Capital University Police Department

Capital University recognizes the need to provide safety and security for the University community. To ensure timely response to unlawful acts, as well as the ability to provide proactive preventative measures, the University has established and maintains as a division of the Capital University Department of Public Safety, a certified campus police force, known as the Division of Police, which is a full service university police department serving all students, staff, faculty, and guests of the University.

The University employs a Police Chief who is responsible for all aspects of university public safety. Public Safety officers are trained in first aid and are empowered by the State of Ohio to perform all proper procedures for protecting and enforcing laws in Capital's university community. The Department of Public Safety also employs non-officer staff, including dispatchers, to staff a dispatch center that is open 24 hours per day/7 days per week.

The Public Safety Office is located at 661 College Avenue (at the corner of College Ave. and Mound St. on the Bexley campus) and the office is normally open during the academic year from 8:00am until 9:00pm on Monday through Friday, and 9:00am to 5:00pm on Saturday and Sunday. In addition, limited services are available from the dispatch center at the Public Safety office 24 hours per day/7 days a week. At all times, officers may be reached by calling (614) 236-6666, which is answered by the Public Safety dispatch center, and is available for both emergencies and non-emergencies. Emergencies can also be reported by dialing 911 which connects to the local police department.

Mission Statement

The mission of the Department of Public Safety at Capital University is to provide a safe and secure environment for the University community and all its members, and provide a variety of services which enhance the quality of life on the University's campuses.

Public Safety Law Enforcement Authority

The Capital University Department of Public Safety, Division of Police is established in accordance with section 1713.50 of the Ohio Revised Code (O.R.C.). Each member of the Division of Police appointed under 1713.50(B) is vested, while directly in the discharge of that member’s duties as a police officer, with the same powers and authority that are vested in a police officer of a municipal corporation or a county sheriff under Title XXIX of the Revised Code and the Rules of Criminal Procedure, including the same powers and authority relating to the operation of a public safety vehicle that are vested in a police officer of a municipal corporation or a county sheriff.
under Chapter 4511 of the Revised Code. Except as otherwise provided in this division, members of the Capital University Department of Public Safety, Division of Police may exercise, concurrently with the law enforcement officers of the City of Bexley, the powers and authority granted to them under this division in order to preserve the peace, protect persons and property, enforce the laws of this state, and enforce the ordinances and regulations of the City of Bexley, but only on Capital University property within the Bexley city limits. A member of the Capital Division of Police has no authority to serve civil process.

In addition, officers of the DPS Division of Police are empowered by the University to take administrative action against any member of the University community who is in violation of the University’s various codes of conduct for staff and students.

University police maintain a close working relationship with local law enforcement.

a. Capital University Police Officer Jurisdiction:

Sworn members of the Capital University Division of Police may exercise, concurrently with sworn officers of the local city police department, the powers and authority granted to them by the Division of Police necessary to preserve the peace, protect persons and property, enforce the laws of the State of Ohio, and enforce the ordinances and regulations of the City of Bexley, but only on property owned by Capital University, to include the Bexley campus, on the Columbus/Law School campus, and on other University-owned property that is used for student housing, and on University-leased property used for parking.

b. Capital University Police Officer Arrest Authority:

Each member of the Capital University Division of Police is vested, while directly in the discharge of that member’s duties as a police officer, with the same powers and authority that are vested in a police officer of a municipal corporation or a county sheriff under Title XXIX of the Ohio Revised Code and Rules of Criminal Procedure, including the same powers and authority relating to the operation of a public safety vehicle that are vested in a police officer of a municipal corporation or a county sheriff under chapter 4511 of the Ohio Revised Code, except as otherwise provided in ORC 1713.50.

Security Guards

The Capital University Law School has uniformed security guards operating during building hours of 7am – 11pm every day, and extended hours during exam periods, to
assist in maintaining a safe and orderly environment. The private security officers are not commissioned police officers; they do not carry weapons; they do not have the power to arrest. The security guards are equipped to help people, with proper identification, who cannot get into their offices. They also assist with patrol of assigned areas, checking for fires, fire hazards, vandalism, suspicious activity or persons. Security personnel also respond to alarms and dispatched calls; decide what actions to take based on the situation, facts known and position limitations. When members from the Columbus/Law School campus community need help, they can call the security guards at 614-236-6161.

The Law School will manage, supervise, and schedule most security guard services. The guards are not employed by the Capital University Department of Public Safety however, university police officers assist them with dispatching and training. Security guards are not law enforcement authorities but report to the University’s Department of Public Safety regarding law enforcement issues. Law School Security will report hazards, unusual or suspicious circumstances to the University police unit for correction or follow-up actions, and will maintain contact with university police.

**Criminal Activity Off-Campus Involving Students**

The University does not operate off-campus housing and does not recognize off-campus student organizations and therefore has no policy for monitoring the activity of such organizations. Some students live in private rental residences near the University, but not owned by the University. Capital Police do not have jurisdiction in off campus areas, so the Bexley Police Department is the agency for handling off campus incidents at the Bexley campus. Through a mutual aid agreement, Capital Police can respond, in a supportive or backup role, when the Bexley Police Department requests aid.

**Working Relationships with Local Law Enforcement**

Capital University Department of Public Safety, Division of Police sworn officers’ powers and duties can be expanded outside the property of the University to include any political subdivision to which the Capital Board of Trustees have entered into a memorandum of understanding or mutual aid agreement.

The Capital University Department of Public Safety, Division of Police works to establish a strong working relationship with local, state and federal law enforcement agencies in order to work
cooperatively with these agencies and have regular contact on matters of mutual interest and concern.

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

Capital Police work cooperatively with the City of Bexley Police department, which is located approximately 2 miles from the Bexley campus at 559 N. Cassingham, Bexley, Ohio. In addition, the University Police Chief attends meetings with the chiefs of police association in Franklin County to enhance communication and sharing of law enforcement information which can assist the Department of Public Safety in meeting the University’s security needs.

The Law School security guards do not have a Memorandum of Understanding with local law enforcement.

**Campus Sex Crimes Prevention Act (Sex Offender Registration)**

**Advising the University Community about Sex Offenders**
Federal law requires institutions of higher education to issue a statement advising the University community how to obtain law enforcement information provided by the state in which the institution is located concerning registered sex offenders. It also requires sex offenders already required to register in the state to provide notice of each institution of higher education in that state at which the person is employed, carries a vocation, or is a student.

In compliance with requirements to advise the University community on how to access information on sex offenders, the Capital University Department of Public Safety provides links to electronic Sex Offender Registry and Notification (eSORN) sites maintained by the Ohio Attorney General and the Franklin County, Ohio, Sheriff's Office. This information is also provided in the Annual Security Reports of the University.

Ohio Attorney General site located at:
www.communitynotification.com/cap_main.php?office=55149

Franklin County Sheriff site located at:
http://sheriff.franklincountyohio.gov/services/sex-offender-registry/
How to Report Criminal Offenses

The University encourages the prompt reporting of criminal activities to the University's Department of Public Safety or local law enforcement agencies by victims, witnesses, or others who have knowledge of a crime.

A report of criminal activity should contain sufficient information to provide reasonable grounds for the University to pursue an investigation, or to refer the matter to local authorities for investigation and prosecution. The University will investigate reports of criminal activity and will prosecute or further investigate reports of the crimes of murder, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson, among others, as required by law.

Capital University Police, the Bexley Police Department and the Columbus Police Department have a mutual aid and working agreements. Each department augments the other within their jurisdictions during mutual investigations, arrest, and prosecutions. University Police personnel shall attend regular meetings with local law enforcement agencies to exchange ideas and problems which may be of concern for the University community. Local law enforcement can be reached for non-emergencies by calling the following non-emergency number:

- Bexley Police Department, 614-559-4444
- Columbus Police Department, 614-645-4545

Bexley Campus:

Criminal actions on the Bexley campus may be reported and requests for assistance made to any Public Safety Officer or to the University's Public Safety Office (phone number: 614-236-6666) at any time, 24 hours a day, 7 days a week. Emergencies may be reported at any time to the Bexley Police Department by using the 911 number.

Columbus/Law School Campus:

Suspected criminal activity at the Law School may be reported and requests for assistance made to any Security Officer or to the Security Desk (614-236-6161) during regular building hours of 7am-11pm, 7 days a week. Emergencies may be reported at any time to the Columbus Police Department using the 911 number. Non-emergency reports/requests for assistance may be directed to the Discovery Special Improvement District Hotline (614-228-5718) Monday–Friday from 6:30am–2am and Saturday from 8am–2am, or to the Columbus Police Department (614-645-4545) at any time. Reports and requests for assistance may also be made to the University's Department of Public Safety, Dispatch Center (614-236-6666), 24 hours a day/7 days a week.
Reporting a Crime

- Call Public Safety at 614-236-6666 and communicate details of the incident
- Provide the location of the incident
- Describe the suspect. Note the appearance, male/female, clothing, height, weight, ethnicity or race, scars, tattoos, and other noticeable features
- Describe vehicles involved, if any. Include make, model, color, license plate number, and direction of travel
- Do not put yourself in harm’s way

If you observe a crime or suspicious incident, call immediately. Don’t assume that someone else has or will call. Try to provide as much accurate detailed information that you can. Try to stay calm. STAY ON THE LINE until the dispatcher says it is okay to hang up.

Calling when you see a crime or something suspicious can help prevent crime and harm.

Emergency Call Boxes:

In addition, reports or calls for assistance can be made using the Code Blue telephones located in parking lots or the emergency call boxes at the entrances of buildings. When you activate an emergency phone please provide the following information:

- Your location
- The nature of the emergency
- Be prepared to respond to communications from the officer

Bexley campus call boxes are located at the following locations:

<table>
<thead>
<tr>
<th>BUILDING</th>
<th>LOCATION ON BUILDING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Learning Center</td>
<td>North doors (breezeway entrance)</td>
</tr>
<tr>
<td>Battelle Hall</td>
<td>South doors (facing the quad)</td>
</tr>
<tr>
<td>Blackmore Library</td>
<td>Main Entrance</td>
</tr>
<tr>
<td>Cotterman Hall</td>
<td>Main Entrance</td>
</tr>
<tr>
<td>Schaaf Hall</td>
<td>Northeast and Northwest Entrances</td>
</tr>
<tr>
<td>Bexley-Mees</td>
<td>South Entrance</td>
</tr>
<tr>
<td>Campus Center</td>
<td>Northeast Entrance (facing Cotterman)</td>
</tr>
<tr>
<td>Huber-Spielman Hall</td>
<td>North Entrance (Mound Street)</td>
</tr>
<tr>
<td>Schoedinger-Setterlin Hall</td>
<td>Main Entrance (Mound Street)</td>
</tr>
<tr>
<td>College Avenue Res. Hall</td>
<td>East (College Ave) and West (Sheridan Ave)doors</td>
</tr>
<tr>
<td>Public Safety</td>
<td>Front Door (661 College Avenue)</td>
</tr>
<tr>
<td>Alumni House</td>
<td>North and South entrances</td>
</tr>
<tr>
<td>Renner Hall</td>
<td>South Entrance</td>
</tr>
<tr>
<td>Admission Center</td>
<td>Main Entrance</td>
</tr>
</tbody>
</table>
The Law School emergency phones are at the following locations:

**LAW SCHOOL EMERGENCY PHONE LOCATIONS**

<table>
<thead>
<tr>
<th>Floor</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Floor</td>
<td>Locker Room</td>
</tr>
<tr>
<td></td>
<td>Near North Elevator</td>
</tr>
<tr>
<td></td>
<td>First floor Library</td>
</tr>
<tr>
<td>Second Floor</td>
<td>Broad Street entrance</td>
</tr>
<tr>
<td>Third Floor</td>
<td>Near Library elevator</td>
</tr>
<tr>
<td>Fourth Floor</td>
<td>Near Room 450 (North elevator area)</td>
</tr>
<tr>
<td></td>
<td>Across from Room 425 (Library elevator area)</td>
</tr>
<tr>
<td></td>
<td>Inside Library main entrance</td>
</tr>
<tr>
<td>Fifth Floor</td>
<td>Outside mailroom</td>
</tr>
<tr>
<td></td>
<td>Across from Law Review office (Room 581)</td>
</tr>
<tr>
<td>Sixth Floor</td>
<td>Across from bank of 3 elevators</td>
</tr>
<tr>
<td>Basement</td>
<td>South wall across from Room 014</td>
</tr>
<tr>
<td>Lot #2</td>
<td>In front of guard shack</td>
</tr>
<tr>
<td>Lot #3</td>
<td>West side of guard shack</td>
</tr>
<tr>
<td>Elevators (inside)</td>
<td>Bank of 3, Annex, North, Library</td>
</tr>
<tr>
<td>Outside Capital entrance</td>
<td>West side of doors</td>
</tr>
<tr>
<td>Clinic entrance</td>
<td>East side of door</td>
</tr>
<tr>
<td>Loading Dock</td>
<td>South side of dock</td>
</tr>
</tbody>
</table>

**CAMPUS SECURITY AUTHORITIES**

Crimes also may be reported to any Campus Security Authority. Campus Security Authorities (CSAs) are mandated crime reporters. The intent of including non-law enforcement personnel in the role of CSA is to acknowledge that some community members and students in particular may be hesitant about reporting crimes to the police, but may be more inclined to report incidents to other campus-affiliated individuals. To encourage the timely reporting of incidents affecting the campus community, the Clery Act identifies four categories of CSAs: University police; non-police security staff responsible for monitoring university property; people/offices designated under university policy as those to whom crimes should be reported; and “officials with significant responsibility for student and campus activities”.

Page 12 of 102
On the Bexley campus, in addition to the Public Safety officers, the Campus Security Authorities are:

Dean of Students
Dean of Engagement and Success
Director of Residential and Commuter Life
Associate Director of Residential and Commuter Life
Area Directors of Residential Life
Resident Assistants
Associate Director of Student and Community Engagement
Program Coordinator of Student and Community Engagement
Director of Student Success
Associate Director of Student Success
Graduate Assistant in Student Success
Director of Diversity and Inclusion
Director of Athletics
Head Coaches
Assistant Coaches
Title IX Coordinator and Deputy Coordinators

At the Columbus/Law school campus, in addition to the Security Guards and University Public Safety officers, the Campus Security Authorities are:

Dean
Associate Dean
Assistant Dean of Student Administration
Assistant Dean, Graduate and Professional Law Programs
Associate Director of Diversity & Inclusion

Policy Statement Regarding Counselors: University Pastoral Counselors and Professional Counselors, when acting as such, are not considered to be Campus Security Authorities and are not required to report crimes. As a matter of policy, they are encouraged to report crimes by providing only aggregate information (no personally identifiable information) for inclusion into the annual crime statistics.

Voluntary Confidential Reporting

The University shall ensure a process is in place to allow victims or witnesses of a crime to make a confidential report on the incident, but not formally pursue the action within the University’s or local jurisdiction’s criminal justice system. With the victim’s permission, the Chief or a designee of Capital University Police may file a report on the details of the incident without revealing the victim’s identity. The purpose of a confidential report is to comply with the victim’s or witness’s wishes to keep the matter confidential, while taking steps to help ensure the future safety of the
victim and others. With such information, the University can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the University community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

**Disclosures to Victims of Crimes of Violence or Non-forcible Sex Offenses**

Capital University will, upon written request, disclose to the victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the University against the student who is the alleged perpetrator of the crime or offense. If the victim is deceased as a result of the crime or offense, Capital University will provide the results of the disciplinary hearing to the victim’s next of kin, if so requested.

**NOTIFICATIONS**

Capital University is committed to maintaining a safe and secure university environment. To be proactive in this effort, the University is committed to providing emergency notifications of significant emergencies or dangerous situations and timely warnings of crimes that present a serious or ongoing threat to the campus community. The emergency notifications/timely warnings will be given to students, faculty and staff to heighten safety awareness.

Anyone with information warranting an Emergency Notification and/or Timely Warning should report the circumstances to the Capital University Department of Public Safety at (614) 236-6666 or in person at the dispatch desk within the Public Safety office, located at 661 College Avenue, Bexley, Ohio.

**Emergency Notifications**

The Department of Public Safety (DPS) receives information from various offices on campus – such as Facilities, Student Affairs, Center for Health and Wellness – and from local law enforcement agencies. **The Police Chief or a designee uses his/her professional judgment to review the information received and confirm that there is a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on campus. Once confirmed, DPS shall issue an emergency notification to the campus community.**

- An “immediate” threat as used here encompasses an imminent or impending threat, such as but not limited to a fire, approaching tornado, hurricane or other extreme weather conditions, earthquake, gas leak, terrorist incident, armed intruder, bomb threat, civil unrest or rioting, explosion, etc.

- The Police chief may consult as appropriate with other agencies – such as Bexley Police, Columbus Police or Fire, Homeland Security, National Weather Service, FBI, etc. – to confirm a significant emergency or dangerous situation for the campus.
The Police Chief or a designee, without delay and taking into account the safety of the community and the content of the notification, will issue the emergency notification.

- The DPS dispatch center may issue emergency notifications related to imminent threats and extreme weather directly upon confirmation of the event or threat.
- DPS may collaborate with the Director of Communication to determine the content of the notification.
- Generally, the entire university community will be notified so that all members have information relevant to their safety; unless the emergency is so contained that only a segment of the community should be notified.

The Emergency Notification will be issued through one or more of the following:
- CapAlert – an emergency notification system that provides notification of an emergency on campus by sending a text message to Short Message Service (SMS) devices (Ex: cell phone, pager, Blackberry, etc.) and/or e-mail accounts
- Email notification – all university email accounts are enrolled in the emergency notification system
- The campus safety bulletin at [www.capital.edu/safety-bulletin](http://www.capital.edu/safety-bulletin)
- University Facebook and Twitter accounts
- Alertus – notification on university computer
- Big Voice - a public address system installed on a central campus building, which allows the broadcast of prerecorded or live messages and announcements. The system is designed to be clearly heard throughout the campus grounds
- Capital web site—[www.capital.edu](http://www.capital.edu); or the emergency page — [www.capital.edu/emergency](http://www.capital.edu/emergency)

A notification may not be issued if in the judgment of first responders (including but not limited to DPS, Bexley Police, or Columbus Police) a notification would compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Timely Warnings

Timely Warnings are provided to give students, faculty and staff notification of crimes occurring on campus property, non-campus property, or on public property immediately adjacent to and accessible from campus and that are considered by the University to represent a serious or ongoing threat to the safety of students, faculty and staff.

The crimes to be included for Timely Warnings are all Clery Act offenses: criminal homicide, sex offenses (including rape, fondling, incest, statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, arson, hate crimes, dating violence, domestic violence, stalking, and arrests and referrals for disciplinary actions for liquor law violations, drug law violations, and illegal weapons possession. These offenses will result in a Timely Warning if they are determined by the University to represent a serious or ongoing threat to the safety of students and employees.
The Police Chief or a designee is responsible for preparing the Timely Warning when a crime is reported to or brought to the attention of the Department of Public Safety (DPS) and that crime represents a continuing threat to the safety of students and employees.

Information for a Timely Warning may also come from other law enforcement agencies or other offices, including Campus Security Authorities.

The University’s Communication office may assist in developing the content of the notification and in distributing the Timely Warning.

Every attempt will be made to distribute the warning as soon as possible after an incident(s) is reported. The release will occur after a determination is made that the crime(s) represents a continuing threat to students and employees and is subject to the availability of accurate facts concerning the incident(s).

Information about criminal incidents is reviewed on a case-by-case basis to determine whether those incidents represent a serious or continuing threat to students and employees. Incidents will be reviewed based on the nature of the crime, the facts of the case and the information known to DPS. DPS may, within its discretion, consult with appropriate individuals or offices to determine whether an incident represents a serious or continuing threat or to determine the appropriate content of a Timely Warning notice.

Information to be included in Timely Warnings:

a. A succinct statement of the incident.
b. Possible connection to previous incidents, if applicable.
c. Physical description of the suspect, if available.
d. Photo or composite drawing of the suspect, if available.
e. Other relevant and important information about the crime.
f. Information on whom to contact about the investigation.
g. Appropriate safety tips.

