

# Campus Safety and Security Policies & Procedures

## Campus Crime Statistics for Calendar Year 2019

## Annual Fire Safety Report

Compiled by the Methodist Theological School in Ohio  
as mandated by the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act  
and the Violence Against Women Reauthorization Act of 2013

December 31, 2020

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## CAMPUS SAFETY AND SECURITY POLICIES & PROCEDURES

### **Introduction**

As a condition of maintaining institutional eligibility for access to federal financial aid programs for students, colleges and universities in the United States are required to comply with the provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

Jeanne Clery was murdered in her Lehigh University residence hall room in 1986. In 1990, Jeanne was memorialized through federal legislation that bears her name. The Clery Act requires that students, prospective students, employees and prospective employees have a realistic sense of their potential for exposure to crime while on, or in the vicinity of, any given college or university campus, as well as an understanding of the institution's policies and systems for providing campus security.

On March 7th, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA), which, among other provisions, amended section 485(f) of the HEA, otherwise known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). Notably, VAWA amended the Clery Act to require institutions to compile statistics for incidents of dating violence, domestic violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in their annual security reports (<https://www.federalregister.gov/articles/2014/10/20/2014-24284/violence-against-women-act>).

Methodist Theological School in Ohio has a history of being a very safe and secure campus. MTSO is committed to maintaining this history as a safe place for all who choose to study, work, and visit here. To that end, the campus safety and security policies, procedures and practices set forth in this document have been adopted.

This document is reviewed by Administrative Council annually; adjustments to policies and procedures are made as necessary and appropriate.

### **CAMPUS SECURITY AUTHORITY**

The City of Delaware provides police and fire protection for Methodist Theological School in Ohio. As such, the Delaware Police Department holds the law enforcement authority for the campus. The campus is also under the jurisdiction of the Delaware County Sheriff's Office. Though not a law enforcement official, the MTSO Facilities Manager serves as MTSO's chief campus security authority. The Facility Manager is expected to:

- Walk or drive the grounds of the campus several times each day, checking for and addressing any security risks/concerns.
- Direct all maintenance staff to report any suspicious activity and question any suspicious persons observed on the campus.
- Maintain regular contact with the City of Delaware Police Department and other law enforcement agencies.
- Lock and unlock academic and administrative buildings, or designate a person to do so.
- Maintain the official record of incidents that involve crime or security concerns.
- Manage the key system for all campus buildings.

The Facilities Manager has a cell phone in his possession at all times. The number is listed as one of several "Emergency Contact" numbers in the Student and Housing Handbooks, and is posted throughout the campus.

The Building Managers who live in the School's on-campus housing units are part of the campus security system in that their responsibilities include the following duties:

- Serve as first contact in case of emergency in the building.
- Know emergency procedures and room/unit assignments of residents.
- Record and report after hour incidents to appropriate personnel.
- Participate in scheduled safety training programs.

<b>LIST OF KEY CONTACTS FOR MTSO CAMPUS 2020-21</b>		
<b>NAME</b>	<b>TITLE</b>	<b>PHONE EXTENSION</b>
Keith Huffman	Facilities Manager	x3380
Kris LoFrumento	Director of Student Services	x3126
Kathy Dickson	Title IX and 504 Coordinator	x3440
<b>ADMINISTRATIVE COUNCIL OF MTSO</b>		
Jay Rundell	President	x3121
Leigh Precise	Executive Assistant to the President for Strategic Initiatives and Advancement	x3121
Valerie Bridgeman	Vice President of Academic Affairs and Dean	x3369
Danny Russell	Director of Communications	x3322
Sarah Mouch	Controller	x3335
Benjamin Hall	Director of Enrollment Management	x3447
Claudine Leary	Director of Development	x3323

<b>BUILDING MANAGERS 2018-19</b>		
<b>LOCATION</b>	<b>NAME AND APT</b>	<b>PHONE EXTENSION</b>
Dewire Residence Hall	Shannon Thiebeau - HWAB #212	x3481
Helen Werner Apartment Building	Jeffrey White - HWAB #108	x3465
Kleist Manor	Phil Yoder - Kleist E1	x3657

From off-campus, dial 740-362-+ phone extension.

Email addresses are first initial first name + last name @mtso.edu

NOTE: Building Managers all have cell phones, those numbers are posted on campus and given to all residents.

## **LOCAL LAW ENFORCEMENT, FIRE DEPARTMENT, AND EMERGENCY PERSONNEL**

**IN CASE OF EMERGENCY, DIAL 911 (or 9-911 from a campus landline phone)**

### **Non-emergency service numbers:**

Delaware Police Department: 740-203-1111

Delaware Fire Department: 740-203-1300

Delaware County Sheriff's Office: 740-833-2800

Each Building Manager has a cell phone so they can be reached and/or call out in case of emergency. Their cell phone numbers are posted on campus and given to all current residents.

**No School official has law enforcement or arrest authority.**

**No School-recognized student organizations are housed or otherwise operate from an off-campus location.**

#### **BUILDING SECURITY AND ACCESS**

The MTSO campus is private property. Accordingly, school officials have the right to ask anyone not engaged in the official business of the School to leave the campus at any time.

Through traffic is prohibited. Notice is posted at both campus entrances.

In general, MTSO's academic and administrative buildings are accessible to the general public between 6:30 a.m.-9:30 p.m., Monday-Friday. Library staff members lock and unlock the Library building according to the posted hours for any given week. The exterior doors to the Apartment Building and Residence Hall are locked and unlocked daily by a Building Manager or a Maintenance staff member. Access to individual offices, residence hall rooms, and apartment units is the responsibility of the occupant.

Upon request, each student will be issued a swipe card that allows access to the Coffee Shop, mailboxes and exercise facility outside of the School's normal hours of operation. Some students, such as commuters, may not have a need for after-hours access to these facilities.

#### **TIMELY WARNINGS**

The Facilities Manager is responsible both for initiating communication with and responding to communication from law enforcement officers to determine occasions when there may be a need for an alert/warning to be issued to the MTSO community.

MTSO uses global e-mail distribution lists (MTSO students, MTSO faculty and MTSO staff) to alert the campus community to any situation or criminal activity on or near the campus that is perceived by School officials to pose an ongoing threat to the campus. If classes are in session when such a warning is issued, announcements may be made in classes. Flyers may be posted in key locations in campus buildings. **All enrolled students should check their MTSO e-mail account frequently for official communication.**

The school also uses the MTSO Alert system for major emergencies requiring notification to community members both on and off campus. MTSO Alert is a free service to members of the MTSO community that requires on-line subscription at <https://www.mtso.edu/resources/mtso-alert/>. Emergency messages through MTSO Alert can be received via e-mail, voice mail, and/or cell phone text (SMS) based on the subscriber's preferences.

E-mail distribution lists for residence units are maintained and will be used to issue timely warnings that pertain primarily to those who reside in campus housing facilities. Building Managers will attempt to personally contact any campus housing resident who does not have access to e-mail.

#### **FIREARMS, FIREWORKS, WEAPONS, EXPLOSIVES AND PROJECTILES POLICY**

No person shall store, possess or detonate dangerous weapons, have under the person's control, convey, or attempt to convey devices or substances including, but not limited to, fireworks, firearms, ammunition, pellet guns, bow and arrows, martial arts equipment, switchblade knives, brass knuckles, swords, large knives, stun and shock devices, projectile devices (i.e. sling shot), and clubs. This prohibition includes all land, campus buildings, residence, in vehicles, and off campus at an MTSO-related activity, unless permitted on the basis of the person's position as a recognized public safety official or appointed peace officer, even if otherwise permitted by law. A valid license does not authorize the licensee to carry a weapon onto the school premises. Use or misuse of weapons, devices, or substances in a manner that causes or threatens serious harm to the safety or security of others is expressly prohibited. Violations of this policy by students will result in consideration for expulsion upon the first offense. Violations of this policy by employees will result in consideration for immediate dismissal upon the first offense. All violators of this policy, whether affiliated with MTSO or not, will be subject to prosecution to the fullest extent of the law. Further, toy guns (i.e., dart, paint ball, foam darts, squirt, cap, and other projectile devices) are also forbidden which could reasonably be mistaken for a firearm or explosive. The use of these items on campus is prohibited.

#### **DRUG FREE/SUBSTANCE ABUSE POLICIES**

Pursuant to the Drug-Free Schools and Communities Act Amendments of 1989, MTSO is required to establish a drug and alcohol prevention program for its students and employees. A biennial review of this program will be done to determine its effectiveness, to implement changes to the program if they are needed and to ensure that the School's disciplinary sanctions are consistently enforced.

##### ***Substance Abuse Policy:***

The primary objective of this policy is to promote good health practices as part of the educational mission of MTSO. In so doing, we strive to provide and maintain an alcohol-free and drug-free academic environment. MTSO prohibits the unlawful use, possession or distribution of alcoholic beverages or illicit drugs. MTSO, through the Office of the Vice President of Academic Affairs will work with any student suspected of violating this policy. A first sanction for unlawful use or possession of alcoholic beverages or illicit drugs would generally require, as a minimum, drug and alcohol assessment and, if needed, counseling and rehabilitation. Other disciplinary sanctions could be imposed through the personal/professional misconduct disciplinary processes. Repeated instances of substance abuse will absolutely constitute grounds for suspension or expulsion. Suspected unlawful distribution of alcoholic beverages or illicit drugs will be referred to legal authorities. The student would also be subject to disciplinary action by the school, including expulsion.

