

**Jeanne Clery Disclosure of Campus Security Policy  
and Crime Statistics Act  
Annual Security and Fire Safety Report**

The University of Akron, 2024  
Including statistics for calendar years 2021, 2022 and 2023

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# Annual Campus Safety and Fire Report

## Letter of Commitment

Your safety is our priority. It must also be your priority. As a university, we work very hard to prevent crime, fire, accidents and illness associated with drug and alcohol abuse, but nothing we do is as important as what you do - and, in some cases, don't do.

The University of Akron Police Department has primary responsibility for crime prevention and law enforcement on campus. Other areas, such as the Division of Student Affairs, Environmental Health and Safety and many others also contribute to making The University of Akron a safer place to study, work and live.

The information in this report is provided as part of the University of Akron's commitment to safety and security and in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (the "Clery Act") and The Higher Education Act: Fire Safety Report. This report also contains information concerning the University's efforts to prevent the illicit use of drugs and the misuse or abuse of alcohol by students and employees, consistent with the Drug Free Schools and Communities Act Amendments of 1989 (Public Law 101-226.)

This report contains valuable information about how members of the University community can promote and practice safety on or off campus. Paying special attention to the following safety tips and programs will greatly reduce the chances of becoming a victim of crime, getting injured or losing valuables. Working together, we can make campus and the surrounding area a safe place to study, work and live.

Respectfully,

*Jim Gilbride*

Jim Gilbride  
Chief of Police and Campus Safety  
The University of Akron

**Emergency numbers**

Consider programming these numbers into your cell phone.

**University of Akron Police Department**

Campus Emergency using cell phone 330-972-2911

On-Campus Emergency using campus phone 9-1-1

Non-Emergency 330-972-7123

**Akron Police**

Emergency 9-1-1

Non-Emergency 330-375-2181

**Akron Fire**

Emergency 9-1-1

Non-Emergency 330-375-2211

**Wayne College Police Department**

Emergency 9-1-1

City of Orrville Police Department at 330-684-5025

**The University of Akron Medina**

Emergency 9-1-1

Medina County Sheriff's Office 330-725-0028

# Police Authority

## About the University of Akron Police Department

Campus law enforcement is primarily the responsibility of the University of Akron Police Department (UAPD.) The University's full-time police officers are designated by statute as the law enforcement officers of the University and are commissioned by the State of Ohio with full law enforcement authority identical to that of a municipal police officer or sheriff's deputy (Ohio Revised Code §3345.04.) It is the mission of UAPD to protect, serve, and provide safety for a diverse community and to promote student success. The University of Akron Police Department strives for excellence and legitimacy in pursuit of its mission.

UAPD officers meet or exceed training standards of the Ohio Peace Officers Training Council and receive ongoing in-service and specialized training, including training in victim based sexual assault, police legitimacy and procedural justice and diversity. The University of Akron Police Department enforces laws of the State of Ohio and the City of Akron and is responsible for public safety services such as crime prevention, medical emergencies, fire emergencies and traffic accidents. The University of Akron Police Department has authority to search and arrest as authorized by law and to use reasonable and necessary force to enforce all laws and protect property on all University property. The University of Akron Police Department also has the authority to address and refer students for suspected violations of the Code of Student Conduct.

The University of Akron Police Department works closely with other law enforcement agencies and law enforcement information is shared through personal contacts and technological interaction. In addition, UAPD and the City of Akron Police Department share a common records management system and UAPD reports are exchanged on an as-needed basis among other police agencies, so that all agencies share pertinent information. Beginning in the summer of 2024, the City of Akron Police Department and UAPD dispatch centers were combined at an off-campus shared location.

The Akron Post of the Ohio State Highway Patrol (OSHP) is located on the University's campus. This arrangement reflects a unique partnership that provides benefits to the campus, city, and county in terms of safety and protection for the entire community.

In addition, the University maintains mutual aid agreements with several law enforcement agencies, including the City of Akron, City of Orrville, and federal law enforcement agencies, and UAPD may enforce the law as provided by these mutual aid agreements. Copies of these mutual aid agreements are available here:

City of Akron: <http://www.uakron.edu/dotAsset/1552726.pdf>

City of Orrville: <https://www.uakron.edu/safety/docs/mutual-aid-orrrville.pdf>

Summit County: <http://www.uakron.edu/dotAsset/1552744.pdf>

Northern Ohio Violent Fugitive Task Force: <http://www.uakron.edu/dotAsset/1552720.pdf>

Participating Ohio universities: <https://www.uakron.edu/safety/docs/mutual-aid-agreement-among-ohio-universities.pdf>

The University of Akron Police Department provides law enforcement services to the Akron campus 24-hours-a-day, 7 days a week. Law enforcement services are provided to the University's other campuses 24-hours-a-day, 7 days a week, through a combination of the University of Akron Police Department and local law enforcement agencies. Response areas include all parking lots, residence halls, and fraternity and sorority houses. UAPD has established a strong working relationship with the City of Akron Police Department. Through its mutual aid agreement with the City of Akron, UAPD has the authority to engage in patrol, crime interdiction and joint crime prevention efforts in the neighborhoods near the Akron campus.