DPS may not include some information in a Timely Warning if providing that information could risk compromising law enforcement efforts. Also, updates may be sent out if new or more accurate information becomes available.

DPS withholds as confidential the names and other identifying information of victims and does not include this information in Timely Warnings.

The Timely Warning will be issued through one or more of the following:

- CapAlert – an emergency notification system that provides notification of an emergency on campus by sending a text message to Short Message Service (SMS) devices (Ex: cell phone, pager, Blackberry, etc.) and/or e-mail accounts
- Email notification – all university email accounts are enrolled in the emergency notification system
• The campus safety bulletin at www.capital.edu/safety-bulletin
• University Facebook and Twitter accounts
• Alertus – notification on university computer
• Big Voice - a public address system installed on a central campus building, which allows the broadcast of prerecorded or live messages and announcements. The system is designed to be clearly heard throughout the campus grounds
• Capital web site—www.capital.edu; or the emergency page — www.capital.edu/emergency

DPS does not issue an Emergency Notifications or Timely Warnings for any of the following:

• Law enforcement apprehends the subject(s) and the threat of imminent danger for members of the Capital University community have been mitigated by the apprehension prior to issuing a Notification.

• If a crime report was not filed with DPS or if DPS was not notified of the crime in a manner that would allow the department to post a Timely Warning for the community, e.g. DPS receives information of the crime after it no longer presents a serious or continuing threat to students or employees. This type of situation will be evaluated on a case-by-case basis.

Clery Act Crimes and Reportable Locations (Definitions)

A. Crime Definitions used for Collecting Clery Crime Statistics:

1. Clery Act Reportable Crimes:

Murder and Non-negligent Manslaughter. The willful (non-negligent) killing of one human being by another. Note: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiably homicides are excluded.

Manslaughter by Negligence. The killing of another person through gross negligence. Gross negligence is the intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or property of another.

Sex Offenses. Any sexual act directed against another person, without the 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.
• **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.** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

• **Statutory Rape.** Nonforcible sexual intercourse with a person who is under the statutory age of consent (age 16 in Ohio).

**Robbery.** The taking or attempting to take anything of value from the care, custody, or control of a person(s) by force or threat of force or violence and/or putting the victim in fear. The taking of personal property in the possession of another, from his/her immediate presence, and against his/her will, accomplished by means of force or fear. (Includes attempts).

**Aggravated Assault.** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed. An unlawful assault upon the person of another for the purpose of inflicting severe or aggravated bodily injury. (Includes attempts, and whether or not an injury occurred).

**Burglary.** The unlawful entry of a structure with intent to commit a felony or theft. For reporting purposes this definition includes unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft.** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where vehicles are taken by a person not having lawful access even though the vehicle may later be abandoned, including joyriding).

**Arson.** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another.

**Domestic Violence.** A felony or misdemeanor crime of violence committed by: (1) a current or former spouse of the victim, (2) by a person with whom the victim shares a child in common, (3) by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, (4) by a person similarly situated to a spouse of the victim under the domestic or family
violence laws of Ohio or the jurisdiction in which the crime of violence occurred, (5) or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of Ohio or the jurisdiction in which the crime of violence occurred.

**Dating Violence.** Violence committed by a person – (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, (iii) the frequency of interaction between the persons involved in the relationship.

**Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress.

2. **Clery Act Reportable Hate Crimes:**

**Hate Crimes.** A crime involving one or more of the above listed Clery Reportable Crimes, the crimes of larceny-theft, simple assault, intimidation and/or vandalism (defined below) that manifest evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. The categories of bias include the victim’s actual or perceived race, religion, gender, gender-identity, sexual orientation, ethnicity, national origin, and disability.

- **Larceny-theft.** (Except Motor Vehicle Theft): The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc. are excluded.

- **Simple Assault.** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

- **Intimidation.** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
• **Destruction/Damage/Vandalism of Property.** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

3. **Clergy Act Reportable Arrests and Referrals**

*Weapons Law Violations.* The violation of laws or ordinances dealing with weapon offenses, regulatory in nature such as: manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possession deadly weapons; and all attempts to commit any of the aforementioned.

*Drug Abuse Violations.* The violation of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

*Liquor Law Violations.* The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Driving under the influence and drunkenness are not included in this definition).

B. **Definitions of Geographical Categories used to Report Clery Crimes**

The crime statistics are required to be reported in four geographical categories: “On Campus”, “On Campus Student Housing Facilities”, “Non-Campus Buildings or Property”, and “Public Property”.

- **On Campus:** means (1) any building or property owned or controlled by the University within the same reasonably contiguous geographical area and used by the University in direct support of, or in a manner related to the university’s educational purposes, including residence halls; and (2) any building or property that is within or reasonably contiguous to part 1 of this definition, that is owned by the University but controlled by another person, is frequently used by students, and supports University purposes (such as food or other retail vendor).
• **Non-Campus:** means any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is being used in direct support of, or in relation to, the institution’s educational purposes, is frequented by students and is not within the same reasonably contiguous geographic area of the institution.

• **On Campus Student Housing Facilities:** means any student housing facility that is owned or controlled by the University, or is located on property that is owned or controlled by the University, and is within a reasonable contiguous area that makes up the campus.

• **Public Property:** means all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus. The Clery Act does not require disclosure of crime statistics for public property that surrounds non-campus buildings or property.

**DAILY CRIME AND FIRE LOG**

**Maintaining a Crime Log**

Both the Bexley and Columbus/Law School campuses will maintain Crime Logs. The Bexley log will be kept at the Department of Public Safety. The Columbus/Law School log will be kept at the Security Guard desk at the Capital Street entrance of the Law School building.

The Crime Log will include:

- The nature, date, time and general location of each crime
- The disposition of the complaint, if known

Entries to the logs will be made within two business day of the report of the information to DPS or Law School security, unless the disclosure in the log is prohibited by law or would jeopardize the confidentiality of the victim.

The University does not typically, but may withhold information from the Crime Logs if there is clear and convincing evidence that the release of the information would:

-jeopardize an ongoing criminal investigation or the safety of an individual
-cause a suspect to flee or evade detection
-result in the destruction of evidence

If information is withheld, the University will disclose that information once the adverse effect that caused the information to be withheld is no longer likely to occur.
The Crime Logs for the most recent 60-day period will be kept available at each campus to be open to public inspection during normal business hours. Any portion of the log older than 60 days will be made available within two business days of a request for public inspection.

**Maintaining a Fire Log**

The Bexley Campus maintains on-campus student housing and therefore maintains a Fire Log at the Department of Public Safety which records any fire that occurs in an on-campus student housing facility. The Columbus/Law School campus does not have residential facilities and therefore does not maintain a fire log.

The Fire Log includes: the nature, date, time and general location of each fire. Entries to the Fire Log will be made within two business days of the report of the information to DPS.

The Fire Log for the most recent 60-day period will be kept available at DPS to be open to public inspection during normal business hours. Any portion of the log older than 60 days will be made available within two business days of a request for public inspection.

All students and employees are expected to report any on-campus fires to the Department of Public Safety (614-236-6666) immediately. Such reports enhance campus safety through the ability of DPS to act as first responders. These reports will also be used to include a fire in the statistics report in the University’s annual fire safety report.

**University Crime Statistics**

The crime data tables in this report reflect the mandatory reporting offenses as specified in the Jeanne Clery Act. The tables display crime data over the past three calendar years – 2016, 2017, and 2018 – and are separated by location as defined in the Act (see Crime Definitions and Location Definition sections above). Data for the Bexley Campus and the Columbus/Law School campus are provided in separate tables below.

The statistics provided do not reflect reports that might have been made to other departments or individuals at the University unless those departments or individuals informed Capital Police of the incidents. Victims or witnesses may report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. Professional counselors, when acting as a counselor, are not required to report crimes, however, the University urges counselors to provide “statistical information” should they become aware of a sexual assault incident.

Comprehensive crime statistics for Capital University are also available online at the U.S. Department of Education (http://ope.ed.gov/campussafety/#/).
## BEXLEY CAMPUS CRIME STATISTICS

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<tr>
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**BEXLEY CAMPUS ARREST AND DISCIPLINE REFERRAL STATISTICS**

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**BEXLEY CAMPUS HATE CRIME STATISTICS**

2016: There were four (4) reportable hate crimes:
- One (1) On-campus (academic building) incident of Intimidation characterized by sexual orientation bias
- One (1) On-campus (residential facility) incident of Intimidation characterized by sexual orientation bias
- One (1) Public Property (public street) incident of Intimidation characterized by race bias
- One (1) Public Property (public street) incidents of Intimidation characterized by sexual orientation bias

2017: There were two (2) reportable hate crimes:
- One (1) On-campus (residential facility) incident of Intimidation characterized by sexual orientation bias
- One (1) On-campus (residential facility) incident of Vandalism characterized by sexual orientation bias

2018: There was one (1) reportable hate crime:
- One (1) On-campus (academic building) incident of Vandalism characterized by religion bias

**BEXLEY CAMPUS – UNFOUNDED CRIMES**

There was one (1) unfounded crimes in 2016; one (1) unfounded crimes in 2017; and zero (0) unfounded crimes in 2018.
The Law School is located in Columbus, separate from the University’s Bexley campus and therefore its crime statistics are reported in separate tables. The Law School does not have residential facilities:

**COLUMBUS/LAW SCHOOL CAMPUS CRIME STATISTICS**

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<thead>
<tr>
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### COLUMBUS/LAW SCHOOL CAMPUS ARREST AND DISCIPLINE REFERRAL STATISTICS

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### COLUMBUS/LAW SCHOOL CAMPUS HATE CRIME STATISTICS

None of the reported crime statistics for 2016, 2017, and 2018 appear to have been crimes of prejudice or bias, therefore no hate crime statistics are reported for these years.

- **2016**: There were no reportable hate crimes
- **2017**: There were no reportable hate crimes
- **2018**: There were no reportable hate crimes

### COLUMBUS/LAW SCHOOL CAMPUS – UNFOUNDED CRIMES

There were zero (0) unfounded crimes in 2016; zero (0) unfounded crimes in 2017; and zero (0) unfounded crimes in 2018.
FIRE SAFETY REPORT AND FIRE STATISTICS

Capital University strives to maintain a safe housing environment for its residential students. This report details the safety systems and policies in place to protect the University community. The chart below shows the fire safety systems used in each residential facility and the fire drills conducted in 2018.

Fire Safety Systems in Capital University Residential Facilities

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<thead>
<tr>
<th>Facility</th>
<th>Pull Box Alarms</th>
<th>Zone Smoke Alarms</th>
<th>Room Smoke Alarms</th>
<th>Monitored Fire Alarm System</th>
<th>Full Sprinkler System</th>
<th>Partial Sprinkler System</th>
<th>Stand Alone</th>
<th>Monitored Elevator</th>
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* staff review evacuation procedures with the residents and conduct safety inspections once per semester

** sprinkler systems in renovated areas only for 2 halls: Lohman Complex – 14 Beds and Saylor Ackermann - 44 beds
Fire extinguishers and other safety equipment are routinely inspected by university personnel and state and local authorities.

**FIRE SAFETY RULES FOR STUDENT HOUSING FACILITIES**

University policies related to student housing facilities are provided in the Student Handbook and published on the website at: [http://www.capital.edu/current-students/](http://www.capital.edu/current-students/)

The relevant policies are:

**Fire Safety Policy**

Students are expected to comply with emergency procedures, and fire policies including but not limited to the following prohibitions on:

1. Intentionally or recklessly causing a fire which damages University or personal property or which causes injury.
2. Failure to evacuate a University-controlled building during a fire alarm
3. Improper use of fire safety equipment
4. Tampering with improperly engaging a fire alarm or fire detection/control equipment

Failure to do so can result in immediate disciplinary referral.

**Policy on Appliances**

Use of electrical appliances is permitted in the residence halls within certain guidelines. The Ohio Fire Safety Code states that “no extension cord can be used as permanent wiring for any device.” Appliances used in the residence halls must be safe in design and structure (such as UL-approved appliances) and must be properly maintained.

The following ARE NOT permitted to be used in residence halls:

A. **Touchier**, halogen, lavalamps, sun lamps
B. **Open-faced electrical or heating items**, coffee pots*, hot plates, broilers, toasters*, toaster ovens*, rice-cookers, woks, electric skillets and other similar appliances are not acceptable.
C. **Grills and stoves**: Due to the risk of fire, grills are not permitted on the porches and balconies of the residence halls. Camp Stoves, Indoor grills, Hibachi, and Foreman type grills* are not permitted.
D. **Candles and scentsy warmers (or any similar wax warmers)** are not allowed in any residential facility.
E. **Space Heaters** and Immersion heaters are not permitted
F. **Open flames** including Bunsen burners, bonfires, fire pits, and camp fires are not permitted.
G. **Holiday string lights** are prohibited outside or inside a resident’s room and outside of apartments and houses.
H. **Extension Cords** are not permitted per the Ohio Fire Safety Code. Students must use multiple outlet power strips, which are U/L listed for 15 amps/120 volts, and have a heavy duty cord and built-in circuit breaker.
I. **Refrigerators** that have a maximum capacity of 3.3 cu. ft. are permitted in the residence halls. Refrigerators should bear the Underwriters Laboratory (UL) label and draw no more than 3.6 amps. No full-size refrigerators are permitted within the residence halls.

J. **Air conditioners**, are not permitted except as provided by the University

K. **Microwave ovens**, are not permitted except as provided by the University**. Micro-fridge combinations can be rented exclusively through bedloft.com. Micro-fridge units are ONLY permitted in the following areas: Schaaf Hall, Cotterman Hall, and Saylor-Ackermann Hall. Microwaves are provided for community use in each residential facility.

L. **Ceiling fans** are not permitted

M. **Motorized items** Drones, and remotely controlled devices, Hoverboards, self-balancing scooter boards, two-wheeled scooters, Segways, mopeds, motorcycles, etc., may not be operated, charged, or stored inside any residence halls

N. **Hookahs** are not allowed to be used or stored in a resident’s room or common space.

O. **Vaping Devices**: use of devices and materials for vaping is prohibited.

* Permitted use in the Capital Commons, Capital University Apartments, College Avenue Houses, Sheridan Apartments & Houses, and Trinity Apartments

** Permitted use in the Capital Commons, College Avenue Hall, College Avenue Houses, Capital University Apartments, Sheridan Apartments & Houses, and Trinity Apartments

**SMOKING POLICY**

All residential facilities are smoke and tobacco free. Smoking within residential facilities is prohibited at all times without exception: this includes e-cigarettes, electronic nicotine delivery systems (ENDS), and all other devices associated with “vaping.” Smokers are required to smoke outside at the designated smoking area. Outdoor smoking is permitted 20 feet from all residential facilities. If a student is unsure of the area where smoking is allowed please contact your Resident Assistant or Area Director.

**REPORTING A FIRE**

At the Bexley campus, all students and employees are expected to report any on-campus fires to the Department of Public Safety (614-236-6666) immediately. At the Columbus/Law School campus, reports of fires should be made to the Security Guards on duty (236-6161) or 911. Such reports enhance campus safety through the ability of Public Safety to act as first responders. These reports will also be used to include a fire in the statistics report in the University’s annual fire safety report.
For fires in the residence halls, reports may be made to any member of the Residential Life staff including Resident Assistants (RAs), the Area Directors (ADs), the Director or Associate Director of Residential and Commuter Life, at the following:

- On-call residence hall duty staff 614-323-3282
- Director, Residential Life 614-236-6955
- Residence Life and Housing 614-236-6811

PROCEDURES FOR STUDENT HOUSING EVACUATION IN CASE OF A FIRE:

Evacuation Procedures - Steps to Follow

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

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

FIRE SAFETY INFORMATION

The fire safety protocol is located at [http://www.capital.edu/emergency-fire/](http://www.capital.edu/emergency-fire/), which states:

**Fire Safety Information**

A continuous emphasis is placed on fire prevention. However, when prevention fails, we must be prepared for evacuation to assure survival. A clear understanding of the characteristics of fire and smoke is essential for escape in a fire situation.

Take note that ceiling-level temperatures are hottest. Oxygen is burned at high levels first, so air is available on the floor. Smoke that is produced banks down to knee level and hovers there even in serious fires. If you remain in a prone position or crawl, you will likely be able to breath and even see across the floor to a fire exit or area of safety.
Steps to Follow

- Before a fire occurs:
  - Know at least two exits other than the elevators.
  - Know how to use a fire extinguisher.
  - Know the designated assembly area outside the building where your department or group will meet.
  - Know the location and operation of the fire alarm system.
- If you see an active fire, pull the nearest fire alarm as quickly as possible. If the fire alarm system fails, evacuate and call the Department of Public Safety (236-6666).
- If you hear the fire alarm system, evacuate the building immediately and proceed to designated assembly area outside the building.
- If you are in a room and a fire alarm sounds, feel the door from top to bottom for heat before opening.
- Brace yourself behind the door and open it slowly to determine if the environment is safe to exit.
- If it is safe, enter the hallway and make your way to the nearest exit. Do not use elevators.
- If it isn’t favorable for you to exit your room, pack your doorframe with wet towels, sheets, whatever you have to retard smoke from entering your room. Keep a towel to your face as well.
- Stay close to the floor. Proceed to your window and open.
- Let everyone within hearing distance know that you are trapped. Yell, wave a towel outside but most of all stay near the window.
- Stop, drop and roll, if your clothes catch fire.
- Use cool tap water immediately on burns. Don’t use ointment.
- Report any hazardous chemicals or materials that may be in a building that is on fire.
- Remain outside the building until an all-clear signal is given by Public Safety and Residence Life and Housing.

Fire Safety Education

Fire Safety Awareness Programs for Students, Faculty and Staff

During student orientation, students shall be informed of services offered by the University’s Department of Public Safety (DPS), and Residence Life staff will provide information on fire safety, fire safety-related rules, and evacuation procedures in case of a fire. New students, faculty and staff shall be provided information related to fire safety. Similar information shall be made available to existing students, faculty and staff. Fire Safety training and information will be offered to students, faculty, and staff on a regular basis through workshops/trainings, as well as other means of communication.
Fire Safety Improvements and Upgrades

The University has an on-going capital improvements plan, which includes improvements to fire detection and alarm systems. The University also has a master plan which includes improvements and upgrades to residence facilities. Depending on both funding and the recommendations from the master planning process, the University will implement the fire safety improvements. The University is currently updating building fire panels and installing CO2 detectors in some facilities.

On-Campus Residence Fire Statistics – Bexley Campus Only

<table>
<thead>
<tr>
<th>Year</th>
<th>Location</th>
<th>Number of Fires</th>
<th>Cause of Fire</th>
<th>Number of Fire Related Injuries</th>
<th>Number of Fire Related Deaths</th>
<th>Value of Property Damaged</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>Lohman Complex 2280 East Mound St.</td>
<td>1</td>
<td>Arson– intentional burning of paper on a dorm door</td>
<td>0</td>
<td>0</td>
<td>$0-99</td>
</tr>
<tr>
<td>Capital University Apts. 2130 Astor Avenue</td>
<td>1</td>
<td>Cooking – burnt food</td>
<td>0</td>
<td>0</td>
<td>$0-99</td>
<td></td>
</tr>
<tr>
<td>2017</td>
<td>Capital University Apts. 2130 Astor Avenue</td>
<td>1</td>
<td>Heating equipment – Furnace malfunction</td>
<td>0</td>
<td>0</td>
<td>$100-999</td>
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<tr>
<td>2018</td>
<td>Cotterman Hall 709 Pleasant Ridge</td>
<td>1</td>
<td>Cooking – burnt food</td>
<td>0</td>
<td>0</td>
<td>$0-99</td>
</tr>
</tbody>
</table>

MISSING STUDENT NOTIFICATION POLICY

I. Policy

In compliance with the Missing Student Notification Policy and Procedures 12 USC 1092 C; (section 488 of the Higher Education Opportunity Act of 2008), it is the policy of the University’s department of Residential and Commuter Life to actively investigate any report of a missing student who is enrolled at the University as either a full or part-time student. Each resident will be notified of the missing students’ policy and procedures that will be followed in the event that they are reported missing.