##### ***Programs***

For employees: MTSO utilizes the "Employee Assistance Program" offered through the Principal Life Insurance Company which can be accessed 24/7 via phone or online assistance. Services offered include: counseling around alcohol and drug dependencies by licensed professionals. Employees, as per the Employee Handbook, are also encouraged to contact the Title IX Coordinator or Director of Human Resources for additional resources.

For students: The Director of Student Services and the Title IX Coordinator are able to provide local resources.

##### ***Standards of Conduct***

MTSO seeks to be a drug-free community and to promote good health practices. Therefore, School policies prohibit the unlawful use, possession, distribution, and sale of alcoholic beverages or illicit drugs by students, faculty and staff on any School-owned or controlled property, or as part of any School-sponsored or supervised activities.

Within the MTSO community, the unlawful use, possession or distribution of alcoholic beverages or illicit

drugs may result in disciplinary action even if it occurs off campus. This approach reflects the unique nature and mission of a seminary community.

### **Sanctions**

MTSO will impose sanctions on students and employees who violate this policy, consistent with local, State, and Federal law. School-imposed sanctions for violation of these policies can include expulsion or termination of employment, and referral for prosecution for employees and drug and alcohol assessment, counseling and rehabilitation, potential suspension and/or expulsion for students. In addition, the School may elect to report incidents to the appropriate judiciary or professional licensing authority.

Local, state and federal laws also prohibit the unlawful possession, use, distribution, and sale of illicit drugs and alcohol. Criminal penalties for violations of such laws range from fines up to \$20,000 to imprisonment for terms up to and including life.

MTSO's policies distinguish between the **unlawful use or possession** of alcoholic beverages or illicit drugs and the **unlawful distribution** of them. Referral for counseling/treatment may be considered for first-time violators of policies regarding the **unlawful use or possession** of alcoholic beverages or controlled substances; referral to law enforcement officers is automatic when **unlawful distribution** is involved.

### **Health Risks**

Health risks associated with use of illicit drugs and alcohol include temporary and permanent physical and psychological dysfunction as well as shortened life expectancy. Some of the major health risks are listed below:

**Alcohol and other depressants:** Addiction; accidents as a result of impaired ability and judgment; overdose when used with other depressants; damage to a developing fetus; heart and liver damage.

**Marijuana:** Panic reaction; impaired short-term memory; increased risk of lung cancer and emphysema, particularly in cigarette smokers; impairment of driving ability.

**Cocaine:** Addiction, heart attack, seizures, lung damage, severe depression, paranoia, psychosis. Similar risks are associated with other stimulants, such as speed and uppers.

### **Resources**

There are local resources for drug or alcohol counseling, treatment or rehabilitation programs. The School's Director of Human Resources as administrator of the School's health insurance programs, is available to provide information to faculty, students or staff members who seek resources to assist with existing or potential drug or alcohol dependency problems.

#### **Delaware-Morrow Mental Health & Recovery Services Board** – <http://www.dmmhrsb.org/>

40 North Sandusky Street, Suite 301, Delaware, OH 43015; (740) 368-1740

DMMHRSB's mission is to assess community needs in partnership with community representatives to plan, fund, evaluate and monitor **high quality, cost-effective** mental health and substance abuse treatment and prevention services that are accessible to the residents of Delaware and Morrow Counties.

#### **Maryhaven** (Delaware location) - <https://www.maryhaven.com/>

88 North Sandusky St Delaware, OH 43015; (740) 203-3800

The Delaware office provides addiction recovery and mental health programs and services to adults and adolescents. Providing high quality behavior healthcare and prevention services enhances the health and safety of the communities.

#### **Central Ohio Mental Health Center** -

250 South Henry Street, Delaware, OH 43015; (740) 369-4482

Strives to promote and preserve outstanding behavioral health for Central Ohio citizens through readily acceptable, cost-effective, high-quality behavioral health services through multiple service focus areas including: Psychiatric, Counseling/Psychotherapy, Emergency prescreening and 24-hour crisis intervention.

#### **Helpline of Delaware and Morrow Counties, Inc.** - <http://helplinedelmor.org>

11 North Franklin Street, Delaware, OH 43015; **Hotline (740) 369-3316 or 1-800-684-2324 or 2-1-1;**

More information about Helpline is available on pages 10-11 of this report.

### **REPORTING A CRIME OR SAFETY CONCERN**

All members of the MTSO community are encouraged to report any possible criminal activity occurring on campus in an accurate and timely manner. The City of Delaware provides police and fire protection for Methodist Theological School in Ohio.

All MTSO faculty, staff and students have a role to play in ensuring campus safety. All should feel free to direct concerns about unusual or suspicious activity to the Delaware City Police (9-911 if you are calling from any campus building or 740-203-1111), and/or to the Facilities Manager, Director of Student Services or any member of Administrative Council. Any such activity should be reported **AT THE TIME** that it is observed. You can also call the Campus Conduct Hotline (confidentially and anonymously) at 1-866-943-5787 to report activity or behavior that you may observe or experience on campus that is harmful, unethical, questionable, or causes you or someone else personal injury.

#### **To Report a Fire, Medical Emergency or Life-Threatening Situation**

##### **DURING REGULAR SCHOOL HOURS (7:30 am – 4:30 pm, Monday through Friday):**

1. **FIRST CALL 911 (9-911 if you are calling from any campus building)** to contact the Delaware Fire Department.
2. Call Keith Huffman, Facilities Manager, at 740-360-7628 (Cell). If no answer, leave a message AND try campus extension 3380.
3. Call the Building Manager for your housing facility. (See Page 3 of this report.)

##### **ON WEEKENDS OR AT TIMES OTHER THAN REGULAR SCHOOL HOURS AS LISTED**

###### **ABOVE:**

1. **FIRST CALL 911 (9-911 if you are calling from any campus building)** to contact the Delaware Fire Department.
2. Call the Building Manager for your housing facility. (See Page 3.)
3. Call Keith Huffman, Facilities Manager, at 740-360-7628 (Cell).

#### **If You Are a Victim of a Crime Committed On Campus**

1. SEEK medical attention if it is needed.
2. CALL the Delaware Police (Emergency: 911; non-emergency: 740-203-1111)
3. CONTACT Keith Huffman, Facilities Manager, at 740-360-7628 (Cell).

### **Hospital**

The nearest Hospital Emergency Room is at OhioHealth Grady Memorial Hospital, 561 W. Central Avenue (Rt. 37 W) in Delaware. The most direct route from campus: U.S. 23 North to William Street exit. Left on William; right on Sandusky; left on Central (Rt. 37 West). Note: Grady Hospital has specially trained staff who will care for victims of sexual assault. (See page 11 of this report for more information.)

## IF YOU OBSERVE SUSPICIOUS ACTIVITY

**YOU MAY CALL 911(9-911 if you are calling from any campus building),** or the NON EMERGENCY SERVICE NUMBERS

- Delaware Police Department: 740-203-1111
- Delaware Fire Department: 740-203-1300
- Campus Conduct Hotline: 1-866-943-5787

### AND/OR CONTACT

- Director of Facilities, Keith Huffman (740-360-7628), Maintenance (x3380), or
- Director of Student Services, Kris LoFrumento (x3126), or
- Any member of Administrative Council.

**AFTER BUSINESS HOURS, you may go to the Library Circulation Desk during evening hours when the Library is open. The person on duty will have a telephone phone contact list and will assist you as appropriate.**

## SEXUAL VIOLENCE/SEXUAL ASSAULT

If a member of the MTSO community is sexually assaulted, the Complainant will be encouraged to file criminal charges. If the Respondent is another member of the MTSO community, the applicable disciplinary procedures outlined in the MTSO student handbook, General Policies Governing Faculty, or Personnel Policies for Staff Employees can also be invoked.

A sexual assault survivor's academic and living situations (if the student is living on campus) WILL be changed on request. (Note: If a survivor prefers to remain in the same housing unit, locks can be changed by maintenance staff.)

If an MTSO student is accused of sexual assault against another member of the MTSO community, the Complainant will be encouraged to file criminal charges.

In campus disciplinary proceedings, the Complainant and the Respondent have the same rights to be present during the disciplinary hearing, and the Complainant and the Respondent shall both be notified of the outcome of a campus disciplinary proceeding.

## REGISTERED SEX OFFENDERS LIVING IN DELAWARE COUNTY

For a list (and photographs, if available) of sex offenders living in Delaware County, go to <http://www.delawarecountysheriff.com/> and click on "Sex Offenders". The site features a link through which you can request to receive an e-mail alert when the Sheriff's office updates the website to include an offender living within a mile of your address.

## GENERAL INFORMATION ON SEXUAL VIOLENCE

According to the National Institute of Justice (<https://www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf>):

- 25% of college-aged women report experiences that meet the legal definitions of rape or attempted rape
- One in five women are raped while attending college
- 85% of rapes are committed by a person the victim knows

According to the National Sexual Violence Resource Center (<https://www.nsvrc.org/about-sexual-assault>)

- One in five women and one in 71 men will be raped at some point in their lives
- An estimated 32.3% of multiracial women, 27.5% of American Indian/Alaska Native women, 21.2% of non-Hispanic black women, 20.5% of non-Hispanic white women, and 13.6% of Hispanic women were raped during their lifetimes

- Nearly three out of four adolescents (74%) who have been sexually assaulted were victimized by someone they knew well
- One-fifth (21.1%) were committed by a family member

**GUIDANCE ON TAKING IMMEDIATE ACTION** (Taken from: MTSO Sex/Gender Harassment, Discrimination and Sexual Misconduct Policy, updated summer 2020. Posted August 2020.)