UAPD makes routine audits of the city neighborhoods near campus to report malfunctioning streetlights, missing or damaged street signs, graffiti, and other nuisance issues to the proper agencies.

In March 2022, the University created a new subdivision of its Community Housing Oriented Policing (CHOP) program, which focuses on the south end of the East Exchange corridor. This two-officer team works with students, landlords, and other community residents to offer safety education and targeted police patrols to make this a safer area for students to live and commute to the University.

The University of Akron Police Department police station is in the Physical Facilities Operations Center at the corner of Forge and Hill Streets. (GPS location of 146 Hill Street, Akron, OH 44325). UAPD is staffed 24-hours every day of the year, to receive reports and investigate crimes. Emergency telephone service, 330-972-2911, is available from all campus phones and over 500 emergency phones are located throughout the University campus, 157 “Blue Light” phones, with 3 “Blue Light” phones located off-campus. Questions may also be directed to UAPD through email at [UAPD@uakron.edu](mailto:UAPD@uakron.edu). Walk-in service is available 24/7 and non-emergency phone contact is also always available by calling 330-972-2911.

### **Recent Updates Involving the University of Akron Police Department**

In 2020, The University of Akron embarked on a three-phase surveillance camera project to further enhance safety in the campus community. Phase I was completed in December 2020 and included the installation of over 200 surveillance cameras focused on entrance and exit doors to all campus buildings.

Phase II began in late 2020 and was completed in August 2023. Phase II included the installation of over 600 camera views focused on parking lots and decks.

Phase III will include upgrades of older analog cameras to digital. The list of cameras that need to be replaced has been provided to the Camera Project manager in Capital Planning. This project is currently on hold as UAPD is awaiting approval of funding for Phase III.

In 2022, the University upgraded its video surveillance software to enable faster and more complete monitoring of cameras and equipment. In addition, the new software enables the University to share cameras and footage with the Akron Police Department. During this software upgrade, additional storage was allocated to allow for 30 days of video storage per camera.

The University is currently a member of the East Exchange Street Renovation Project. This project includes adding additional cameras to Exchange Street and the residential area south of Exchange Street. The final phase of camera installation was completed before the fall 2024 semester.

### **Off-Campus Patrol**

The University of Akron utilizes the Block-by-Block Off-Campus Safety Ambassadors to provide unarmed safety and patrol services in the south of East Exchange Street corridor. The Ambassadors assist with off-campus outreach and relations and report safety hazards. The corridor is bound by East Exchange Street to the north, Power Street to the south, Grant Street and Sherman Street to the west and Goodkirk Street and Brown Street to the east. The patrol also provides safety escort services across the bridge on East Exchange Street to the Downtown Akron Partnership special improvement district at South Broadway. The map on Page 12 (highlighted in green) indicates the patrol area. Block-by-Block services are available in the designated area Wednesday through Saturday evenings from 7:00 p.m. until 3:30 a.m. and Monday through Thursday from 12:30 p.m. until 7:00 p.m. Block-by-Block also monitors and reports nuisance complaints such as burned-out streetlights, graffiti, litter, and high weeds.

## Criminal Activity Off Campus

The City of Akron has primary law enforcement responsibility for the off-campus areas adjacent to the University’s Akron campus. The City of Orrville has primary law enforcement responsibility for the off-campus areas adjacent to the Wayne campus. The University has mutual aid agreements with the cities of Akron and Orrville that allow UAPD to assist the cities with off-campus incidents.

The University, through its relationships with the cities of Akron and Orrville police departments, and through its common records management system with the City of Akron, can monitor and record non-campus (as defined by Clery regulations in Appendix B) and off-campus criminal activity by students, including criminal activity at non-campus locations of recognized student organizations. The University also has the authority to address non-campus and off-campus conduct in accordance with its Code of Student Conduct.

Because of the location of the Ohio State Highway patrol post on campus, the Patrol also can assist with off-campus safety.

## Campus Safety Programming

### Summary of Community Policing/Crime Prevention Program

The following is an overview of safety programs offered by the University and its police department. Programs are available throughout the academic year, which are intended to inform students and employees about personal safety, community safety and crime prevention.

