

Ursuline College – 2026 Annual Security Report

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INTRODUCTION

The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, also known as the Clery Act, was passed in 1990. The Act requires that institutions of higher education:

- Publish an annual report that contains three years of campus crime statistics for certain types of crimes (Clery Act crimes) and certain campus security policy statements. This report contains Clery Act crime statistics for calendar years 2023, 2024, and 2025. Disclose statistics for reported Clery Act crimes that occur (1) on campus, (2) in or on non-campus buildings or property owned or controlled by Ursuline College, and (3) on public property within or immediately adjacent to and accessible from the College campus. The statistics are gathered from campus security, local law enforcement, and college employees who have significant responsibility for student and campus activities.
- Provide timely warning notices of certain types of crimes that have occurred on or near campus and pose an ongoing threat to students and staff.
- Disclose in a public crime log any crime that occurred on campus or within the patrol jurisdiction of campus security and is reported to campus security.

Additionally, the Higher Education Opportunity Act of 2008 created new reporting responsibilities regarding fire safety and missing person's policies as well as the reporting of certain types of crimes labeled as hate crimes. The Campus Sexual Violence Elimination Act (SaVE Act) passed in 2013 as part of the Violence Against Women Reauthorization Act (VAWA) also added new requirements, to include:

- Domestic violence, dating violence and stalking to the list of crimes that institutions must include in their Annual Security Report.
- New categories of reportable hate crimes based on bias against gender identity or national origin.
- Policy statements in the Annual Security Report detailing the institution's internal procedures in cases of domestic violence, dating violence and stalking, as well as a description of education and prevention programs aimed at these topics.

This report can be found at <https://www.ursuline.edu/inside-ursuline/consumer-information/campus-security-policies-crime-statistics-and-crime-log>.

The 2026 Annual Fire Safety Report is also available on the Ursuline College website separate from this report. Each year, a pdf copy and a hyperlink to the online Annual Security and Fire Safety Reports are sent to all currently enrolled students, faculty, and staff via an email notification. Copies of the report may also be obtained from the Security Department by calling 440.449.4204 or by emailing the Title IX Coordinator at titleix@gannon.edu. Prospective students and employees will be notified of the availability of these reports.

Each year, the Office of Compliance in consultation with the College Security Department and the Vice President of Student Affairs collaborate to prepare this report in compliance with the Clery Act, and VAWA. This report is compiled using data collected by the College Security

Department, Student Affairs, Compliance, Residence Life, Athletics, and Campus Security Authorities.

URSULINE COLLEGE SECURITY DEPARTMENT

The Security Department at Ursuline College is committed to maintaining a safe and secure environment for the entire Ursuline College community. However, safety and security are everyone's responsibility. By engaging in safety practices, using common sense, and taking advantage of the services offered by the Security Department, you can reduce risks and help to ensure a safe campus environment for everyone.

Ursuline College's Security Department uses a combination of Ursuline College personnel and staff contracted through Xcalibre Protective Services. Security personnel patrol the campus 24 hours a day. The Security Department has the authority to ask persons for identification and to determine whether individuals have lawful business at the College. Ursuline College security personnel do not possess police powers and cannot carry out arrests. However, the Security Department maintains a highly professional and close working relationship with the Pepper Pike Police, who respond promptly to calls from the College. Criminal incidents are referred to the Pepper Pike Police Department who have jurisdiction on the campus. All crime victims and witnesses are strongly encouraged to immediately report crimes to the Pepper Pike Police Department and the Ursuline College Security Department.

The Ursuline College Security Department can be contacted at:

1. Security's campus extension 4204, or
2. Security's outside campus telephone number (440) 449-4204,
3. Security's cellular telephone number 440-221-9025, or
4. Campus blue security telephone.
5. The Safety Security Supervisor can be reached at 440-684-6119.

The Security Department also provides a range of other safety services:

- **24-Hour Campus Escorts:** The Ursuline College Security Department also operates a 24-hour campus escort service. If, at any point, you feel uncomfortable walking from one location on campus to another, please call x4204 or: 440-221-9025 and someone from the Security Department will escort you.
- **24-Hour Vehicle Assistance:** If you have vehicle problems on campus and need assistance, please phone the Security Department at x4204 or: 440-221-9025. We offer 24-hour jump starts for dead batteries as well as air inflations of flat tires.

REPORTING CRIMINAL ACTIONS AND OTHER EMERGENCIES If you believe you have observed or experienced a crime, including those listed in the chart below, please report it. The actions of those who commit crimes may pose a risk to the safety and welfare of both the individual targeted, as well as members of the Ursuline College community. Ursuline College is committed to maintaining an atmosphere in which diversity is appreciated and each member of the College community is respected.

If an emergency occurs on campus, of either a medical or security nature (dealing with destruction of College property, building, intruders, etc.), students should call 911 if using a campus phone and then call the Campus Security Office (extension 4204). There is no need to dial a 9 before 911. If using a cell phone, students should call the Pepper Pike Police Department's emergency line at 216-831-1424 and then Ursuline's Campus Security Office at 440-449-4204. All emergencies will be reported to Security and the Associate Dean of Student Affairs and will be investigated, if appropriate. If there is a situation regarding sexual misconduct please contact the Title IX Coordinator. Phone numbers are listed below.

For your safety and convenience, eight outdoor telephones are located throughout the campus. These blue outdoor phones will connect directly to Campus Security (x4204).

Students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to the Ursuline College Security Department in a timely manner. Students, faculty, staff and guests may also report incidents to those who are considered campus security authorities, which include the Security Department and those who have significant responsibility for student and campus activities. These are listed in the following table.

If you believe you have observed or experienced an incident, report it by contacting one of the following offices, for guidance and support. This information can also be found on the College web site .

Counseling Services.....	440-646-8379
Associate Dean of Students for Student Affairs	440-646-8336
Dean for Student Development and Engagement	814-871-5680
Residence Life	440-646-8334
Human Resources	440-646-8316
Office of Community Engagement and Belonging.....	440-684-6085
UCAP	440-684-6129
Security	4204 or 440-221-9025 (cell)
Title IX Coordinator	814-871-7224

Under Ohio law, persons who have knowledge of a felony (a victim of or witness to the crime) are required to report the crime to the police (Ohio Revised Code § 2921.22). Failure to report a crime may itself be a crime. **The College strongly encourages victims of crime and all witnesses to report criminal activity to the police.**

If you are a victim of a crime and do not want to pursue action with the Ursuline College system or the criminal justice system, you may still want to consider making a confidential report. Reports to the Pepper Pike Police Department are considered public records and are not confidential. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others.

The College psychologist and other licensed professional counselors in the Office of Counseling Services, when acting in their professional capacity, are not considered campus security authorities, and are not required to report crimes for inclusion into the annual disclosure of crime statistics.

Crimes reported to licensed counselors and to clergy are confidential by law. Some off-campus reports may also be legally confidential (for example, clergy). Crimes reported to the above are not included in the annual crime statistics report. As a matter of policy, Ursuline College encourages our College psychologist, licensed professional counselors, and our Director of Campus Ministry to inform persons being counseled of the procedures to report crimes on a voluntary confidential basis for inclusion in the annual crime statistics, if, and when they deem it appropriate.

Ursuline College cannot guarantee or promise confidentiality to persons reporting crimes to individuals or offices that supply crime statistics for this annual report, except as otherwise noted above.

Ursuline College does not have off-campus residences of fraternity and sorority organizations and, thus, no policies related to criminal activity for these types of residences.

TIMELY WARNINGS If a Clery Act crime (See Attachment B) occurs within the College's geography and is reported to the College by a Campus Security Authority (CSA) or to local law enforcement, the College will issue a Timely Warning. Timely warnings will be issued if the crime is considered by the College to represent a serious or ongoing threat to students and employees. Timely Warnings may also be provided to the College community in the event of a non-Clery Act crime that, in the judgment of the Title IX Coordinator, constitutes a serious or continuing threat to the College community and that it would aid in the prevention of similar crimes. A warning will be issued in a timely manner. The warnings are generally written, approved, and distributed by the Title IX Coordinator. Timely Warnings will contain information that promotes safety and aid in preventing similar crimes and will be distributed via Everbridge, email, text, and University Website.

CAMPUS ACCESS POLICY

During normal business and class hours, the College (excluding residence halls) will be open to students, parents, employees, contractors, guests, and invitees. Outside of the below listed hours, access to all College facilities (excluding residence halls) is by key, if issued, or by admittance via the Security Department or Residence Life staff.

Security Department Building Schedule: The following schedule provides the approximate times for clearing faculty, staff and students from buildings prior to locking the exterior doors. The schedule indicates the order of closing for each time.

Weekday Schedule - Monday to Friday

Building	Times
Mullen	7:00 AM to 11:30 PM
Dauby	6:30 AM to 11:30 PM
Stano Athletic Center	7:00 AM to 11:30 PM 7:00 AM to 10:00 PM (fitness center only)
Pilla (including Dining Center)	7:00 AM to Midnight
Besse Library	7:30 AM to 11:00 PM (5:00 PM on Friday)
Parker Hannifin Center	7:00 AM to 11:30 PM

Please note that the Besse Library begins their closing procedure 20 minutes prior to the time indicated. Library computer systems are shut down 10 minutes prior to closing. Checkout of library material is not available after computer system shut down.

Weekend Schedule

(Schedule is adjusted on weekends as needed for scheduled classes, activities, and finals week)

Saturday Schedule

Building	Times
Mullen	7:00 AM to 11:00 PM
Dauby	7:00 AM to 11:00 PM
Stano Athletic Center	7:00 AM to 11:00 PM 9:00 AM to 6:00 PM (fitness center only)
Pilla (including Dining Center)	7:00 AM to Midnight
Besse Library	10:00 AM to 6:00 PM
Parker Hannifin Center	7:00 AM to 11:00 PM

Sunday Schedule

Building	Times
Mullen (exterior doors and computer labs)	1:00 PM to 11:00 PM
Dauby	1:00 PM to 11:00 PM
Stano Athletic Center	10:00 AM to 11:00 PM 9:00 AM to 6:00 PM (fitness center only)
Besse Library	1:00 PM to 11:00 PM
Parker Hannifin Center	1:00 PM to 11:00 PM
Pilla	7:00 AM to Midnight

The Ursuline College website contains the most updated and relevant hours of operation for specific building schedules.

Residence Halls

The residence halls allow 24/7 access to students living in on-campus housing. Each resident's student ID is programmed to allow entry into the buildings. Guests/visitors, including family members, are permitted in the residence halls when escorted by a resident student. The hosting resident must sign in all guests/visitors by scanning the QR code posted in the residence halls. Guest/visitor visitation hours are 12pm – 12am, Sunday through Thursday, and 12pm – 2am, Fridays and Saturdays. Residents are cautioned against allowing entry to strangers or any

unauthorized persons into the residence halls. Residence Halls are secured 24 hours a day. Resident access to the halls is disabled during extended break periods unless break access is requested and confirmed through Housing & Residence Life.

- Visitor & Overnight Guest Policy Resident students may invite a guest into the halls between the hours of 10am – 11:59pm Sunday – Thursday, and between 10am – 2am Friday and Saturday. Overnight visitation is permitted, with the consent of the roommate/suitemate(s).
- Residents may host an overnight guest of the same sex on any night of the week. Overnight guests of the opposite sex may only spend the night on Friday and Saturday nights.
- Resident students with a roommate or suitemate(s) must have the express permission of their roommate/suitemate(s) when hosting an overnight guest.
- A “guest” or “visitor” is defined herein as any individual that is not a current Ursuline resident student. Commuter students are considered “guests” or “visitors”.
- Residents must sign-in their visitor using the Resident Guest Sign-In form by scanning the QR Code or clicking the link: [Resident Guest Sign-In \(2026-27\) – Fill out form](#)

General Guidelines

- All visitors/guests of an Ursuline College resident must be escorted by the resident throughout the residence hall from the time of entry to the time of exit; this includes being escorted to bathrooms, lounges, and all other areas of the residence hall. Guests may not be left alone in a residence hall room or suite.
- All residents must reach a common agreement with their roommates/suitemates prior to hosting a visitor or overnight guest.
- Reasonable privacy takes precedence over the privilege of entertaining a visitor/guest.