In the event that sexual assault or violence has occurred, the survivor's **first response is to get to a safe place, and call 911 (9-911 from campus phones) if necessary.** A decision to press charges does not have to be made at this time. However, observance of the procedures that follow will help preserve this option for the future:

- Do not bathe, douche, brush your teeth, use the restroom, or drink liquids.
- Clothes should not be changed, but if they are bring all original clothing to the hospital in a paper bag. (Plastic bags damage evidence.)
- Go to a hospital. You may have serious injuries that you are not aware of, and you can receive medication to prevent pregnancy or sexually transmitted diseases (STDs). Bring a full change of clothing with you to the hospital, including shoes, for use after a medical examination.
- A SARN advocate may offer support at the hospital, if you request to speak to an advocate at the hospital.
- Survivors may choose at the hospital whether or not to speak to the police. If they do, the option to choose whether to file charges still exists.
- Private physicians are not required to notify the police. If a survivor desires police involvement, he or she may request this contact. Also, survivors treated by a private physician may have to ask for a rape kit to be completed. Having a rape exam does not mean that survivors must press charges; it only keeps the survivor's options open.

Tell a trusted person about the incident. Campus officials such as the Title IX Coordinator (740-362-3440), the Academic Dean (740-362-3369), or the Director of Student Services (740-362-3126) are available to assist you.

The Delaware (City) Police Department (740-203-1111) holds the law enforcement authority for the campus. The campus is also under the jurisdiction of the Delaware County Sheriff's Office (740-833-2810). The School is available to assist victims of a crime with contacting the authorities, reporting claims, and pursuing restraining orders.

The Campus Conduct Hotline at 1-800-9HELPUS (1-800-943-5787) is available for students, employees, or others who prefer to contact a resource outside of the institution confidentially or anonymously.

Another helpful resource is the HelpLine of Delaware and Morrow Counties, which can be reached by dialing 211 (9-211 from campus phones), 740-369-3316 or 1-800-684-2324. (If you are hearing impaired, HelpLine uses the Ohio Relay Service). HelpLine is a 24-hour local, toll-free crisis support and information and referral hotline for people living in Delaware and Morrow Counties.

**HelpLine also has the Sexual Assault Response Network (SARN) Program which provides short and longer-term advocacy to people in Delaware, Morrow, Crawford, and Wyandot Counties.** Part of this program includes volunteer advocates who have been specially trained to do crisis intervention, offer emotional support, make referrals, and answer questions for survivors of sexual assault who present to the emergency department of Grady Memorial Hospital, the Delaware City Police Department or the Delaware County Sheriff's Office, as well as other local emergency departments. The SARN program also has staff who provide longer-term advocacy, for those who've experienced sexual assault and need support through a process (e.g. the criminal justice system or even student judiciary). SARN assistance is also provided, regardless of when the sexual assault occurred, if it was reported and what the need may be. The SARN program also provides therapeutic workshops & materials (e.g. books) for those who've experienced sexual

assault and peer-led, staff-facilitated support groups, depending on need. We help connect people with needed information and support. To learn more about SARN, visit: <https://helplinedelmor.org/s-a-r-n/>

SARN advocates respond 24 hours a day, 7 days a week and will automatically be called by emergency department personnel. They may also be called by law enforcement to be available to the survivor and/or their family and friends. HelpLine serves all individuals. At the emergency department survivors will be offered services by the advocate, but always have the option of declining. HelpLine staff and volunteers are required to keep all information confidential. A SARN advocate can be requested by calling HelpLine's 24-hour hotline at 740-369-3316 or 1-800-684-2324. The hotline worker on duty will contact the appropriate on-call advocate. The volunteer advocate will do everything possible to ensure that the survivor feels positive about seeking help. The advocate is not a "fact finder" or interviewer, but is trained to be supportive during medical and forensic interviews without jeopardizing the effectiveness of the interview. An advocate may be a more effective support person than a friend or relative during this time. However, it is always the right of the survivor to decide who is to be in the room with him/her/them. The first step in recovery after an assault is empowerment. The SARN advocate, and medical and law enforcement agencies all have the goal of providing a supportive environment conducive to the healing process.

Law Enforcement officers and detectives have received special training and observe a special investigation protocol in dealing with survivors of sexual assault, in immediate/short-term situations (assault has occurred within the past 96 hours) AND in situations where there has been an extended delay in reporting the offense (more than 96 hours following the assault).

**Sexual Assault Nurse Examiners (SANE)** are on duty or on call at Grady Memorial Hospital in Delaware, OH. SANE nurses are trained to provide compassionate, comprehensive care so that a sexual assault survivor does not perceive a re-victimization by the healthcare system. The SANE nurse will conduct a medical forensic examination, provide treatment and follow-up care referrals.

**NON-DISCRIMINATION AND MTSO STANDARDS** (MTSO Sex/Gender Harassment, Discrimination and Sexual Misconduct Policy, updated summer 2020. Posted August 2020.)

MTSO is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from sexual harassment, discrimination, sexual misconduct and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, MTSO has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of sexual harassment sexual misconduct or retaliation. MTSO values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

MTSO adheres to all federal, state and local civil rights laws prohibiting discrimination in employment and education. MTSO does not discriminate in its admissions practices, in its employment practices, or in its educational programs or activities on the basis of sex/gender. As a recipient of federal financial assistance for education activities, MTSO is required by Title IX of the Education Amendments of 1972 to ensure that all of its education programs and activities do not discriminate on the basis of sex/gender. Sexual harassment, sexual assault, dating and domestic violence, stalking and sexual exploitation are prohibited under Title IX and by MTSO policy. The law and MTSO policy prohibit discrimination and harassment of employees or discrimination and harassment between members of the MTSO community: for example, between an instructor and a student, between two students, or between a student and an applicant or campus guest.

MTSO also prohibits retaliation against any person participating in good faith in any discrimination investigation or complaint process internal or external to the institution; for bringing a complaint of discrimination or harassment; for assisting someone with such a complaint; for attempting to stop discrimination or harassment.

Any member of the campus community, guest or visitor who acts to deny, deprive or limit the educational, employment, or social access opportunities and/or benefits of any member of the MTSO community on the basis of sex is in violation of this policy.

Any person may report sex harassment, discrimination or other forms of sexual misconduct, whether or not the person reporting is the person alleged to have experienced the conduct. Reports may be made by telephone or email using the contact information listed below for the Title IX Coordinator.

This policy applies in all MTSO programs and activities, including, but not limited to, discrimination in athletics, instruction, grading, and MTSO employment. It is central to the values of the MTSO that any individual who believes they may have been the target of unlawful discrimination or harassment feel free to report their concerns for appropriate investigation and response, without fear of retaliation or retribution.

Questions regarding Title IX, including its application and/or concerns about noncompliance, should be directed to the title IX Coordinator. All complaints or any concerns about conduct that may violate this policy and retaliation should be filed with MTSO's Title IX Coordinator: Kathy Dickson Title IX Coordinator Werner Hall 117 3081 Columbus Pike, Delaware, Ohio 740-362-3440 [kdickson@mtsso.edu](mailto:kdickson@mtsso.edu)

**SCOPE OF POLICY** The purpose of this policy is the prohibition of sexual harassment, sexual misconduct and retaliation. When an alleged violation of this policy is reported, those allegations are subject to review and resolution using MTSO's Grievance Process related to this policy. When the Respondent is a member of the MTSO community this Grievance Process will be available regardless of the status of the Complainant, who may or may not be a member of the MTSO community. The MTSO community includes students, (including dual enrolled students) student organizations, faculty, administrators, staff and third parties such as guests, visitors, volunteers, invitees and campers.

The Grievance Procedures may be applied to incidents, patterns of behavior and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

#### DEFINITIONS

- **Actual Knowledge:** Official notice of sexual harassment or misconduct allegations to MTSO's Title IX Coordinator or any other MTSO official who has authority to institute corrective measures on behalf of the MTSO.
- **Advisor:** A person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.
- **Complainant:** An individual who is alleged to be the victim of conduct that could constitute sexual harassment based on a protected class; or retaliation for engaging in a protected activity.
- **Confidential Resource:** An employee who is not a Mandated Reporter of notice of harassment and/or retaliation.
- **Day:** A business day when MTSO is in normal operation.
- **Discrimination:** Conduct on the basis of sex/gender that excludes an individual from participation, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in a MTSO program or activity.