II. Procedures

Each resident is requested via the Housing Application to identify the name and contact number of the individual(s) to be contacted in case of an emergency, including in the event that the resident has been reported missing for a period of 24 hours. For any resident under the age of 18, and not emancipated, the institution is required to notify a custodial parent or guardian, in addition to any listed confidential contact person, no later than 24 hours after the time that the
resident is determined to be missing by Public Safety and University staff. Only authorized campus officials and law enforcement officers, in furtherance of a missing person investigation, will have access to the confidential contact information.

If a member of the University community has reason to believe that a student is missing, a missing student report should be made to a Public Safety officer or to the Residence Life staff, including Resident Assistants (RAs), the Area Directors (ADs), the Assistant/Associate Director of Residential and Commuter Life, and/or the Director of Residential and Commuter Life. If the initial report of a missing student is not made to the University’s department of Public Safety, the report must be referred immediately to Public Safety. All efforts will be made immediately (no waiting period) to locate the student to determine his or her state of health and well-being. These efforts include, but are not limited to, investigation by Public Safety, checking the resident’s room, class schedule, friends, ID card access, locating the resident’s vehicle, and calling the resident’s cell phone number.

If upon investigation by Public Safety and Residential Life Staff, it is determined that the resident has been missing for a period of 24 hours, the Director of Residential Life and Commuter Life will contact the resident’s designated confidential contact or custodial parent/legal guardian, if under the age of 18 or the student has failed to designate a confidential contact. Local law enforcement will be notified, unless the local law enforcement agency was the entity that made the determination that the student is missing. This notification to the confidential contact or custodial parent/legal guardian, and to local law enforcement will occur within 24 hours after the resident has been determined to be missing. Public Safety will continue to investigate utilizing established police investigative procedures and in collaboration with staff from Student Affairs and Residential Life. Public Safety will also coordinate its efforts with outside law enforcement agencies in compliance with legal obligations and police practice.

**EMERGENCY OPERATIONS PLAN**

It's impossible to anticipate every critical incident or emergency that can occur on a college campus, however, Capital University recognizes the potential exists for a critical incident or emergency. In order to effectively prepare for, respond to and recover from those events, whether natural or man-made, the University will establish emergency preparedness plans as well as routinely test and exercise the preparedness plans.

I. **Definitions**

1. **Critical Incident, Crisis or Emergency:** A sudden, unforeseen occurrence of a serious and urgent nature that requires immediate action to protect lives and/or property associated with Capital University. It has the potential to cause significant injury or death, or to shut down the University, disrupt operations, cause physical or environmental damage, or threaten Capital’s reputation or financial standing.

   The Director of Public Safety (DPS) along with the Office of Facilities Management will develop and administer a policy related to Emergency Preparedness Protocols. This
includes establishment of an Incident Response Team, formalizing drills/exercises (evacuation, shelter-in-place, lock-down, etc.), drafting of Emergency Response Plans, Emergency Response Guides, and other emergency preparedness protocols.

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

- to ensure the health, safety and security of the campus community
- to minimize damage to university property

The University’s emergency response protocols and procedures are described and available on the university website at: [http://www.capital.edu/emergency/](http://www.capital.edu/emergency/), including procedures for general emergencies as well as specific types of incidents such as utility outages, tornado/severe weather, fire, flooding, gas leaks, hazardous materials, bomb threats, lockdowns, evacuations, and pandemics.

In addition, the University has an “Emergency Operations Plan (EOP)” to guide the management of a critical incident or emergency. The University’s Police Chief serves as the Incident Commander. In the event of an emergency, the Police Chief will serve as the first point of contact. The Police Chief will determine the emergency level and will communicate to the appropriate individuals. In the event that the Police Chief is not on duty, the officer on duty or the dispatcher will assume responsibility for contacting the Police Chief.

All University incidents/emergencies should be immediately reported to Public Safety at 614.236.6666. Counseling situations will be handled on a case-by-case basis due to the issue of confidentiality. Emergencies can also be dialed through the 9-1-1 system.

Since emergencies do not always abide by normal business hours, it is understood that the Department of Public Safety or Facilities Management will make every attempt to contact the resources and assets necessary to mitigate an emergency or critical incident.

II. Procedures
a. University Incident Management Team

The University shall establish a University Incident Management Team (UIMT) which is comprised of University leaders that the President of the University shall collaborate with to manage the consequences of the emergency or crisis. This group shall make the critical decisions to manage the crisis or emergency. The UIMT shall also have the responsibility for the release of information regarding the incident to the media. The UIMT shall participate in regular training.
The University Incident Management Team is made up the following:

1) Incident Commander - Police Chief

2) Emergency Operations Center (EOC)
   - EOC Manager
   - Public Information Officer (PIO)
   - Liaison Officer
   - Operations Section Chief
   - Logistics Section Chief
   - Planning Section Chief
   - Finance/Admin Section Chief

3) Executive Policy Group:
   - President
   - Provost and Vice President for Learning
   - Vice President for Business and Finance
   - Vice President for Strategic Enrollment Management
   - Vice President for Advancement
   - Vice President for Integrated Marketing and Communications
   - University Counsel and Vice President for Institutional Integrity

For incidents contained to the Law School, members of the law school administration may participate as part of the University’s EOC to respond to the incident. The Law School administrators include:

   Dean  Assistant Dean of Student Affairs
   Associate Dean  Assistant Director of Business Services

b. Emergency Operations Plan

The University maintains an Emergency Operations Plan (EOP) which defines roles and responsibilities for preparing for, responding to and recovering from a crisis/emergency. The EOP shall define the levels of an emergency, the procedures/steps to be followed in an emergency, the roles of each of the Crisis Management Team members, and communications plans. The Plan shall be made available to UIMT members and appropriate crisis response partners. The UIMT shall review the Plan on a regular basis.

c. Emergency Response Guides

The University shall maintain an Emergency Response Guide (ERG). ERG shall provide appropriate information to allow individuals to understand what to do in the event of a specific incident (tornado, fire, active shooter, chemical spill, etc.). The ERG shall also be posted on the Capital University website at www.capital.edu/emergency. The Police Chief shall coordinate the regular review and updating of the ERGs.
d. **Tests, Trainings and Exercises**

The University will regularly provide tests, trainings and exercises on emergency procedures and protocols.

1. **Tests**

   At least once annually, the University – through workshops, drills, tabletop exercises, and/or functional exercises – will test the Emergency Response Plan’s emergency response and evacuation procedures. Tests of the emergency response plan may be announced or unannounced. For at least one test per calendar year, the University will publicize its emergency response and evacuation procedures in conjunction with the test to enhance the training and information available to the University community. The Department of Public Safety will maintain documentation of each test. The documentation will contain a description of the exercise, the date and time of the test, and whether the test was announced or unannounced. The University will generate improvement plans as part of its drills and exercises. The University will formalize a method in which improvement items are incorporated into policies, procedures and operations and appropriate updates are tracked and distributed.

2. **Drills (evacuation, shelter-in-place, duck and cover, etc.)**

   The purpose of a drill is to prepare participants for an organized action in case of an emergency. Drills are also used as a way to educate and train occupants on issues specific to their building. During the drill, occupants should familiarize themselves with the location of exits, the sound of the fire or severe weather alarms, shelter locations, and evacuation routes. The University shall use drills to test the operation of life safety and notification system components.

   Drills shall be monitored by the Department of Public Safety and Office of Facility Management to evaluate egress, sheltering location occupancy levels, and behavioral patterns. Follow-up reports shall be completed by participating departments which identify deficient equipment to allow for immediate repairs as well as protocols that may require changes. Recommendations for improvement and lessons learned shall be submitted to the Safety Committee for review and implementation.

3. **Workshops / Exercises (Workshops, Tabletop Exercises, Functional Exercises)**

   The University shall complete at least one workshop/exercise annually. The workshop/exercise shall provide the University and first responders an opportunity to validate various elements of the EOP in a no-fault environment. The University may utilize the Homeland Security Exercise and Evaluation Program (HSEEP) methodology for designing, facilitating, conducting and evaluating exercises.
TEST OF EMERGENCY RESPONSE AND EVACUATION PROCEDURES, 2018

The University tests its emergency response and evacuation procedures no less than once annually. Tests may include drills, evacuations, or tabletop exercises. During 2018, a university-wide test occurred on March 21, 2018, with a university-wide (Bexley campus and Columbus/Law School campus) tornado drill, which began at 9:50am and was completed at approximately 10:00am. The test was announced via email communication to the entire university community prior to the test, and the procedures to be followed were given in the email. The CapAlert system of texts and emails was used to launch the test and to indicate the All Clear at the end of the test. The Public Safety department documented the test participation.

Evacuation Procedures

BUILDING EVACUATION

Continuous sounding of the fire alarm is the signal for immediate evacuation from the building. A fire alarm is the primary means of notification within the building. However, other emergency notification devices could be utilized by Public Safety such as Alertus and CapAlert.

IN ADVANCE

Become familiar with the building and routes of emergency exit. Locate a primary route to exit and two alternate routes in the event a planned exit is blocked. Be familiar with the number of floors and the proximity of stairwells to the outside exits. These routes can be located on each floor of every building indicating emergency evacuation routes.

UPON HEARING THE FIRE ALARM OR IF PUBLIC SAFETY SENDS AN EMERGENCY NOTIFICATION TO EVACUATE:

1. Stop whatever you are doing, if it is safe to do so gather your valuables, and immediately evacuate the building.

2. Walk, do not run, to the primary or alternate route, or as directed by an official. Close but do not lock doors behind you.

3. Use stairs. Do not use elevators. If power fails, persons inside elevators will become trapped.

4. Once outside the building, reassemble as directed by an official. (The type of emergency will determine the appropriate location to reassemble).

5. Individuals needing assistance are to wait at the nearest stairwell, where fire department personnel will be directed.

6. Report to your supervisor, professor, Residence Life representative or Public Safety officers. If someone cannot be accounted for, notify Public Safety, fire department personnel or a university official. This is particularly important for a person who has restricted mobility.
**Campus Evacuation**

Evacuation of all or part of the campus grounds will be announced by Department of Public Safety in consultation with the University Incident Response Team (UIRT).

- Department of Public Safety will coordinate with the on-scene incident commander (the public official overseeing the event from the following: Bexley Police Department, Franklin County Sheriff, Franklin County Emergency Management Agency, and Red Cross). If evacuation requires an overnight situation, alternate housing will be arranged.
- University vehicles may be utilized for evacuation including motor pool vans, fleet vehicles and physical plant vehicles. Since approximately 1,200 students have vehicles, personal vehicles may be needed for transportation.
- Evacuees may be moved to a staging area, where a headcount and accounting for all building occupants will take place. Staging areas would be determined by Public Safety, Residence Life or UIRT.
- Do not return to an evacuated building unless told to do so by an authorized official.

**CRIME PREVENTION AND SAFETY**

A significant part of every campus public safety program is prevention, including cooperative and precautionary steps by university community members. Accordingly, Capital sponsors on-going programs and information on public safety-related issues, and provides information on personal safety such as information entitled “Keeping Yourself Safe” posted on the University’s Public Safety webpage at http://www.capital.edu/campus-safety/. The “Keeping Yourself Safe” webpage provides information on the University’s Public Safety department and tips on how to prevent crimes such a theft, telephone harassment, assault, rape, personal injury, and what to do if a crime occurs.

**Security Awareness Programs for Students, Faculty and Staff**

During student orientation, students are informed of services offered by the University’s Department of Public Safety (DPS). The security awareness training materials outline ways to maintain personal safety and residence hall security. New students, faculty and staff are provided information related to crime on-campus and in surrounding neighborhoods. Similar information is made available to existing students, faculty and staff. Security awareness materials and information will be offered to students, faculty, and staff on a continual basis via the University’s Safety Bulletin located at http://www.capital.edu/safety-bulletin/ as well as other means of communication.

**Crime Prevention Training and Awareness for Students, Faculty, Staff**

Periodically during the academic year, the Department of Public Safety (DPS), working in cooperation with other university organizations and departments, shall present crime prevention awareness sessions on such topics as active shooter incidents, sexual assault (rape and acquaintance rape), theft, and vandalism, personal safety, and others. As part of the training,
students, faculty and staff will be made aware of how they may contribute to improving the safety and security environment of the University. The training will be made available to students, faculty, staff, new employee orientation, student organizations, and community organizations.

Criminal Activity Monitoring

In the event a Capital University student is involved in an off-campus offense, Public Safety officers may assist with the investigation in cooperation with local, state, or federal law enforcement. DPS shall establish and maintain regular communications with local police, fire department, and ambulance services to facilitate rapid response in any emergency situation. In an effort to be proactive, DPS shall establish relationships with local law enforcement to monitor criminal activity trends surrounding Capital University locations and properties. DPS will convey and make the findings of criminal trends available to students, faculty and staff in the most timely and appropriate manner possible.

PREVENTING DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

Capital University prohibits dating violence, domestic violence, sexual assault, and stalking. The criminal code of the State of Ohio does not define consent, but the following definitions apply to all members of the University community (faculty, staff, administrators, students, guests, and visitors) under the University’s Sex or Gender-Based Harassment, Discrimination, and Sexual Misconduct Policy (University policy #300).

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

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

To be effective, consent cannot be obtained by use of physical force, compelling threats, intimidating behavior, or coercion.
• Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion.

• Coercion is unreasonable pressure for sexual activity. When a person indicates by words or actions that they do not want to engage in sexual activity, wants to stop, or does not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

• Intimidation is implied threats, including the exertion of perceived or actual power resulting from position or stature.

• A person must be of legal age (16) to give consent.

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

• Incapacitation is a state where someone cannot make rational, reasonable decisions.

• Incapacitation may result from mental disability, sleep, involuntary physical restraint, and alcohol or drug impairment, including taking “rape drugs.” A rape drug is any drug intentionally used to incapacitate another person to assist in the execution of drug facilitated sexual assault.

• Possession, use and/or distribution of any so-called “rape drug” is prohibited and administering these drugs to another person is a violation of this policy.

• Being under the influence of alcohol or other drugs will not excuse behavior.

**Sexual Misconduct:** contact of a sexual nature without clear, knowing and voluntary consent, or offensive sexual or other behavior that exploits another person on the basis of sex or gender. It includes sexual harassment, sexual violence, relationship violence and stalking. Sexual misconduct is a form of sex and gender-based discrimination.

**Non-consensual sexual intercourse:** any sexual penetration (anal, oral or vaginal), however slight, with any body part or object by any person upon any person without consent.

**Non-consensual sexual contact:** any intentional sexual touching, either by the offender or when the complainant is forced to touch, with any body part or object without consent.

**Stalking:** engaging in a course of conduct directed at a specific person, based on sex or gender that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

**Domestic Violence:** violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child, by a person who is
or was cohabitating with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant, and/or by any other person against an adult or youth victim who is protected from that person under the domestic or family violence laws.

**Dating Violence:** violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant, and where the existence of such a relationship is determined based on the following factors: length of the relationship, type of relationship, and frequency of interaction between the persons involved in the relationship.

Capital University is committed to educating its community, including all incoming students and new employees, on domestic violence, dating violence, sexual assault, and stalking through a variety of primary prevention programs and ongoing awareness campaigns. The University has an awareness campaign and provides online training for employees and students to help them identify sexual misconduct, and respond to and report it effectively. The University offers comprehensive online training program that prepares students to confront and prevent serious campus problems. The University also offers online training for faculty and staff that provides faculty, staff, and administrators on how to recognize and prevent sexual violence and sexual harassment. Information regarding mandated reporting is also disseminated within the online training. The University offers additional training to the athletic department, which includes student-athletes, coaches, and athletic staff. All new hires at the University, including faculty and staff, also participate in orientation and are provided information regarding University policies and procedures, which includes discussion of mandated reporting.

The Student Affairs division has large-scale and small-group training sessions for students, staff and administrators, weaving it into orientation, residential and commuter life programming, and sexual trauma outreach programming. Capital’s Title IX coordinator position was elevated to the level of assistant provost to centralize and foster a holistic approach to this work. From dialogue and participation among our students, Capital has supported student-led initiatives such as bystander intervention training, self-defense courses, and special discussions on consent. Members of our Title IX team also continue to participate in ongoing training related to response and prevention of sexual misconduct.

Incoming undergraduate students typically participate in a performance-based presentation about consent, boundaries, and healthy relationships. The presentation also addresses sexual assault and bystander intervention.

The University also administers a comprehensive campus climate survey to all students to increase understanding of students’ perceptions of the living and learning environment and increase awareness. Information gathered from the survey has helped to inform the University’s
comprehensive primary prevention plan and serve as a baseline as we continue to monitor progress related to sex-based discrimination, including sexual misconduct.

CAMPUS FACILITIES AND BUILDING SECURITY

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

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

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

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

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

Columbus/Law School Campus

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

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

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

**Academic Buildings - Bexley Campus**
Fall/Spring Semesters: Access is available from 7:00 am to 7:30 pm through most building doors, and from 7:30 pm to 10:00 pm through designated access points to the building

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

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

**Access:**
Residence Hall card access is limited to building residents, and necessary Student Affairs, Facilities, and Public Safety personnel. Capital University students who are assigned housing on the Bexley campus will be issued an access card that allows them to open the outside door of their assigned residence building at all times during the academic year. Outside doors without a card reader are generally locked and will be monitored for unauthorized entries. Students may not prop open exterior doors or provide access to the residence halls to persons who are not authorized to enter, and violators are subject to disciplinary action under the Student Code of Conduct. Each student room is equipped with standard door locks. Guests and visitors may only be permitted into the building where their host lives. All guests in residence halls must have a student host and are subject to university rules and policies. Hosts
are responsible for the actions and damages caused by their guests. Lobby desks are staffed in the evening in each hall to assist with security-related concerns and to monitor and restrict building access only to residents and visitors escorted by residents, persons with a valid Capital ID, or persons recognized as authorized guests.

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

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

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

**Department of Public Safety**
Normal hours of operation are from 8:00 am until 9pm, Monday through Friday, during the academic year. In addition limited services are available from the dispatch center at the Public Safety office 24 hours/7 days a week. At all times public safety officers may be reached by calling (614) 236-6666, which is answered by the Public Safety dispatch center.

**Moores Student Union**
During the Academic Year, access is from 6:30 am to 11:30 pm everyday through the approved access doors. During the summer break, access to the building will be granted according to the summer schedule or by accessing the building through the card access doors.

**Capital Center**
During the Academic Year, access to the building is as follows:
- Monday -Friday: 6:00 am to 11:00 pm
- Saturday: 9:00 am to 8:00 pm
- Sunday: 11:00am to 8:00 pm

During the summer break, access to the building is Monday-Thursday from 6am-7pm.
Blackmore Library
The first-floor of the Library is a 24 hour space available to faculty, staff and students after Library hours by access card.

Building Access After Hours/Weekends/Holidays/Breaks - Bexley Campus
Each building has a designated access point, to be used for entry after the building is closed and secured. Entry through these access points is available only with a University access card. During breaks and holidays, when there is an event in public spaces that attracts large numbers of attendees, event organizers should coordinate with Meeting and Event Services, University Counsel, Building Manager (if applicable) and DPS about procedures that are responsive to the needs of the event.

Student Living Facilities – Bexley Campus only

1. Residence Halls (College Avenue Hall, Cotterman Hall, Lohman Complex, Saylor-Ackermann Hall, Schaaf Hall, and Trinity Suites)
   A. Locks. In each of its residence halls, the University uses a card access system, with access issued to residents of each building. This enables only building residents to have access to the living areas. There is also a system of exit and delayed action alarms enabling monitoring and ensuring that residence hall living area doors are closed and properly latched. Students may not prop open exterior doors or provide access to the residence halls to persons who are not authorized to enter, and violators are subject to disciplinary action under the Student Code of Conduct. Each student room is equipped with standard door locks. The University regularly updates the locking and door alarm systems for its buildings, and has instituted key card access to buildings. All residence halls now use key card access for the main exterior doors. Access is limited to residents, and necessary Student Affairs, Facilities, and Public Safety personnel.