Maintenance of Campus Facilities

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. The Security Department regularly patrols the campus and reports malfunctioning lights and other unsafe conditions to the Maintenance and Facilities Department for correction. The Security Department does continuous lighting surveys and sends a report to the Maintenance and Facilities Department to address new lighting concerns in addition to lights that are malfunctioning. It is helpful when other members of the Ursuline College community report equipment problems to the Security Department or the Maintenance and Facilities Department.

TRAINING, PREVENTION AND EDUCATION

Education and Programming

Ursuline College offers regular primary prevention programs and ongoing education and awareness programs for all students and employees. The purpose of the programming is to increase the overall awareness of the College’s policies, specifically by providing information to

participants that the college prohibits dating violence, domestic violence, sexual assault, and stalking. The training highlights the definitions of prohibited conduct, policy procedures, including the process the college follows when prohibited conduct is reported and the rights of those individuals during college proceedings. Additional, information is provided on supportive measures, bystander intervention, and promote ongoing education related to sexual harassment prevention.

Title IX and Discrimination Prevention

The Title IX Coordinator provides Title IX related programming throughout the year for faculty, staff, and students. This programming includes information about sexual harassment prevention and response, sexual assault, dating violence, domestic violence, stalking, consent, bystander intervention, and trauma-informed referrals.

Additionally, the Title IX Coordinator provides information to faculty, staff, and students, on the College's Title IX Sexual Harassment Policy, its Harassment and Discrimination Policy, campus resources, and reporting requirements. Throughout the year, the Title IX Coordinator updates faculty, staff, and students about new developments (e.g., gender neutral language, gender inclusive restrooms, cyber-stalking, pregnancy modifications, etc.) The Title IX Coordinator also provides training to the College's civil rights investigators, hearing deciders, advisors, deputy Title IX coordinators, and mediators. Some of the training is provided in-house. Other training is provided by the law firm of Bricker and Graydon, the Ohio Department of Higher Education, and other outside providers.

Risk Reduction

Ursuline College requires that all incoming students and employees successfully complete an online training course/program on the awareness and prevention of sexual harassment, sexual assault, stalking, and domestic and dating violence. The on-line training course/program is currently provided through an outside vendor (Vector Solutions) and addresses the following:

- Definitions of consent, sexual harassment, sexual assault, domestic violence, dating violence, and stalking, under the College's policies and applicable laws.
- Safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is risk of domestic violence, dating violence, sexual assault, or stalking against a person.
- Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks, among other topics.

All students and employees are provided with refresher training and programming, throughout the year on the awareness and prevention of sexual assault, stalking, and domestic and dating violence.

Each year, faculty, staff, and students are provided prevention, response, and bystander intervention training.¹

Ongoing Awareness and Prevention Campaign

Ursuline College offers many educational awareness and prevention training, including virtual in-house and external training with outside providers. A representative sample of the primary programming efforts includes:

- During Resident Assistant (RA) Orientation the Associate Dean of Students provided Title IX training to the resident assistants. The College community was offered virtual trauma-informed training, through an outside provider. Additionally, information from the Cleveland Rape Crisis Center about trauma informed communications was provided by the Title IX Coordinator at tabling events and via emails.
- One of the College's social work professors trained the Title IX team on domestic violence.
- Each year the Title IX Coordinator offers training in sexual assault prevention and response, bystander intervention, and trauma-informed referrals to faculty, staff, and students.
- The College offered in-depth Bystander Intervention Training each year to faculty, staff and students. Additionally, the College's Title IX Sexual Harassment updates included information and scenarios concerning trauma-informed communications and bystander intervention.
- The Title IX Office participated in tabling events at student orientations, the College's Resource Fair, Welcome Week, and Women's Equality Day. At Orientation, students received a flyer prepared by the Title IX Office entitled "Know Your Rights – Know Your Resources". This flyer informed students of on-campus and off-campus resources. It also describes the differences between the Title IX Coordinator (a nonconfidential resource) and the confidential on-campus. An updated version of this flyer is shared with all faculty, staff, and students yearly.
- The College created a new anti-hazing policy in compliance with Ohio law prohibiting hazing. The College also contracted with its current online provider, Vector Solutions, to offer mandatory hazing training, in compliance with the State of Ohio's new anti-hazing law ("Collins Law").
- Each year, during National Sexual Assault Awareness Month in April, the Women's Center messages about resources and bystander training opportunities from the Cleveland Rape Crisis Center.

¹ The Title IX Coordinator and individuals designated to serve as investigators and appeal panelists under Ursuline College's Harassment and Discrimination and Title IX Sexual Harassment Policies also receive additional training and education, on an annual basis regarding these policies, and are trained on how to conduct proper investigations and appeals in a prompt, thorough, and impartial manner. Training is conducted by the College's Director of Compliance, and by other properly licensed and trained professionals such as Bricker Graydon, Husch Blackwell, Littler Mendelson P.C, the National Association of College and University Attorneys (NACUA), ATIXA, and the Ohio Department of Higher Education (ODHE). Each year, the College's civil rights investigators, deciders, and advisors receive training in their respective roles through outside providers and through the Title IX Coordinator.

- The College also collaborates across departments yearly to present resource fairs, inviting local community organizations, such as CRCC, Jewish Family Services, Recovery Resources, and others, to increase awareness of resources outside of the College.
- Throughout the year, the Title IX Coordinator provides education about the College's policies, in short informational emails, often connected to monthly awareness events. For example, the Coordinator has provided information about dating and domestic violence and stalking, in that manner, always circling back to how the College's policies help students, faculty, and staff.
- During National Sexual Assault Awareness Month in April the Women's Center messaged about resources and bystander training opportunities from the Cleveland Rape Crisis Center. This was also promoted via flyers around campus and on social media to the Ursuline College community. Current student leaders and incoming new freshmen were reminded of the College's Title IX Sexual Harassment Policy and resources. Formal training for Orientation Leaders was provided in collaboration with Residence Life, and takeaway handouts were provided for all.
- Student Affairs also presents yearly trainings on alcohol and drug abuse and suicide prevention, including suicide prevention information from Recovery Resources; information provided in Arrows Weekly; and distribution of the College's drug and alcohol policies to all students in the back-to-school letters from Student Affairs. Student Affairs also raises awareness of drug and alcohol abuse, via bulletin boards in the residence halls.
- Each year, the College requires new faculty, staff, and students to take Vector Solutions' online Sexual Assault Prevention program and hazing prevention. Additionally, new students complete an alcohol prevention module. Each year, the Women's Center uses tabling, fliers, and bulletin boards to create awareness of domestic violence and provide resources.

Each year, the Residence Life Team conducts in-person hazing education and information as well as training on the College's anti-hazing policies.

Professional Development Training

The Title IX Coordinator and other Ursuline employees participate in training throughout the year to broaden their knowledge for use in their roles as well as to gather information to share across campus. The following trainings are a sample of what the Title IX Coordinator and other Ursuline employees completed in 2025.

- January 2, 2025. Bricker Graydon. Title VI and OCR Resolution Update for Higher Ed
- January 7, 2025. EEOC webinar: ADA & Accommodations: What Employers Need to Know
- January 14, 2025. EEOC Webinar: ADA Accommodations
- January 14, 2025. EEOC Webinar: EEOC Protections for Working Mothers
- January 16, 2025. Compliance Briefing: Ohio Bathroom Bill (SB 104); BrickerGraydon
- February 25, 2025. OPCS MH February 2025 Webinar: Finding My Healing Lens. Brandon Bond, MPH, LLLMSW, CHES, Active Minds. Throughout this session, you'll delve into the complexities of mental health challenges and identity, exploring opportunities for fostering empathy and building inclusivity within our support networks.

- February 28, 2025. ASACCU 2024 SSAO Virtual Roundtable Discussion to discuss the recent Executive Orders and the Department of Education's Dear Colleague Letter. This roundtable is a confidential and collaborative space for SSAOs at Catholic Colleges and Universities to engage in meaningful dialogue around how these developments impact our institutions,
- April 2, 2025. Navigating Belonging in Higher Ed Amid Challenging Contexts. Navigating Belonging in Higher Ed Amid Challenging Contexts.
- April 25, 2025. Complying with the Stop Campus Hazing Act; Bricker Graydon
- May 2025. ODHE Benchmarks Safety Survey. Ursuline College participates in an online survey offered by the Ohio Department of Higher Education (ODHE), to assess campus safety related to sexual assault, dating violence, domestic violence and stalking. Responses go directly to the ODHE and are completely anonymous. This ten-minute survey gives us important information about safety on campus and helps us to assess future training needs. ODHE provides us with feedback in the form of anonymized data and compares Ursuline College with other colleges in Ohio, particularly private, religious colleges.
- July 15, 2025. Federal Update – Higher Ed; Bricker Graydon. This latest session in our Federal Update webinar series is designed to provide timely updates to institutions of higher education to help you prepare for and comply with the various Executive Orders, guidance documents, court orders, and other federal documents that are affecting our campus communities.
- July 17, 2025. Drafting Your 2025 Annual Security Report and Other Clery Compliance Matters. What's New, What's Stayed the Same, and How to Improve Compliance.
- October 2025. 3rd OPCSMH Campus Safety & Suicide Prevention Symposium: Beyond the Game: Teaming Up for Suicide Prevention this Fall in October 2025! Attendees can look forward to hearing from content experts in suicide prevention and collegiate athlete mental health.

ALCOHOL POLICY²

Alcohol and Drug Education

The College is committed to student wellness and delivers awareness and prevention programming. The offices of Residence Life, Counseling Services, Athletics, and Compliance/Title IX offer such education throughout the school year for the campus. The College has partnered with Vector Solutions to provide a variety of online training modules centered upon awareness and prevention. Every student entering Ursuline College is assigned an alcohol prevention course. The Vector Solutions modules also contain surveys, providing the College with information regarding changing needs on campus. Programming is also part of Residence Life training and new student orientation. Presentations are made within the residence halls, to student athletes and to all of campus(students/faculty/staff). Student Affairs provides

² The Ursuline College Alcohol Policy and Drug Policy was updated on September 12, 2024.

alcohol, tobacco, and other drug programs for the College community upon request, and services and programs are provided at no charge.

Ursuline College exists in a state which regulates the consumption of alcoholic beverages. Under state law one must be 21 years of age to purchase or consume liquor, wine, wine coolers, liqueur, beer, or other alcoholic beverages. State of Ohio law also prohibits the carrying of an open container of any alcoholic beverage on the street or in a motor vehicle. Criminal penalties range from fines to imprisonment depending on the nature and seriousness of the offense. Ursuline College policy will be in accord with state law and with local ordinances regarding the purchases and consumption of alcoholic beverages.

The policy recognizes that alcohol abuse leads to a variety of physical and/or emotional problems. These effects may be significant or even fatal. As a college whose primary mission is the education of women, Ursuline College is also concerned that men and women understand that using alcohol while pregnant may cause damage to a fetus. The College also exists within the context of Christian concern for the physical, mental, and spiritual welfare of all human beings and a value system which respects both the rights of the individual and the needs and rights of the community.