- Education program or activity: Locations, events, or circumstances where the MTSO exercises substantial control over both the Respondent and the context in which the sexual harassment occurs 3 and also includes any building owned or controlled by a student organization that is officially recognized by MTSO.
- Final Determination: A conclusion by a preponderance of the evidence that the alleged conduct did or did not violate policy.
- Finding: A conclusion by preponderance of the evidence that the conduct did or did not occur as alleged (as in a "finding of fact").
- Formal Complaint: A document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment or retaliation for engaging in a protected activity against a Respondent and requesting that MTSO investigate the allegation.
- Formal Grievance Process: A method of formal resolution designated by MTSO to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 CFR §106.45) and with 6th Circuit rulings.
- Hearing Decision-maker or Panel: Refers to those who have decision-making and sanctioning authority within MTSO's Formal Grievance process.
- Investigator: The person or persons charged by MTSO with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence
- Mandated Reporter: An employee of MTSO who is obligated by policy to share knowledge, notice, and/or reports of harassment and/or retaliation with the Title IX Coordinator.
- Notice: An employee, student, or third-party who informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- Official with Authority (OWA): An employee of MTSO explicitly vested with the responsibility to implement corrective measures for sexual harassment and/or retaliation on behalf of MTSO.
- Preponderance of the Evidence: The standard of evidence applied in determining a violation of this policy. Generally considered to be "more likely than not" or "the greater weight of the evidence".
- Remedies: Post-finding actions following a determination of a violation of this policy, provided to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the MTSO's educational program.
- Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment, sexual exploitation or retaliation for engaging in a protected activity.
- Resolution: The result of an informal or Formal Grievance Process.
- Sanction: A consequence imposed by MTSO on a Respondent who is found to have violated this policy.
- Sexual Exploitation: When a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses.
- Sexual Harassment: The umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence as set forth in Title IX regulations (34 CFR §106.30) and identified in detail in this policy. 4
- Title IX Coordinator: The official designated by MTSO to ensure compliance with Title IX and MTSO's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.
- Title IX Team: The Title IX Coordinator, any deputy coordinators, and investigators responsible for overseeing designated elements of Title IX.

**TITLE IX COORDINATOR** The Title IX Coordinator is charged with coordinating the MTSO's compliance with federal civil rights laws, as set forth in MTSO Policy. The Title IX Coordinator is not an advocate for either the Complainant or the Respondent. The Title IX Coordinator will explain to both parties the informal and formal processes outlined below and the confidentiality provisions. Where appropriate, the Title IX Coordinator will provide to both party's information about options for obtaining no contact orders, medical and counseling services; information about making

a criminal report; information regarding academic support; information about receiving advocacy services, information about other helpful campus and community resources and safety measures.

The Title IX Coordinator will offer to coordinate with other campus officials, when appropriate, to implement interim remedial measures such as no-contact orders, rearrangement of living arrangements, or academic accommodations. The Title IX Coordinator will describe the process of a fair and impartial investigation. The Title IX Coordinator will explain to both parties their rights to have a person of support with them during their interviews and during the hearing stage of these procedures to conduct cross-examination. If a party does not have an adviser, the MTSO will provide one to accompany them to all meeting or interviews. If a party does not have an adviser for the hearing to conduct cross-examination MTSO must provide one. A party may not conduct cross examination personally.

If an individual does not want to pursue a complaint, the Title IX Coordinator will inform the individual that MTSO is limited in the actions it can take without the cooperation of the individual and will explain the full scope of supportive measures available. The individual making the report (Reporter) is encouraged to provide as much detailed information as possible to allow the Title IX Coordinator to investigate and respond as appropriate. The Title IX Coordinator may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the Title IX Coordinator to conduct a meaningful and fair investigation.

A complainant will not be denied supportive measure simply because they choose not to file a formal complaint. The Title IX Coordinator will also explain to parties and witnesses that retaliation for reporting alleged violations of the policy, or participating in an investigation of an alleged violation, is strictly prohibited and that any retaliation should be immediately reported and will be promptly addressed.

The Title IX Coordinator accepts anonymous and third-party reports of conduct alleged to violate this Policy and will follow up on such reports.

**INDEPENDENCE AND CONFLICT OF INTEREST** The Title IX Coordinator and members of the Title IX Team 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.

The members 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.

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the MTSO President Jay Rundell at jrundell@mtso.edu, or 740-362-3121. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

Reports of misconduct committed by the Title IX Coordinator should be reported to the MTSO President Jay Rundell at jrundell@mtso.edu, or 740-362-3121 or designee. Reports of misconduct committed by any other Title IX Team member should be reported to the Title IX Coordinator.

**SUPPORTIVE MEASURES** MTSO will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged sexual harassment and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to MTSO's education program or activity, including measures designed to protect the safety of all parties or MTSO's educational environment, and/or deter sexual harassment and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, the MTSO will inform the Complainant, in writing, that they may file a formal complaint with MTSO either at that time or in the future, if they have not done so already.

The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

MTSO will maintain the privacy of the supportive measures, provided that privacy does not impair MTSO's ability to provide the supportive measures. MTSO will act to ensure as minimal an academic or occupational impact on the parties as possible.

MTSO will implement measures in a way that does not unreasonably burden the other party. These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
  - Referral to community-based service providers
  - Student financial aid counseling
  - Altering work arrangements for employees or student-employees
  - Safety planning
  - Providing campus safety escorts
  - Implementing contact limitations (no contact orders) between the parties
  - Academic support, extensions of deadlines, or other course/program-related adjustments
  - Timely warnings
  - Class schedule modifications, withdrawals, or leaves of absence
  - Increased security and monitoring of certain areas of the campus
  - Any other actions deemed appropriate by the Title IX Coordinator
- Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

**EMERGENCY REMOVAL** MTSO can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal.

This risk analysis is performed by the Title IX Coordinator in conjunction with appropriate behavior intervention staff its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate.

When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived.

A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so.

There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion.

MTSO will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

Where the Respondent is an employee, existing provisions for interim action are applicable.

**PROMPTNESS** All allegations are acted upon promptly by MTSO once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but MTSO will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in MTSO procedures will be delayed, MTSO will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

**PRIVACY** Every effort is made by MTSO to preserve the privacy of reports. MTSO will not share the identity of any individual who has made a report or complaint of harassment or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sexual harassment or retaliation, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

MTSO reserves the right to determine which MTSO officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Information will be shared as necessary with Investigators, Hearing Panel members/Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

MTSO may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

**JURISDICTION** This policy applies to the education program and activities of MTSO, to conduct that takes place on the campus or on property owned or controlled by MTSO, at MTSO-sponsored events, or in buildings owned or controlled by MTSO's recognized student organizations. The Respondent must be a member of MTSO's community in order for its policies to apply.



This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to MTSO's educational program. MTSO may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial MTSO interest.

Regardless of where the conduct occurred, the MTSO will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial MTSO interest includes:

- a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- b. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
- c. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- d. Any situation that is detrimental to the educational interests or mission of MTSO.

If the Respondent is unknown or is not a member of MTSO community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report. Further, even when the Respondent is not a member of MTSO's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator.

In addition, MTSO may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from MTSO property and/or events.

All vendors serving MTSO through third-party contracts are subject to the policies and procedures of their employers [or to these policies and procedures to which their employer has agreed to be bound by their contracts].

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences sexual harassment or retaliation in an externship, study abroad program, or other environment external to MTSO where sexual harassment policies and procedures of the facilitating or host organization may give recourse to the Complainant.

**TIME LIMITS ON REPORTING** There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to MTSO's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, MTSO will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

**ONLINE SEXUAL HARASSMENT AND/OR RETALIATION** The policies of MTSO are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on MTSO's education program and activities or use MTSO networks, technology, or equipment.

Although MTSO may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to MTSO, it will engage in a variety of means to address and mitigate the effects.

Any online posting or other electronic communication by students, including cyber-bullying, cyberstalking, cyber-harassment, etc., occurring completely outside of MTSO's control (e.g., not on MTSO networks, websites, or between MTSO email accounts) will only be subject to this policy when such online conduct can be shown to cause a substantial in-program disruption or infringement on the rights of others.

Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided, but protected speech cannot legally be subjected to discipline.

Off-campus harassing speech by employees, whether online or in person, may be regulated by MTSO only when such speech is made in an employee's role with MTSO.

#### **PROHIBITED CONDUCT**

**SEXUAL HARASSMENT** The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Ohio regard Sexual Harassment as an unlawful discriminatory practice.

MTSO has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community and in compliance with Title IX regulations (34 CFR §106.30). 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 sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

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

**1) Quid Pro Quo:**

- a. an employee of MTSO,
- b. conditions the provision of an aid, benefit, or service of MTSO,
- c. on an individual's participation in unwelcome sexual conduct.

**2) Sexual Harassment:**

- a. unwelcome conduct,
- b. determined by a reasonable person,
- c. to be so severe, and
- d. pervasive, and,
- e. objectively offensive,
- f. that it effectively denies a person equal access to the MTSO's education program or activity.

**3) Sexual Assault, defined as:**

**a) Sex Offenses, Forcible:**

- Any sexual act directed against another person
- without the consent of the Complainant,
- including instances in which the Complainant is incapable of giving consent.

**Forcible Sexual acts include:**

**Forcible Rape:**

- Penetration,

- o no matter how slight,
- o of the vagina or anus with any body part or object, or
- o oral penetration by a sex organ of another person,
- o without the consent of the Complainant.

**Forcible Sodomy:**

- o Oral or anal sexual intercourse with another person,
- o forcibly,
- o and/or against that person's will (non-consensually), or
- o not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age# or because of temporary or permanent mental or physical incapacity.