   B. Personnel. The University has three Area Directors (ADs) who oversee the residence hall facilities. Student resident assistants (RAs) live on each floor section of every hall. These personnel receive basic training in security, crime prevention, and emergency procedures, assist in creating a safe and secure living environment and are instructed to call Public Safety or maintenance offices regarding any significant security or safety concerns. Monthly community meetings are held to review housing security rules, enforcement procedures and crime prevention. In addition, Residential Life is led by a Director and an Associate Director of Residential and Commuter Life.

   C. Visitors. All guests in residence halls must have a student host and are subject to university rules and policies. Hosts are responsible for the actions and damages caused by their guests. Roommates must develop a mutual agreement regarding visitors and/or guests. Lobby desks are staffed in the evening in each hall to assist with
security-related concerns and to monitor and restrict building access only to residents and visitors escorted by residents, persons with a valid Capital ID, or persons recognized as authorized guests.

D. **Fire Protection.** All residence halls are equipped with three fire protection systems: pull box alarms; zone smoke alarms in hallways, stairwells, storerooms; and smoke alarms in each student room. Fire extinguishers and other safety equipment are routinely inspected by university personnel and state and local authorities. Additional fire protection information is located in the Fire Safety Report at the end of this document.

E. **Call Boxes.** All residence halls are equipped with call boxes located near entrances that enable anyone in need to call Public Safety. The boxes have signs with the phone number for Public Safety and the location of the box.

2. **Capital Commons Apartments**

This university-owned apartment complex, houses approximately 92 students. The University installed high visibility lighting in its parking lot and constructed a well-lit sidewalk on its adjacent property to facilitate access to other campus buildings. This housing unit is patrolled by Public Safety officers and escorts are available to students by request. Two Resident Assistants live in this complex.

3. **Capital University Apartments**

This is a university-owned apartment complex, two blocks from central campus, which houses 90 students in the 30 apartment units within the building. The building is card access only and is patrolled by Public Safety officers, escorts are available to students by request, and a shuttle service is provided. Two Resident Assistants live in this complex.

4. **Sheridan and College Avenue Apartments and Houses**

The University owns residences on Sheridan and College Avenues, contiguous to central campus, which are part of student housing through Residential Life and students are assigned to live in these residences. The homes are patrolled by Public Safety officers, and escorts are available to students by request. Two Resident Assistants live in this area.

5. **Trinity Apartments and Townhouses**

The University owns residences called the Trinity Apartments located on Main Street, contiguous to central campus, that are part of student housing through Residential Life. Public Safety responds to calls at the apartments and escorts are available to students by request. A Resident Assistant is assigned to the students at the Trinity Apartments.
ALCOHOL AND DRUG POLICIES AND PROGRAMS

STUDENT HANDBOOK POLICIES: University policies related to Alcohol and Drugs are provided in the Student Handbook and published on the website at: http://www.capital.edu/current-students/, these policies are:

ALCOHOL POLICY
The health, safety, and welfare of our students are critical to personal and academic success. Capital University is located in a state and community where laws and ordinances pertaining to the sale, possession and consumption of alcoholic beverages are promoted and enforced. Under Ohio law, a person must be 21 years old in order to consume and/or purchase beer or any other alcoholic beverage. In addition, possession, distribution or use of alcoholic beverages by a minor, drinking any alcoholic beverage in public areas of university premises that is not approved for such activity, public intoxication, and driving while under the influence of alcohol are expressly prohibited.

Health Risks Associated with Illicit Drug Use and Abuse of Alcohol.
A. General indications of drug or alcohol abuse (these are symptoms or suggestions, not confirmation of use):
   1. Physical condition: eyes red; glassy pupils abnormally large or small; motor in coordination; frequent cold or flu-like symptoms; stomach pains or cramps; headaches or dizziness; weight change (plus or minus six pounds); change in personal appearance and hygiene
   2. Eating and sleeping change: fluctuating appetite; change of activity level from day to day.
   3. School or job performance: unexcused absences; decrease in performance or evaluations; low motivation to complete tasks; dropped out of community or extracurricular activities; frequent arguments with colleagues, friends, students, professors or supervisors

B. Effects of Alcohol:
   1. After a couple or more drinks: mood changes – intensified feelings of anger, jealousy or depression; may include more sociability or disinhibition
   2. Loss of judgment—less power of concentration and ability to think as clearly as normal. This contributes to impulsive actions.
   3. Loss of coordination—slurred speech; loss of balance; poor eye, hand, and feet coordination. Blackouts may occur.
   4. Results of long-term excessive drinking: internal organs affected by change in structure and function. Some examples are: heart muscle damaged and disease is more likely; liver tissue can be inflamed and destroyed through disease; mental disorder and brain damage occur; and there is loss of sexual functioning.
C. Effects of Drug use:
Everyone is cautioned that mixing drugs or a drug with alcohol can cause severe complications, beyond what the reaction would be if the substances were taken separately. Mixing drugs and alcohol is dangerous! Also, even if a drug is legally obtained through a prescription, giving it to a different person without medical evaluation may be dangerous and is another sign of drug abuse.

Capital University expects students of legal drinking age to act responsibly when consuming alcoholic beverages (more details for residential students are outlined in the Residential and Community Standards section of this publication). We encourage students to assist other students whose health and safety is threatened due to irresponsible use and/or abuse of alcohol.

AMNESTY: The welfare of members of our community is of paramount importance. At times, community members on and off-campus may need assistance. Capital University encourages students to offer help and assistance to others in need. Sometimes, students may be hesitant to offer assistance to others out of fear that you may get into trouble. For example, a student who has been drinking underage might hesitate to help take a sexual misconduct victim to a residence life staff member or Public Safety. While policy violations cannot be overlooked, the University may provide educational options, rather than sanctions or to offer amnesty to those who offer their assistance to others in need.

In compliance with the law in the State of Ohio, and in the interest of the safety of all students, Capital University enforces the following alcohol policies:

a. A person must be 21 years old to possess and/or consume alcoholic beverages.

b. In university residences, if you are 21 years of age or older, you may not consume alcohol in your room with the door open.

c. Empty alcohol beverage containers, even as decorations, are not permitted within university owned property by students under the age of 21.

d. Persons serving or providing alcohol to minors are in violation of the University alcohol policy.

e. Public intoxication and/or disorderly conduct are prohibited.

f. Common source containers such as kegs and beer balls are prohibited, except where approved by university officials.

g. All high risk activities and drinking games such as quarters, beer pong, boat races, etc. are prohibited.

h. Devices for rapid consumption, such as funnels, are prohibited.

i. Alcohol related signs and posters are prohibited.

j. A person is not permitted to carry an open container of alcohol on the street, in a motor vehicle, on a motorcycle, or in public areas of the University, except when approved by university officials.
k. Capital University prohibits the sale, possession, manufacture and consumption of alcoholic beverages in public areas of the University, including, but not limited to, areas outside university buildings, bathrooms, hallways, classrooms, stairwells, balconies/porches, and lounges, except where approved by university officials. (See alcohol usage in the Campus Center below)

l. In accordance with state law, grain alcohol is prohibited.

**University Procedures for Intoxicated Students, Guests, and Visitors** If a student, guest or visitor is intoxicated and the Capital University staff believes the person is unable to care for him/herself; the staff will contact emergency personnel. If the individual is unable to care for him/herself, he/she will be transported to the hospital. This action will be taken to protect the student and the community. All associated hospital costs will be the financial responsibility of the student, guest, or visitor. The University maintains the right to dispose of alcohol in instances when a person under 21 is consuming, even if a person over 21 years of age is present. Driving under the influence is both a violation of campus policy and an offense for which referrals for prosecution can be made to local law enforcement authorities.

**Sanctions**
Students found responsible for violating the policy on will be subject to fines, community service, residential or disciplinary probation, removal from the residence halls, required residence in University-approved housing as a condition of continued enrollment, suspension or dismissal. In conjunction with other penalties, students may be required to participate in an alcohol and other drugs education course or a chemical- abuse assessment/evaluation.

The Center for Health and Wellness (CHW) is committed to educating individuals about the impact of the choices they make regarding their use of alcohol and drugs on their health and on the community. The goal is to focus on alcohol and other drug awareness, education, and interventions and offer services designed to address various difficulties in a time-limited manner. The CHW offers individual and group counseling services. The CHW is staffed by a clinical psychologist, a licensed professional clinical counselor, and counselor trainees.

The Center for Health and Wellness provides alcohol and other drug education, awareness, outreach programming, crisis intervention, brief focused counseling, and group counseling to eligible students. Individual counseling is designed to resolve the individual’s presenting concern in a limited number of sessions and may be augmented by alcohol education, group counseling, and medication. When an individual’s need for care exceeds what can be safely provided at the Center for Health and Wellness, providers assist with the referral process to a more appropriate setting consistent with recommended levels of care.
Possible Sanctions for Violations that are imposed by State and Federal Authorities. (Note: This is an overview and is not intended to be all-inclusive. Please refer to the applicable codes or a lawyer for more information or legal advice.)

A. State Sanctions
1. Alcohol (Note: Ohio law includes wine in its definition of liquor or beer.)
   i. Driving under the influence (.08 blood alcohol content): M-1
      a. 1st offense – minimum fine of $250, up to $1000 plus either 3 consecutive days in jail or an alcohol Intervention Program. Possible 90-day license suspension.
      b. 2nd offense – minimum fine of $300, to a maximum of $1500 plus a minimum of 5 days in jail and a monitored House Arrest or jail for one full year.
   ii. Using false ID or license to purchase beer or liquor:
      a. 1st offense -- minimum fine of $250, up to $1000 plus up to 6 months in jail M-1
      b. 2nd offense – minimum fine of $500, up to $1000 plus up to 6 months in jail and possible license suspension up to 60 days.
   iii. Selling to, buying for, or furnishing to, a person under 21 any beer or liquor (exception made for parents giving to their children): up to 6 months in jail and $500-1000 fine
   iv. Consuming beer or liquor in a motor vehicle: up to 30 days in jail and $250 fine.
   v. Purchase, share cost, order or consume beer or liquor by a person under 21: up to 6 months in jail and $500-1000 fine.

The State of Ohio and City of Columbus may also impose a wide variety of penalties for alcohol-related offenses. For example, a first driving-while-intoxicated offense may be punished by mandatory imprisonment of at least three consecutive days and a fine ranging from $375 to $1000. Subsequent offenses lead to increased sanctions. Illegal purchase, possession, use, or sale of intoxicating liquor by a minor may be punished by fines ranging from $25 to $1000 and up to six months in jail, depending on the circumstances.

DRUGS AND CONTROLLED SUBSTANCES POLICY

Capital University prohibits the manufacture, possession, sales, and use of illegal drugs, controlled substances, and drug paraphernalia. The more commonly used drugs include, but are not limited to the following:

- Amphetamines, Anabolic and other steroids, Barbiturates and other stimulants/depressant (unless prescribed), Cocaine, Hallucinogens and other LSD compounds, Heroin, Inhalants, Marijuana, Mescaline, psilocybin, DMT, and other narcotics/opiates, Methamphetamine
- Prescription Drugs: Prescription drugs are considered controlled substances, and are permitted as long as being used by the person to whom the drug is prescribed in accordance with the directed use
- Medical Marijuana in all forms is prohibited at Capital University in accordance with Federal Law and in compliance with the Drug Free Schools and Communities Act
**Prohibited Drug Paraphernalia:** Common examples of prohibited drug paraphernalia are:

- Bongs
- Roach clips/rolling papers
- Miniature spoons
- Various types of pipes

*NOTE:* Marijuana pipes and bongs, hookahs etc., frequently carry a misleading disclaimer indicating that they are intended to be used only with tobacco products, but are prohibited.

**Sanctions**

Students involved in the use or possession of drugs will face substantial sanctions, which could include suspension or dismissal from the University. In addition, students may be required to enroll and actively participate in a drug or alcohol counseling program or a rehabilitation program as a condition of continued enrollment. Students involved in any way in the distribution or sale of any amount of controlled substances will be suspended from the University as a minimum sanction, even on a first offense. The University reserves the right to remove students from the residence halls for use or possession of a controlled substance at any time during the academic year. The student will be responsible for the full-term of the housing agreement, including all associated housing fees. The Capital University policies and procedures are in addition to, not substitutes for, criminal sanctions provided for in municipal, state and federal laws. When required by law, violations of federal, state, and local statutes will be reported to the appropriate law enforcement agencies.

**External Sanctions**

Unlawful possession, use, manufacture, sale, or distribution of alcohol or illicit drugs may lead to referral to the appropriate federal, state and/or local authorities for prosecution. Depending on the nature of the offense, it may be categorized as a misdemeanor or a felony and may be punished by fine and/or imprisonment.

Federal law prohibits the trafficking and illegal possession of controlled substances (see 21 United States Code, Sections 811 and 844). Depending on the amount, first offense maximum penalties for trafficking marijuana range from five years imprisonment and a fine of $250,000 to imprisonment for life and a fine of $4 million. Depending on the amount, first offense maximum penalties for trafficking class I and II controlled substances (methamphetamine, heroin, cocaine, cocaine base, PCP, LSD, fentanyl analogue) range from five years to life imprisonment and maximum fines range from $2-$4 million. First offense penalties for the illegal possession of a controlled substance range from up to one year in prison and a fine of at least $1,000, but not more than $250,000, or both.
The State of Ohio and the City of Columbus also may impose penalties for trafficking and illegal possession or use of controlled substances. State and local penalties for trafficking illicit drugs include fines that range from $1,000 to $50,000 and mandatory jail sentences that range from six months to 10 years. Illegal use or possession of a controlled substance or drug paraphernalia may warrant fines ranging from $100 to $5000 and jail sentences ranging from 30 days to 10 years, depending on the amount and substance possessed. Violations may also lead to forfeiture of personal and real property and the denial of federal benefits such as grants, contracts, and student loans.

Possible Sanctions for Violations that are imposed by State and Federal Authorities. (Note: This is an overview and is not intended to be all-inclusive. Please refer to the applicable codes or a lawyer for more information or legal advice.)

Drugs
i. Furnish or cause another to use drugs:
   a. If drug is included in Schedule III, IV or V: 3 years in jail (second degree felony). < $15,000 fine
   b. If drug is marijuana: 3 months in jail (fourth degree felony). <$5,000 fine

ii. Knowingly obtain, possess or use a controlled substance:
   a. If drug is in Schedule III, IV or V: up to 90 days in jail and $750 fine. If drug is more than 100 grams of marijuana: up to 30 days in jail and up to $250 fine. If less than 100 grams of marijuana: up to $100 fine.

iii. Knowingly permitting felony drug offense on property owned, controlled, or supervised by a person:
   a. Up to six months in jail and $1000 fine. M-1

iv. Knowingly sell, possess, manufacture or advertise the sale of drug paraphernalia:
   a. A violation of this prohibition is “illegal use or possession of marihuana drug paraphernalia,” a minor misdemeanor. In addition to any other sanction imposed upon an offender, the court must suspend for not less than six months or more than five years the offender’s driver’s or commercial driver’s license or permit.
   b. Drug paraphernalia means any equipment, product or material of any kind that is used by the offender, intended by the offender for use or designed for use and includes, but is not limited to the following:
      i. A container or device used for packaging, storing or concealing a controlled substance
      ii. A hypodermic syringe, needle or instrument for parentally injecting a controlled substance into the human body
      iii. An object, instrument, or devised for ingesting, inhaling or otherwise introducing into the human body a controlled substance, such as a pipe, punctured metal bowl, roach clip, bong, rolling papers
Prevention and Treatment for Drug and Alcohol Issues

The University provides drug and alcohol awareness information and counseling services to all students through the Center for Health and Wellness. The Center resources and programming are provided at: http://www.capital.edu/Health-Resources/. These resources include Alcohol Use Checkup (E-Checkup to Go), College Drinking Fact Sheets, and Alcohol Calculators.

The Center for Health and Wellness (CHW) is committed to educating individuals about the impact of the choices they make regarding their use of alcohol and drugs on their health and on the community. The goal is to focus on alcohol and other drug awareness, education, and interventions and offer services designed to address various difficulties in a time-limited manner. The CHW offers individual and group counseling services. The CHW is staffed by a clinical psychologist, a licensed professional clinical counselor, and counselor trainees.

The Center for Health and Wellness provides alcohol and other drug education, awareness, outreach programming, crisis intervention, brief focused counseling, and group counseling to eligible students. Individual counseling is designed to resolve the individual’s presenting concern in a limited number of sessions and may be augmented by alcohol education, group counseling, and medication. When an individual’s need for care exceeds what can be safely provided at the Center for Health and Wellness, providers assist with the referral process to a more appropriate setting consistent with recommended levels of care.

In addition, local and state resources can be accessed through the following contacts:

- **Alcohol, Drug and Mental Health (ADAMH) Board of Franklin County**
  447 East Broad Street
  Columbus, OH 43215
  P (614) 224-1057
  F (614) 224-0991

- **Ohio Department Of Alcohol and Drug Addiction Services**
  280 North High Street, 12th Floor
  Two Nationwide Plaza
  Columbus OH 43215-2537
  P: 614-466-3445
  TDD: 614-644-9140
  F: 614-752-8645
ALCOHOL AND DRUG PROGRAMS: BIENNIAL REVIEW  
Assessment and evaluation help the university determine how successful current approaches are at decreasing alcohol and other drug abuse on campus and in the campus community. The director of the Center for health and Wellness will lead a biennial review of the University’s Alcohol and Drug Prevention Programs and policies in conjunction with the Office of Student affairs. This review will evaluate the University’s sources of assessment and evaluation data (such as program evaluations and surveys) and result in a biennial report which will review the current programs and make suggestions for improvements.

ADDITIONAL POLICY STATEMENTS RELATED TO DRUGS AND ALCOHOL
Additional University policies related to Alcohol and Drugs are published on the website at: http://www.capital.edu/Policies-and-Handbooks/, these policies are:

DRUG-FREE SCHOOLS AND COMMUNITIES ACT POLICY (1990)
Consistent with the provisions of the federal Drug Free Schools and Communities Act Amendments of 1989, Capital University hereby notifies each of its students and employees of its policy regarding the following:

1. Unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on university property or as part of any university activity is prohibited;

2. Students and employees of Capital University are subject to applicable legal sanctions for violations of local, state and federal law. Capital University will, in all ways appropriate to its status as an independent institution, cooperate fully with the duly constituted authorities in drug enforcement efforts.

3. There are serious health risks associated with the use of illicit drugs and alcohol. Appendix A, "Health Risks Associated with the Abuse of Alcohol and Use of Illicit Drugs," as reprinted from the Student Handbook is attached for the information of employees as well as students.

4. Students and employees may become informed of available drug and alcohol counseling, treatment, rehabilitation or re-entry programs by contacting the university health service, university counseling center, office of the dean of student services, or office of the director of personnel, or by contacting Columbus area confidential referral agencies including the Alcohol/Drug Information and Referral Organization (224-4506) or the Columbus Area Council on Alcoholism (464-0191).

5. Capital University will impose disciplinary sanctions on students and employees consistent with all applicable provisions of the respective Student Handbook, Faculty/Administrative Handbook, and Support Staff Handbook, up to and including expulsion or
termination of employment, for violations of this policy. The University's "Drug Free Workplace" policy, copies of which are distributed with the Faculty/Administrative Handbook and Staff Handbook, also provides for imposition of appropriate employee disciplinary sanctions.

6. This policy will be reviewed by the University administration on a biennial basis, as required by law, with respect to effectiveness of the program and consistency of enforcement of disciplinary sanctions.

HEALTH RISKS ASSOCIATED WITH ABUSE OF ALCOHOL AND USE OF ILLICIT DRUGS

According to the American Medical Association, alcoholism is a progressive disease which, if left untreated, can lead to death. Some of the physical effects of regular heavy drinking can include damage to the liver, heart and pancreas; digestive irritations; malnutrition; sexual problems; high blood pressure; brain damage and mental impairments (including negative effects on perception, information processing, learning, judgment, reaction time, sound processing and peripheral vision); increased risk of cancer, heart attack and stroke; and infections.