The College seeks to provide an educational setting where all members of the College community learn the freedom of individual choice and the responsibility that such choice entails. Ursuline College policy regarding the use of alcohol will show concern for the physical and emotional health of individuals and for the social and educational environment of the community. The College expects responsible behavior from those who choose to drink alcohol and are of legal age to do so, and the College requires an environment free from coercion for those who choose not to drink. Within this context, the following comprise the Ursuline College policy on the use of alcohol:³

- No person's underage shall consume, purchase, or be served any alcoholic beverage.
- No alcoholic beverage is permitted in the student residence hall rooms.
- Alcoholic beverages are prohibited in residence hall public areas and in the buildings of the College except with approval.
- Registered parties and events on campus with alcohol will be permitted only with procedures established in accord with this policy.
- College-sponsored events held off campus will be on a cash bar basis unless specifically approved by the Associate Dean of Students.
- The College will provide alcohol awareness education programming and counseling opportunities for those who seek and/or would benefit from such counseling.
- The College provides alcohol education for every faculty, staff, and student through Vector which also educates around sexual assault and bystander training.

Alcohol and Drug Policy with Regard to FERPA

³ The Ursuline College Student Handbook prohibits the "possession, use, distribution, or sale of any controlled substance, illegal drug, or drug paraphernalia" and "violations" of the Alcohol Policy and Drug Policy. Further, the Handbook specifies prohibited behaviors related to "Alcohol Use."

The Family Educational Rights and Privacy Act (FERPA) permits institutions to directly contact parents or legal guardians of students under the age of 21 who are found responsible for violating institution policies on the use or possession of alcohol or controlled substances. After lengthy discussion and review, we concluded that College staff from the Associate Dean for Student Affairs Office will notify parents or guardians of a student when that student is found responsible for the use, sale, or possession of controlled substances (illegal drugs) within the community. We will also notify parents or guardians of a student when that student is found to have violated the Student Code of Conduct policies on the use and possession of alcohol when they are under the age of 21 **and one or more of the following occurs:**

- When a student has been found to have violated the alcohol policy a second time.
- When there is significant property damage.
- When medical attention to any person, including the student, is required as a result of the student's alcohol-related behavior.
- When the student demonstrates reckless disregard for his or her own personal safety or the safety of others; or
- There is evidence that the student's alcohol-related behavior negatively impacted the learning environment.

Drug Policy

Ursuline College upholds the applicable drug laws that relate to controlled substances and prohibits the use, possession, sale, and distribution of illegal drugs by students, guests, faculty, and staff. Possession, use, distribution, or sale of any controlled substance or illegal drug is subject to administrative action when engaged in on campus, at an off-campus educational site, or at college-sponsored activities.

Registered Party Procedures (All-campus parties)

An all-campus party is defined as a party sponsored by an Ursuline College student organization and open to all Ursuline Students and their guests. Following the appropriate procedures, beer may be served at all-campus parties to those persons of legal age who choose to partake.

All-campus parties must be registered with the Sr. Coordinator of Student Engagement and Orientation. They may be held on Friday from 4 p.m. - 1 a.m. or Saturdays from noon to 1 a.m. in either Pilla or the Grace Hall first floor lounge. Attendance at the party is limited to the capacity of the room as established by the fire marshal. Beer is the only alcoholic beverage that may be served and must be sold under an F class permit from the State of Ohio. The serving of beer must end one-half hour prior to the end of the party.

Parties must be registered and approved by the Office of Student Activities no later than two weeks prior to the scheduled event. Prior to the Sr. Coordinator's approval, the sponsoring organization must have received clearance to use the desired room from the appropriate administrator, have received the approval to sponsor the party from the organization's adviser, and have requested an F class permit from the State of Ohio (the cost ranges from \$120- 300

depending on what type of permit is being requested). There is also a \$20 filing fee. In addition to obtaining an F class permit, the terms of our insurance coverage require the submission of the appropriate permit to the Diocesan Insurance Service Corporation and the payment of a charge of \$100 per event. The permit will be requested by the Sr. Coordinator of Student Engagement and Orientation. The College also requires that security be present at all-campus parties. Security will be arranged through the Sr, Coordinator of Student Engagement and Orientation in conjunction with the Security Supervisor. All costs involved for the permits, insurance, and security will be paid by the sponsoring organization.

Registered party forms and forms requesting an F class permit are available from the Student Activities Office.

At registered parties the following procedures must be followed by the sponsoring organization:

- The sponsoring organization is responsible for carding everyone who enters the party. Ursuline students must show a current Ursuline I.D. and/or valid driver's license and have that checked against a current student roster. Guests must show a valid driver's license (or birth certificate) and must sign a guest register. Those persons of age to drink will receive a wristband.
- Beer will be served only to those people wearing wristbands. Giving your wristband to another or giving beer to an underage person is illegal and will result in immediate expulsion from the party of all involved in the incident and may result in further judicial action. It is also illegal to serve any person who is obviously intoxicated. Ursuline students are responsible for the conduct of their guests.
- Any person serving beer must be of legal drinking age.
- Food and sufficient non-alcoholic beverages must be available at the party, provided by the sponsoring organization.
- The sponsoring organization is responsible for cleanup and for any damages occurring at the party.
- The sponsoring organization shall be held responsible for abuse of these party procedures. In the event of a judicial hearing, the president of the organization shall represent the group.
- Other events on campus involving the consumption of alcohol may occur with the specific approval of the President of the College

Local, State, Federal Laws Regarding Alcohol and Other Drugs⁴

⁴ This information is provided for general educational purposes and should not be substituted for specific legal advice.

Under local, state, and federal laws, it is a crime to do any of the following:

Underage Drinking

1. Purchase, order, pay for, or share the cost of alcohol if you are under 21.
2. Possess alcohol if you are under 21.
3. Consume alcohol if you are under 21, unless it is provided by and consumed in the presence of your parent, legal guardian, or adult spouse who is 21 or older.
4. Sell alcohol to, buy alcohol for, or furnish alcohol to anyone under 21.
5. Allow anyone under 21 who possesses or consumes alcohol to remain in your home, apartment, or residence hall room, or in other property that you own or occupy unless alcohol is given by and consumed in the presence of the underage person's parent, legal guardian, or adult spouse.

False Identification

1. Show or give false information about your name, age, or other identification to purchase or obtain alcohol if you are under 21.
2. Provide false information about the name, age or other identification of another person under 21 to purchase or obtain alcohol for that person.

Open Containers

1. Have an open container of alcohol in your possession in any unlicensed public place.
2. Have an open container of alcohol in your possession while driving or riding in or on a motor vehicle.
3. Have an open container of alcohol in your possession while in or on a motor vehicle that is parked in or on a highway, street, or other place open to the public for parking.
4. Open containers are not allowed at any Ohio State tailgating events.

Transportation

1. Operate a vehicle under the influence. If you are under 21, you are considered to be operating a vehicle under the influence if your blood alcohol level is .02 or higher and 0.08 at age 21. Refusing an alcohol test results in an immediate administrative license suspension.
2. Consume alcohol while in a motor vehicle.
3. Drive while under the influence of alcohol.
4. Be in physical control of a vehicle while drinking or under the influence of alcohol.

Disorderly Conduct

1. Engage in conduct likely to be offensive or cause inconvenience, annoyance, or alarm to others or that poses a risk of physical harm to yourself, to others, or to property while you are voluntarily intoxicated.

Alcohol Sales

1. Hold an event where alcohol is sold, or an event where alcohol is provided without charge but there is an entrance fee, cover charge, or other fee, without an appropriate permit. Information on how to obtain a temporary liquor permit is available from the Ohio Division of Liquor Control.

Illicit Drugs

1. Sell or offer to sell any controlled substance, or prepare or package any controlled substance for sale.
2. Distribute any controlled substance, unless authorized to do so by law.
3. Knowingly obtain, possess, or use a controlled substance without a prescription.

State of Ohio Alcohol and Drug Law Criminal Sanctions⁵

Underage drinking:

Ohio Revised Code (O.R.C.) 4301.63 provides that no person under the age of 21 shall purchase beer or intoxicating liquor. Penalty for violation: Violation of O.R.C. 4301.63 will result in a fine of not less than \$25 but not more than \$100. The court may order that the fine be paid by the performance of public work at a reasonable hourly rate established by the court and may specify the designated time in which the public work shall be completed.

False identification used to purchase alcohol for someone under 21:

O.R.C. 4301.633 provides that no person shall knowingly furnish any false information as to the name, age, or other identification of any person under 21 years of age for the purpose of obtaining or with the intent to obtain, beer or intoxicating liquor for a person under 21 years of age, by purchase, or as a gift. Penalty for violation: Violation of O.R.C. 4301.633 is a misdemeanor of the first degree. The maximum penalty is imprisonment for not more than six months and a fine not more than \$1,000.

False identification used to purchase alcohol by someone under 21:

O.R.C. 4301.634 provides that no person under the age of 21 years shall knowingly show or give false information concerning the same person's name, age, or other identification for the purpose of purchasing or otherwise obtaining beer or intoxicating liquor in any place in this state where beer or intoxicating liquor is sold under a permit issued by the division of liquor control or sold by the division. Penalty for violation: Violation of O.R.C. 4301.634 is a misdemeanor of the first degree, punishable by up to six months imprisonment and fines up to \$1,000. If a false or altered state identification card was used in commission of a violation of O.R.C. 4301.634, the punishment is a first degree misdemeanor with a fine of not less than \$250 but not more than \$1,000 and up to six months imprisonment.

Open container in a motor vehicle:

O.R.C. 4301.64 prohibits the consumption of beer or intoxicating liquor in a motor vehicle. Penalty for violation: Violation of O.R.C. 4301.64 is a misdemeanor of the fourth degree punishable by up to 30 days in jail and a fine up to \$250.

⁵ A complete list of Ohio drug prohibitions can be found in Chapter 2925 of the Ohio Revised Code.

Furnishing or selling alcohol to someone under 21:

O.R.C. 4301.69(A) prohibits any person from selling or furnishing beer or intoxicating liquor to an person under 21 years of age, or buying it for any person under the age of 21. Penalty for violation: Violation of O.R.C. 4301.69(A) is a misdemeanor punishable by a fine of at least \$500 but not more than \$1,000, and up to six months imprisonment.

Underage purchase, possession or consumption of alcohol: O.R.C. 4301.69(E) provides that no underage person shall knowingly order, pay for, share the cost of, attempt to purchase, possess, or consume any beer or intoxicating liquor in any public or private place or knowingly be under the influence of any beer or intoxicating liquor unless he or she is accompanied by a parent, spouse, or legal guardian who is not an underage person, or unless the beer or intoxicating liquor is given for religious purposes or by a physician for medical purposes. Penalty for violation: Violation of O.R.C. 4301.69(E) is a misdemeanor of the first degree. The maximum penalty is imprisonment for not more than six months and a fine up to \$1,000.

Driving while intoxicated:

O.R.C. 4511.19 prohibits any person from driving a motor vehicle while under the influence of alcohol or drugs. Penalty for violation: A violation of O.R.C. Section 4511.19 is a misdemeanor of the first degree, the maximum penalty for which is a jail term of up to six months and a fine up to \$1,000. The court may also impose additional fines, community rehabilitation or intervention programs, and suspend or revoke the offender's driver's license. Additional penalties exist for repeat offenders of O.R.C. 4511.19.

Selling or distributing illicit drugs:

O.R.C. 2925.03 prohibits any person from selling or offering to sell any controlled substance, preparing or packaging any controlled substance for sale, or distributing any controlled substances. Penalty for violation: Anyone who violates this statute is guilty of drug trafficking. Violation of this statute is a felony, the level of which depends on the specific criteria set forth in O.R.C. 2925.03(C), including type and weight of drug. The minimum penalty for a fifth degree felony can include six to 12 months in jail and/or a fine up to \$2,500. The maximum penalty for a first degree felony can include imprisonment up to 10 years and a fine up to \$20,000.