**Sexual Assault with an Object:**

- o The use of an object or instrument to penetrate,
- o however slightly,
- o the genital or anal opening of the body of another person,
- o forcibly,
- o and/or against that person's will (non-consensually),
- o or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

**Forcible Fondling:**

- o The touching of the private body parts of another person (buttocks, groin, breasts),
- o for the purpose of sexual gratification,
- o forcibly,
- o and/or against that person's will (non-consensually),
- o or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

**b) Sex Offenses: Non-forcible:**

**Incest:**

- o Non-forcible sexual intercourse
- o Between persons who are related to each other
- o Within the degrees wherein marriage is prohibited by Ohio law

**Statutory Rape:**

- o Non-forcible intercourse
- o With a person who is under the statutory age of consent in Ohio

**4) Dating Violence, defined as:**

- a. violence,
- b. on the basis of sex,
- c. committed by a person,
- d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
  - i. The existence of such a relationship shall be determined based on the Complainant'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

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

**5) Domestic Violence, defined as:**

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

\*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

**6) Stalking, defined as:**

- a. engaging in a course of conduct,
- b. on the basis of sex,
- c. directed at a specific person, that
  - i. would cause a reasonable person to fear for the person's safety, or
  - ii. the safety of others; or
  - iii. Suffer substantial emotional distress.

For the purposes of this definition—

- (i) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent 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. (
- (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- (iii) Substantial emotional distress means significant mental suffering or 12 anguish that may but does not necessarily require medical or other professional treatment or counseling.

**SEXUAL EXPLOITATION** Occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses. Examples of behavior that could rise to the level of sexual exploitation include:

1. Prostituting another person;
2. Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity;
3. Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
4. Going beyond the bounds of consent (such as letting your friends hide in the closet to watch you having consensual sex);

5. Engaging in non-consensual voyeurism;
6. Knowingly transmitting an STI, such as HIV, to another without disclosing your STI status;
7. Exposing one's genitals in non-consensual circumstances, or inducing another to expose his or her genitals;
8. Possessing, distributing, viewing or forcing others to view illegal pornography.

#### TITLE IX REGULATORY DISMISSAL STANDARDS

Under 34 CFR §106.45 (B)(3) the MTSO must dismiss the formal complaints if they do not meet the following standards:

1. If the conduct does not constitute sexual harassment as defined above (34 CFR §106.30)
2. If MTSO does not have control over the harasser
3. If the incident did not occur in a program or activity of the MTSO
4. If the incident did not occur in the United States
5. If the complainant is not a member of or seeking to become a member of the MTSO community

#### GRIEVANCE RESPONSE PROTOCOL

(a) Allegations of sexual harassment that meet the five elements identified in Part II (C) of this Policy ("Title IX Regulatory Dismissal Standards) will be addressed under the Grievance Resolution Part I, "Title IX Regulatory Grievance Standards".

(b) Allegations of Sexual Harassment and/or Sexual Exploitation that must be dismissed for failure to meet the five requirements in Part II (C) will be addressed under the Grievance Resolution Process Part II, "Title IX Institutional Grievance Standards".

**STANDARDS FOR ASSESSING CONDUCT:** As used in the offenses above, the following definitions and understandings apply:

#### CONSENT

Consent is:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

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, that 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 MTSO to determine whether its 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.

Consent in relationships must also be considered in context. When parties consent to BDSM (Bondage, discipline/dominance, submission/sadism, and masochism) or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying "no" may be part of the kink and thus consensual, so MTSO's evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes nonkink relationships as a default.

**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.

**INCAPACITATION** A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent. It is a defense to a sexual assault policy violation 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 that 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. This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

**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.

#### MANDATED REPORTING

- All MTSO employees (faculty, staff, administrators) are expected to report actual or suspected sexual harassment or retaliation to appropriate officials immediately.
- In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected sexual harassment or retaliation. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.
- If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will

immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.

#### **CONFIDENTIALITY OF COMPLAINTS AND REPORTS**

Parties in these processes, including the Complainant, the individual accused of a Policy Violation ("Respondent"), and witnesses, have privacy rights and reasonable expectations of confidentiality in the investigation of matters subject to this procedure. In addition, the integrity of the process depends on ensuring reasonable expectations of confidentiality. The Title IX Coordinator will keep confidential the complaint, report, witness statements, and any other information provided by the Complainant, Respondent, or witnesses and will disclose this information only to the Complainant, Respondent, or witnesses, as necessary to give fair notice of the allegations and to conduct the investigation; to law enforcement consistent with state and federal law; to other MTSO officials as necessary for coordinating interim measures or for health, welfare, and safety reasons, and to government agencies who review MTSO's compliance with federal law. The investigation report will be disclosed only to the Complainant, Respondent, Title IX Coordinator, Discipline Authority as necessary, and MTSO officials as necessary to prepare for subsequent proceedings (e.g., MTSO President and MTSO Legal Counsel). Information about complaints and reports, absent personally identifiable information, may be reported to MTSO officials and external entities for statistical and analysis purposes pursuant to federal and state law and MTSO policy.

**FEDERAL TIMELY WARNING OBLIGATIONS** Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, MTSO must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community. MTSO will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

**FALSE ALLEGATIONS AND EVIDENCE** Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination. Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under MTSO policy.

**AMNESTY FOR DRUG OR ALCOHOL POSSESSION AND CONSUMPTION VIOLATIONS** MTSO strongly encourages students to report instances of sex-based discrimination, sexual harassment, and sexual misconduct involving students. Therefore, students who report information about sex-based discrimination, sexual harassment, or sexual misconduct involving students will not be disciplined by MTSO for any violation of MTSO's drug or alcohol possession or consumption policies in which they might have engaged in connection with the reported incident.

**EXTERNAL COMPLAINTS** If a person filed a complaint with the Title IX Coordinator and believes MTSO's response was inadequate, or otherwise believes MTSO has discriminated on the basis of sex, including sexual harassment, or retaliation, the individual may file a complaint with the: Cleveland Office for Civil Rights U.S. Department of Education 1350 Euclid Avenue, Suite 325 Cleveland, OH 44115-1812 216-522-4970 FAX: 216-522-2573 TDD: 800-877-8339 Email: [OCR.Cleveland@ed.gov](mailto:OCR.Cleveland@ed.gov) Office for Civil Rights (OCR) U.S. Department of Education 400 Maryland Avenue, SW Washington, D.C. 20202-1100 Customer Service Hotline #: (800) 421-3481 Facsimile: (202) 453-6012 TDD#: (877) 521-2172 Email: [OCR@ed.gov](mailto:OCR@ed.gov) Web: <http://www.ed.gov/ocr>

**CRIMINAL REPORTING** Please remember that if someone is in immediate danger or needs immediate medical attention, the first place to report is 911. You may also report to MTSO's Campus Building Managers. Some forms of discrimination and harassment may also be crimes. For example, sexual assault, stalking and rape are crimes. Criminal reports should be made to law enforcement, even if it is uncertain whether the particular conduct is a crime. Calling local law enforcement can help you: Obtain emergency and nonemergency medical care; get immediate law enforcement response for your protection; understand how to provide assistance in a situation that may escalate to more severe criminal behavior; arrange a meeting with victim advocate services; find counseling and support; initiate

a criminal investigation; and answer questions about the criminal process. In order to preserve any physical evidence of a sexual offense, victims of sexual assault are urged not to bathe, shower, use any feminine douche or change clothing. Such victims should go immediately to a medical facility of their choice to receive medical treatment if needed and to insure that the appropriate examinations are conducted to collect the necessary physical evidence of the assault. (3) The cost of medical treatment or examination of the victim of a sexual assault for physical evidence shall be charged to the political sub-division where the offense occurred (Ohio Revised Code Statutes 2907.28 and 2907.29). There is no cost to the crime victim for such medical treatment or examination in Ohio.

**GRIEVANCE RESOLUTION PROCESS** (MTSO Sex/Gender Harassment, Discrimination and Sexual Misconduct Policy, updated summer 2020. Posted August 2020.)

#### **NOTICE/FORMAL COMPLAINT**

Upon receipt of a notice or complaint to the Title IX Coordinator of an alleged violation of the Policy, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps MTSO needs to take.

The Title IX Coordinator will initiate at least one of three responses:

- 1) Offering supportive measures because the Complainant does not want to file a formal complaint; and/or
- 2) An informal resolution (upon submission of a formal complaint); and/or
- 3) A Formal Grievance Process including an investigation and a hearing (upon submission of a formal complaint).

MTSO uses the Formal Grievance Process to determine whether or not the Policy has been violated. If so, MTSO will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to sexual harassment or retaliation, their potential recurrence, or their effects.

#### **INITIAL ASSESSMENT**

- Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator or designee engages in an initial assessment, typically within one to five business days. The steps in an initial assessment can include:
  - The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
    - The Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
    - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
    - The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
    - If a formal complaint is made (requiring the signature of the Complainant), the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
    - If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, and may seek to determine if the Respondent is also willing to engage in informal resolution.
    - If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX or this policy.
      - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process.
  - Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints trained individuals to conduct the investigation, usually within two (2) business days of determining that an investigation should proceed.

## DISCRETIONARY DISMISSAL

MTSO may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

- 1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
- 2) The Respondent is no longer enrolled in or employed by MTSO; or
- 3) Specific circumstances prevent MTSO from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, MTSO will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party.