The specific time and location for each program is announced through various campus media throughout the year. Programs can also be scheduled individually by contacting UAPD directly at 330-972-2911. In addition, UAPD provides informational tables at campus-wide events, which are staffed by UAPD officers, who are available to answer questions.

Event	Description
Akron Experience	UAPD participates in the “Akron Experience” curriculum by providing instruction on general campus safety or Run, Hide, Fight (instructor’s choice) to each of the Akron Experience classes each semester.
Root beer Kegger	This program discusses the law, culture, and consequences of consuming alcohol.
Run, Hide, Fight	Run, Hide, Fight is a program designed by the FBI/Homeland Security that demonstrates three tactics used to keep self and others safe during an active shooter attack: run, hide, fight. The basics of rendering first aid to others is also taught in this session. The goal of this training is for students to be prepared, empowered, and able to survive the attack. The program lasts approximately one hour.

Early College Orientation	This campus safety lecture is provided to Akron Public School students participating in the Early College Program.
Women's Self Defense Course	This program is a modified version of the program P.R.O.T.E.C.T: (Personal Response Option and Tactically Effective Counter Techniques). The program teaches easy to learn techniques for safety and self-defense.
International New Student Orientation	This program provides international students with information about safety on and off campus. The program also explains law enforcement and driving responsibilities.
Lockdown Drills	This State mandated program is presented to the Early College Program.
Mental Health and Wellness Program	This program addresses mental health issues on campus and raises awareness about available resources and inspires future mental health advocacy initiatives. The program, sponsored by the Women's Resource Center, the Multicultural Center and the Counseling and Testing Center, is open to all students, and employees.
New Faculty Orientation	UAPD provides an overview of the police department, including services and personal safety tips. Orientation also includes sexual harassment and Title IX training.
New Student Orientation	This program is provided to parents who participate in the orientation process at the University. UAPD provides a department overview, safety tips for property and person, and tips for protecting property by marking and engraving those items.
Sexual Assault and Awareness Program	This program is included in the alcohol awareness programs. Issues related to consent and acquaintance rape are discussed.
Sexual Assault and Violence Prevention Workshop	This workshop, sponsored by several campus organizations, is designed to equip women with some practical tools to help them effectively reduce the risk of sexual assault and to address some of the trauma from being sexually assaulted or experiencing an attempted sexual assault. It is typically led by a counselor or faculty member interested in gender-based violence prevention.
UAPD Safety Programs	These programs give participants an overview of UAPD and safety tips for on and off campus living and personal safety tips, including how to identify a suspicious person, location and use of campus safety phones and the availability of the campus escort.

Party Safe	This training talks about safe party practices including local and state laws, alcohol facts, safety concerns, medical emergencies, bystander intervention, and interacting with responding police officers.
Landlord Mingles	UAPD participates in “landlord mingles,” where local landlords are invited quarterly to get together to discuss off-campus problems and solutions for safe off-campus living. UAPD also separately meets with local landlords and managers of local apartment complexes to discuss concerns, solutions, and planning.
Responding to Sexual Violence	This program talks about UAPD’s response to sexual violence. The Clery Act/Report, Title IX, state and local laws, reporting options, resources, and Student Conduct procedures are also covered.
Crisis Response	UAPD services and response to crisis including sexual assault, medical emergencies, alcohol and drug overdoses, and mental health emergencies are presented. Rape crisis, Title IX, Student Conduct, and criminal investigation procedures are also covered.

## Summary of Sexual Assault and Interpersonal Violence Education and Prevention Programming

The University of Akron strives to develop and maintain a campus culture that is safe for, and respectful of all its community members. To achieve this goal, the University offers a combination of primary prevention and awareness programs and ongoing prevention and awareness campaigns that are designed to create awareness of, and prevent dating violence, domestic violence, sexual assault, and stalking. Primary prevention programming includes programs, initiatives, and strategies that are intended to prevent dating violence, domestic violence, sexual assault and stalking before they occur. The programming, which is informed by research and assessed for effectiveness, is intended to promote positive and healthy behaviors that will: foster relationships that are mutually respectful; encourage safe bystander intervention and seek to promote healthy and safe behavioral norms. Examples of the programs are included in the list of safety programming on pages 8-11 of this report. Ongoing campaigns include programming and strategies that are sustained over time and focused on understanding topics related to dating violence, domestic violence, sexual assault, and stalking. Programming is developed for various audiences and available to the campus community throughout the year.