Alcohol is a central nervous system depressant that slows down respiration. Alcohol abuse and drug dependence can ultimately rob a person of self-control which eventually can lead to broken relationships, loss of jobs, self-esteem and self-respect, and even suicide. Alcohol and drug problems can also lead to legal problems such as driving while intoxicated, domestic violence, other criminal offences and incarceration. Pregnant women who drink may produce a fetus with fetal alcohol syndrome who is small, mentally retarded, or who has heart or other defects of the organs.

College students who engage in drug abuse and/or problem drinking also report experiencing a continuum of other unpleasant consequences and behaviors including hangovers, vomiting, accidents and injuries, blackouts, fights, missing classes, lower grades, damaging property, pulling fire alarms and other disciplinary problems which can result in suspension from school. Thus, alcohol and drug misuse contribute to academic failure, health problems, and misconduct.

Alcoholics and drug addicts suffer from arrested development with the onset being at the age they begin using. Addicts/alcoholics thus cease growing intellectually and emotionally and may never learn to cope with problems constructively, but attempt instead to avoid and compound problems by "getting high". Combinations of various drugs cause potentiation and can be fatal (e.g., alcohol plus valium).
The University is committed to increasing awareness about alcohol/drug issues, to prevention strategies that discourage irresponsible and illegal use, and to providing ongoing support for those individuals who have decided not to use alcohol and drugs.

**DRUG FREE WORKPLACE ACT POLICY (1989)**

It is the policy of Capital University that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance as defined by the Drug Free Workplace Act of 1988 is prohibited in the Capital University workplace. For purposes of this statement, the Capital University workplace means the University campus in Bexley, the Capital University Law School facility, and the facilities of the University’s Adult Degree Program.

Each university employee, as a condition of employment, will abide by the terms of this statement and will notify the University administration of any criminal conviction of such employee for a violation occurring in the University workplace within five days after such conviction. Within thirty days of notice of conviction, and with respect to an employee violation of the prohibition in the first paragraph of this statement, the University will take appropriate personnel action up to and including probation, suspension or termination and/or require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purpose by a federal, state or local health, law enforcement or other agency. Personnel actions shall be taken consistent with the provisions of the faculty/administrative handbook and staff handbook.

**ETHICSPOINT REPORTING**

Capital University has selected EthicsPoint to provide community members with a way to report activities that may involve misconduct or violations of University policy. You may file a report by dialing 888-238-1063 or by using the EthicsPoint link on the following website: [http://www.capital.edu/complaints/](http://www.capital.edu/complaints/)

This service is not a substitute for, nor does it supersede, any existing reporting methods or protocols already in place at the University for reporting suspected problems or complaints. EthicsPoint provides an additional means of reporting such issues. Any suspected problems or complaints reported via EthicsPoint will be reviewed in accordance with current university procedures. University policy prohibits the taking of retaliatory action against anyone for reporting or inquiring about potential breaches of university policy.
SEX OR GENDER-BASED HARASSMENT, DISCRIMINATION AND SEXUAL MISCONDUCT POLICY

I. Policy

A. Policy Statement

The University is committed to ensuring a safe environment free from all forms of sex or gender-based harassment, discrimination, and sexual misconduct. All members of the University community, including students, faculty, staff, guests, and visitors, are expected to conduct themselves in a manner that does not infringe upon the rights of others. The University takes the position of zero tolerance for sex and gender-based misconduct. Zero tolerance means that when an allegation of misconduct is brought to an appropriate administrator’s attention, protective and other remedial measures will be used to reasonably ensure that such conduct ends, is not repeated, and the effects on the individual whose rights have been violated as well as the effects on the community are remedied, including serious sanctions when a responding party is found to have violated this policy.

This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

Capital University uses preponderance of the evidence (also known as “more likely than not”) as the standard of proof to determine whether a violation of this policy occurred. Legal terms, such as “guilt,” “innocence,” and “burdens of proof” are not applicable, as individuals are either found “responsible” or “not responsible” for a violation of this policy and it is neither party’s burden to prove their case. The University never assumes a responding party is in violation of the University policy. Rather, trained investigators conduct a thorough, neutral, and impartial investigation into the incident, and the totality of all available evidence and information from all relevant sources are considered before rendering a decision regarding responsibility.

B. Notice of Nondiscrimination

The University is committed to providing a safe and nondiscriminatory environment for all students and employees. The University does not discriminate on the basis of race, color, national and ethnic origin, sexual orientation, religion, sex and gender, age, disability, veteran status, or any other characteristic protected by law in its admission policies, scholarship and loan programs, athletic and other university-administered programs or activities, in employment, or in its policy administration. The University reaffirms its long-standing philosophy and principles of non-discrimination, non-harassment and non-retaliation for protected characteristics for all members of the University community. This policy addresses discrimination on the basis of sex and gender. Please refer to the University’s Nondiscrimination Policy for all other forms of discrimination.
The University does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs or in the context of employment. Sexual misconduct, including sexual harassment, as defined in this policy is a form of sex discrimination prohibited by Title IX of the Education Amendments of 1972, which requires 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.” Sexual harassment is also prohibited under Title VII of the Civil Rights Act of 1964.

C. Title IX Team

The University’s Title IX Coordinator oversees compliance with all aspects of the sex or gender-based harassment, discrimination, and sexual misconduct policy. The Title IX Coordinator reports directly to the Provost and Vice President for Academic and Student Affairs. The Title IX Deputy Coordinator supports the Title IX Coordinator in compliance efforts. Members of the University community are encouraged to contact a member of the Title IX team if they have any questions regarding Title IX or this policy. Confidential and non-confidential reporting options are outlined later in this policy.

Title IX Coordinator: Assistant Provost and Title IX Coordinator Jennifer Speakman, Ph.D. jspeakman@capital.edu 614.236.6138

Title IX Deputy Coordinator (Law School): Assistant Dean of Student Affairs Marcelius Braxton mbraxton4@law.capital.edu 614.236.6402

D. Summary of Process

Upon receipt of a complaint of sex or gender-based harassment, discrimination or sexual misconduct, the University’s process involves an immediate initial investigation to determine if there is reasonable cause to believe this policy has been violated. If so, the University will initiate a prompt, thorough, fair and impartial investigation. This investigation is designed to provide a fair and reliable determination about whether the University’s Sex or Gender-Based Harassment, Discrimination and Sexual Misconduct Policy has been violated. If so, the University will implement a prompt and effective remedy designed to end the misconduct, prevent its recurrence, and address its effects. After the initial investigation, and prior to a finding of Responsible or Not Responsible, the parties may have an opportunity to resolve the complaint through an Informal Administrative Resolution process. The informal process may be utilized only when the Title IX Coordinator determines that this is a suitable option for resolving the concern, and both the Complainant and Respondent agree to use of the informal administrative resolution
process. The informal process cannot be used to resolve sexual assault (non-consensual sexual intercourse or contact) or sexual violence allegations.

Through the publication and dissemination of this policy, the University provides written notification to students and employees about existing counseling, health, mental health, survivor advocacy, and other services available both within the University and in the community for survivors of sexual misconduct.

E. Covered Programs and Activities

The University has jurisdiction to investigate and remedy all types of misconduct that fall under this policy and that: occur on University premises; occur at University-sponsored or University-supervised events regardless of where they take place; that occur off University premises when the behavior may adversely affect the University community and its interests as an academic community; or that concern any facet of the relationship between a student or employee and the University’s off campus academic and other recognized programs. Specifically, this includes academic, educational, study abroad, extracurricular, athletic, and any other University programs, whether those programs take place in the University’s facilities, on University provided transportation, at a class or training program sponsored by the University at another location, or elsewhere. Additional examples include University-sponsored field trips, University-recognized theme houses, athletic team travel, debate team travel, moot court team travel, and events for University clubs and extracurricular activities that occur off campus.

If the incident does not occur in a covered program or activity, the University may still provide support including counseling and assistance on how to file a criminal complaint with the appropriate law enforcement agency. The University will address off-campus misconduct that creates a hostile environment on campus.

II. Definitions

A. Definitions of Prohibited Conduct

1. Sexual Misconduct: contact of a sexual nature without clear, knowing and voluntary consent, or offensive sexual or other behavior that exploits another person on the basis of sex or gender, including the following:

   a. Non-consensual sexual intercourse: any sexual penetration (anal, oral or vaginal), however slight, with any body part or object by any person upon any person without consent.

   b. Non-consensual sexual contact: any intentional sexual touching, either by the offender or when the complainant is forced to touch, with any body part or object without consent.

   c. Sexual Harassment: unwelcome conduct, based on sex or gender that creates a hostile environment or otherwise results in individuals being denied equal
opportunity in the terms and conditions of their education or employment. It is defined in two broad categories:

i. **Quid pro Quo**: involves promises (e.g., high grades, raises, promotions) based on an individual’s willingness to submit to unwelcome behavior, including sexual favors or activities or relationship or other unwelcome attention based on the person’s sex or gender. It can also involve threats (e.g., demotion, bad grades, corrective action, etc.) based on an individual’s refusal to submit to unwelcome behavior, including being involved in a sexual or romantic relationship, granting sexual favors or engaging in other sexual or unwelcome activities based on sex or gender. The promise or threat does not necessarily need to be overt.

   **Examples of “Quid pro quo” Sexual Harassment:** Submission to unwelcome conduct on the basis of sex or gender is made either explicitly or implicitly a term or condition of an individual’s employment, academic status, participation in any program or activity, or living environment.

ii. **Hostile Environment**: ordinarily exists when there are incidents of verbal or nonverbal behavior in the academic environment or workplace that focus on the gender of a person, that are unwelcome, that are severe or pervasive enough to adversely affect a person’s academic environment or work, and that are outside the realm of appropriate academic study or work practices.

   **Examples of “Hostile Environment” Sexual Harassment.** These are examples of the types of conduct that, if severe or pervasive enough, can create a hostile work or educational environment on the basis of sex or gender:

   - Inappropriate comments of a sexual nature, including sexually explicit comments, questions, or jokes; Inappropriate remarks about sexual activity or sexual experience.
   - Persistent, unwelcome attempts to change a working or academic relationship into a romantic or sexual relationship.
   - Abusive or derogatory remarks about individuals or classes of individuals on the basis of their gender.
   - Persistent and unwelcome forms of attention toward another member of the University community such as requests for dates, flirtations, sexual advances, phone calls or other communications, or unwanted gifts.
   - Touching, patting, hugging, brushing against an individual’s body, or repeated or unwanted staring.
   - Display of inappropriate sexually oriented or derogatory materials in a location where others can see them.
• Sexual violence or assault (can also be a criminal violation subject to the criminal justice system).

iii. Hostile Environment discrimination based on other protected characteristics is covered by the University’s Nondiscrimination Policy.

d. **Sexual Exploitation:** taking non-consensual, unjust, or abusive sexual advantage of another. Examples include, but are not limited to, prostituting another student or employee, non-consensual video or audio-taping of sexual activity, purposeful distribution or dissemination of sexual or intimate images or recordings of another person without that person’s full knowledge or consent, going beyond the boundaries of consent (such as knowingly allowing another to surreptitiously watch otherwise consensual sexual activity), engaging in non-consensual voyeurism, and knowingly transmitting or exposing another person to a sexually transmitted infection (STI) without the knowledge of the person.

e. **Stalking:** engaging in a course of conduct directed at a specific person, based on sex or gender that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

f. **Domestic Violence:** violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child, by a person who is or was cohabitating with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant, and/or by any other person against an adult or youth victim who is protected from that person under the domestic or family violence laws.

g. **Dating Violence:** violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant, and where the existence of such a relationship is determined based on the following factors: length of the relationship, type of relationship, and frequency of interaction between the persons involved in the relationship.

h. **Indecent Exposure:** the exposure of the private or intimate parts of the body in a lewd manner in public or in private premises when the accused may be readily observed.

2. **Retaliation:** is prohibited conduct under this policy and the University will not tolerate retaliation in any form against any student, faculty, or staff who reports sexual misconduct (Reporter), files a complaint (Complainant), against whom a complaint has been filed (Respondent), serves as a witness, assists the Complainant or Respondent, or participates in the University’s resolution of a misconduct claim. The University will take immediate and responsive action to any report of retaliation.

Retaliation includes any form of intimidation, threat, coercion or any other type of discrimination because of the individual’s complaint or participation in the
University’s resolution process. Retaliation is a serious violation that can subject the offender to sanctions independent of the merits of the sexual misconduct allegation.

3. **False Reporting**: Any false report of behavior or incidents alleging sexual misconduct, with intent to mislead, is a violation of this policy. A good faith complaint that results in a finding of not responsible is not considered a false or fabricated report.

B. **Amnesty Policy**: The University is committed to facilitating an environment that supports reporting incidents of sexual misconduct. Individuals may be hesitant to report to University officials or participate in the resolution process because they fear that they themselves may be accused of a policy violation, such as underage drinking at the time of the incident. To encourage reporting, the University has an Amnesty provision, as delineated in Section 1, part D (Special Provisions for the Code of Student Conduct) of the Student Handbook, in which the University will attempt to provide educational options rather than formal sanctions for minor policy violations related to the incident.

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

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

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

- Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion.
- Coercion is unreasonable pressure for sexual activity. When a person indicates by words or actions that they do not want to engage in sexual activity, wants to stop, or does not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- Intimidation is implied threats, including the exertion of perceived or actual power resulting from position or stature.
- A person must be of legal age (16) to give consent.
An incapacitated person cannot give consent. Sexual activity with someone who one should know to be mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout) is not consented sexual activity and therefore is a violation of this policy.

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

D. Definition/Identification of Parties as used in this Policy:

1. Complainant: an individual who invokes the University’s investigation and resolution process to determine if the Sex or Gender-Based Harassment, Discrimination and Sexual Misconduct Policy has been violated and identifies as a victim/survivor of the alleged misconduct. In some circumstances, the University may assume the role of Complainant.

2. Respondent: an individual or organization alleged to have violated the Sex or Gender-Based Harassment, Discrimination and Sexual Misconduct Policy.

3. Reporter or Reporting Party: an individual who notifies the University that a violation of the Sex or Gender-Based Harassment, Discrimination and Sexual Misconduct Policy may have occurred.

4. Advisor: a person chosen by the Complainant or the Respondent, if desired, to provide assistance during the complaint and resolution process. The advisor can be someone from inside or outside the university community, but cannot be involved in the Title IX process such as serving as a witness. Either party may also choose to proceed without an advisor. The parties may be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present. The advisor may consult with the advisee quietly or in writing or during breaks in the meeting, but may not speak on behalf of the advisee. (See additional information in “Part IV Procedures, C. Investigation Process” of this policy.)

5. Title IX Coordinator: the University employee responsible for overseeing all investigations related to sexual misconduct, to ensure prompt, fair, and impartial investigation and resolution. This person will coordinate the in-take, investigation, and review of all complaints that fall within this policy. Investigation and review of complaints may be delegated to the Title IX Deputy Coordinator, the Title IX investigators, or other qualified individuals as deemed appropriate by the Title IX Coordinator.
III. Reporting under this Policy: Having an awareness of your resources and reporting incidents promptly is important to addressing sex or gender-based harassment, discrimination and sexual misconduct at the University. This section outlines reporting options, including confidential and non-confidential reporting, to assist students and employees with making an informed decision about reporting violations of this policy.

When a student or employee reports to the University that the student or employee has been subjected to sexual misconduct, whether the incident occurred on or off University property, the University will provide the student or employee written notification of the student’s or employee’s rights and options under this policy, about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for survivors both on-campus and in the community, and about the importance of preserving evidence.

A. Confidential Reports

1. Confidentiality Generally
   The University will make every effort reasonably possible to preserve the privacy of an individual who makes an official report and to protect the confidentiality of the information reported. When a Complainant requests that no action be taken or that their name not be used, the Complainant will be advised that the University’s ability to respond will be limited but that the University will take all appropriate action consistent with the request. However, there will be situations in which the University may decide to override a request for confidentiality or that no action be taken in light of the nature of the incident or perceived threat to the University community. Such considerations include the risk of additional attacks, the use of weapons or drugs, multiple attackers, past conduct, and whether the attack was accompanied by other crimes or threats. Therefore, Complainants desiring to make truly confidential reports should review the confidential reporting section below.

2. Confidential Reports
   The degree to which confidentiality can be protected depends upon the professional role of the person being consulted. The professional being consulted should attempt to make every reasonable effort to clearly share these limits before any disclosure of facts. The individuals/offices below are recognized by the University as being able to receive confidential reports.

   Off-Campus Confidential Resources for Employees:
   Employee Assistance Program 800.854.1446
   (available to benefit-eligible employees)
On-Campus Confidential Resources for Students:
Center for Health and Wellness Mental Health Counselor  614.236.6114
Dean of the Chapel/University Pastor  614.236.7737

Off-Campus Confidential Resources for Employees and Students:
SARNCO (Sexual Assault Response Network of Central Ohio)  614.267.7020
CHOICES 24 Hour Domestic Violence Hotline  614.224.4663
Buckeye Region Anti-Violence Organization (BRAVO)  614.294-7867
Rape, Abuse, & Incest National Network (RAINN)  800.656.4673
(National hotline that connects callers to their nearest rape crisis line.)

Anonymous Reporting for Employees and Students:
The following resources provide anonymous reporting options. Anonymous
reporting may limit the University’s ability to fully investigate and resolve the
complaint.
Campus Conduct Hotline (EthicsPoint)  888.238.1063
Or EthicsPoint reporting website:  www.ethicspoint.com

As required by law, all disclosures to any Capital employee of an on-campus sexual
assault are tabulated for statistical purposes without personal identifying
information.

B. Non-Confidential Reports: The following options for reporting are not confidential in
that other University employees with a need to know so as to stop the conduct, conduct
an investigation, and resolve the matter will know of the complaint.

Employees and students are encouraged to report complaints to the Title IX Coordinator
or Title IX Deputy Coordinator:

Title IX Coordinator:  Assistant Provost and Title IX Coordinator
Jennifer Speakman, Ph.D.
jspeakman@capital.edu  614.236.6138

Title IX Deputy Coordinator (Law School):  Assistant Dean of Student Affairs
Marcelius Braxton
mbraxton@law.capital.edu  614.236.6402

Employees and students are encouraged to speak to University officials to make formal
reports of incidents. All University employees are required, as Responsible Employees,
to report details related to sex or gender-based harassment, discrimination or sexual
misconduct to the Title IX Coordinator or Deputy Title IX Coordinator, unless employees
fall under the “Confidential Reports” option outlined previously. Notice to a University

employee is official notice to the institution. You have the right and can expect incidents of sexual misconduct to be taken seriously by the University when formally reported, and to have those incidents investigated and properly resolved through administrative procedures.

C. Reporting of Sexual Violence Including Sexual Assault, Dating Violence, Domestic Violence, or Stalking

Survivors of sexual assault and sexual violence, such as domestic/dating violence and stalking, are encouraged to get to a safe place and obtain immediate medical treatment. Calling Capital University Police or 911 is important to obtain immediate medical assistance and medical support, and to preserve evidence.

Students and employees are encouraged to report sexual assaults to the Capital Police Department or the Columbus or Bexley Police Departments immediately following the incident if possible. If reported to Capital Police, an officer from the Capital Police Department will meet with the Reporting Party to take a report. On the Bexley Campus, Capital Police will typically involve the Bexley Police Department in the investigation.

The Reporting Party can make decisions about their level of involvement in an investigation and potential criminal or University action, including declining to be involved. Capital Police will provide assistance in preserving relevant materials and may assist in obtaining, securing, and maintaining evidence needed for criminal and University proceedings. Capital Police will also assist the survivor in obtaining an order of protection or a restraining order issued by a court, or in obtaining a “no contact” order issued by the University. The University will honor a survivor’s request for a “no contact” order, and will comply with court orders. A survivor should provide Capital Police with information about any court orders of protection that have been issued so that the police can assist the University in complying with the order.