## COUNTERCLAIMS

- MTSO is obligated to ensure that the grievance process is not abused for retaliatory purposes. MTSO permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.
- Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.
- Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

## RESOLUTION PROCESSES

### INFORMAL RESOLUTION

Informal Resolution can include three different approaches:

- When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation.
  - When the parties agree to resolve the matter through an alternate resolution mechanism usually before a formal investigation takes place.
  - When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process
- To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator.
  - It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.
  - Prior to implementing Informal Resolution, the MTSO will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by MTSO.
  - MTSO will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

### FORMAL GRIEVANCE PROCESS

The Title IX Coordinator will provide written notice of the investigation and allegations (the "NOIA") to the

Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent's ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that the MTSO presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about the MTSO's policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor, A statement informing the parties that the MTSO's Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,
- A link to the MTSO's VAWA Brochure,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official MTSO records or emailed to the parties' MTSO-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

### RIGHT TO AN ADVISOR

The parties may each have an Advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

Parties may request to have more than one advisor upon special request to the Title IX Coordinator. The decision to grant this request is at the sole discretion of the Title IX Coordinator and will be granted equitably to all parties.

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the MTSO community. The Title IX Coordinator will also assign an

Advisor for any party if the party requests.

#### **ADVISOR'S ROLE IN MEETINGS AND HEARING**

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

MTSO cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, MTSO is not obligated to provide an attorney.

Under U.S. Department of Education regulations under Title IX, cross examination is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, MTSO will appoint an Advisor for the limited purpose of conducting any questioning of the other party and witnesses.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct questioning, the MTSO will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself.

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

All Advisors are subject to the same MTSO policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

#### **INVESTIGATION PROCESS**

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
- Meet with the Complainant to finalize their interview/statement, if necessary
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- The Investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which MTSO does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).
- The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
- The investigator shares the report with the Title IX Coordinator for feedback.

- The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report.
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included

#### **ROLE OF WITNESSES IN THE INVESTIGATION**

Witnesses (as distinguished from the parties) may be students or employees. Student witnesses are strongly encouraged to participate in good faith with the investigation process. Witnesses who are employees of MTSO are expected to cooperate with and participate in MTSO's investigation and resolution process. Failure of employee witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. MTSO will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

#### **RESOLUTION TIMELINE**

MTSO will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

#### **NOTICE OF HEARING**

Notice will be made in writing and may be delivered by one or more of the following methods: in person or emailed to the parties' MTSO-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.

- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.

- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the Chair may reschedule the hearing.

- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and MTSO will appoint one. Each party must have an Advisor present. There are no exceptions.

- A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already. (The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.)

- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decisionmaker will review during any sanction determination.

- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.

- Whether parties can or cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by MTSO and remain within the 60-90 business day goal for resolution.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

#### **DECISION MAKER/HEARING PANEL**

MTSO will designate a single Decision-maker or a three-member panel at the discretion of the Title IX Coordinator. The single Decision-maker will also Chair the hearing. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator.

The Decision-maker(s) will not have had any previous involvement with the investigation.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Chair or designee.

#### **HEARING PROCEDURES**

At the hearing the Decision-maker(s) has the authority to hear and make determinations on all allegations of sexual harassment and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the sexual harassment and/or retaliation, even though those collateral allegations may not specifically fall within the Policy.

Participants at the hearing will include the Chair, any additional panelists, the Investigator(s) who conducted the investigation, the parties (or three (3) organizational representatives when an organization is the Respondent) Advisors to the parties, any called witnesses, and anyone providing

authorized accommodations or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties and will then be excused. (A copy of the order of the hearing proceedings is available upon request in the Title IX Coordinator's Office and will be provided to parties upon commencement of a formal investigation leading to a hearing.)

#### **RECORDING**

Hearings (but not deliberations) are recorded by the MTSO for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker(s), the parties, their Advisors, and appropriate administrators of MTSO will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

#### **DELIBERATION, DECISION-MAKING AND STANDARD OF PROOF**

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s).

The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker(s) may – at their discretion – consider the statements, but they are not binding.

The Decision-maker(s) will review the statements and any pertinent conduct history provided by the appropriate administrator] and will determine the appropriate sanction(s) in consultation with other appropriate administrators, as required.

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any sanctions or recommendations.

This report must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

#### **NOTICE OF THE OUTCOME**

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within 5 business days of receiving the Decision-maker(s)' deliberation statement.

The Notice of Outcome will be shared with the parties simultaneously. Notification will be made in

writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official MTSO records, or emailed to the parties' MTSO issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by MTSO from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent MTSO is permitted to share such information under state or federal law; any sanctions issued which MTSO is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to MTSO's educational or employment program or activity, to the extent MTSO is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by MTSO to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

#### **SANCTIONS**

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the sexual Harassment and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of sexual harassment and/or retaliation
- The need to remedy the effects of the sexual harassment and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

#### **APPEALS**

Any party may file a request for appeal ("Request for Appeal"), but it must be submitted in writing to the Title IX Coordinator within 5 days of the delivery of the Notice of Outcome.

A three-member appeal panel will be designated by the Title IX Coordinator OR a single Appeal Decision-maker will Chair the appeal] No appeal panelists or Decision-maker will have been involved



in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

**a. Grounds for Appeal**

Appeals are limited to the following grounds:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Chair and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s).

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given 5 business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this Policy by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses in 5 business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses will be shared with the Appeal Panel, or and the Chair/Panel will render a decision in no more than 5 business days, barring exigent circumstances. All decisions are by majority vote and apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which MTSO is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent MTSO is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional

records, or emailed to the parties' MTSO-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above

**b. Appeal Considerations**

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Chair/Decision-maker(s) may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where a procedural error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s).
- The results of a remand to a Decision-maker(s) cannot be appealed. The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases in which the appeal results in reinstatement to MTSO or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

**FAILURE TO COMPLY WITH SANCTIONS**

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Chair/Panel).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from MTSO and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

**RECORDKEEPING**

MTSO will maintain for a period of at least seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to MTSO's education program or activity;
4. Any appeal and the result therefrom;

5. Any Informal Resolution and the result therefrom;
  6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. MTSO will make these training materials publicly available on MTSO's website; and
  7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
    - a. The basis for all conclusions that the response was not deliberately indifferent;
    - b. Any measures designed to restore or preserve equal access to MTSO's education program or activity; and
    - c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.
- MTSO will also maintain any and all records in accordance with state and federal laws.

**VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013 (VAWA)**, which, among other provisions, amended section 485(f) of the HEA, otherwise known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). Notably, VAWA amended the Clery Act to require institutions to compile statistics for incidents of dating violence, domestic violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in their annual security reports (<https://www.federalregister.gov/articles/2014/10/20/2014-24284/violence-against-women-act> ).

**Dating violence**

Dating violence as defined by the VAWA is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim where 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
- The frequency of interaction between the person involved in the relationship

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**

Domestic violence as defined by VAWA, includes felony or misdemeanor crimes of violence committed:

- 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 receiving grant monies
- By any other person against and 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

**Force**

Force is the use or threat of physical violence or intimidation and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that overcome an individual's freedom to choose whether to participate in sexual activity, resist or produce consent.

**Hostile environment**

A hostile environment exists when a reasonable person is rendered unable to function for fear of ridicule,

threats, derogatory comments, unwelcome jokes, insults, slurs, and other similar conduct. A variety of related factors are considered in determining if a hostile environment has been created, with subjective and objective perspectives taken into account. Conduct is evaluated from the perspective of a reasonable person in the alleged victim's position, considering all the circumstances. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. Indeed, a single or isolated incident of sexual violence may create a hostile environment.

**Incapacitation**

Incapacitation is a state where one cannot make a rational, reasonable decision because he or she lacks the ability to give knowing consent, or to understand the "who, what, when, where, why, or how" of his or her sexual interaction because an individual is mentally and/or physical helpless, unconscious, or unaware that the sexual activity is occurring. Where alcohol and other substances, including prescription drugs, are involved, incapacitation is a state beyond drunkenness or intoxication. Warning signs that a person may be nearing incapacitation may include vomiting, slurred speech, unsteady gait, odor of alcohol or other drugs, combativeness, and/or emotional volatility.

**Retaliation**

It is unlawful to retaliate against an individual for interfering with any right or privilege secured by Federal civil rights laws, including Title IX. Any individual or group of individuals, not just a Respondent or Complainant, can commit retaliation. Retaliation includes, but is not limited to, intimidating, threatening, coercing or in any way discriminating against the individual because of the individual's complaint of sexual discrimination or violence.

**Sex Discrimination**

Sex discrimination consists of behaviors and actions that deny or limit a person's ability to benefit from and/or fully participate in the educational programs or activities or employment opportunities because of a person's sex. Examples of sex discrimination under Title IX include, but are not limited to, sexual harassment, sexual violence, failure to provide equal opportunity in education programs and co-curricular programs, discrimination based on pregnancy, and employment discrimination.

**Sexual Activity**

Sexual activity is defined as intentional contact with the breasts, buttock, groin or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice; or intercourse however slight, meaning vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact or genital to mouth contact).

**Sexual Assault**

Sexual assault is defined as having or attempting to have sexual intercourse or sexual contact with another individual without consent. This includes sexual intercourse or sexual contact achieved by the use or threat of force or coercion, where an individual does not consent to the sexual act, or where an individual is incapacitated. Sexual assault includes the following two acts:

**Related to Non-consensual Sexual Intercourse:** Having or attempting to have sexual intercourse with another individual without consent. Sexual intercourse includes vaginal or anal penetration, however slight, with a body part or object, or oral copulation by mouth-to-genital contact.

**Related to Non-consensual Sexual Contact:** Having or attempting to have sexual contact with another individual without consent. Sexual contact includes kissing, touching the intimate parts of

another, causing the other to touch one's intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, genitals, buttocks, mouth, or any other part of the body that is touched in a sexual manner.