The University uses many forms of media to disseminate its policies to students. The Code of Student Conduct (which incorporates the University’s Sexual Harassment Policy) and a description of the Student Conduct process is on the Department of Student Conduct and Community Standards (“SCCS”) website: [www.uakron.edu/studentconduct](http://www.uakron.edu/studentconduct). Information concerning the Code of Student Conduct and SCCS also is in the Department of Residence Life and Housing on line handbook <https://www.uakron.edu/reslife/handbook/>. SCCS also offers numerous presentations throughout the year that explain: the Code of Student Conduct, services offered by SCCS; how to report a conduct violation; and an overview of the conduct process.

In addition to the primary education programs identified above, the University and its constituent student and employee organizations, offers various safety and sexual assault/sexual harassment training and programming for student and employee audiences throughout the year. Information regarding ongoing prevention and awareness training and programming is communicated to students and employees through informational

postings, webpage announcements, and electronic newsletters that the University sends to students (through Zipmail) and employees (through the Digest.) Student organizations also may use the Zipmail system to share information with University students. A description of the programming offered during 2023 is available in the attached Appendix E.

## **Campus Safety Initiatives and Resources to Inform Crime Prevention and Encourage Personal Safety**

### **Crime Prevention Initiatives**

In addition to the campus safety programming described previously, The University of Akron employs many additional crime prevention initiatives, including:

**Community Policing:** UAPD utilizes a community policing philosophy with the goals of:

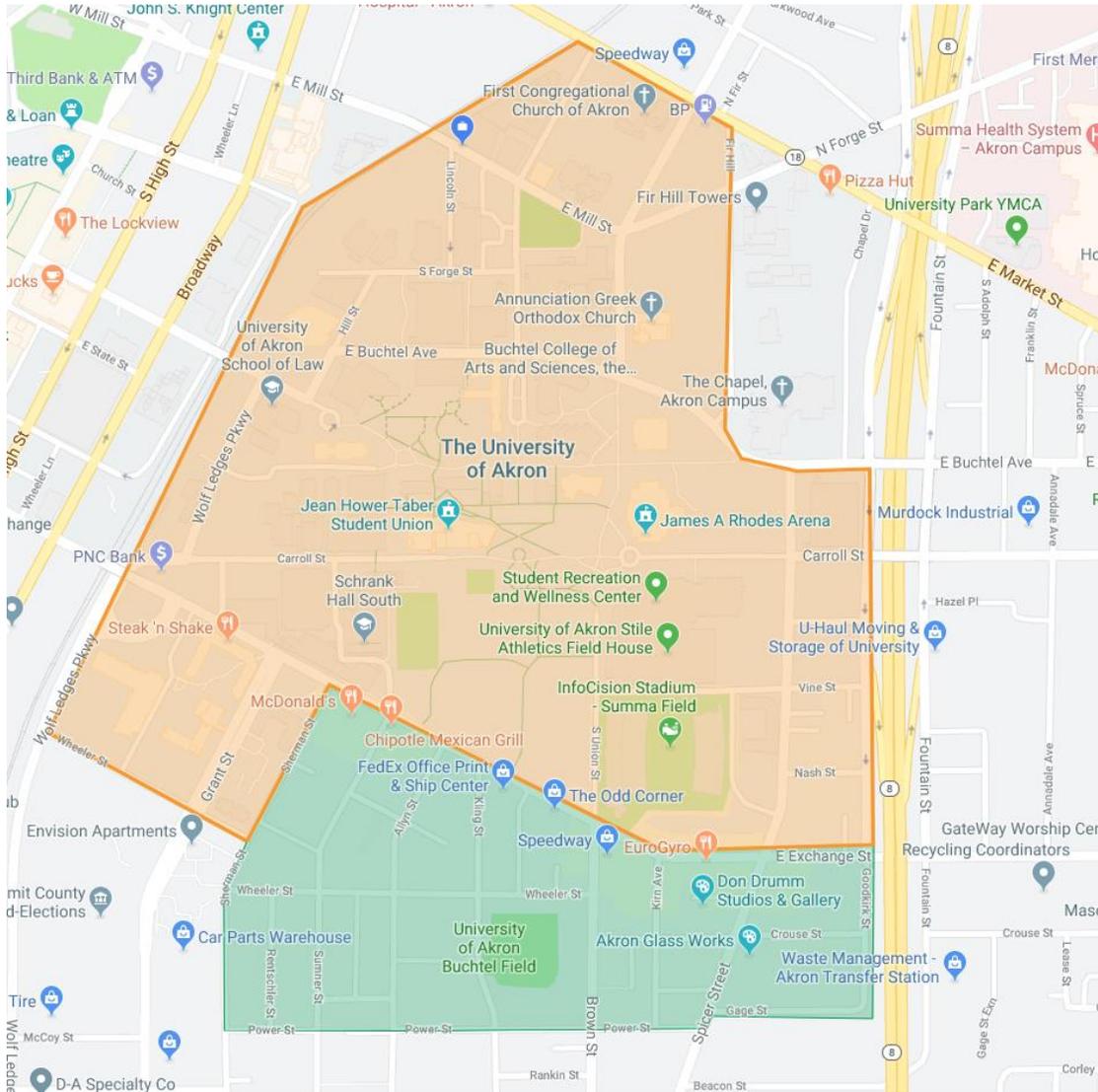
- establishing positive contacts with the campus community,
- identifying real and/or perceived problems that exist in the campus community, and
- developing programs that aid in resolution of identified problems.