Contact Information Includes:

Capital University Police 614.236.6666
Bexley City Police 614.559.4444 or 911
Columbus City Police 614.645.4545 or 911

For survivors who choose to notify the police, it is important to know the immediacy of reporting the incident and the importance of preserving physical evidence, at the crime scene and on the survivor, that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order. In cases of sexual assault, within the first 96 hours is the best time for evidence to be collected. Under certain circumstances, it may be collected after this time frame. If possible, a survivor of sexual
assault should not wash, douche, use the toilet or change clothing before a medical/forensic examination. The gathering of physical evidence can provide important evidence and support of criminal charges if the survivor chooses to make a criminal report. Survivors who are reporting an immediate assault can receive a sexual assault evidence collection exam at most hospitals, and such exam can be paid for by a fund within the Ohio Attorney General’s office rather than by insurance. Two area hospitals that are nearby are:

Mount Carmel East Hospital
6001 E. Broad Street
Columbus, OH 43213
614-134-6000

OhioHealth Grant Medical Center
111 S. Grant Avenue
Columbus, OH 43215
614-566-9000

Due to the sensitive nature of sexual misconduct, a Reporting Party may choose to turn to Residential Life staff or another staff/faculty member with whom they are comfortable. Information disclosed by a Reporting Party to any University faculty or staff or Residential Life employee must be shared with the Title IX Coordinator and/or Title IX Deputy Coordinator and possibly others to address the complaint.

See “Information and Resources” (APPENDIX C) for additional resource information regarding sexual assault and violence. Individuals with complaints of this nature also have the right to file a formal complaint with the United States Department of Education:

Office of Civil Rights (OCR)
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline: 800.421.3481
TDD# 877.521.2172
Email: OCR@ed.gov
Web: http://www.ed.gov.ocr

Any false report of behavior or incidents alleging sexual misconduct, with intent to mislead, is a violation of this policy. A good faith complaint that results in a finding of not responsible is not considered a false or fabricated report.

D. Employee Responsibility

Responsible Employees: For the purposes of this policy, a “responsible employee” is a University employee who is obligated to report incidents of sexual misconduct. It is the policy of this University that all employees (including student employees), who are not confidential reporting resources, are responsible employees.
When an individual tells a responsible employee about an incident of sexual misconduct, that individual has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee must report to the Title IX Coordinator or Deputy Title IX Coordinator all relevant details about the alleged sexual misconduct shared by the Reporting Party and that the University will need to determine what happened—including the names of the survivor and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the University’s response to the report. A responsible employee should not share information with law enforcement without the survivor’s consent unless the survivor has also reported the incident to law enforcement.

Before a Reporting Party reveals any information to a responsible employee, the employee should make every reasonable effort to ensure that the Reporting Party understands the employee’s reporting obligations—and, if the individual wants to maintain confidentiality, direct the individual to confidential resources as designated in this policy.

If the Reporting Party wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the Reporter that the University will consider the request, but cannot guarantee that the University will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Coordinator of the individual’s request for confidentiality.

Responsible employees will not pressure an individual to request confidentiality, but will honor and support the individual’s wishes, including for the University to fully investigate an incident. By the same token, responsible employees will not pressure an individual to make a full report if the individual is not ready to do so.

E. Federal Statistical Reporting Obligations

As required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act), Capital University Police and Law School security maintain a daily crime log that is available to the public for inspection. The crime log includes all incidents reported to the police department or security personnel. No personally identifying information of any party involved will be shared in the daily crime log.

Also pursuant to the Clery Act the University annually prepares and disseminates an Annual Security Report in which it shares aggregate data as required by the law. Certain
campus officials – those deemed a Campus Security Authority (or CSA) – have a duty to report sexual assault, domestic violence, dating violence, and stalking for federal statistical reporting purposes. Statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses need to be given) for publication of the Annual Security Report. No personally identifying information is included in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime to ensure greater community safety.

Mandated federal reporters (the CSAs) include: student/conduct affairs, campus law enforcement, local police, coaches, athletics directors, residence life staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category.

F. Federal Timely Warning Obligations

Reporters of sexual misconduct should be aware that University administrators must issue timely warnings for incidents reported to them that are confirmed to pose a substantial and on-going threat of bodily harm or danger to member of the campus community. The University will ensure that a Complainant’s name and other personally identifying information are not disclosed, though still providing enough information for community members to make safety decisions in light of the danger.

G. Duty to Report

Ohio has a general reporting statute, Ohio Rev. Code § 2921.22, which states "no person, knowing that a felony has been or is being committed, shall knowingly fail to report such information to law enforcement authorities."

H. Reporting of Instances Involving Minors

Sexual harassment, sexual misconduct, or interpersonal violence involving a minor who is a student will be processed consistent with this Policy. Ohio has a reporting statute (Ohio Rev. Code § 2151.421) that requires anyone who knows, or has reasonable cause to suspect, abuse of child “under eighteen years of age, or a person, under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse of neglect of the child.” Any violations should be reported to the Title IX Coordinator and the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred.
IV. Procedures (See also Appendix B: Flowchart of Investigation Process)

A. Timeline for Sexual Misconduct/Title IX Investigation Process

The timelines outlined below are anticipated timeframes in cases that do not present extraordinary circumstances, such as the temporary unavailability of evidence or witnesses. The University will inform parties of more specific dates to the extent it can and of any deviations in previously established timelines.

Interim Measures: If warranted, as soon as reasonably practicable under the circumstances.

Commencement of Investigation: Ordinarily, within seven (7) working days of receipt of the complaint.

Notice of Outcome: Ordinarily, within sixty (60) working days of receipt of the complaint.

Deadline for Filing an Appeal: The appealing party must submit an appeal within five (5) working days of the receipt of the written decision.

Decision on Appeal: Ordinarily, within ten (10) working days from the date any response to an appeal was due.

Informal Administrative Resolution Process: After the initial investigation, and prior to a finding of Responsible or Not Responsible, the parties may have an opportunity to resolve the complaint through an Informal Administrative Resolution process. The informal process may be utilized only when the Title IX Coordinator determines that this is a suitable option for resolving the concern, and both the Complainant and Respondent agree to use the process. The informal process cannot be used to resolve sexual assault (non-consensual sexual intercourse or contact) or sexual violence allegations.

B. Interim Measures

Through the publication of this policy, at the time of reporting a violation to the Title IX Coordinator or Deputy Coordinator, the University provides written notification to Complainants about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or other protective measures. The University will make such accommodations or provide such protective measures if the University deems it necessary and appropriate or if the Complainant or Respondent makes such a request to the Title IX Coordinator or Deputy Coordinator and if the measures are reasonably available, regardless of whether the Complainant chooses to report the sexual misconduct to Capital Police or local law enforcement.

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

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

Appropriate measures will also be taken to avoid retaliatory action. The University will maintain as confidential any accommodations or protective measures provided, to the extent that maintaining such confidentiality will not impair the ability of the University to provide the accommodations or protective measures.

C. Investigation Process

Both the Complainant and the Respondent may choose to have an advisor of their choice to provide assistance during the investigation and resolution process. The parties may select whomever they wish, from inside or outside the university community, to serve as their advisor as long as the advisor is available and not otherwise involved in the resolution process, such as serving as a witness. Either party may also choose to proceed without an advisor.

The parties may be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present. Advisors are expected to advise ethically, with integrity and in good faith. The advisor may consult with the advisee quietly or in writing or outside during breaks in the meeting, but may not speak on behalf of the advisee. Any advisor who steps outside of this defined role will be given one warning and then be asked to leave the meeting. (A substitute advisor will not be permitted at this meeting, and the meeting will typically continue without the advisor present.) The advisor may be allowed to attend additional investigative meetings at the discretion of the Title IX Coordinator.
If the University becomes aware of a possible sexual misconduct violation, the University may conduct an investigation and impose sanctions for the protection of the University community. The University reserves this right even if a Complainant decides not to pursue charges, either criminally or through the University’s process. During the investigatory period, the University will take steps to assure that the alleged misconduct does not continue and that the Complainant is safe from further improper conduct and all parties are safe from retaliation.

The Title IX Coordinator will appoint two investigators who will conduct a thorough, reliable, and impartial investigation of the reported allegation. Any official designated to conduct an investigation will, at a minimum, receive annual training on the issues related to sexual misconduct and on how to conduct an investigation and process in a manner that is equitable and impartial.

**Investigation Steps:**

1. **Preliminary Investigation:** The Title IX Coordinator will meet with the Complainant or Reporting Party to gather initial information about the allegation. The Title IX Coordinator will gather information for a possible formal complaint which should include: the name of the Respondent, if known; the name of the Complainant (victim/survivor) of the alleged conduct; a description of the alleged conduct; the date, approximate time and location of the alleged conduct, if known.

   Before proceeding further, the Title IX Coordinator will determine whether the conduct or language referenced in the complaint would, if true, constitute a violation of this policy.

   - If the conclusion is that the conduct or language referenced in the complaint, even if true, would not constitute a violation of this policy, there will be no further investigation. The University will take any steps needed to remedy inappropriate conduct that does not constitute a violation of this policy.

   - If the conclusion is that the conduct would, if true, constitute a violation of this policy, the investigation will proceed. A Notice of Investigation will be sent to both the Complainant and Respondent.

2. **Investigation:** The formal investigation process will proceed as follows:

   - Upon receipt of a Notice of Investigation, the investigators will interview the Respondent and Complainant.

   - The investigators will develop the charge stating the specific aspect of the policy alleged to have been violated and the Complainant and Respondent will both be given Notice of the Charge;
• Either party may provide a **written response** to the Notice of the Charge;

• In conducting the investigation, the investigators will also gather other pertinent information and conduct witness interviews, and follow up with the Complainant, Respondent, and witnesses as needed;

• While the allegation is under investigation, the investigators will encourage all parties and witnesses to provide any additional information (including statements, e-mails, documents, or other facts) that may assist the investigation. The investigators will continue to receive and review this information until the investigation is closed;

• Upon completion of the investigation, the investigators will compile a **draft report** that will include a narrative of the interviews that took place and other pertinent information considered.

• Both the Complainant and Respondent will have the opportunity to review the draft report and provide additional information or responses for consideration by the investigators.

• After receiving any responses and investigating any further information provided, the investigators will submit the report, with findings and recommendations, to the Title IX Coordinator for review and to **finalize the report**.

### D. Administrative Disposition of Investigative Findings, Conclusions and Recommendations:

The Title IX Coordinator shall forward the **final investigation report**, with findings, recommendations for resolution, sanctions, or other appropriate action, to the respective Vice President, Provost, or Law School Dean for **disposition**. The possible outcomes are:

1. **Violation/Responsible and Sanction**: If the Vice President’s, or Provost’s, or Law School Dean’s conclusion is that it is more likely than not (a preponderance of the evidence) that a violation of this policy has occurred, the Respondent will be advised in writing (**Notice of Outcome**) of the finding of a violation, the sanction, and the procedure for appeal. The Complainant will simultaneously be advised in writing (**Notice of Outcome**) that the investigation is complete, a violation was found, the sanctions against the Respondent, and the procedure for appeal.

2. **No Violation/Not Responsible**: If the investigation does not support a violation of any University policy, both the Complainant and the Respondent will be simultaneously advised in writing of this outcome (**Notice of Outcome**) and the procedure for appeal.
E. Appeals:

1. Timeline for Appeal

If the Complainant or Respondent disagrees with the outcome of the investigation (either the finding or sanctions imposed), either one may submit an appeal. The appealing party must submit the appeal within five (5) working days from the date the written decision is sent out. The appeal must be submitted in writing to the Title IX Coordinator. An appeal may not be filed on behalf of a Complainant or Respondent by a third party. If no appeal is submitted within the five (5) working days, the administrative disposition of the investigation becomes final and the sanctions/recommendations shall be implemented.

The Title IX Coordinator does not decide the appeal but acts as the administrator of the appeal process – e.g., providing notice to the parties and forwarding the appeal documentation to the Appeals Officer designated by the University President.

2. Appeals Process

a. Request for Appeal: The written request for appeal must identify the reasons and evidence supporting the appeal, state the result sought, and be submitted to the Title IX Coordinator within the appeal timeline set forth in E(1) above. The four possible grounds for appeal are as follows:

   i. A procedural error occurred that significantly impacted the outcome of the investigation (e.g., material deviation from established procedures);

   ii. New evidence unavailable during the original investigation that could substantially impact the original finding or sanction. The appealing party must submit a summary of the new evidence and its potential impact must be included;

   iii. Specific bias of the investigators; or

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

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

c. The Title IX Coordinator will forward the report, the file, the request for appeal, and the response (if any) to the Appeals Officer designated by the University President.
d. The Appeals Officer shall review the appeal and determine if it satisfies the grounds for appeal. The following are the potential final outcomes:

i. If the appeal does not meet the grounds for an appeal, the Appeals Officer will issue both parties a written decision that the appeal did not meet the grounds for the appeal and that the underlying decision was decided reasonably and appropriately. The Appeals Officer’s decision to deny the appeal is not appealable and the underlying decision will be the final outcome.

ii. If the Appeals Officer determines that a material procedural error occurred, the Appeals Officer may return the complaint to the investigators and appropriate Vice President, Provost, or Law School Dean, with instructions to cure the error. The result of the revised decision of the investigators and the appropriate Vice President, Provost, or Law School Dean is not appealable and becomes the final outcome.

iii. If the Appeals Officer determines that new evidence should be considered, the Appeals Officer may review the new evidence or refer the case to the investigators to reconsider in light of the new evidence only. The investigators will review the new evidence and submit an addendum to the original report for review by the appropriate Vice President, Provost, or Law School Dean. The reconsideration of the investigators and appropriate Vice President, Provost, or Law School Dean is not appealable and becomes the final outcome.

iv. If the Appeals Officer determines that the investigators were biased, the Appeals Officer may refer the case to a new investigator to review the evidence and submit a new report within thirty (30) calendar days to be reviewed by the appropriate Vice President, Provost, or Law School Dean. The charge of bias must be rooted in a specific bias of the investigator(s) rather than a general objection (e.g., race, religion, gender, etc., generally). The reconsideration of the investigation by the new investigator and the appropriate Vice President, Provost, or Law School Dean is not appealable and becomes the final outcome.

v. If the Appeals Officer determines that the sanctions imposed are disproportionate to the severity of the violation, the Appeals Officer may increase, decrease or otherwise modify the sanctions. The Appeals Officer’s decision is not appealable and will be the final outcome.

e. Final Outcome: Typically, within ten (10) working days, the Appeals Officer will issue the decision. Both the Complainant and Respondent will be advised in
writing of the Appeal Officer’s decision (Notice of Final Outcome). If a new investigation was ordered, additional time may be needed to complete that investigation and reach the final outcome.

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

When the Respondent is an employee, examples of sanctions include:
- Warning – Written or Verbal
- Performance Improvement Plan
- Mandatory Training or Education
- Probation
- Demotion
- Suspension (paid or unpaid)
- Termination (If for a faculty member, the additional procedures set forth in the Faculty Handbook, Section 7.5 Dismissal for Cause, will be followed.)

When the Respondent is a student, examples of sanctions include:
- Monetary Fines/Restitution
- Warning – Written or Verbal
- Mandatory Training or Education
- Restricted Access
- Restriction from extracurricular and/or co-curricular activities
- Alcohol/Drug/Anger Assessment
- Residence Hall Probation or Dismissal
- Disciplinary Probation
- Suspension
- Dismissal
- Withholding Diploma
- Revocation of Degree
- Organizational Sanctions

First time student Respondents who are found responsible for nonconsensual sexual intercourse may receive a sanction to include at minimum the following:
- Suspended from the University for at least one semester or up to dismissal;
- Not allowed on University property during the period of suspension, or permanent exclusion from University property if dismissed;
• Contact with the survivor is strictly forbidden;
• Must submit documentation of a qualified assessment of the student’s ability to return to the University without threatening the safety of others.

Second time student Respondents who are found responsible for nonconsensual sexual intercourse may receive a minimum of the following sanction:
• Dismissal from the University;
• Permanent exclusion from University property.

Separate from the University process, individuals should be aware that criminal liability can be incurred from a sexual misconduct violation in penalties established in the Ohio Revised Code for all offenses deemed criminal. (See Appendix D: Ohio Criminal Law Violations.)

G. Informal Administrative Resolution Process: The informal process may be utilized only when the Title IX Coordinator determines this is a suitable option for resolving the concern, and both the Complainant and Respondent agree to use the process. Informal resolution may be used where, based on the conduct at issue, the likely outcome in the full formal investigatory process would not alter the individual’s or organization’s status with the University. Sexual assault (non-consensual sexual intercourse and contact) and sexual violence allegations cannot be resolved using the informal process. The University does not require any sexual misconduct complaint to utilize the informal process.

The Informal Administrative Resolution Process will be facilitated by the Title IX Coordinator or designee. The resolution achieved in each incident will be based upon the specific incident under consideration and the resolution must be agreed upon by all participants. The Title IX Coordinator or designated facilitator will work with the Title IX Team to ensure that all complaints are handled in a consistent manner. The outcome of the Informal Administrative Resolution Process will consist of a written report of the outcome that includes specific details about the complaint and any resolution. If the issues are not resolved, the report should include a statement of the facts that are under dispute, which may form the basis for the complaint in the formal process.

Because the outcomes of the informal resolution conversations are mutually developed and agreed upon by the parties involved, an appeal of the process and its result is not permitted. If the parties are unable to agree on the outcomes of the informal resolution proceeding, any party may request that the matter be resolved through the formal process.

If information is shared that clearly suggests that this policy’s definition of non-consensual sexual intercourse, non-consensual sexual contact, or domestic or dating
violence has been violated, then the informal resolution process must end immediately and the formal process initiated.

The University reserves the right to take additional actions that it deems necessary to ensure that the alleged misconduct ends, its recurrence is prevented, the University community is protected, and the outcome is appropriate and consistent.

No statements made during the informal resolution process may be used during the formal process. Informal resolution is an administrative process and matters resolved through this method of resolution are not part of a student’s conduct file, except that such records can be used in reviewing any additional sexual misconduct proceedings or developing sanctions in such proceedings, and would then become part of a student’s conduct record. For employees, informal resolution records would be kept by the Title IX Coordinator in the same manner as findings from the formal investigation process.

V. Records and Privacy

All proceedings under this policy are conducted in compliance with the requirements of FERPA, the Clery Act, Title IX, and University policy.

**Student Records:** The Title IX Coordinator will keep appropriate records of sexual misconduct complaints and outcomes. Access to these records will only be granted with the consent of the individual(s) involved, or as required by law in a legal proceeding, or to address a pattern of repeat behavior. Complaints under this policy that result in a finding of responsibility are made part of a student’s disciplinary conduct record. Such records shall be used in reviewing any further conduct, or developing sanctions. Student conduct files are confidential as they are protected under the Family Educational Rights and Privacy Act. In general, no information shall be released from the proceedings under this policy except as required or permitted by law and University Policy, or with the consent of the student(s). FERPA allows schools to disclose student records, without consent, in situations including, but not limited to: school officials with legitimate educational interest, other schools to which a student is transferring, to comply with a judicial order or lawfully issued subpoena, to parents when there is a health or safety emergency involving the student, to parents when the student has committed a disciplinary violation with respect to use or possession of alcohol or a controlled substance and the student is under 21 years of age at the time of the disclosure, to the victim of an alleged perpetrator of a crime of violence or a non-forcible sexual offense concerning the final results of a disciplinary hearing. Please see the University’s Student Records policy for further information. Student conduct files are maintained in accordance with the University’s Record Retention Policy, typically for a period of seven (7) years.

Students who declare an interest in studying abroad are subject to a conduct record check. Information that is shared with the International Education Office includes, but is not limited to, determinations of sexual misconduct violations. It is within the sole discretion of the University to determine whether a student who has violated University policy is eligible
to study abroad. Consideration and qualification for study abroad are not disciplinary determinations but may be affected by a student’s disciplinary record.

**Employee Records:** The University will keep appropriate records of complaints and outcomes. In order to protect the innocent and to assure Complainants and Respondents that there will be no recrimination or retaliation, these records will be closed and kept by the Human Resources Department and the Title IX Coordinator. Access to these records will only be granted with the consent of the individual(s) involved, or as required by law in a legal proceeding, or to address a pattern of repeat behavior.