Possessing or using illicit drugs:

O.R.C. 2925.11 prohibits any person from knowingly obtaining, possessing, or using a controlled substance. Penalty for violation: Violation of O.R.C. 2925.11 is drug abuse, which may be a misdemeanor or a felony depending on the specific criteria set forth in O.R.C. 2925.11(C), including type and weight of drug. The minimum penalty, a fourth degree misdemeanor, is punishable by imprisonment of up to 30 days and a fine up to \$250. The maximum penalty, a first degree felony, is punishable by up to 10 years in prison and a fine up to \$20,000.

Federal Drug Laws⁶

1. Federal law prohibits the trafficking and illegal possession of controlled substances as outlined in 21 United States Code, Sections 841 and 843 Depending on the amount possessed, first offense

⁶ For the most current and complete information regarding Federal penalties for drug trafficking, visit

maximum penalties for trafficking marijuana range from five years' imprisonment with a \$250,000 fine to imprisonment for life with a \$10 million fine for an individual, and from five years imprisonment with a \$1 million fine to imprisonment for life with a \$50 million fine if not an individual. Also depending on the amount possessed, first offense maximum penalties for trafficking Class I and Class II controlled substances (methamphetamine, heroin, cocaine, cocaine base, PCP, LSD, fentanyl analogue) range from five years' imprisonment with a \$5 million fine to imprisonment for life with a \$10 million fine for an individual, and from five years' imprisonment with a \$25 million fine to imprisonment for life with a \$50 million fine if not an individual. First offense penalties for simple possession, 21 USC §844, range from at most one years' imprisonment or at least a \$1,000, fine or both; to at most 20 years' imprisonment and a fine of at least a \$1,000.

SEXUAL OFFENDER INFORMATION

In accordance with the “Campus Sex Crimes Prevention Act” of 2000, which amends the Jacob Wetterling Crimes Act against Children and Sexually Violent Offender Registration Act, and the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, Ursuline College is providing a link to the Cuyahoga County Sex Offender Registry. These laws require institutions of higher education to issue a statement advising the campus community about the location of law enforcement information, provided by the State of Ohio, concerning registered sex offenders. Sex offenders registered in the State of Ohio must provide notice of their sex offender status to each institution of higher education in that State, at which the person is employed, carries a vocation, or is a student. Ursuline College’s notification will be through the City of Pepper Pike Police Department. The Cuyahoga County Sheriff is responsible for maintaining this registry. Follow this link to access the Cuyahoga County sex offender website: [Cuyahoga County OH Sheriff's Office- Contact](#) . You can also search the Department of Justice’s National Sex Offender Public Website at [Home | Dru Sjodin National Sex Offender Public Website](#)

MISSING PERSONS RESPONSE PROTOCOL (HEA Title IV, Section 485 (j))

It shall be the policy of Ursuline College to thoroughly investigate reports or complaints of all persons missing from the Ursuline College community. To this end, it is our mission, upon receipt of a report or complaint, to obtain the basic facts as to who, what, when, where, and how regarding the circumstances of the missing person, a brief description of the victim, suspect, and any vehicles that were involved. The complaint would then be assigned to Campus Security and members of the Student Affairs staff for immediate follow-up. Either Campus Security or a member of the Student Affairs staff will contact the Pepper Pike Police so that they can conduct a search of police records regarding the complainant, victim, and suspect(s). Ursuline College Security will (depending upon the circumstances) prepare a Safety and Security Notice regarding the incident to alert the community. Security staff will ensure that the notice is posted on campus. The Safety and Security Notice will be posted in residential communities, at the

entrances of the main campus buildings, and in those places where students, faculty, and staff most frequent on the campus (i.e., cafeterias, bookstores, and student/staff lounges).

Missing persons should be reported to the following Ursuline College personnel:

- Associate Dean of Students: 440-646-8336
- Director of Residence Life: 440-646-8334
- Resident Assistant (On-duty 5 pm - 8:30 am): 440-221-2814 (cell phone)
- Security: 4204 (direct) or cell: 440-221-9025

During an investigation of a missing person, the College takes direction from our local law enforcement. Law enforcement is responsible for verifying the accuracy of the report or complaint information, which includes the description of the victim and the circumstances at the time of disappearance.

The College gives students the option to provide confidential contact information for a person to be notified in the event the student is officially reported missing. For any student under the age of 18 years of age and not emancipated, the custodial parent or guardian must be notified within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

If Campus Security officials and/or local law enforcement determine that a student for whom a missing person's report has been filed has been missing for more than 24 hours, then within the next 24 hours the College will:

- Notify the individual identified by the student to be contacted in this circumstance;
- Notify a parent or guardian if the student is under 18 years of age and not emancipated; and
- Notify all other appropriate law enforcement officials in situations where the student is over 18 years of age and has not identified a person to be contacted.

“Suzanne’s Law” was signed into law by President George W. Bush in the spring of 2003 as part of the national “Amber Alert” bill and requires local police to notify the National Crime Information Center (NCIC) when someone between 18 and 21 is reported missing. The federal law is named after Suzanne Lyall, a State University of New York at Albany student who went missing in 1998. Previously, law enforcement officers were only required to report missing persons under the age of 18. This law requires police to begin investigation immediately when college-age persons are reported missing. Upon closure of the investigation, all parties previously contacted will be advised of the status of the case. If an individual needs to report a person missing from the Ursuline College campus, please contact Ursuline College Security at (440) 449-4204 or 4204 from a campus phone.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

The Ursuline College Emergency Operations Plan was established to facilitate an effective response to emergency situations, or events, that impact the campus community. The plan addresses preparedness, response, and recovery for emergency situations that have an impact on the campus community. The plan is reviewed and exercised at least once a year through tabletop exercises, functional, or a full exercise.

Fire/evacuation drills of the residence hall and academic buildings are conducted annually. Residents and their guests must evacuate the building each time a fire alarm sounds. Failure to evacuate the building will result in judicial action.

Fire evacuation information is posted on the back of residence hall doors (Grace and Murphy) and posted next to the entryway door in every suite in Smith Hall. Information on fire alarm procedures is provided to each resident in the fire evacuation information posted in the residence hall as described above. A fire alarm sound in any campus building demands an immediate response. All occupants must leave the building and are expected to participate and cooperate with emergency personnel. Do not use the elevators. Grace Residence Hall evacuates to the island in the Grace Residence Hall Parking Lot. Murphy Residence Hall evacuates to the Grace Residence Hall Parking Lot or Soccer Field. Smith Residence Hall evacuates to the Soccer Field.

Subsequently, the College's annual notification of completion of a review of the safety and emergency procedures is sent yearly to faculty, staff, and students. Fire/evacuation drills are also performed in all non-residence buildings (Mullen, Besse, Dauby, Stano, Parker, and Pilla). Exercises may also be coordinated with City of Pepper Pike emergency response exercises since the City will assume command if called to the campus during an emergency. At least one test per year will be used to fulfill the requirements of the HEOA. Documentation on the emergency test (including the description of the exercise, the date and time of the test, and whether it was announced or unannounced) will be kept for seven years. General information about the emergency response and evacuation procedures for Ursuline College are publicized each year as part of the Clery Act compliance efforts and that information is available on the Ursuline College website.

All members of the Ursuline College community are notified on an annual basis that they are required to report to the Ursuline College Security Department and the Title IX Coordinator any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus. Ursuline College will work to respond to, mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation on campus. In addition, Ursuline College works with the City of Pepper Pike Police Department to determine if the situation does in fact pose a threat to the College community and to develop the proper response.

Unless notification would compromise efforts to contain a threat or an emergency, or unless instructed by local law enforcement, Ursuline College will employ all available means of communication to notify the campus community of an immediate threat or dangerous situation. Notification will be issued without delay once an emergency has been confirmed and local law enforcement has been contacted and consulted. A determination of what information will be released regarding a specific situation will be made on a case-by-case basis depending on the emergency. The information will be distributed by electronic mail, on the College's website and via the College's text messaging emergency alert system, called URS Alert. This information may also be posted in public areas of the campus.

After reviewing the threat to the campus community, the Ursuline College Incident Commander, City of Pepper Pike Safety Services, or Ursuline College Security may issue an order to evacuate the campus. Ursuline College works closely and in coordination with the City of Pepper Pike Emergency Services. Confirmation of a significant emergency will be made as a part of the emergency operations plan and in conjunction with City of Pepper Pike Safety Services and Ursuline College Security. In the event of a regional emergency, an Ursuline College representative may be dispatched to the Cuyahoga County Emergency Operations Center so that proper communication channels are established. Communications will be coordinated by Ursuline College's Incident Command (see "timely warnings" for methods of communication). Evacuation procedures will vary depending on the scope of the emergency (i.e., partial (segmented), or full evacuation). If an incident occurs outdoors or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. You may need to Shelter-in-Place, which is to make a shelter of the building in which you are located.

Ursuline College provides emergency information for the campus community in the Emergency Planning Quick Reference Guide. The purpose of this guide is to provide information in a brief and concise format to assist in responding to a variety of emergencies. Each type of emergency described within this reference guide discusses the appropriate response to a specific emergency. The following emergencies are contained in the guide.

- Blood Borne Pathogens & Other Bodily Fluids
- Bomb Threat & Suspicious Objects
- Chemical Spill & Other Hazardous Materials Incident
- Criminal Incidents – Hostile Intruder/Active Shooter
- Evacuation & Campus Closings
- Fire & Explosions
- Flooding & Other Water Problems
- Medical Emergencies & Pandemics
- Power Outage and Other Utility Failure
- Severe Weather – Tornado & Earthquake
- Sexual Assault
- Workplace Violence

Student, faculty, and staff are instructed to report all emergencies to Security by calling:

1. Security's campus extension 4204, or
2. Security's outside campus telephone number 440-449-4204, or
3. Security's cellular telephone number 440-221-9025.

TITLE IX, SEXUAL MISCONDUCT, SEX-BASED HARASSMENT, AND SEX DISCRIMINATION

This section reflects the approved Title IX policy that governs all Gannon University campus locations, including the Ursuline Campus.

Gannon University, including the Ursuline campus prohibit sex discrimination, sex-based harassment, sexual misconduct, sexual violence, sexual exploitation, dating violence, domestic violence, stalking, retaliation, and other conduct prohibited by Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act, the Violence Against Women Act, the Clery Act and the Campus Save Act as well as applicable state laws

All students, faculty, and staff, as well as members of the public participating in University programs and activities, have the right to an environment free from sexual misconduct, sex-based harassment and sex discrimination. Violence, abuse, intimidation and/or retaliation directed toward another person violates this Policy. The University does not discriminate on the basis of sex in any educational program or activity that it operates and is committed to responding promptly and equitably to reports of prohibited conduct.

Full Title IX policy accessible [here](#).

DEFINITIONS

Actual knowledge: Gannon has created a culture of reporting to assist students or employees who may need support or assistance. All employees (Faculty, Staff, Adjuncts, and Administrators) must report actual or suspected sexual discrimination, harassment, misconduct, and/or retaliation as defined in this Policy to the University Title IX Coordinator.

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Complainant: Individual, who alleges conduct that would, if true, constitute sexual harassment.

Education Program or Activity: Any operations of Ursuline College, including locations, events, or circumstances over which Ursuline College exercised substantial control over both the respondent and the context in which the sex discrimination or sexual harassment occurs, and includes any building owned or controlled by a student organization that is officially recognized by Ursuline College.

Formal Complaint: A document filed by the complainant or signed by the Title IX Coordinator, alleging sexual harassment by a respondent, and requesting that the College investigate the allegations of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the College's education program or activity. If the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under this Policy and must comply with the requirements of this Policy. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information list for the Title IX Coordinator in this Policy and by any additional method designated by the College. The complaint must contain the complainant's

physical or digital signature or otherwise indicate that the complainant is the person filing the formal complaint.