To assist in its community policing efforts, UAPD uses various modes of transportation, including patrol cars, ATVs, and foot patrols.

**Emergency phones:** There are 516 emergency phones are located throughout the University campus, including 157 “Blue Light” phones, with 3 “Blue Light” phones located off-campus, which provide a direct line of communication to police dispatch for individuals in need of emergency assistance. These phones are strategically positioned along pedestrian walkways, inside parking decks and at many building entrances. UAPD responds to all activated emergency phones even if no one speaks.

**Safety escorts:** University of Akron police officers are available 24/7 to provide safety escort to students, faculty and staff. By calling 330-972-2911, an officer will come to a caller’s location and accompany them to their local destinations.

**Prospective and current student crime awareness and prevention programs:** UAPD and the Division of Student Affairs present information to prospective students and their parents about University safety programs and general campus safety tips. Safety literature and displays are available during orientation and at move-in. Information is also available at various web-sites such as <http://www.uakron.edu/safety/> and <http://www.uakron.edu/title-ix/>



	University Patrols
	South of Campus Patrol

## Victim Rights and Advocacy

**Victim’s Rights:** The Ohio Attorney General’s Office developed a Ohio Crime Victims’ Rights handbook <https://www.ohioattorneygeneral.gov/Files/Publications-Files/Publications-for-Victims/Crime-Victims-Bill-of-Rights.aspx> which details the rights of victims, including information regarding resources for victims and expectations for the criminal justice process.

Ohio became the sixth state to pass Marsy’s Law in November 2017. Marsy’s Law shields victims from offender harassment and empowers victims by giving them legally enforceable rights. UAPD provides every victim of an alleged crime with a written document that includes a list of victim rights conferred to them under the Ohio Constitution, Article 1, Section 10(a), a list of local resources for victim services, and contact information for the City of Akron prosecutor’s office.

## UAPD Safety TIPS- Steps to enhance personal safety

Whether on campus or in any public place, here are some general safety tips to consider:

- Travel in groups. Often, there is safety in numbers. If you are going to separate from your group, tell someone when you expect to return.
- Take a cell phone.
- Park in well-lit areas.
- If you feel threatened, cross the street, or enter a store or business.
- Have your keys in hand as you approach your car. Check under the vehicle and the back seat before you unlock and enter.
- Alcohol and other drugs impair your perceptions and decision-making. Do not place yourself in a vulnerable position by being intoxicated or under the influence of other drugs.
- If you do drink, set a limit, and stick to it. Don't drink on an empty stomach. Also, never leave a drink unattended. If you are away from your drink any amount of time, toss it. It's not worth the risk.

Out and about

- UAPD officers will escort University community members. Call 330-972-2911 to request the service.
- If you feel threatened or if you want to report something suspicious, use one of over 516 emergency phones on campus, including more than 157 “Blue Light” phones. These phones, distinguished by their blue lights, connect directly to a police dispatcher at all hours.
- Program the University's non-emergency line into your cell phone: 330-972-2911.
- Notify the UAPD if you notice anything suspicious or unusual. Call the department at 330-972-2911 (or 9-1-1 in an emergency) at any hour. We value every call.

In the residence halls:

- Always lock your door; even when you're sleeping or just going down the hall.
- Do not allow strangers to enter your room or your complex. Do not open your door unless you can identify the person seeking entry.
- Do not prop any exterior doors open that may promote unescorted visitors into the residence hall.
- Report lost or stolen residence hall keys or Zip Cards immediately to your residence hall staff.
- Report any malfunctioning locks, doors or windows to Residence Life and Housing.
- Do not leave your keys or Zip Card lying around in your room when you are not in the room.
- Do not leave messages on your door about when you will be returning to your room.