### **Sexual Battery**

Sexual Battery is a felony. No person shall engage in sexual conduct with another when any of the following applies: 1) the offender knowingly coerces the other person to submit by any means that would prevent resistance by a person of ordinary resolution, or 2) the offender knows that the other person's ability to appraise the nature of, or control, his or her own conduct is substantially impaired, or 3) the offender knows that the other person submits because he or she is unaware that the act is being committed, or 4) the offender has supervisory or disciplinary authority over such person. A victim need not prove physical resistance to the offender.

### **Sexual Exploitation**

Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to: prostituting another person; non-consensual video or audio taping of sexual activity; going beyond the boundaries of consent (i.e., allowing others to watch you have consensual sex unbeknownst to your sexual partner); engaging in voyeurism; knowingly transmitting an STD or HIV to another; inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity; and exposing one's genitals in non-consensual circumstances, or inducing such exposure in another person. Sexually-based stalking or bullying may also be forms of sexual exploitation.

### **Sexual Imposition**

Sexual imposition is a misdemeanor. No person shall have sexual contact with another, cause another to have sexual contact with the offender, or cause two or more other persons to have sexual contact when any of the following applies: 1) the offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard; or 2) the offender knows that the other person's, or one of the other person's, ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired; or 3) the offender knows the other person, or one of the other persons, submits because of being unaware of the sexual contact. [ORC 2907.06] Gross sexual imposition is a felony.

### **Sexual Harassment**

Sexual harassment is distinguished from a voluntary sexual relationship by the introduction of the element of coercion, threat, hostility, or unwanted attention of a sexual nature. Sexual harassment consists of unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when:

- submission to such conduct is made a term or condition of employment or the educational relationship;
- submission to or rejection of such conduct is used as a basis for employment or education decisions affecting the individual; or
- such conduct is sufficiently severe, persistent or pervasive that it has the effect of unreasonably interfering with, denying or limiting a student's or employee's work performance, ability to participate or benefit from the School's educational program or activities, or creating an intimidating, hostile, or offensive working, educational, or living environment.

While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:

- promising, directly or indirectly, a student or employee a reward if the student or employee complies with a sexually-oriented request (quid pro quo);
- threatening, directly or indirectly, retaliation against a student or employee if the student or employee refuses to comply with a sexually-oriented request;
- denying, directly or indirectly, a student or employee an employment or education-related opportunity if the student or employee refuses to comply with a sexually-oriented request;
- engaging in sexually suggestive conversation or physical contact or touching another student or employee;
- displaying pornographic or sexually-oriented materials;
- engaging in indecent exposure;
- making sexual or romantic advances toward a student or employee and persisting despite the student's or employee's rejection of the advances;
- physical conduct such as assault, touching, or blocking normal movement;
- retaliation for making harassment reports or threatening to report harassment.

Sexual harassment can involve males or females being harassed by members of either sex. Although sexual harassment sometimes involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority can also be found responsible for engaging in prohibited harassment.

Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered separately would not rise to the level of harassment.

### **Sexual Misconduct**

Sexual misconduct is a broad term encompassing any sexual behaviors that violate MTSO standards of conduct or policies governing work expectations. In general, any non-consensual physical contact of a sexual nature may constitute sexual misconduct. Sexual harassment and sexual exploitation are also forms of sexual misconduct. Sexual misconduct may vary in its severity and consists of a range of behaviors or attempted behaviors that may be grounds for action under MTSO policies.

Prohibited conduct under this policy includes, but is not limited to:

- non-consensual sexual contact: any intentional sexual touching, however slight, with any object or body part, by a man or woman upon a man or woman, without consent and/or by force;
- non-consensual sexual intercourse: any sexual intercourse (anal, oral, or vaginal) however slight, with any object or body part, by a man or woman upon a man or woman, without consent and/or by force;
- forced sexual intercourse: unwilling non-consensual sexual penetration (anal, oral, or vaginal) with any object or body part that is committed either by force, threat, intimidation, or through exploitation of another's mental or physical condition of which the assailant was aware or should have been aware.

### **Sexual Violence**

Sexual violence refers to physical acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to age, use of alcohol or drugs, or because an intellectual or other disability prevents the person from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. School employees or third parties can carry out sexual violence. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX.

### **Stalking**

Stalking as defined by VAWA, is, engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for his or her safety or the safety of others; or
- Suffer substantial emotional distress
  - "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

### **PREVENTION PROGRAMS**

New employees were given Everfi Prevention training for new employees in 2019; all new incoming students did not receive in 2019 through transition of prevention program and policies.

Faculty, Student Workers/Internship/Field Education, and Staff Training, implemented prior to May 2011 – September 30, 2015: **Sexual Abuse Awareness: Creating a Safe Campus for Young People** (fulfills EIIA Risk Management requirement for Higher Education institutions). This is a one-hour on-line training program provided by in2vate.com, LLC. The training is focused on university/college personnel, key students and volunteers, and summer camp counselors/leaders to be able to know and act on the important steps to prevent sexual abuse on a campus by: learning more about sexual abuse and becoming aware; knowing how to take action to safeguard young people from abuse; and knowing how to report any suspicion of sexual abuse.

Staff & Faculty Training, effective July 1, 2015: **Bridges: Building a Supportive Community**. This course covers how to identify and report different types of sexual misconduct committed against students. It also cover ways to prevent sexual violence and maintain a safe campus community. It is a 60 minute on-line training program developed by LawRoom. All MTSO Faculty and Staff employees are required to participate in Title IX/Sexual Misconduct training upon hire and every two years thereafter.

Campus SaVE Act Student Training, effective July 1, 2015: Campus Clarity's **Think About It**. *Think About It* addresses the Campus SaVE Act's primary and ongoing prevention program requirements. Further, *Think About It* is a comprehensive two – two-and-a-half hour online training program that prepares students to confront and prevent serious campus problems. The program covers sexual misconduct along with drugs and alcohol, and it combines sexual assault and substance abuse prevention so that the student receives three separate courses during their first year on campus. As of July 1, 2016: Campus Clarity's **Think About It: Graduate Students**.

### **MISSING STUDENT NOTIFICATION POLICY AND PROCEDURES**

Any institution that maintains an on-campus housing facility must establish, for students who reside in an on-campus student housing facility, both a policy and procedures for missing student notification.

Any on-campus resident who has been missing for at least 24 hours may be considered missing if there is sufficient evidence to warrant this conclusion. This does not preclude implementing missing student notification procedures in less than 24 hours if circumstances warrant a faster implementation.

### **WHOM TO CONTACT**

An individual reporting that an on-campus student has been missing for 24 hours should contact the Facilities

Manager, who serves as the chief campus security authority. Upon notification, the Manager will contact the Title IX Coordinator, the City of Delaware Police Department, and the Delaware County Sheriff's Office. Official missing student reports will be referred immediately to local law enforcement agencies with jurisdiction in this area.

### **CONFIDENTIAL CONTACT PERSON**

Each student living in on-campus student housing has the option to register a confidential contact person to be notified in the case that the student is determined to be missing. Students who wish to register a confidential contact person should provide this information to the Director of Student Services. Only authorized campus officials and law enforcement officers in furtherance of a missing person investigation may have access to this information. Students living in on-campus student housing should be advised that, even in cases where a confidential contact person has not been registered, local law enforcement will be notified that the student is missing.

### **STUDENTS UNDER 18 YEARS OF AGE**

As a graduate-level institution, it is unlikely that MTSO would enroll a student under the age of 18. However, if a missing MTSO student is under the age of 18 and not emancipated, his or her parent or guardian will be notified.

### **PREPARATION AND DISTRIBUTION OF ANNUAL CAMPUS SAFETY AND CRIME STATISTICS REPORT**

The Director of Student Services is responsible for preparing and distributing the annual report to all members of the campus community, and for submitting statistics to the federal government. The annual report will be delivered electronically to every student, and to each member of the faculty and staff. The report also will be posted on the School's website. Applicants for admission and applicants for employment will be made aware of the availability of the report through School's Admissions & Personnel Officers.