Incapacitation: The inability, temporarily or permanently, to give consent, because someone is mentally and/or physically helpless, unconscious, or unaware due to drug or alcohol consumption (voluntarily or involuntarily), or for some other reason. Incapacitation means a person does not have the ability to knowingly give consent. It is a defense to allegations of sexual misconduct that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

Minors: Minor is defined as anyone under the age of 18 who participates in the University’s programs or activities, or who participates in any program on the University’s campus, or who is otherwise covered under this Policy. Employees may have mandatory reporting obligations as it relates to Minors under Ohio, Pennsylvania, and Florida laws.

Respondent: A respondent is an individual who has been reported to have committed conduct that could, if true, constitute sexual harassment.

SCOPE OF POLICY

Faculty, Staff, Students, Volunteers, Visitors, and Third Parties participating in or attempting to participate in University programs or activities.

In the event of any conflict or inconsistency between the provisions and requirements of this Title IX Sexual Harassment Policy and any other Ursuline College policy regulating the conduct of any member of the Ursuline College community or setting forth procedures governing the suspension, expulsion, dismissal, termination, or removal and exclusion from Ursuline College property of any member of the Ursuline College community, the provisions and requirements of the most current version of this Policy shall prevail and govern. Where prohibited conduct violates both this Title IX Sexual Harassment Policy and any other Ursuline College policy regulating the conduct of any member of the Ursuline College community, the College’s response will be governed by the provisions and procedures outlined in the most current version of this Policy. Sexual misconduct not otherwise covered under this policy may be addressed under the College’s Harassment and Discrimination Policy if it applies. Under no circumstances may the Harassment and Discrimination Policy be used to retaliate against an individual, who has filed a complaint under the College’s Title IX Sexual Harassment Policy. Please note that religiously sponsored organizations, such as Ursuline

College, are exempt from certain aspects of Title IX of the Education Amendments Act, Title VII of the Civil Rights Act, the Americans with Disabilities Act, and other federal, state, and local laws. Nothing in this policy should be read or interpreted as a waiver of the College's exemptions under these or other federal, state or local laws.

Definitions: Sexual Harassment, Sexual Assault, Dating Violence, Stalking

Sexual Harassment is an umbrella category, and includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking all of which are subject to this Policy and related procedures.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved. Sexual Harassment, as an umbrella category, includes the actual or attempted offenses of any of the following:

- **Sex Discrimination** is any unequal treatment based upon sex, including differential access to educational opportunities; differential employment opportunities; or unequal treatment in programs or activities.
- **Sexual Harassment** is a form of sex discrimination defined as unwelcome conduct on the basis of sex (of a sexual nature or otherwise) that is sufficiently serious to limit or deny an individual's participation in or benefit from a University program or activity, including: (1) by an employee of the University who conditions the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct; (2) determined by a reasonable person to be so severe and pervasive and objectively offensive that it effectively denies a person equal access to any University education program or activity; or (3) Sexual Assault or Dating Violence, Domestic Violence, or Stalking.
- **Sexual Assault** is an offense that meets the definition of rape, fondling, incest or statutory rape as defined by applicable law.
- **Rape:** Penetration, no matter how slight, of the vagina or anus of a person, with any body part or object, or oral penetration of a sex organ of the Complainant, or by the Respondent's sex organ, or by a sex-related object without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of a temporary or permanent mental or physical incapacity.
- **Fondling/Criminal Sexual Contact:** The intentional touching of the clothed or unclothed genitals, buttocks, groin, breasts, or other body parts of the Complainant by the Respondent, without the consent of the Complainant, for the purpose of sexual degradation, sexual gratification, or sexual humiliation. Or, the Respondent caused or directed the Complainant's intentional touching of the Respondent's clothed or unclothed genitals, buttocks, groin, breasts, or other body parts, without the consent of the Complainant, for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
- **Incest:** Is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** sexual intercourse with a person who is under the statutory age of consent.
- **Dating Violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined based on the reporting party's statement and with consideration of the length

of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. o Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence.

- **Domestic Violence** is violence committed by a person against family or household members, sexual partners or those who share biological parenthood in order to qualify as domestic abuse. Domestic Violence includes knowingly, intentionally or recklessly causing bodily injury of any kind, causing fear of bodily injury of any kind, assault (sexual or not sexual), rape, sexually abusing minor children, or knowingly engaging in a repetitive conduct toward a certain person (i.e. stalking) that puts them in fear of bodily injury
- **Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

RETALIATION IS PROHIBITED

Gannon University does not tolerate retaliatory conduct and strictly prohibits Retaliation. Any retaliatory conduct against such persons will be addressed by the University in the most serious manner, and individuals who engage in such actions will be subject to disciplinary action that may include suspension, expulsion, dismissal, termination, or removal and exclusion from the University. It is prohibited for the University or any member of the University's community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Police.

CONSENT

Consent represents the cornerstone of respectful and healthy intimate relationships. Thus, all sexual conduct or contact occurring on campus and/or occurring with a member of the Ursuline College community must be consensual.

Consent is:

- ✓ knowing,
- ✓ voluntary,
- ✓ informed; and
- ✓ clearly and freely given.

Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the University to determine whether this Policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”).

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Incapacitation: The inability, temporarily or permanently, to give consent, because someone is mentally and/or physically helpless, unconscious, or unaware due to drug or alcohol consumption (voluntarily or involuntarily), or for some other reason. Incapacitation means a person does not have the ability to knowingly give consent. It is a defense to allegations of sexual misconduct that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

TITLE IX COORDINATOR

Gannon has designated a Title IX Coordinator to coordinate Gannon’s efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this Policy.

The Title IX Coordinator manages the Title IX Office and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this Policy and these procedures. All persons of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

Paul C. Perrine
Title IX Coordinator
Phone: 814-871-7224
titleix@gannon.edu

CIVIL RIGHTS INVESTIGATORS

The College may designate qualified and trained staff and faculty members to investigate formal complaints, which the Title IX Coordinator has accepted for investigation. The investigator on a case may not be the same person as the hearing officer on the case and may not decide appeals. Individuals who are assigned to investigate formal complaints are referred to internally as the College’s Civil Rights Investigators. The following individuals have been trained and designated to serve as Civil Rights Investigators for Ursuline College, for formal complaints accepted by the Title IX Coordinator and delegated for investigation.

Kelli Knaus
Director of Human Resources
Office Location: Mullen 235
Telephone: (440) 646-8316
Email: kknaus@gannon.edu

Anne Murphy Brown
Associate Professor & Director of Legal Studies
Office Location: Mullen 336
Telephone: (440) 449-5403
Email: amurphybrown@gannon.edu

Gina DeMart-Kraus
Director of Housing and Residence Life
Office Location: Pilla 202

Telephone: 440-646-8334
Email: GDeMart@gannon.edu

Marc Gray
Director of the Education Unit/Master Apprenticeship Program
Associate Professor
Office Location: BL 014
Telephone: 440-646-8105
Email: marc.gray@gannon.edu

Rich Thompson
Security Supervisor
Office Location: MT GAR
Telephone: 440-684-6119
Email: richard.thompson@gannon.edu

Please Note: The Title IX Coordinator and the Civil Rights Investigators are not confidential reporting resources. While they will address your complaint with sensitivity and keep your information as private as possible, confidentiality cannot be guaranteed. Please see below for information on confidential reporting options.

IMMEDIATE AND ONGOING ASSISTANCE

Individuals who experience sexual harassment are strongly encouraged to seek immediate medical attention to treat injuries, test for and treat sexually transmitted infections, test for pregnancy, and access emergency contraception (if requested). Hospitals can also perform rape evidence collection procedures and test for “date rape” drugs. In addition, the Cleveland Rape Crisis Center offers free, comprehensive services to anyone seeking to heal from sexual violence. CRCC Hospital Advocates are available 24 hours per day, 7 days per week to support sexual violence victims and their families and friends during a visit to the emergency room for a medical examination and evidence collection process. If emergency room medical personnel do not offer to contact a CRCC Hospital Advocate on the victim’s behalf, the victim may request one by calling or texting the CRCC hotline at 216-619-6192 or 440-423-2020.

Short term counseling will be made available to victims of sexual harassment occurring on or off campus in accordance with the policies of the Office of Counseling Services. The counselor will also assist the victim in finding a long-term counseling relationship if needed; however, the cost of such counseling will be borne by the victim. CRCC also provides victims of sexual violence with individual therapy sessions and a Justice System Advocate to support you through the College’s complaint process and/or through the criminal justice process, all free of charge.

The following area resources can provide victims with medical attention and other support services:

Medical Facilities:

Circle Health Services (part of The Centers) 9.8 miles

12201 Euclid Ave Cleveland, Ohio 44106

216-721-4010

www.thecentersohio.org/for/health

Cleveland Clinic – Hillcrest Hospital 2.85 miles

6780 Mayfield Rd, Mayfield Heights, Ohio 44124

24/7 Emergency Room

440-312-4500

www.hillcresthospital.org

Cleveland Clinic – Lyndhurst Urgent Care 3.1 miles (formerly known as Family Urgent Care)

5195 Mayfield Road, Suite 101, Lyndhurst, Ohio 44124

440-442-0400

www.clevelandclinic.org

Metro Health – Beachwood Health Center, Express Care 4.4 miles

3609 Park East Drive North, Beachwood, Ohio 44122

Monday – 7:30am to 5:00pm

Tuesday – 7:30am to 7:30pm

Wednesday – 7:30am to 5:00pm

Thursday – 7:30am to 5:00pm

Friday – 7:30am to 5:00pm

216-696-3876

www.metrohealth.org

University Hospitals Ahuja Medical Center 8 miles

3999 Richmond Rd, Beachwood, Ohio 44122

24/7 Emergency room

www.uhhospitals.org

216-488-5843

Mental Health Support Services:

Cleveland Rape Crisis Center (CRCC), Shaker Office

13209 Shaker Square, Cleveland, Ohio 44120

Crisis and Support Hotline: call/ text 216-619-6192 or 440-423-2020

www.clevelandrapeccrisis.org

LifeStance Health 3.8 miles

25101 Chagrin Blvd, Suite 100, Beachwood, Ohio 44122

844-572-7932

www.lifestance.com

RAINN: Rape, Abuse & Incest National Network

National Sexual Assault Hotline: 800-656-HOPE (4673)

www.rainn.org

Webchat available

Recovery Resources

3201 Clinton Avenue , Cleveland, Ohio 44109

216-431-4131

Bill@recres.org

Signature Health (accepts Medicaid and Medicare) *3.2 miles*

24200 Chagrin Blvd, Beachwood, Ohio 44122

216-831-6466

www.signaturehealthinc.org/locations/beachwood/

Substance Abuse and Mental Health Services Administration

(SAMHSA) www.samhsa.gov

PRESERVATION OF EVIDENCE

If possible, an individual who has been sexually assaulted should not shower, bathe, urinate, douche, brush teeth, drink or change clothes or bedding before going to the hospital or seeking medical attention. If the individual decides to change clothes, he or she should not wash the clothes worn during the assault and should bring them to the hospital or medical facility. Because medical evidence dissipates quickly, individuals who wish to preserve such evidence are encouraged to seek medical attention within 48 hours (and no more than 86 hours) of the incident. In addition, all physical evidence, including electronic communications (e.g., emails and text messages), recordings, and photographs should be preserved in its original form. These steps are important to help preserve evidence for possible use in legal actions or requests for a civil no-contact order and/or an order of protection.

REPORTING OPTIONS & DUTIES

Any person may report sex discrimination, including sexual harassment (whether or not the reporter is the alleged victim), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time, by using the Title IX Coordinator's contact information.