Living off campus:

- Call UAPD and request a free security audit of your rental. Our officers will test the adequacy of your locking system, study all entry points, offer suggestions to improve their security, and offer tips about exterior lighting and other tactics to deter would-be criminals. To arrange for an audit, call the UAPD at 330-972-2911.
- Don't open the door in the middle of the night unless you are expecting someone. Ask your landlord to install a peephole in your front door. If you see someone unexpected at your door during the overnight hours, call Akron Police Department at 911 or UAPD at 330-972-2911.
- If you leave home, turn on a light, radio, or TV to make it appear as if someone is home.
- Lock doors and windows. Many times, thieves enter through unlocked doors and windows. Ask your landlord to install a deadbolt if one is not present.
- Let the police department know if a streetlight is out or contact the City of Akron “311” at 330-375-2311.

\*\* Sources: UAPD and the International Association of Campus Law Enforcement Administrators

## Building Security and Access

The University of Akron implements numerous safety precautions on its campus. Extensive lighting is found throughout the campus, and the University continues to implement additional lighting improvement projects. The outdoor lighting is checked regularly by Physical Facilities Operations Center and bulbs are replaced when required. The Grounds Department maintains the greenery on campus and considers safety and visibility for individuals walking and driving on campus. In addition, construction and renovation plans for University facilities are reviewed for principles associated with crime prevention through environmental design, both in the facility itself and, if practicable, in outside areas.

Access to campus buildings is restricted after normal business hours, and valid University identification must be shown to gain admittance to select academic and administrative facilities during normal business hours. Access to the University's residence halls is restricted to student occupants, escorted guests, and authorized University personnel.

## Campus Resources

The following offices provide additional resources to promote and enforce the safety, health, and community standards of the University.

**The Department of Residence Life and Housing:** Approximately 2,200 students live in the University's nine residence halls. Access to the University's residence halls is restricted to student occupants, escorted guests, and authorized University personnel. Unescorted persons are prohibited in the residence halls. While all residence halls have 24-hour visitation, buildings always remain locked and require a University-issued identification for access.

Residence hall staff members receive special training about security and safety procedures and the enforcement of residence hall regulations. Safety inspections every semester help students to maintain a safe living environment. Department of Residence Life and Housing staff conduct programs with resident students to heighten awareness of safety on campus. Sessions cover topics from common sense precautions, (such as walking with a companion or in groups at night), to more difficult issues (such as sexual assault, including acquaintance rape). Student programming efforts from the Department of Residence Life and Housing are nationally recognized for excellence and cover topics including bystander training, safe sex, rape prevention, and LGBTU + issues. As a part of crime prevention in the residence halls, UAPD patrols the residence halls during evening hours, seven days a week. Officers participate in residence hall programs and respond to all police, fire, and safety issues in the residence halls.

**The Department of Student Conduct and Community Standards (SCCS):** The primary focus of SCCS is to promote and enforce University community standards through the administration of the University of Akron's student conduct process as outlined in the Code of Student Conduct (Code). A copy of the Code, which details the jurisdiction, definitions of student misconduct, amnesty policy, and the investigation and adjudication processes, including but not limited to, the fact-finding process, alternative resolution process, hearing and appeal processes, administrative fees, disciplinary fines and sanctions, has been included in Appendix F. In addition, SCCS also coordinates a number of educational programs and presentations used to educate faculty, staff, and students about their rights and responsibilities as members of our community and the student conduct process.

**Student Health Services:** Student Health Services works to assist students to meet their educational and personal goals by addressing their health concerns during their enrollment at the University. Student Health Services' Health Education section provides health education, wellness promotion and risk reduction

programming to students, faculty, and staff. Student Health Services continues to maintain the University's strategic vision of "shared responsibility" to plan, develop, implement, and evaluate health promotion techniques and continue to be a resource for those in need.

Student Health Services is designed to provide medical care for uncomplicated illnesses and injuries that are of recent onset and short duration. Student Health Services also provides confidential assistance in the event of a sexual assault. If you have any questions, please call before your visit. Student Health Services is in the Student Recreation and Wellness Center, Room 260, and is open Monday through Friday from 8 a.m. to 5 p.m. (last appointment at 4:30 p.m.) Student Health Services is closed on weekends and holidays. The office can be reached at 330-972-7808. Website: <http://www.uakron.edu/healthservices/>

## **Policies for Reporting Crimes and Preparing Annual Reports**

Individuals who are victims of, or witnesses to a crime, or otherwise become aware of a crime, are strongly encouraged to timely report that crime to the police. In fact, under Ohio law, persons who have knowledge of a felony are required to report the crime to the police and failure to report a crime may itself be a crime. (Ohio Revised Code §2921.22)