**The Title IX Coordinator should be alert to repetitive patterns of documented harassment over time.** Should a possible pattern of behavior be detected, the matter will be brought to the attention of the Title IX Team and a course of action determined after such consultation. A pattern of behavior may be considered in determining recommendations for sanctions.

**VI. Resources**

Appendix A: Rights of Complainants and Respondents

Appendix B: Flowchart of Investigation Process

Appendix C: Information and Resources

Appendix D: Ohio Criminal Law Definitions

**VII. Related University Policies**

Nondiscrimination Policy

Student Records Policy

**VIII. History**

This policy replaces the University’s former Sexual Harassment Policy (1990) and the Student Sexual Misconduct Policy (Student Handbook 2014-15 and prior years).

June 24, 2015: Policy approved by President’s Cabinet as the University’s interim Title IX policy on Sexual Misconduct pending faculty governance review and comment.

July 13, 2016: Policy revised by the University’s Title IX team

August 23, 2017: Policy revised by the University’s Title IX team
APPENDIX A: Rights of Complainants and Respondents

• To have all allegations of sexual misconduct taken seriously and to be given a timely and respectful response.

• To be informed of all allegations of sexual misconduct in a timely and respectful manner.

• To be informed of immediate measures for medical care and preservation of evidence if applicable.

• To be informed about University and community support services and resources.

• To be told about criminal and University reporting options and the right to be assisted by University authorities.

• To learn about possible interim or protective measures, including but not limited to, change in class schedules, alternative housing assignments, change in employment, and restricted contact (No Contact orders).

• To have related policy, process and support information explained clearly and fully at every stage of the University process.

• To suggest names of witnesses to be interviewed during the investigation process.

• To be informed in writing of the outcome of the University investigation and appeal procedure, with the Complainant and Respondent to be informed at the same time.

• To be notified of any change in the investigation results prior to when they become final.

• To be notified when the results become final.
APPENDIX B: Flowchart of Investigation Process
APPENDIX C: Information and Resources

What to do if you are a victim/survivor of sexual assault:

- Get to a safe place.
- Contact someone who can help:
  - Columbus or Bexley Police Department - 911 for immediate threat
  - Capital Police Department - 614.236.6666
  - Law School Security Desk – 614.236.6161
  - SARNCO (Sexual Assault Response Network of Central Ohio) 24-hour-rape helpline at 614.267.7020
  - RAINN (Rape, Abuse and Incest national Network) 800.656.4673
  - A friend
- Seek medical attention. Trained volunteer advocates are available at local emergency rooms. Sexual Assault Nurse Examiners, who specialize in collecting evidence, are also available at many emergency rooms.
- For the best evidence collection results: consider waiting to shower, bathe, douche, brush your teeth, urinate, defecate, smoke or change clothes until after going to the hospital. If you need to change your clothes, consider bringing the clothes you were wearing at the time of the assault with you, in a paper bag if possible.
- Consider calling a friend, family member, or religious leader whom you trust.
- Give yourself time to heal. What happened to you is not your fault.

How to support a friend who has been sexually assaulted:

- Listen. Focus on what your friend is saying without thinking about your response. Take a moment to gather your thoughts before responding - a little silence is okay.
- Remind your friend that it is not their fault.
  - Here are some examples of what you should NEVER say:
    - What were you wearing?
    - What did you do to lead them on?
    - Were you drunk?
    - Were you flirting with him? Did you give him the wrong impression?
    - Why didn’t you fight back?
    - Are you lying?
    - Avoid any variation of those phrases that puts the blame on them.
- Ask questions in a sensitive way.
  - A good way to communicate your intention before asking a question is, “I’m going to ask you some questions because I want to better understand how I can help, is that okay?”
• It’s generally a good idea to avoid asking questions that start with “why”, because it seems so loaded with judgment. A better way to start is “help me understand …”

• Honor your friend’s autonomy.
  o At the time of the assault, your friend was violently stripped of the ability to make decisions, to be in control of their life.
  o It isn’t your intent, but when you say that they “need” to do something, you are taking away their power, just as their perpetrator did.
  o Asking with genuine curiosity if they have ever considered talking to a counselor is a great place to start, but make sure you are open to whatever answer they give you.

• Understand that how a survivor responds is complex and varied.
  o Everyone experiences sexual assault in different, complex ways. Your friend’s response will be multi-layered and their recovery will not follow a straight path. A survivor may feel completely numb one day and angry the next.
  o Survivors frequently experience severe feelings of anxiety, stress, or fear, known as Post-Traumatic Stress Disorder (PTSD). This neurobiological impact may be noticeable in the survivor’s inability to recall information in a linear manner. Recollection of the assault may be communicated in “bits and pieces” as the survivor struggles to recall a clear and comprehensive memory of the incident.
  o It helps the survivor to go through three sleep cycles to be able to provide clear details. However, it may take much longer for a survivor to fully recall the traumatic incident in its entirety.

• Help to establish safety.
  o Physical safety will become a major factor in the way that your friend is able to re-navigate their life. Are they afraid to walk to class or work alone? Can they feel safe getting in and out of the car, on the bus, in a crowd, or alone?
  o Offer to accompany your friend on whatever errand or task seems daunting or scary. When you walk your friend home, turn on the lights in their apartment before they walk in.

• Offer resources.
  o But only if your friend wants them – ask first. If they aren’t interested, don’t offer resources.
If your friend is interested, here are a few to get started:

- SARNCO (Sexual Assault Response Network of Central Ohio) 24-hour-rape helpline: 614.267.7020
- RAINN (Rape, Abuse and Incest national Network): 800.656.4673
- BRAVO (Buckeye Region Anti Violence Organization: 866.862.7286

- Take care of yourself.
  - To fully help your friend, you need to take care of yourself: sleep, eat well, try to stick to some type of routine, and/or talk with a confidential friend or support person.
  - Consider contacting any of the above resources to learn how you can best support your friend and to address the feelings you are experiencing. Caring for a loved one who has survived a trauma can be exhausting and emotionally draining.

**Alcohol/Drugs and Sexual Assault.**

Alcohol and drugs are involved in a large percentage (estimated up to 85%) of sexual assault on college campuses. Drugs and alcohol can lower inhibition and impact the ability to make decisions, including whether or not to engage in sexual activity with someone else.

Alcohol and drugs can interfere with communication and increases misperception about the sexual intentions of others.

A person who is incapacitated by alcohol or drugs is not able to give consent.

Drug-facilitated sexual assault involves the intentional use of drugs or alcohol to incapacitate another to help facilitate sexual assault. Specific information includes:

- Drugging someone on purpose is considered a felony in most states. This includes someone putting a drug or alcohol into your drink or food without your knowledge.
- Some drugs used to commit sexual assault include Rohypnol ("roofies"), GHB ("liquid ecstasy") and Ketamine ("special K"). Recreational drugs may also be used to facilitate assault.
- Many of these drugs are tasteless, odorless, colorless and difficult to detect in a drink. They are just as dangerous when put into water as they are in alcohol.
- These drugs may be taken voluntarily by the sexual assault survivor (and then the offender takes advantage of resulting vulnerability - seeking out the most wasted person in the room).
Alcohol is the most commonly used substance to facilitate rape. A person who chooses to use alcohol or drugs, does not ask or deserve to be sexually assaulted.

Bystander Intervention:

Bystander Intervention is a philosophy and strategy for prevention of various types of violence. It involves safe and positive options to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking.

What can bystanders do to make a difference?

• **Believe someone** who discloses a sexual assault, abusive relationship, or experience with stalking or cyberstalking.

• **Be respectful** of yourself and others. Make sure any sexual act is OK with your partner if you initiate.

• **Watch out for your friends** – if you see someone who looks like they are in trouble, ask if they are okay. If you see a friend doing something shady, say something.

• **Speak up** – if someone says something offensive, derogatory, or abusive, let them know that behavior is wrong and you don’t want to be around it.

Other Bystander Intervention Strategies:

• **Silent Stare** - A disapproving look can be powerful.

• **Humor** - Reduces the tension of an intervention and makes it easier for the person to hear you.

• **Group Intervention** - There is safety and power in numbers.

• **We’re friends, right….?**
  o Reframes the intervention as caring and non-critical.
  o Example: “Hey Chad…..as your friend I’ve gotta tell you that getting a girl drunk to have sex with her isn’t cool, and could get you in a lot of trouble. Don’t do it.”

• **Distraction:**
  o Snaps someone out of their “sexist comfort zone.” Example: Ask a man harassing a woman on the street for directions or the time.
  o Allows a potential target to move away and/or to have other friends intervene. Example: Spill your drink on the person or interrupt and start a conversation with the person.

(Adapted from Men Can Stop Rape, [www.mencanstoprape.org](http://www.mencanstoprape.org))
**Risk Reduction Tips:**

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to victim-blame, and with recognition that only those who commit sexual assault are responsible for those actions, these suggestions may help to reduce the risk of experiencing a non-consensual sexual act. Below, suggestions to avoid committing a non-consensual sexual act are also offered:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor “NO” clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- DON’T MAKE ASSUMPTIONS about consent; about someone’s sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity then you DO NOT have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don’t take advantage of someone’s drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don’t abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.

(From ATIXA Model Sexual Misconduct Policy)
Recognizing Warning Signs of Relationship Abuse:
Relationship abuse is not uncommon, and it is a serious issue. Relationship abuse is real
and happens more often than you think.
Relationship abuse is not just violent acts. Relationship abuse is manifested in physical,
emotional, psychological, and verbal acts with the desired outcome being control over
another person. Although most commonly a crime against women, anyone can be a victim
of abuse and it can occur in both heterosexual and same sex relationships.
Relationship abuse is not a private matter. Isolation can be one of the most powerful tools
an abuser can use to control a partner. All too often we fail to get involved because we
either think their relationship is not our business, or we are afraid and don’t know who to
turn to for help. Unfortunately, this only reinforces the abuser’s sense that they have the
right to treat a partner that way. Only by speaking out and recognizing abuse as an
unacceptable social behavior can the cycle be broken. (From itsabuse.com)

Signs of an Abusive Relationship:
There are many signs of an abusive relationship. Here are some of them:
• One partner criticizing, humiliating or yelling at the other
• One partner treats the other so badly that it is embarrassing in front of friends or
  family.
• One partner has a bad and unpredictable temper.
• One partner acts excessively jealous and possessive.
• One partner keeps the other from seeing friends or family.
• One partner threatens to commit suicide if the other leaves.
• One partner forces the other to have sex.
• One partner is constantly checking up on the other.

Healthy relationships are based on equality and respect. Partners make decision together
and openly discuss issues like relationship problems and sexual choices. They enjoy
spending time together, but can be happy apart.

Unhealthy relationships are based on attempts to control the other person. One person
tries to make most of the decisions. They may pressure a partner about sex or refuse to
see how their actions can hurt. In an unhealthy relationship, individuals may feel like they
should spend time only with their partner.

Abusive relationships are based on power and control. One person makes all of the decisions
– about sexual choices, friend groups, boundaries, even what’s true and what’s not. Partners
spend all of their time together and one may feel like they cannot talk to others.
(From loveisrespect.org)
APPENDIX D: Ohio Criminal Law Definitions

The definitions in Ohio criminal law are not the definitions of violations under this policy; this is provided as information about the state provisions for consideration when filing a criminal complaint.

Chapter 2907 of the Ohio Revised Code contains the criminal law definitions in Ohio regarding various sex offenses. Below are the Ohio general definitions of sex offenses (§2907.01) and the Ohio definition of rape (§2907.02). All of the Ohio definitions for sex offenses in Chapter 2907 of the Ohio Revised Code can be accessed at: http://codes.ohio.gov/orc/2907

Chapter 2907: SEX OFFENSES

2907.01 Sex offenses general definitions.

As used in sections 2907.01 to 2907.38 of the Revised Code:

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

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

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

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

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

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

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

(3) The material or performance, when considered as a whole, lacks serious literary, artistic, political, and scientific value for juveniles.
(F) When considered as a whole, and judged with reference to ordinary adults or, if it is
designed for sexual deviates or other specially susceptible group, judged with reference to that
group, any material or performance is "obscene" if any of the following apply:

(1) Its dominant appeal is to prurient interest;

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

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

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

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

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

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

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

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

(K) "Performance" means any motion picture, preview, trailer, play, show, skit, dance, or other
exhibition performed before an audience.
(L) "Spouse" means a person married to an offender at the time of an alleged offense, except that such person shall not be considered the spouse when any of the following apply:

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

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

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

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

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

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

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

Effective Date: 01-01-2004; 08-03-2006; 08-17-2006; 2007 SB10 01-01-2008

2907.02 Rape.

(A)

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

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

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

(c) The other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age.
(2) No person shall engage in sexual conduct with another when the offender purposely compels the other person to submit by force or threat of force.

(B) Whoever violates this section is guilty of rape, a felony of the first degree. If the offender under division (A)(1)(a) of this section substantially impairs the other person's judgment or control by administering any controlled substance described in section 3719.41 of the Revised Code to the other person surreptitiously or by force, threat of force, or deception, the prison term imposed upon the offender shall be one of the prison terms prescribed for a felony of the first degree in section 2929.14 of the Revised Code that is not less than five years. Except as otherwise provided in this division, notwithstanding sections 2929.11 to 2929.14 of the Revised Code, an offender under division (A)(1)(b) of this section shall be sentenced to a prison term or term of life imprisonment pursuant to section 2971.03 of the Revised Code. If an offender is convicted of or pleads guilty to a violation of division (A)(1)(b) of this section, if the offender was less than sixteen years of age at the time the offender committed the violation of that division, and if the offender during or immediately after the commission of the offense did not cause serious physical harm to the victim, the victim was ten years of age or older at the time of the commission of the violation, and the offender has not previously been convicted of or pleaded guilty to a violation of this section or a substantially similar existing or former law of this state, another state, or the United States, the court shall not sentence the offender to a prison term or term of life imprisonment pursuant to section 2971.03 of the Revised Code, and instead the court shall sentence the offender as otherwise provided in this division. If an offender under division (A)(1)(b) of this section previously has been convicted of or pleaded guilty to violating division (A)(1)(b) of this section or to violating an existing or former law of this state, another state, or the United States that is substantially similar to division (A)(1)(b) of this section, if the offender during or immediately after the commission of the offense caused serious physical harm to the victim, or if the victim under division (A)(1)(b) of this section is less than ten years of age, in lieu of sentencing the offender to a prison term or term of life imprisonment pursuant to section 2971.03 of the Revised Code, the court may impose upon the offender a term of life without parole. If the court imposes a term of life without parole pursuant to this division, division (F) of section 2971.03 of the Revised Code applies, and the offender automatically is classified a tier III sex offender/child-victim offender, as described in that division.

(C) A victim need not prove physical resistance to the offender in prosecutions under this section.

(D) Evidence of specific instances of the victim's sexual activity, opinion evidence of the victim's sexual activity, and reputation evidence of the victim's sexual activity shall not be admitted under this section unless it involves evidence of the origin of semen, pregnancy, or disease, or the victim's past sexual activity with the offender, and only to the extent that the court finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.
Evidence of specific instances of the defendant's sexual activity, opinion evidence of the defendant's sexual activity, and reputation evidence of the defendant's sexual activity shall not be admitted under this section unless it involves evidence of the origin of semen, pregnancy, or disease, the defendant's past sexual activity with the victim, or is admissible against the defendant under section 2945.59 of the Revised Code, and only to the extent that the court finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.

(E) Prior to taking testimony or receiving evidence of any sexual activity of the victim or the defendant in a proceeding under this section, the court shall resolve the admissibility of the proposed evidence in a hearing in chambers, which shall be held at or before preliminary hearing and not less than three days before trial, or for good cause shown during the trial.

(F) Upon approval by the court, the victim may be represented by counsel in any hearing in chambers or other proceeding to resolve the admissibility of evidence. If the victim is indigent or otherwise is unable to obtain the services of counsel, the court, upon request, may appoint counsel to represent the victim without cost to the victim.

(G) It is not a defense to a charge under division (A)(2) of this section that the offender and the victim were married or were cohabiting at the time of the commission of the offense.

Effective Date: 06-13-2002; 01-02-2007; 2007 SB10 01-01-2008

Additional Ohio Revised Code section related to VAWA crimes:
The State of Ohio does not define Consent in the Ohio Revised Code.

Ohio Revised Code Definition for Sexual Assaults
Section 2907.02 Rape.
(A)
(1) No person shall engage in sexual conduct with another who is not the spouse of the offender or who is the spouse of the offender but is living separate and apart from the offender, when any of the following applies:
(a) For the purpose of preventing resistance, the offender substantially impairs the other person's judgment or control by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception.
(b) The other person is less than thirteen years of age, whether or not the offender knows the age of the other person.
(c) The other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age.
(2) No person shall engage in sexual conduct with another when the offender purposely compels the other person to submit by force or threat of force.
(B) Whoever violates this section is guilty of rape, a felony of the first degree. If the offender under division (A)(1)(a) of this section substantially impairs the other person's judgment or control by administering any controlled substance described in section 3719.41 of the Revised Code to the other person surreptitiously or by force, threat of force, or deception, the prison term imposed upon the offender shall be one of the prison terms prescribed for a felony of the first degree in section 2929.14 of the Revised Code that is not less than five years. Except as otherwise provided in this division, notwithstanding sections 2929.11 to 2929.14 of the Revised Code, an offender under division (A)(1)(b) of this section shall be sentenced to a prison term or term of life imprisonment pursuant to section 2971.03 of the Revised Code. If an offender is convicted of or pleads guilty to a violation of division (A)(1)(b) of this section, if the offender was less than sixteen years of age at the time the offender committed the violation of that division, and if the offender during or immediately after the commission of the offense did not cause serious physical harm to the victim, the victim was ten years of age or older at the time of the commission of the violation, and the offender has not previously been convicted of or pleaded guilty to a violation of this section or a substantially similar existing or former law of this state, another state, or the United States, the court shall not sentence the offender to a prison term or term of life imprisonment pursuant to section 2971.03 of the Revised Code, and instead the court shall sentence the offender as otherwise provided in this division. If an offender under division (A)(1)(b) of this section previously has been convicted of or pleaded guilty to violating division (A)(1)(b) of this section or to violating an existing or former law of this state, another state, or the United States that is substantially similar to division (A)(1)(b) of this section, if the offender during or immediately after the commission of the offense caused serious physical harm to the victim, or if the victim under division (A)(1)(b) of this section is less than ten years of age, in lieu of sentencing the offender to a prison term or term of life imprisonment pursuant to section 2971.03 of the Revised Code, the court may impose upon the offender a term of life without parole. If the court imposes a term of life without parole pursuant to this division, division (F) of section 2971.03 of the Revised Code applies, and the offender automatically is classified a tier III sex offender/child-victim offender, as described in that division.

(C) A victim need not prove physical resistance to the offender in prosecutions under this section.

(D) Evidence of specific instances of the victim's sexual activity, opinion evidence of the victim's sexual activity, and reputation evidence of the victim's sexual activity shall not be admitted under this section unless it involves evidence of the origin of semen, pregnancy, or disease, or the victim's past sexual activity with the offender, and only to the extent that the court finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.

Evidence of specific instances of the defendant's sexual activity, opinion evidence of the defendant's sexual activity, and reputation evidence of the defendant's sexual activity shall not be admitted under this section unless it involves evidence of the origin of semen, pregnancy, or disease, the defendant's past sexual activity with the victim, or is admissible against the defendant under section 2945.59 of the Revised Code, and only to the extent that the court finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.

(E) Prior to taking testimony or receiving evidence of any sexual activity of the victim or the defendant in a proceeding under this section, the court shall resolve the admissibility of the proposed evidence in a hearing in chambers, which shall be held at or before preliminary hearing and not less than three days before trial, or for good cause shown during the trial.
(F) Upon approval by the court, the victim may be represented by counsel in any hearing in chambers or other proceeding to resolve the admissibility of evidence. If the victim is indigent or otherwise is unable to obtain the services of counsel, the court, upon request, may appoint counsel to represent the victim without cost to the victim.

(G) It is not a defense to a charge under division (A)(2) of this section that the offender and the victim were married or were cohabiting at the time of the commission of the offense.