The reporting and disciplinary procedures outlined in this policy are separate and apart from the criminal justice system, and a victim of sexual misconduct may choose to file a complaint with either the College or law enforcement, with neither, or with both simultaneously. The outcome of a sexual misconduct complaint filed with the College is not dependent on the outcome of a criminal investigation conducted by law enforcement.

Reporting Incidents of Title IX Sexual Harassment to Ursuline College

Ursuline College strongly encourages all victims and witnesses to promptly report incidents of sexual harassment (including sexual assault, domestic violence, dating violence, and stalking), to the Title IX Coordinator. The College takes all complaints of sexual harassment seriously and will work to reach a prompt, impartial, and equitable resolution of the matter.

At Ursuline, all College employees are considered responsible employees and are required to report all incidences of sexual misconduct to the Title IX Coordinator, unless such employees are specifically designated as confidential employees, as further explained below. In addition, employees that become aware of felony crimes must report such crimes to law enforcement. Ursuline College Security Department can assist with reports to law enforcement, and they can assist with immediate actions to keep individuals safe in emergency situations. In emergencies, individuals can also call 911.

1. Upon learning of a complaint of sexual harassment, the College will offer supportive measures; will take immediate and appropriate steps to discuss appropriate options (e.g., supportive measures, informal resolution (e.g., mediation), or a formal complaint investigation and hearing), with the complainant.
2. All employees are responsible employees and must report to the Title IX Coordinator all relevant details of any alleged act of sexual harassment that the employee is aware of– including the names of the alleged victim (complainant) and alleged perpetrator(s)(respondent(s)), the names of 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 those officials responsible for handling the College’s response to the report.
3. The College must treat complainants and respondents equitably by offering supportive measures as defined in this Policy and by following the grievance process as set forth in this policy, before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

Before a complainant reveals any information to a responsible employee, the employee should ensure that the complainant understands the employee’s reporting obligations and, if the complainant wants to ensure that confidentiality is maintained, the complainant should be directed to one of the confidential resources identified below. If the complainant still seeks confidentiality but chooses to disclose to the responsible employee what happened despite the warning, the employee should remind the complainant that the College will consider the request but cannot guarantee confidentiality. In reporting the details of the incident to the Title IX Coordinator, the responsible employee should also inform the Coordinator of the complainant’s request for confidentiality. Responsible employees should not pressure a complainant into making a full report if the complainant is not ready to do so, nor should they encourage the complainant to remain silent about the incident; rather, the employee should honor and support the complainant’s wishes. Please note that the College’s responsibility to minors on campus

may preclude treating the minor's complaint as confidential. State and federal reporting requirements may apply.

If a complainant discloses an incident of sexual misconduct to a responsible employee but wishes to maintain confidentiality or requests that no investigation is conducted or no disciplinary action is taken, the College must weigh that request against the College's legal obligation to provide a safe, non-discriminatory environment for all students and employees, including the victim. If the College honors the request for confidentiality, a complainant must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the respondent(s) may be limited. Sometimes, the College will not be able to honor a complainant's request because of the need to provide a safe, non-discriminatory environment for all students and employees.

When a report is filed with the Title IX Coordinator, the Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, as well as the option to file a formal complaint. The Title IX Coordinator must also inform the complainant of the availability of supportive measures with or without the filing of a formal complaint and explain to the complainant the process for filing a formal complaint.

When weighing a complainant's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator may consider a range of factors, including, but not limited to the following: The increased risk that the respondent will commit additional acts of sexual harassment, sexual assault, dating violence, domestic violence, or stalking, such as:

- whether there has been other sexual harassment, sexual assault, dating violence, domestic violence, or stalking complaints against the same respondent;
- whether the respondent has a criminal record demonstrating a history of sexual harassment, sexual assault, dating violence, domestic violence, or stalking.
- whether the respondent has a history of engaging in sexual harassment, sexual assault, dating violence, domestic violence, or stalking from a prior school or employer.
- whether the respondent threatened further sexual harassment, sexual assault, dating violence, domestic violence, or stalking against the victim or others; whether the sexual harassment, sexual assault, dating violence, domestic violence, or stalking was committed by multiple perpetrators or against multiple victims.
- whether the sexual harassment, sexual assault, dating violence, domestic violence or stalking was perpetrated with a weapon.
- whether the sexual harassment, sexual assault, dating violence, domestic violence, or stalking occurred on campus or other property owned or controlled by the College.

- whether the complainant is a minor.
- whether the respondent(s) is a member of the Ursuline College community.
- whether the College possesses other means to obtain relevant evidence of the sexual harassment, sexual assault, dating violence, domestic violence, or stalking (e.g., security cameras or personnel, audio recordings, physical evidence).

The presence of one or more of these factors could lead the Title IX Coordinator to file a formal complaint to investigate and, if appropriate, pursue disciplinary action against the respondent, despite the complainant's request.

If the Title IX Coordinator determines that the College cannot honor a complainant's request for confidentiality, the College will inform the complainant prior to starting an investigation and will maintain the privacy of the investigation to the extent possible in the context of implementing this Policy. The College will work with the complainant regarding the availability of supportive measures. If the College decides not to open an investigation or pursue disciplinary action, the Title IX Coordinator will inform the complainant of that decision. Retaliation against the complainant will not be tolerated.

The College recognizes that complainants impacted by sexual harassment may wish to take advantage of the health and support services available on campus without disclosing the incident or making a formal report to the College. To that end, certain College employees have been designated as **fully confidential resources** to whom complainants can speak without their personally identifying information being shared with the Title IX Coordinator or Campus Security. These individuals include the Director of Campus Ministry and the counselors in the Counseling Center.

Pastoral and licensed professional counselors, when acting in their professional capacity, are not considered responsible employees and are not required to report any information regarding complaints of sexual misconduct to either the Title IX Coordinator or to law enforcement. Thus, these counselors are not required to report crimes for investigation or inclusion in the annual disclosure of crime statistics. Crimes reported to these counselors are **strictly confidential**, except in very limited cases where the information suggests an imminent threat to the health and safety of the patient or others, or in cases of child abuse. These counselors include: the College Psychologist and licensed professional counselor; and all other licensed professional counselors in the Office of Counseling Services, who provide mental health counseling to members of the College Community. This also includes the Director of Campus Ministry. As a matter of policy, pastoral and licensed professional counselors are encouraged, when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary and confidential basis for inclusion in the annual crime statistics report, and of the option to seek supportive measures and resolution through the Title IX process.

A complainant who speaks to a professional or non-professional counselor or advocate must understand that if the complainant wants to maintain confidentiality, the College may not be

able to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator. Even so, these counselors and advocates will still assist the complainant in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules. A complainant who at first requests confidentiality may later decide to file a complaint with the College or report the incident to local law enforcement, and thus have the incident fully investigated. These counselors and advocates will provide the complainant with assistance in filing a complaint if the complainant wishes to do so.

Please Note: While these professional and non-professional counselors and advocates may maintain a complainant's confidentiality vis-à-vis the College, they may have reporting or other obligations under state or federal law, such as mandatory reporting to law enforcement in case of minors; imminent harm to self or others; mandatory reporting of felonies; and requirements to testify if subpoenaed in a criminal case.

Reporting Incidents of Sexual Harassment to Law Enforcement

Some types of sexual harassment, including sexual assault, dating and domestic violence, and stalking are criminal acts and Ursuline College strongly encourages all victims and witnesses to report suspected criminal acts to the Pepper Pike Police Department or any other appropriate law enforcement agency if the incident occurred off campus. Upon request, Ursuline College officials are available to assist an individual in contacting and/or notifying the appropriate law enforcement agency. Please note that under Ohio law, with certain exceptions, persons who have knowledge of a felony are required to report such information to law enforcement authorities. See Ohio Revised Code § 2921.22. Failure to report a felony may itself be a crime.

The contact information for the Pepper Pike Police Department is listed below:

Pepper Pike Police Department
28000 Shaker Blvd.
Pepper Pike, Ohio 44124
Non-emergency calls: 216-831-8500

If an emergency occurs on campus, of either a medical or security nature (dealing with destruction of College property, building, intruders, etc.), students should call 911 if using a campus phone and then call the Campus Security Office (extension 4204). There is no need to dial a 9 before 911. If using a cell phone, students should call the Pepper Pike Police Department's emergency line at 216-831-1424 and then Ursuline's Campus Security Office at 440-449-4204.

Although cooperation with law enforcement may require Ursuline College to temporarily suspend its internal investigation into complaints/reports of sexual misconduct, the College will promptly resume the investigation as soon as it is notified by law enforcement that the agency has completed its evidence gathering. The College will not, however, wait for the conclusion of a criminal proceeding to begin its own investigation and, if necessary, will take immediate and interim measures to address the alleged conduct.

AMNESTY FOR REPORTING

Ursuline College encourages reporting of sexual misconduct and seeks to remove any barriers to an individual making a report. The College recognizes that individuals who have been drinking or using drugs at the time of the incident may be hesitant to make a report because of potential consequences for their own conduct. Thus, individuals who report sexual misconduct or participate in a sexual misconduct investigation, will not be subject to disciplinary action by the College for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. Ursuline College may, however, initiate an educational discussion on the use of alcohol or other drugs or require participation in an alcohol/drug prevention training course/program. Amnesty will not be extended for any violations of Ursuline College policy other than for alcohol/drug use. In addition, amnesty does not preclude or prevent action by police or other legal authorities.

ANONYMOUS COMPLAINTS

Anonymous complaints will be accepted; however, the College's ability to obtain necessary and additional information may be compromised and the ability to investigate or resolve anonymous complaints may be limited.

BAD FAITH COMPLAINTS

This policy shall not be used to bring frivolous or malicious complaints against members of the Ursuline College community. If the College's investigation reveals that a complaint is made in bad faith or is knowingly false, such complaint shall be dismissed and the person who filed the bad faith complaint may be subject to disciplinary action. A complaint, however, will not be considered false, frivolous or in bad faith solely because it cannot be corroborated.

ACADEMIC/WORK ACCOMMODATIONS AND SUPPORTIVE MEASURES

Upon learning of sexual harassment, the College may implement non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant and the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's education environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The College must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

In certain instances, the College may need to report an incident to law enforcement authorities (e.g, when a suspected felony has occurred). Such circumstances include any incidents that warrant the undertaking of additional safety and security measures for the protection of the student, employee or other members of the Ursuline College community or other situations in which there is clear and imminent danger, and when a weapon may be involved. However, in all cases, crisis intervention and safety concerns will take precedence.

PROCEDURES FOR INVESTIGATION AND RESOLUTION OF COMPLAINTS (GRIEVANCE PROCEDURES)

Below is a summary of the grievance procedures- the full policy can be found here:

<https://www.ursuline.edu/inside-ursuline/consumer-information/title-ix-compliance>

INTAKE, NOTICE, AND INFORMAL AND FORMAL GRIEVANCE PROCESS

Gannon provides a prompt, fair, and impartial process for addressing complaints. Supportive measures may be available even when a complainant does not want to file a formal complaint or when the matter does not fall within Title IX jurisdiction. A complainant may stop participating, although the Title IX Coordinator may continue a process when compelling evidence indicates a campus health or safety concern. Matters outside Title IX jurisdiction may be referred to other University processes, and collateral misconduct may also be addressed. Proceedings are private.

Notice of Complaint

Upon receiving notice or a complaint, Gannon conducts an initial assessment and may provide supportive measures, pursue informal resolution, or begin the formal grievance process, depending on the circumstances and the preferences of the parties.

Initial Assessment

The initial assessment generally occurs within 1–5 business days. The University assesses whether the complaint is sufficient, offers supportive measures, explains the right to an advisor, and determines whether the matter should proceed through supportive or remedial measures, informal resolution, or formal investigation. If a formal complaint falls within Title IX, the investigation may address the incident as well as related patterns or broader culture and climate concerns. If it does not fall within Title IX, the Title IX portion may be dismissed while other applicable University policies are considered.