### **Reporting Crime**

- Crimes occurring on the Akron campus should be reported to UAPD by calling 9-1-1 or 330-972-2911.
- Crimes occurring off campus in Akron should be reported to the City of Akron Police Department by calling 9-1-1 (emergency) or 330-375-2181 (non-emergency).
- Crimes occurring on the Wayne College campus should be reported to UAPD by calling 9-1-1 or 330-972-7123.
- Crimes occurring off campus near the Wayne College campus should be reported to the City of Orrville Police Department at 330-684-5025 or dial 9-1-1.
- Crimes occurring on and off campus at the Medina campus should be reported to Medina County Sheriff's Office 330-725-0028 or dial 9-1-1.
- Crimes may be reported by using the UA Mobile APP <https://www.uakron.edu/mobile/>

If a crime occurs at a location other than those listed above, including non-campus locations, the crime should be reported to the applicable local law enforcement agency.

In addition to the police, information on criminal behavior may be reported to:

- Offices within the Division of Student Affairs, including Student Conduct and Community Standards.
- Department of Athletics, Office of the Athletic Director, and athletic coaches.
- Residence Life and Housing staff.
- Advisers to recognized student organizations; and
- Title IX Coordinator and Deputy Coordinators.

The University strongly encourages all victims of, or witnesses to crime to report all criminal activity to police to ensure prompt evaluation for timely warning or emergency notification and for inclusion in the statistics for the annual crime report.

### **Confidentiality and Crime Reporting**

The University does not have procedures for the voluntary confidential reporting of crime statistics and violations of law are referred to the appropriate law enforcement jurisdiction. However, UAPD offers the opportunity for individuals to report crime anonymously. Anonymous crime reporting is available at: <http://www.uakron.edu/safety/report-a-problem/anonymous-reporting.dot> and

Crimes reported on-campus to counselors at the University's Counseling Center or to a physician or nurse at Student Health Services are confidential to the extent allowed by law. Some off-campus reports also may be confidential to the extent allowed by law (e.g., to clergy; physicians; Portage Path Behavioral Health counselors; and Hope & Healing counselors). Counselors and physicians are encouraged to report crimes reported to them, consistent with their professional ethics and the limitations imposed by applicable confidentiality laws, to ensure inclusion in the annual collection and disclosure of crime statistics. However, crimes reported to counselors and physicians that are learned within the scope of their professional licenses may not be included in the annual crime statistics report.

The University makes every effort, in compliance with Ohio law, to protect the identity of sexual assault victims. If sexual assault victims wish to remain anonymous or not file a police report, UAPD honors their request while still offering them referrals to medical care and/or counseling, as well as making appropriate referrals to the Title IX coordinator(s) and SCCS.

Because of the Ohio public records laws and the law requiring individuals having knowledge of a felony to report such crime, The University of Akron is not able to guarantee confidentiality to persons reporting crimes to non-privileged recipients, including individuals or offices (e.g., Residence Life and Housing staff; Student Affairs staff; Title IX coordinators, etc.) that supply crime statistics for this annual report.

### **Preparing annual reports**

The University of Akron's Annual Security Report ("ASR") is the result of the efforts of many people on campus. Each year the offices and individuals listed in this section provide information for inclusion in the annual report. No formal police report is required for a crime to be included in the statistics. Every effort is made to ensure all people required to report do so, and that statistics are as accurate and complete as possible. Information included in the annual report is reviewed for accuracy, completeness, and readability.

If you have any questions or concerns about any of the statistics and information in this report, please contact UAPD at 330-972-2911.

Crimes that are reported to the following individuals or offices are included in the annual crime statistics report. Campus offices are strongly encouraged to report criminal incidents to UAPD contemporaneous with occurrence to ensure inclusion and avoid duplication of statistics in the ASR.

University of Akron Police Department  
Bath Township Police Department  
City of Akron Police Department  
City of Lakewood Police Department – Lakewood closed August 2024  
City of Orrville Police Department  
Copley Township Police Department  
City of Medina Police Department  
Applicable Locations for Qualifying Domestic and International Student Travel  
Wayne County Sheriff's Office  
Ohio State Highway Patrol  
Recognized Student Organizations Advisors  
Department of Residence Life and Housing  
Department of Athletics, Offices of the Athletic Director and Athletic Coaches  
Offices of the Division of Student Affairs, including Student Conduct and Community Standards

# I. Reporting Sexual Misconduct and Sexual Assault

## Gender-Based Misconduct and Title IX Policy & Protocol

### Title IX policies and protocols

[https://www.uakron.edu/title-ix/docs/2024.04.15%20Gender-Based\\_Misconduct\\_and\\_Title\\_IX\\_Policy\\_and\\_Protocol.Revised.pdf](https://www.uakron.edu/title-ix/docs/2024.04.15%20Gender-Based_Misconduct_and_Title_IX_Policy_and_Protocol.Revised.pdf)