MTSO CAMPUS CRIME STATISTICS FOR CALENDAR YEARS 2017, 2018 & 2019

ON CAMPUS TOTAL	2	2	2	ON CAMPUS STUDENT HOUSING FACILITIES (Subset of On Campus Total)			PUBLIC PROPERTY		
	1	1	1	1	1	1	1	1	1
	7	8	9	7	8	9	7	8	9
<b>CRIMINAL OFFENSES (on campus)</b>				<b>CRIMINAL OFFENSES (in campus housing)</b>			<b>CRIMINAL OFFENSES (public property)</b>		
a. Murder/ Non-negligent manslaughter	0	0	0	a. Murder/ Non-negligent manslaughter	0	0	a. Murder/ Non-negligent manslaughter	0	0
b. Negligent manslaughter	0	0	0	b. Negligent manslaughter	0	0	b. Negligent manslaughter	0	0
c. Sex offenses forcible	0	0	0	c. Sex offenses forcible	0	0	c. Sex offenses forcible	0	0
d. Sex offenses non-forcible	0	0	0	d. Sex offenses non-forcible	0	0	d. Sex offenses non-forcible	0	0
e. Robbery	0	0	0	e. Robbery	0	0	e. Robbery	0	0
f. Aggravated assault	0	0	0	f. Aggravated assault	0	0	f. Aggravated assault	0	0
g. Burglary	0	0	0	g. Burglary	0	0	g. Burglary	0	0
h. Motor vehicle theft	0	0	0	h. Motor vehicle theft	0	0	h. Motor vehicle theft	0	0
i. Arson	0	0	0	i. Arson	0	0	i. Arson	0	0
<b>HATE OFFENSES (on campus)</b>				<b>HATE OFFENSES (in campus housing)</b>			<b>HATE OFFENSES (public property)</b>		
a. Murder/ Non-negligent manslaughter	0	0	0	a. Murder/ Non-negligent manslaughter	0	0	a. Murder/ Non-negligent manslaughter	0	0
b. Negligent manslaughter	0	0	0	b. Negligent manslaughter	0	0	b. Negligent manslaughter	0	0
c. Sex offenses forcible	0	0	0	c. Sex offenses forcible	0	0	c. Sex offenses forcible	0	0
d. Sex offenses non-forcible	0	0	0	d. Sex offenses non-forcible	0	0	d. Sex offenses non-forcible	0	0
e. Robbery	0	0	0	e. Robbery	0	0	e. Robbery	0	0
f. Aggravated assault	0	0	0	f. Aggravated assault	0	0	f. Aggravated assault	0	0
g. Burglary	0	0	0	g. Burglary	0	0	g. Burglary	0	0
h. Motor vehicle theft	0	0	0	h. Motor vehicle theft	0	0	h. Motor vehicle theft	0	0
i. Arson	0	0	0	i. Arson	0	0	i. Arson	0	0
j. Simple assault	0	0	0	j. Simple assault	0	0	j. Simple assault	0	0
k. Larceny - theft	0	0	0	k. Larceny - theft	0	0	k. Larceny - theft	0	0
l. Intimidation	0	0	0	l. Intimidation	0	0	l. Intimidation	0	0
m. Destruction/damage/ vandalism of property	0	0	0	m. Destruction/damage/ vandalism of property	0	0	m. Destruction/damage/ vandalism of property	0	0
<b>VAWA Offenses (on campus)</b>				<b>VAWA Offenses (in campus housing)</b>			<b>VAWA Offenses (public property)</b>		
a. Domestic violence	0	0	0	a. Domestic violence	0	0	a. Domestic violence	0	0
b. Dating violence	0	0	0	b. Dating violence	0	0	b. Dating violence	0	0
c. Stalking	0	0	0	c. Stalking	0	0	c. Stalking	0	0
<b>ARRESTS (on campus)</b>				<b>ARRESTS (in campus housing)</b>			<b>ARRESTS (public property)</b>		
a. Weapons: carrying, possessing, etc.	0	0	0	a. Weapons: carrying, possessing, etc.	0	0	a. Weapons: carrying, possessing, etc.	0	0
b. Drug abuse violations	0	0	0	b. Drug abuse violations	0	0	b. Drug abuse violations	0	2
c. Liquor law violations	0	0	0	c. Liquor law violations	0	0	c. Liquor law violations	0	0
<b>DISCIPLINARY ACTION (on campus)</b>				<b>DISCIPLINARY ACTION (in campus housing)</b>			<b>DISCIPLINARY ACTION (public property)</b>		
a. Liquor law violations	0	0	0	a. Liquor law violations	0	0	a. Liquor law violations	0	0
b. Drug law violations	0	0	0	b. Drug law violations	0	0	b. Drug law violations	0	0
c. Illegal weapons possessions	0	0	0	c. Illegal weapons possessions	0	0	c. Illegal weapons possessions	0	0

# ANNUAL FIRE SAFETY REPORT

Methodist Theological School in Ohio  
Delaware, Ohio

December 31, 2020

## DEFINITIONS

Any institution that maintains an on-campus housing facility must collect fire statistics, publish an annual Fire Safety Report, and keep a "fire log." For the purposes of fire safety reporting, a **fire** is defined as any instance of open flame or other burning in a place not intended to control the burning or in an uncontrolled manner. **Fire-related injuries** are defined as injuries from a fire that result in treatment at a medical facility.

## ALARM SYSTEMS

All residence units have fire alarm systems and smoke detectors that are checked by maintenance staff on a regular basis. If you notice any problems with these alarms or detectors, please notify Maintenance (workrequest@mtso.edu). IF AN ALARM OR DETECTOR IS SOUNDING, contact Maintenance (x3380) or the Front Desk (0 from any campus phone) immediately, during business hours. After hours, the Building Managers are the contact people. (See the inside front cover of this handbook for all the telephone numbers).

Once an alarm has sounded, it needs to be re-set in the living area as well as the in the Administration Building—regardless of the time it is occurring. If the alarm is in your living area AND YOU ARE CERTAIN THERE IS NO FIRE (smoke from cooking may have set off the alarm, for example), please let maintenance, the front desk AND your Building Manager know. Fire Extinguishers are located in each hallway; however, you may want to purchase a fire extinguisher for your own apartment.

## FIRE DRILLS

MTSO is required by our insurance company and the City of Delaware to have regular fire drills in all residence units. These fire drills can be announced or unannounced. Two such drills were conducted in 2019. When you hear the fire alarm sound, please evacuate your room or apartment immediately, using the nearest exit.

## EVACUATION GUIDELINES

Proceed to the nearest exit. After exiting the building, go to the assigned location.

**LIBRARY** - Gather in the grassy area across the street in front of the library.

**GAULT AND WERNER HALLS** - Gather in the grassy area across the street in front of Werner Hall.

**DEWIRE RESIDENTS AND DINING HALL** - Gather in the far corner of the parking lot next to the picnic shelter.

**HELEN WERNER APARTMENT BUILDING** - Gather in the grassy area in front of the apartment building next to the sidewalk.

**KLEIST MANOR APARTMENTS** - Gather in the grassy area in front of your building next to the sidewalk.

Persons who do not evacuate a building during a fire drill can be assessed a fine by the fire marshal. If you know that someone from your building hasn't reported to the designated area, notify maintenance and/or the fire department. Be mindful of the arriving fire trucks and the firefighters with equipment and hoses.

## FIRE DOORS

The Residence Hall and Apartment Buildings have fire safety doors in hallways and stairways. In the event of fire, these doors automatically close to prevent the spread of smoke and are marked "KEEP CLOSED." DO NOT prop these doors open.

## FIRE SAFETY PRACTICES

All residents including children who live on campus should understand basic fire safety principles and procedures for reporting a fire as well as evacuating their residence in the event of a fire. Trainings for key staff, including library personnel, farm employees, building managers, Facilities Manager, maintenance, Director of Student Services, and others will include First Aid and CPR training which includes AED training.

## STORAGE OF FLAMMABLE MATERIALS

All residents need to be careful about how and where flammable materials are stored. Paper, empty boxes, chemicals and other flammable materials should not be stored in storage bins, hallways, or Kleist Manor apartment utility areas. (Items stored in Kleist Manor utility areas must be at least three feet away from all sides of the furnace and water heater.) Inspections of the storage and utility areas will occur at least once per semester by MTSO staff. In addition, we must be responsive to fire marshal and insurance investigator requests to randomly inspect these areas on their timelines.

## POLICY ON USE OF PORTABLE ELECTRICAL APPLIANCES

Use of portable electrical appliances in any on-campus housing facility is limited to devices of 1200 watts or less. This policy is meant to include coffee makers and other small kitchen appliances, computers and printers, and personal grooming devices such as hair dryers, curling irons, and razors. Use of portable space heaters is prohibited. If there are questions regarding permissible use of a particular device, contact the Facilities Manager.

## SUBSTANCE ABUSE POLICY

The primary objective of this policy is to promote good health practices as part of the educational mission of MTSO. In so doing, we strive to provide and maintain an alcohol-free and drug-free academic environment. MTSO prohibits the unlawful use, possession or distribution of alcoholic beverages or illicit drugs. MTSO, through the Office of the Vice President of Academic Affairs will work with any student suspected of violating this policy. A first sanction for unlawful use or possession of alcoholic beverages or illicit drugs would generally require, as a minimum, drug and alcohol assessment and, if needed, counseling and rehabilitation. Other disciplinary sanctions could be imposed through the personal/professional misconduct disciplinary processes. Repeated instances of substance abuse will absolutely constitute grounds for suspension or expulsion. Suspected unlawful distribution of alcoholic beverages or illicit drugs will be referred to legal authorities. The student would also be subject to disciplinary action by the school, including expulsion.

## OPEN FLAME POLICY

MTSO normally allows the use of candles or open flames in worship services and other events where such use is appropriate, as long as the use is in full compliance with the requirements of applicable codes (e.g., not used near flammable or combustible materials, etc.) and where there is a continuous presence of individuals who are responsible for candle or open flame usage. However, based upon the potential fire risk for building occupants and buildings, MTSO requests that candles or other open flames not be used inside campus buildings (including housing units) outside of worship services and other appropriate events (such as birthday parties).

**FIRE STATISTICS - FOR CALENDAR YEARS 2017, 2018 & 2019**

<b>Unintentional Fires (on campus including on campus housing)</b>	<b>2017 - 0</b>	<b>2018 - 0</b>	<b>2019- 0</b>
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<b>Unintentional Fires (in campus housing)</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Dewire Residence Hall	0	0	0
Helen Werner Apartment Building	0	0	0
Kleist Manor	0	0	0

<b>Unintentional Fires (public property)</b>	<b>2017 - 0</b>	<b>2018 - 0</b>	<b>2019 - 0</b>
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