Violence Risk Assessment

The Threat Assessment and Behavioral Intervention Team (TABIT) may conduct a violence risk assessment as part of the initial assessment. The assessment helps determine whether emergency removal or a timely warning may be necessary.

Dismissal of a complaint (Mandatory and Discretionary)

A complaint must be dismissed under Title IX when the alleged conduct would not constitute sexual harassment even if proven, occurred outside the University's education program or activity, occurred outside the United States, or the complainant was not participating in or attempting to participate in a University program or activity when the complaint was filed. A complaint may also be dismissed when a complainant withdraws the complaint, the respondent is no longer enrolled or employed, or specific circumstances prevent sufficient evidence from being

gathered. Written notice and the rationale are provided to the parties, and dismissal may be appealed.

Counterclaims

Respondents may bring counterclaims, but the University first assesses whether the counterclaim is made in good faith. Retaliatory counterclaims are not permitted. Good-faith counterclaims may be processed separately or after the underlying complaint, while retaliatory claims may themselves violate University policy.

Emergency Removal

Gannon may remove a respondent when an individualized safety or risk analysis determines that the respondent poses an immediate threat to the physical health or safety of another person. The Title IX Coordinator works with BIT/TABIT, provides notice, and gives the respondent an opportunity for a show-cause meeting. The respondent generally must request that meeting within 48 hours. Emergency removal is not a determination of responsibility and is not subject to appeal. Measures may include housing removal, access restrictions, administrative leave, restrictions on activities or employment, or alternative academic arrangements, using the least restrictive option appropriate.

Advisor

Each party has the right to one advisor during eligible meetings, interviews, and hearings. An advisor may be an attorney, advocate, support person, friend, mentor, or family member. Gannon may provide a trained advisor, and an advisor is required for the hearing. Parties may initially participate in the process without an advisor before the hearing.

Who Can Serve as an Advisor

An advisor may be an internal or external person chosen by the party. Outside advisors may not have received Gannon's process training. An advisor may also be a witness, although this can create potential conflicts or concerns about bias.

Advisors in Hearings/Gannon-Appointed Advisor

A party may decline a Gannon-appointed advisor and select another advisor, but a party may not participate in the hearing without an advisor. If necessary, Gannon will appoint an advisor regardless of whether the party participates in the process.

Advisor's Role

Advisors may accompany parties to eligible meetings and interviews and assist with preparation. During the investigation, parties speak for themselves, while advisors generally may not speak on their behalf. Advisors may privately consult with or pass notes to their party. Advisors are expected to act ethically and in good faith.

Sharing Information with the Advisor

Gannon may share documents and evidence with an advisor, and parties may share information directly with their advisors. This is intended to help parties meaningfully participate in the process.

Privacy of Records Shared with Advisor

Advisors are expected to keep records and information private and not share them publicly, with unauthorized third parties, or for purposes outside their role. Violations may result in restrictions on the advisor's participation.

Expectations of an Advisor

Advisors are expected to adjust their schedules to participate in the process. Gannon is not required to reschedule meetings because an advisor is unavailable, although it may do so when this will not cause unreasonable delay. Remote participation may be permitted.

Expectations of the Parties with Respect to Advisors

Parties may change advisors during the process but are responsible for providing timely notice of the change.

Resolution

The resolution process is private. Parties may share their own knowledge and evidence, except where information is governed by the terms of an informal resolution. Parties are encouraged to discuss the process with their advisors.

Informal Resolution

A complainant may choose informal resolution when appropriate. Informal resolution is intended to provide a quicker and mutually satisfactory outcome and may include mediation or agreements involving warning, censure, probation, education, or counseling. Both parties must agree to participate, and either party may end the informal process and pursue the formal process. The Coordinator may determine that mediation is inappropriate.

Formal Grievance Process: Notice of Investigation and Allegation(s) (NOIA)

At the beginning of a formal investigation, the respondent receives written notice, with a copy to the complainant. The notice summarizes the allegations, identifies the parties and relevant conduct, identifies applicable policies and procedures, describes possible sanctions, explains the presumption that the respondent is not responsible, and outlines evidence review, retaliation, privacy, advisor rights, false-statement provisions, accommodations, investigator information, and evidence preservation. The notice may be amended as the investigation develops.

Resolution Timeline

Gannon makes a good-faith effort to complete the formal process, including appeal, within 60–90 business days. The Coordinator may extend the timeline when necessary and will provide notice, a reason for the extension, and an estimated completion date.

Appointment of Investigators

The Title IX Coordinator appoints investigator(s), generally within two business days of the decision to proceed with an investigation.

Ensuring Impartiality

Investigators must be free from conflicts of interest and bias. The Coordinator vets investigators, and parties may raise concerns about impartiality. When a reasonable and supportable concern exists, another investigator may be assigned.

Investigation Timeline

The investigation is an objective review of evidence both supporting and not supporting a finding of responsibility. Credibility is not determined solely by a person's status as a complainant or respondent. Investigations normally take about 30 business days but may take longer because of complexity, witnesses, law enforcement involvement, or other circumstances, with updates provided.

Delays in the Investigation Process and Interactions with Law Enforcement

Short delays may occur because of law enforcement requests, language assistance, unavailable parties or witnesses, or disability or health accommodations. The University provides written notice and reasons for significant delays and resumes the process as soon as possible. Criminal or civil proceedings generally do not prevent the University from conducting its own process.

Steps in the Investigation Process

The investigation is intended to be thorough, reliable, impartial, prompt, and fair. Investigators interview the parties and witnesses, collect relevant evidence, consider expert information when appropriate, and allow parties to suggest witnesses, questions, evidence, and expert witnesses. Parties may review and respond to evidence and the draft investigative report. The respondent may accept responsibility but may also decline participation without an adverse inference. The final report is provided to the parties before the hearing, and the Hearing Panel may request clarification or additional information.

Role and Participation of Witnesses in the Investigation

Gannon employees who are witnesses are expected to cooperate, and failure to do so may result in policy violations or discipline. Students and external witnesses are encouraged to participate. Interviews may occur remotely, and written statements may be accepted although they are less preferred. Unauthorized audio or video recording is not permitted; when the investigator records, participants are informed and consent is obtained when applicable.

Evidentiary Considerations in the Investigation

Evidence concerning unrelated incidents is generally excluded unless it demonstrates a relevant pattern. Evidence about a complainant's sexual predisposition or prior sexual behavior is also restricted, except in specified circumstances, such as evidence involving another person who may have committed the conduct or specific prior conduct between the complainant and respondent when relevant to consent.

Referral for Decision Making Panel

When informal resolution is not used, the Coordinator may refer the matter to a Hearing Panel after the final report has been provided to the parties. The hearing normally occurs no sooner than 10 business days after the report is transmitted unless the parties and panel agree to an expedited process. The Coordinator selects the panel.

Title IX/Sexual Misconduct Committee

The Title IX/Sexual Misconduct Committee consists of trained staff and administrators. Each complaint is heard by a three-person Hearing Panel selected from the Committee, with the Coordinator designating the chair.

Religious Exemption/Cross Examination

Gannon conducts the process in a manner that protects the dignity and respect of participants while remaining consistent with the University's religious mission and tenets. Parties may submit questions to the Coordinator, who forwards them to the Hearing Panel chair. Questions are reviewed for relevance, and the chair determines how relevant questions will be presented and asked.

Evidentiary Considerations in the Hearing

The Hearing Panel may consider relevant and credible evidence, subject to the same limits on unrelated incidents and sexual predisposition or prior sexual behavior. Prior disciplinary action may be considered only when determining sanctions. Parties may submit impact statements, which are considered at the sanction stage. The standard of proof is preponderance of the evidence, meaning more likely than not.

Notice of Hearing

Parties receive at least 10 business days' notice of the hearing. The notice identifies the allegations, procedures, potential sanctions, hearing logistics, technology, options for separate rooms, participants, recording information, advisor rights, hearing materials, and opportunities for impact statements. Parties may object to panel bias and request accommodations, language assistance, or interpretation within the specified timelines.

Hearing Process

Hearings are private and may use separate rooms or other measures to minimize interaction. The chair controls the order of the hearing. The process includes introductions, investigator questions, brief statements by the complainant and respondent, panel questions, questions between the parties through the chair, witness participation, and clarification. The panel then deliberates privately and determines responsibility by majority vote using the preponderance standard. If responsibility is found, the Committee recommends sanctions based on the facts and relevant factors.

Deliberation, Decision-making, and Standard of Proof

The Hearing Panel deliberates privately and makes its determination by simple majority using the preponderance standard. If responsibility is found, impact statements and conduct history may be considered for sanctions. The chair prepares a written deliberation statement explaining the determination, rationale, evidence relied upon or not relied upon, credibility considerations, and recommended sanctions, generally within two business days.

Notice of Outcome

The Coordinator and Hearing Panel chair prepare the written outcome and provide it simultaneously to the parties and their advisors, generally within five business days. The notice includes the policy violations, procedural history, findings for each allegation, findings of fact,

application of policy, the result and rationale, sanctions and remedies that may be shared, and information about finality and appeal.

Sanctions

Sanctions are based on factors such as the nature, severity, and circumstances of the conduct; disciplinary history; similar prior allegations; preventing recurrence; remedying effects; impact; and other relevant information. Sanctions are generally implemented after the appeal period or appeal is completed and may exist alongside sanctions imposed by external authorities.

Student Sanctions

Student sanctions may include housing relocation, community service, counseling, probation, formal apology, education, no-contact orders, restitution, restricted campus access, suspension, or expulsion. Suspension temporarily excludes a student and may include restrictions on campus, events, or reapplication conditions. Expulsion is permanent and does not permit reapplication.

Employee Sanctions/Responsive Actions

Employee responses may include warnings, performance improvement plans, enhanced supervision, counseling, training, probation, denial of pay increases or pay-grade advancement, loss of oversight responsibilities, demotion, transfer, reassignment, delayed tenure progress, changes in supervision, restrictions on stipends or professional development, suspension with or without pay, termination, or other appropriate actions.

Withdrawal or Resignation While Charges Pending

A student's failure to participate does not stop the process. A permanent withdrawal ends the University's jurisdiction over the individual, but the University may still address systemic issues and effects. A withdrawn respondent may be barred from returning or from University property and events. Temporary withdrawal or leave may allow the process to continue remotely, with return conditioned on completion of sanctions. Employee resignation ends the process, but the University may address systemic issues and effects; the employee is not eligible for rehire, and employment references may indicate that the person resigned while a disciplinary matter was pending.

Appeals

A party may submit a written appeal within seven days of the Notice of Outcome. The Dean of Student Development and Engagement or designee reviews the appeal for timeliness and standing. Permitted grounds include a procedural irregularity that affected the outcome, new evidence that was not reasonably available and could affect the outcome, or a conflict of interest or bias that affected the outcome. Other parties may respond, and the Dean generally issues a decision within five business days absent exigent circumstances. The appeal outcome is provided simultaneously to the parties with the decision and rationale.

Sanctions Status During the Appeal

Sanctions imposed through the hearing are generally stayed during an appeal, although supportive measures may be reinstated. When immediate sanctions were imposed before the appeal, an emergency removal hearing may occur within 48 hours. For separation sanctions, the University may place holds on transcripts, diplomas, graduation, or registration. A respondent

may request a stay within two business days, with the Coordinator or designee making the final decision.