Effective Date: 06-13-2002; 01-02-2007; 2007 SB10 01-01-2008

Section 2907.03 Sexual battery.
(A) No person shall engage in sexual conduct with another, not the spouse of the offender, when any of the following apply:
(1) The offender knowingly coerces the other person to submit by any means that would prevent resistance by a person of ordinary resolution.
(2) The offender knows that the other person's ability to appraise the nature of or control the other person's own conduct is substantially impaired.
(3) The offender knows that the other person submits because the other person is unaware that the act is being committed.
(4) The offender knows that the other person submits because the other person mistakenly identifies the offender as the other person's spouse.
(5) The offender is the other person's natural or adoptive parent, or a stepparent, or guardian, custodian, or person in loco parentis of the other person.
(6) The other person is in custody of law or a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the other person.
(7) The offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, the other person is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school.
(8) The other person is a minor, the offender is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the other person is enrolled in or attends that institution.
(9) The other person is a minor, and the offender is the other person's athletic or other type of coach, is the other person's instructor, is the leader of a scouting troop of which the other person is a member, or is a person with temporary or occasional disciplinary control over the other person.
(10) The offender is a mental health professional, the other person is a mental health client or patient of the offender, and the offender induces the other person to submit by falsely representing to the other person that the sexual conduct is necessary for mental health treatment purposes.
(11) The other person is confined in a detention facility, and the offender is an employee of that detention facility.
(12) The other person is a minor, the offender is a cleric, and the other person is a member of, or attends, the church or congregation served by the cleric.
(13) The other person is a minor, the offender is a peace officer, and the offender is more than two years older than the other person.
(B) Whoever violates this section is guilty of sexual battery. Except as otherwise provided in this division, sexual battery is a felony of the third degree. If the other person is less than thirteen years of age, sexual battery is a felony of the second degree, and the court shall impose upon the offender a mandatory prison term equal to one of the prison terms prescribed in section 2929.14 of the Revised Code for a felony of the second degree.

(C) As used in this section:
(1) "Cleric" has the same meaning as in section 2317.02 of the Revised Code.
(2) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code.
(3) "Institution of higher education" means a state institution of higher education defined in section 3345.011 of the Revised Code, a private nonprofit college or university located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code, or a school certified under Chapter 3332. of the Revised Code.
(4) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.

Section 2907.04 Unlawful sexual conduct with minor.
(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.
(B) Whoever violates this section is guilty of unlawful sexual conduct with a minor.
(1) Except as otherwise provided in divisions (B)(2), (3), and (4) of this section, unlawful sexual conduct with a minor is a felony of the fourth degree.
(2) Except as otherwise provided in division (B)(4) of this section, if the offender is less than four years older than the other person, unlawful sexual conduct with a minor is a misdemeanor of the first degree.
(3) Except as otherwise provided in division (B)(4) of this section, if the offender is ten or more years older than the other person, unlawful sexual conduct with a minor is a felony of the third degree.
(4) If the offender previously has been convicted of or pleaded guilty to a violation of section 2907.02, 2907.03, or 2907.04 of the Revised Code or a violation of former section 2907.12 of the Revised Code, unlawful sexual conduct with a minor is a felony of the second degree.

Section 2907.05 Gross Sexual Imposition.
(A) No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more other persons to have sexual contact when any of the following applies:
(1) The offender purposely compels the other person, or one of the other persons, to submit by force or threat of force.
(2) For the purpose of preventing resistance, the offender substantially impairs the judgment or control of the other person or of one of the other persons by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception.
(3) The offender knows that the judgment or control of the other person or of one of the other persons is substantially impaired as a result of the influence of any drug or intoxicant administered to the other person with the other person's consent for the purpose of any kind of medical or dental examination, treatment, or surgery.
(4) The other person, or one of the other persons, is less than thirteen years of age, whether or not the offender knows the age of that person.
(5) The ability of the other person to resist or consent or the ability of one of the other persons to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the ability to resist or consent of the other person or of one of the other persons is substantially impaired because of a mental or physical condition or because of advanced age.

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

(C) Whoever violates this section is guilty of gross sexual imposition.

(1) Except as otherwise provided in this section, gross sexual imposition committed in violation of division (A)(1), (2), (3), or (5) of this section is a felony of the fourth degree. If the offender under division (A)(2) of this section substantially impairs the judgment or control of the other person or one of the other persons by administering any controlled substance described in section 3719.41 of the Revised Code to the person surreptitiously or by force, threat of force, or deception, gross sexual imposition committed in violation of division (A)(2) of this section is a felony of the third degree.

(2) Gross sexual imposition committed in violation of division (A)(4) or (B) of this section is a felony of the third degree. Except as otherwise provided in this division, for gross sexual imposition committed in violation of division (A)(4) or (B) of this section there is a presumption that a prison term shall be imposed for the offense. The court shall impose on an offender convicted of gross sexual imposition in violation of division (A)(4) or (B) of this section a mandatory prison term equal to one of the prison terms prescribed in section 2929.14 of the Revised Code for a felony of the third degree if either of the following applies:

(a) Evidence other than the testimony of the victim was admitted in the case corroborating the violation;

(b) The offender previously was convicted of or pleaded guilty to a violation of this section, rape, the former offense of felonious sexual penetration, or sexual battery, and the victim of the previous offense was less than thirteen years of age.

(D) A victim need not prove physical resistance to the offender in prosecutions under this section.

(E) Evidence of specific instances of the victim's sexual activity, opinion evidence of the victim's sexual activity, and reputation evidence of the victim's sexual activity shall not be admitted under this section unless it involves evidence of the origin of semen, pregnancy, or disease, or the victim's past sexual activity with the offender, and only to the extent that the court finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.

Evidence of specific instances of the defendant's sexual activity, opinion evidence of the defendant's sexual activity, and reputation evidence of the defendant's sexual activity shall not be admitted under this section unless it involves evidence of the origin of semen, pregnancy, or disease, the defendant's past sexual activity with the victim, or is admissible against the defendant under section 2945.59 of the Revised Code, and only to the extent that the court finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.

(F) Prior to taking testimony or receiving evidence of any sexual activity of the victim or the defendant in a proceeding under this section, the court shall resolve the admissibility of the
proposed evidence in a hearing in chambers, which shall be held at or before preliminary hearing
and not less than three days before trial, or for good cause shown during the trial.
(G) Upon approval by the court, the victim may be represented by counsel in any hearing in
chambers or other proceeding to resolve the admissibility of evidence. If the victim is indigent or
otherwise is unable to obtain the services of counsel, the court, upon request, may appoint counsel
to represent the victim without cost to the victim.
Effective Date: 03-10-1998; 08-03-2006; 2007 SB10 01-01-2008

Section 2907.06 Sexual Imposition.
(A) No person shall have sexual contact with another, not the spouse of the offender; cause
another, not the spouse of the offender, to have sexual contact with the offender; or cause two or
more other persons to have sexual contact when any of the following applies:
(1) The offender knows that the sexual contact is offensive to the other person, or one of the other
persons, or is reckless in that regard.
(2) The offender knows that the other person's, or one of the other person's, ability to appraise the
nature of or control the offender's or touching person's conduct is substantially impaired.
(3) The offender knows that the other person, or one of the other persons, submits because of
being unaware of the sexual contact.
(4) The other person, or one of the other persons, is thirteen years of age or older but less than
sixteen years of age, whether or not the offender knows the age of such person, and the offender is
at least eighteen years of age and four or more years older than such other person.
(5) The offender is a mental health professional, the other person or one of the other persons is a
mental health client or patient of the offender, and the offender induces the other person who is
the client or patient to submit by falsely representing to the other person who is the client or
patient that the sexual contact is necessary for mental health treatment purposes.
(B) No person shall be convicted of a violation of this section solely upon the victim's testimony
unsupported by other evidence.
(C) Whoever violates this section is guilty of sexual imposition, a misdemeanor of the third degree.
If the offender previously has been convicted of a violation of this section or of section 2907.02,
2907.03, 2907.04, 2907.05, or 2907.12 of the Revised Code, a violation of this section is a
misdemeanor of the first degree.
Effective Date: 05-14-2002

Ohio Revised Code Definition for Domestic Violence
2919.25 Domestic violence.
(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.
(D)
(1) Whoever violates this section is guilty of domestic violence, and the court shall sentence the
offender as provided in divisions (D)(2) to (6) of this section.
(2) Except as otherwise provided in divisions (D)(3) to (5) of this section, a violation of division (C) of
this section is a misdemeanor of the fourth degree, and a violation of division (A) or (B) of this
section is a misdemeanor of the first degree.
(3) Except as otherwise provided in division (D)(4) of this section, if the offender previously has pleaded guilty to or been convicted of domestic violence, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to domestic violence, a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if the victim of the violation was a family or household member at the time of the violation, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to any of those sections if the victim of the violation was a family or household member at the time of the commission of the violation, or any offense of violence if the victim of the offense was a family or household member at the time of the commission of the offense, a violation of division (A) or (B) of this section is a felony of the fourth degree, and, if the offender knew that the victim of the violation was pregnant at the time of the violation, the court shall impose a mandatory prison term on the offender pursuant to division (D)(6) of this section, and a violation of division (C) of this section is a misdemeanor of the second degree.

(4) If the offender previously has pleaded guilty to or been convicted of two or more offenses of domestic violence or two or more violations of offenses of the type described in division (D)(3) of this section involving a person who was a family or household member at the time of the violations or offenses, a violation of division (A) or (B) of this section is a felony of the third degree, and, if the offender knew that the victim of the violation was pregnant at the time of the violation, the court shall impose a mandatory prison term on the offender pursuant to division (D)(6) of this section, and a violation of division (C) of this section is a misdemeanor of the first degree.

(5) Except as otherwise provided in division (D)(3) or (4) of this section, if the offender knew that the victim of the violation was pregnant at the time of the violation, a violation of division (A) or (B) of this section is a felony of the fifth degree, and the court shall impose a mandatory prison term on the offender pursuant to division (D)(6) of this section, and a violation of division (C) of this section is a misdemeanor of the third degree.

(6) If division (D)(3), (4), or (5) of this section requires the court that sentences an offender for a violation of division (A) or (B) of this section to impose a mandatory prison term on the offender pursuant to this division, the court shall impose the mandatory prison term as follows:

(a) If the violation of division (A) or (B) of this section is a felony of the fourth or fifth degree, except as otherwise provided in division (D)(6)(b) or (c) of this section, the court shall impose a mandatory prison term on the offender of at least six months.

(b) If the violation of division (A) or (B) of this section is a felony of the fifth degree and the offender, in committing the violation, caused serious physical harm to the pregnant woman's unborn or caused the termination of the pregnant woman's pregnancy, the court shall impose a mandatory prison term on the offender of at least twelve months.

(c) If the violation of division (A) or (B) of this section is a felony of the fourth degree and the offender, in committing the violation, caused serious physical harm to the pregnant woman's unborn or caused the termination of the pregnant woman's pregnancy, the court shall impose a mandatory prison term on the offender of at least twelve months.

(d) If the violation of division (A) or (B) of this section is a felony of the third degree, except as otherwise provided in division (D)(6)(e) of this section and notwithstanding the range of prison terms prescribed in section 2929.14 of the Revised Code for a felony of the third degree, the court shall impose a mandatory prison term on the offender of either a definite term of six months or one of the prison terms prescribed in section 2929.14 of the Revised Code for felonies of the third degree.
(e) If the violation of division (A) or (B) of this section is a felony of the third degree and the offender, in committing the violation, caused serious physical harm to the pregnant woman's unborn or caused the termination of the pregnant woman's pregnancy, notwithstanding the range of prison terms prescribed in section 2929.14 of the Revised Code for a felony of the third degree, the court shall impose a mandatory prison term on the offender of either a definite term of one year or one of the prison terms prescribed in section 2929.14 of the Revised Code for felonies of the third degree.

(E) Notwithstanding any provision of law to the contrary, no court or unit of state or local government shall charge any fee, cost, deposit, or money in connection with the filing of charges against a person alleging that the person violated this section or a municipal ordinance substantially similar to this section or in connection with the prosecution of any charges so filed.

(F) As used in this section and sections 2919.251 and 2919.26 of the Revised Code:
(1) "Family or household member" means any of the following:
   (a) Any of the following who is residing or has resided with the offender:
      (i) A spouse, a person living as a spouse, or a former spouse of the offender;
      (ii) A parent, a foster parent, or a child of the offender, or another person related by consanguinity or affinity to the offender;
      (iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the offender.
   (b) The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.
   (2) "Person living as a spouse" means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question.
   (3) "Pregnant woman's unborn" has the same meaning as "such other person's unborn," as set forth in section 2903.09 of the Revised Code, as it relates to the pregnant woman. Division (C) of that section applies regarding the use of the term in this section, except that the second and third sentences of division (C)(1) of that section shall be construed for purposes of this section as if they included a reference to this section in the listing of Revised Code sections they contain.
   (4) "Termination of the pregnant woman's pregnancy" has the same meaning as "unlawful termination of another's pregnancy," as set forth in section 2903.09 of the Revised Code, as it relates to the pregnant woman. Division (C) of that section applies regarding the use of the term in this section, except that the second and third sentences of division (C)(1) of that section shall be construed for purposes of this section as if they included a reference to this section in the listing of Revised Code sections they contain.

Amended by 128th General Assembly File No.50, SB 58, §1, eff. 9/17/2010.
Amended by 128th General Assembly File No.21, HB 10, §1, eff. 6/17/2010.
Effective Date: 11-09-2003; 2008 HB280 04-07-2009

The State of Ohio does not have a Section in the Revised Code specific to Dating Violence. Sections of the Ohio Revised Code that would be relevant to dating violence are; Felonious Assault - 2903.11, Aggravated Assault - 2903.12, Assault – 2903-13, Aggravated Menacing – 2903.21, Menacing – 2903.22, Kidnapping – 2905.01, Abduction – 2905.02, Unlawful Restraint – 2905.03,
Telecommunication Harassment – 2917.21, Disorderly Conduct – 2917.11. Specific language for these sections can be found at the following link: [http://codes.ohio.gov/orc/29](http://codes.ohio.gov/orc/29)

**Ohio Revised Code Definition for Stalking**

2903.211 Menacing by stalking.

(A)

(1) No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or cause mental distress to the other person. 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 mental distress, the other person's belief or mental distress may be based on words or conduct of the offender that are directed at or identify a corporation, association, or other organization that employs the other person or to which the other person belongs.

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

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

(B) Whoever violates this section is guilty of menacing by stalking.

(1) Except as otherwise provided in divisions (B)(2) and (3) of this section, menacing by stalking is a misdemeanor of the first degree.

(2) Menacing by stalking is a felony of the fourth degree if any of the following applies:

(a) The offender previously has been convicted of or pleaded guilty to a violation of this section or a violation of section 2911.211 of the Revised Code.

(b) In committing the offense under division (A)(1), (2), or (3) of this section, the offender made a threat of physical harm to or against the victim, or as a result of an offense committed under division (A)(2) or (3) of this section, a third person induced by the offender's posted message made a threat of physical harm to or against the victim.

(c) In committing the offense under division (A)(1), (2), or (3) of this section, the offender trespassed on the land or premises where the victim lives, is employed, or attends school, or as a result of an offense committed under division (A)(2) or (3) of this section, a third person induced by the offender's posted message trespassed on the land or premises where the victim lives, is employed, or attends school.

(d) The victim of the offense is a minor.

(e) The offender has a history of violence toward the victim or any other person or a history of other violent acts toward the victim or any other person.

(f) While committing the offense under division (A)(1) of this section or a violation of division (A)(3) of this section based on conduct in violation of division (A)(1) of this section, the offender had a deadly weapon on or about the offender's person or under the offender's control. Division (B)(2)(f) of this section does not apply in determining the penalty for a violation of division (A)(2) of this section or a violation of division (A)(3) of this section based on conduct in violation of division (A)(2) of this section.

(g) At the time of the commission of the offense, the offender was the subject of a protection order issued under section 2903.213 or 2903.214 of the Revised Code, regardless of whether the person to be protected under the order is the victim of the offense or another person.
(h) In committing the offense under division (A)(1), (2), or (3) of this section, the offender caused serious physical harm to the premises at which the victim resides, to the real property on which that premises is located, or to any personal property located on that premises, or, as a result of an offense committed under division (A)(2) of this section or an offense committed under division (A)(3) of this section based on a violation of division (A)(2) of this section, a third person induced by the offender's posted message caused serious physical harm to that premises, that real property, or any personal property on that premises.

(i) Prior to committing the offense, the offender had been determined to represent a substantial risk of physical harm to others as manifested by evidence of then-recent homicidal or other violent behavior, evidence of then-recent threats that placed another in reasonable fear of violent behavior and serious physical harm, or other evidence of then-present dangerousness.

(3) If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, menacing by stalking is either a felony of the fifth degree or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, a felony of the fourth degree.

(C) Section 2919.271 of the Revised Code applies in relation to a defendant charged with a violation of this section.

(D) As used in this section:

(1) "Pattern of conduct" means two or more actions or incidents closely related in time, whether or not there has been a prior conviction based on any of those actions or incidents, or two or more actions or incidents closely related in time, whether or not there has been a prior conviction based on any of those actions or incidents, directed at one or more persons employed by or belonging to the same corporation, association, or other organization. Actions or incidents that prevent, obstruct, or delay the performance by a public official, firefighter, rescuer, emergency medical services person, or emergency facility person of any authorized act within the public official's, firefighter's, rescuer's, emergency medical services person's, or emergency facility person's official capacity, or the posting of messages or receipt of information or data through the use of an electronic method of remotely transferring information, including, but not limited to, a computer, computer network, computer program, computer system, or telecommunications device, may constitute a "pattern of conduct."

(2) "Mental distress" means any of the following:

(a) Any mental illness or condition that involves some temporary substantial incapacity;

(b) Any mental illness or condition that would normally require psychiatric treatment, psychological treatment, or other mental health services, whether or not any person requested or received psychiatric treatment, psychological treatment, or other mental health services.

(3) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in section 2133.21 of the Revised Code.

(4) "Emergency facility person" is the singular of "emergency facility personnel" as defined in section 2909.04 of the Revised Code.

(5) "Public official" has the same meaning as in section 2921.01 of the Revised Code.

(6) "Computer," "computer network," "computer program," "computer system," and "telecommunications device" have the same meanings as in section 2913.01 of the Revised Code.
"Post a message" means transferring, sending, posting, publishing, disseminating, or otherwise communicating, or attempting to transfer, send, post, publish, disseminate, or otherwise communicate, any message or information, whether truthful or untruthful, about an individual, and whether done under one's own name, under the name of another, or while impersonating another.

"Third person" means, in relation to conduct as described in division (A)(2) of this section, an individual who is neither the offender nor the victim of the conduct.

"Sexual motivation" has the same meaning as in section 2971.01 of the Revised Code.

"Organization" includes an entity that is a governmental employer.

The state does not need to prove in a prosecution under this section that a person requested or received psychiatric treatment, psychological treatment, or other mental health services in order to show that the person was caused mental distress as described in division (D)(2)(b) of this section.

Division (F)(1) of this section does not apply to a person solely because the person provided access or connection to or from an electronic method of remotely transferring information not under that person's control, including having provided capabilities that are incidental to providing access or connection to or from the electronic method of remotely transferring the information, and that do not include the creation of the content of the material that is the subject of the access or connection. In addition, any person providing access or connection to or from an electronic method of remotely transferring information not under that person's control shall not be liable for any action voluntarily taken in good faith to block the receipt or transmission through its service of any information that it believes is, or will be sent, in violation of this section.

Division (F)(1) of this section does not create an affirmative duty for any person providing access or connection to or from an electronic method of remotely transferring information not under that person's control to block the receipt or transmission through its service of any information that it believes is, or will be sent, in violation of this section except as otherwise provided by law.

Division (F)(1) of this section does not apply to a person who conspires with a person actively involved in the creation or knowing distribution of material in violation of this section or who knowingly advertises the availability of material of that nature.

Amended by 130th General Assembly File No. TBD, HB 129, §1, eff. 9/17/2015.
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