Appeal Considerations

Appeals receive deference to the original decision. A finding may be changed only for clear error, and sanctions may be changed only when there is compelling justification. An appeal is not a new hearing, and an appeal decision-maker may not substitute judgment simply because of disagreement with the original decision. New-evidence appeals normally return the matter for further consideration, while other appeals may be remanded or decided by the appeal decision-maker. The outcome is final except in limited circumstances involving a new hearing. When appropriate, the University makes reasonable efforts to restore a party's status after remand or reversal.

Long-Term Remedies/Other Actions

After the resolution of a complaint, the Title IX Coordinator may implement additional long-term remedies or other actions involving the parties and/or the University community, in addition to sanctions.

CLERY ACT CRIME STATISTICS

Ursuline College's Clery Act crime statistics (see *Attachment A* below) are compiled by the Security Department in cooperation with other relevant campus officials and local and state law enforcement agencies. The Security Department serves as the "clearing house" in the gathering of crime data and judicial referrals from Campus Security Authorities, as well as from local police departments and the Ursuline Sisters of Cleveland. The Pepper Pike Police Department also stays in contact with the College's Security Department on a routine basis and keeps the Security Department apprised of reported incidents of crime. All data gathered on criminal activity is then compared to minimize multiple postings and then incorporated in the following statistical tables.

The College's Clery Act crime statistics are compiled on a calendar-year basis in accordance with the definitions of crimes provided by the FBI for use in the Uniform Crime Reporting (UCR) system, except statistics for Domestic Violence, Dating Violence, and Stalking must be compiled in accordance with the definitions provided by the Violence Against Women Act of 1994 (VAWA).

This report includes statistics for the previous three years concerning Clery Act crimes in the *geographic locations* described below that were reported to Ursuline College's Security Department or designated campus officials. Additionally, these statistics include people referred for campus disciplinary action for categories required under the Clery Act, including liquor and drug law violations and illegal weapons possession. Statistical information for certain off-campus locations or property owned or controlled by the College, as well as public property within or immediately adjacent to and accessible from campus, are collected or requested from local police departments and the Ursuline Sisters of Cleveland. For purposes of this report,

crime statistics reported to any of these sources are recorded in the calendar year in which the crime was reported.

CLERY ACT GEOGRAPHIC LOCATIONS

On-Campus

- (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
- (2) Any building or property that is within or reasonably contiguous to the area identified above, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

For Clery Act purposes, the following locations are also considered **on-campus** and part of the College's Clery Act geography: Fritzsche and Pilla parking lots, the Labyrinth, along with any area/space that can be reasonably expected to be used when accessing any of the above identified on-campus locations (e.g., all outside grounds, sidewalks, hallways, corridors, stairwells, restrooms, etc.).

On-Campus Student Housing (Residential Facilities)

Any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. This includes: Grace, Murphy, and Smith residence halls.

Non-Campus Buildings or Property Owned or Controlled by the College

- (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
- (2) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the institution.

Public Property

All public property, including thoroughfares, streets, sidewalks and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus. Public property includes the area of Lander Road to the opposite side of the road adjacent to the College.

DAILY CRIME LOG

Ursuline College also maintains a ***Daily Crime Log***, which can be accessed from the College's

website at: [Campus Security Policies, Crime Statistics and Crime Log | Ursuline - Liberal Arts College in OH](#) The purpose of the daily crime log is to record all criminal incidents and alleged criminal incidents that are reported to the Security Department. There are some major differences between the information reported in the daily crime log versus the Clery Act statistics reported above. These differences include:

- Daily crime log entries include all crimes reported to the Security Department for the required geographic locations, not just the four (4) categories of Clery Act crimes listed in *Attachment B*.
- For purposes of the daily crime log, the relevant geographic locations extend beyond the College's Clery Act geography. There is an additional geographic location that applies exclusively to the daily crime log. In addition to recording reported crimes that occur within the College's Clery Act geography, reports of crimes that occur within the patrol jurisdiction of campus security are also entered into the daily crime log.
- The daily crime log is designed to provide crime information on a timelier basis than the annual disclosures of Clery Act statistics. Crime information is typically entered into the log within two business days of when it was reported to campus security. This includes crimes that are reported directly to campus security, as well as crimes that are initially reported to another official of the College or to a local law enforcement agency, which subsequently reports them to campus security.
- The daily crime log includes specific information about criminal incidents, not crime statistics.

Pursuant to the Clery Act, the following elements are recorded on the log for each reported crime:

- The date the crime was reported to campus security.
- The date and time the crime occurred, if known.
- The nature of the crime.
- The general location of the crime.
- The disposition of the complaint, if known.

Please note that pursuant to federal law, Ursuline College is required to include in its crime statistics all Clery Act crimes within its geography that are reported to the College, regardless of whether the reported crime is unsubstantiated or has been later retracted. In other words, Clery Act statistics reflect the number of crimes reported, not the number of crimes that were actually proven to have occurred.

ATTACHMENT A: Disclosure of Crime Statistics

In the tables below, the total number of criminal offenses in the “on Campus-Student Housing Facilities” column is a subset of the total number of criminal offenses reported in the “On-Campus Property” Column.

Crimes Reported

Criminal Offense	Year	Location On Campus	Location On Campus Student Housing	Location Non-Campus	Location Public Property
Murder/Non-Negligent Manslaughter	2023	0	0	0	0
Murder/Non-Negligent Manslaughter	2024	0	0	0	0
Murder/Non-Negligent Manslaughter	2025	0	0	0	0
Manslaughter by Negligence	2023	0	0	0	0
Manslaughter by Negligence	2024	0	0	0	0
Manslaughter by Negligence	2025	0	0	0	0
Rape	2023	0	0	0	0
Rape	2024	1	0	0	0
Rape	2025	0	0	0	0
Fondling	2023	0	0	0	0
Fondling	2024	0	0	0	0
Fondling	2025	0	0	0	0
Incest	2023	0	0	0	0
Incest	2024	0	0	0	0
Incest	2025	0	0	0	0
Statutory Rape	2023	0	0	0	0
Statutory Rape	2024	0	0	0	0
Statutory Rape	2025	0	0	0	0
Robbery	2023	0	0	0	0
Robbery	2024	0	0	0	0
Robbery	2025	0	0	0	0
Aggravated Assault	2023	1	1	0	0
Aggravated Assault	2024	0	0	0	0
Aggravated Assault	2025	0	0	0	0
Burglary	2023	1	0	1	0
Burglary	2024	0	0	0	0
Burglary	2025	1	1	0	0
Motor Vehicle Theft	2023	0	0	0	0
Motor Vehicle Theft	2024	0	0	0	0
Motor Vehicle Theft	2025	0	0	0	0
Arson	2023	0	0	0	0
Arson	2024	0	0	0	0
Arson	2025	0	0	0	0
Domestic Violence	2023	0	0	0	0
Domestic Violence	2024	0	0	0	0
Domestic Violence	2025	0	0	0	0
Dating Violence	2023	1	1	0	0
Dating Violence	2024	1	0	0	1
Dating Violence	2025	2	2	0	0

Stalking	2023	0	0	0	0
Stalking	2024	0	0	0	1
Stalking	2025	0	0	0	0

Drug, Liquor, and Weapons Law Violations and Disciplinary Referrals

Arrests and Disciplinary Referrals	Year	Location On Campus	Location On Campus Housing	Location Non-Campus	Location Public Property
Arrests: Weapons, Carrying, Possession, etc.	2023	0	0	0	0
Arrests: Weapons, Carrying, Possession, etc.	2024	0	0	0	0
Arrests: Weapons, Carrying, Possession, etc.	2025	0	0	0	0
Disciplinary Referrals: Carrying, Possession, etc.	2023	0	0	0	0
Disciplinary Referrals: Carrying, Possession, etc.	2024	0	0	0	0
Disciplinary Referrals: Carrying, Possession, etc.	2025	0	0	0	0
Arrests: Drug Abuse Violations	2023	0	0	0	0
Arrests: Drug Abuse Violations	2024	0	0	0	0
Arrests: Drug Abuse Violations	2025	0	0	0	1
Disciplinary Referrals: Drug Abuse Violations	2023	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2024	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2025	0	0	0	0
Arrests: Liquor Law Violations	2023	0	0	0	0
Arrests: Liquor Law Violations	2024	0	0	0	0
Arrests: Liquor Law Violations	2025	0	0	0	1
Disciplinary Referrals: Liquor Law Violations	2023	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2024	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2025	0	0	0	0

Hate Crimes

2023 – No hate crimes reported.

2024 – No hate crimes reported.

2025 – No hate crimes reported.

Attachment B⁷: Clery Reportable Crimes and Offenses

CLERY REPORTABLE CRIMES/OFFENSES

Under the Clery Act, for the purposes of counting and disclosing *Criminal Offenses*, *Hate Crimes*, and *Arrest & Disciplinary* referral statistics, Ursuline College is required to use the following definitions provided by the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Program.

I. CRIMINAL OFFENSES

A. Criminal Homicide

1. **Murder/Non-Negligent Manslaughter:** the willful (non-negligent) killing of one human being by another.
2. **Negligent Manslaughter:** the killing of another person through gross negligence.

B. Sex Offenses - Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

1. **Rape:** 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 consent of the victim.
2. **Fondling:** The touching of the private body parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
3. **Incest:** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. **Statutory Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent.

C. Robbery - the taking or attempting to take anything from value of the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

D. Aggravated Assault - an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is 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 and probably would result in serious personal injury if the crime were successfully completed.)

E. Burglary - the unlawful entry of a structure to commit a felony or a theft. (For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny;

⁷ Beginning in the next ASR, October 1, 2026, Clery Crimes will also include Hazing, as that term is defined by the Stop Campus Hazing Act.

housebreaking; safecracking; and all attempts to commit any of the aforementioned.)

F. Motor Vehicle Theft - the theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned - including joy riding)

G. 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, personal property of another, etc.

II. HATE CRIMES

A hate crime is a criminal offense committed against a person or property that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Bias is a performed negative opinion or attitude towards a group of persons based on their *race, gender, religion, disability, ethnicity, national origin, sexual orientation or gender identity*.

For Clery purposes, hate crimes include any of the above-listed criminal offenses (except non-negligent manslaughter) and the addition of the following four categories below:

- 1) ***Larceny-Theft***: the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.
- 2) ***Simple Assault***: the 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 lacerations, or loss of consciousness.
- 3) ***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.
- 4) ***Destruction/Damage/Vandalism of Property (except Arson)***: to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or person having custody or control of it.

III. VAWA OFFENSES

For purposes of counting and disclosing *VAWA* Offenses, including Domestic Violence, Dating Violence and Stalking, Ursuline College is required to use the definitions provided below by the Violence Against Women Act of 1994 (VAWA).

A. Domestic Violence is defined as a felony or misdemeanor crime of violence committed by:

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

B. Dating Violence –

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

C. Stalking is defined as engaging in a *course of conduct* directed at a specific person that would cause a *reasonable person* to: (1) fear for the person's safety or the safety of others; or (2) suffer *substantial emotional distress*. Note: It is not necessary for all activities in the course of conduct to occur on Clery Act geography in order to count the incident. A Stalking incident in which only one or some of the activities took place on Clery Act geography must be included in the reported statistics.

- *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- *Substantial emotional distress* means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

IV. ARRESTS AND REFERRALS FOR CAMPUS DISCIPLINARY ACTION

We must report statistics for violations of the law that occurred within our Clery Act geography and result in arrests or persons being referred for disciplinary action. Do not include violations of Ursuline College's internal policies that resulted in persons being referred for disciplinary action if there was no violation of the law. Note: If an individual is both arrested and referred for disciplinary action for an offense, include only the arrest in your statistics.

- A. Weapon Law Violation** is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Include in this classification: manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above.
- B. Drug Abuse Violation** is defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. Note: The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics—manufactured narcotics that can cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).
- C. Liquor Law Violation** is defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness. Include in this classification: the manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on train or public conveyance; and attempts to commit any of the above.