The University of Akron's (the University) Title IX Team is committed to promoting a safe and non-discriminatory environment as we discharge our responsibility to ensure compliance with Title IX, the federal law prohibiting discrimination based on sex and gender for all students and employees. Our responsibility involves leading the institution in taking appropriate steps to remedy the discrimination and harassment, prevent its recurrence and demonstrate intolerance of anything that would compromise that responsibility. We affirm our duty to students, faculty, and staff to protect all parties from discriminatory conduct. We honor the framework of inclusive excellence to execute this responsibility equitably and strive to guarantee equal access to the educational programs and activities and employment for all who learn and work here.

## Definitions

### Advisor

An advisor is someone who provides advice and guidance following a report of conduct that could constitute sexual harassment or conduct prohibited by this protocol and/or during the grievance process. An advisor may, but is not required to be, an attorney. (See information about the advisor's role below under Grievance Process.)

### Coercion

Coercion is conduct that would place a reasonable person in fear and that is used to compel that person to engage in a sexual act.

Examples of coercive conduct include intimidation, unreasonable pressure, and express or implied threats of immediate or future harm to the person or others. Harm may be a physical, emotional, reputational, financial, or other injury to that person or another, or to personal property.

### Complainant

An individual who is alleged to be the victim of conduct that could constitute sexual harassment or conduct prohibited by this protocol.

### Consent

Consent is a clear, unambiguous, knowing, and voluntary agreement, whether verbal or non-verbal, between all parties to participate in each and every sexual act.

- Consent to one sexual act does not imply consent to other or all sexual acts, nor is it consent to the same sexual act at another time.
- Conduct will be considered "non-consensual" if no clear consent is given. The absence of

“no” does not mean “yes”, nor does silence, passivity, or lack of resistance constitute consent.

- Consent can be withdrawn at any point, as long as the person clearly informs the other party of the withdrawal, and the sexual act must stop immediately.
- Consent cannot be obtained through coercion or force.
- Consent cannot be inferred from an existing or previous dating or sexual relationship.
- Consent cannot be given by persons who are incapacitated by drugs or alcohol.
- In determining whether consent was sought and given, all relevant circumstances regarding what the respondent knew, or reasonably should have known will be evaluated.

#### Deputy Title IX Coordinator

Deputy Title IX coordinators are appointed by the Title IX coordinator and are responsible for the initial response to reports of misconduct and for supportive measures provided to complainants and respondents following reports. Deputy Title IX coordinators are also responsible for protective measures implemented to ensure the safety of the University community.

#### Force

Force is the use of physical action, strength, weapons, or violence to compel a person to participate in a sexual act.

#### Formal Complaint

A document filed by a complainant or signed by the Title IX coordinator alleging sexual harassment or conduct prohibited by this protocol against a respondent and requesting the University investigate the allegation.

#### Grievance Process

Grievance process refers to the procedures followed after the filing of a formal complaint. Specifically, the term refers to an investigation, hearing and appeal.

#### Hearing Officer

Hearing officers are responsible for facilitating the hearing, determining the relevancy of questions during a hearing, weighing the evidence presented, making a determination if the policy has been violated, and providing a written decision of the outcome to the complainant and respondent. The hearing officer will be assigned to a case after a formal complaint has been received and will be appointed by the Title IX coordinator or their designee.

#### Incapacitation

An incapacitated person lacks the ability to make an informed, rational voluntary judgment about engaging in any sexual act because they lack the capacity to understand the “who, what, when, where, why, or how” of a situation or interaction. A person can be incapacitated due to a temporary or permanent physical or mental health condition, developmental delay, or due to the consumption of drugs or alcohol. An individual who is physically helpless, asleep, unconscious, or unaware that the sexual act is taking place is incapacitated and unable to give consent. When drugs or alcohol are involved, incapacitation is a state beyond drunkenness or intoxication.

Under this policy, a person has not obtained consent when they initiate a sexual act with another person who they know or reasonably should have known was incapacitated.

## Investigator

Investigators are responsible for conducting investigations of prohibited behaviors following a formal complaint as outlined in this protocol. An investigator, or team of investigators, will be assigned to investigate formal complaints at the discretion of the Title IX coordinator or their designee.

## Report

A report refers to notice provided to the University alleging sexual harassment or conduct prohibited by this protocol.

## Respondent

An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or conduct prohibited by this protocol.

## Sex-Based Discrimination

Title IX of the Education Amendments Act of 1972 and the University prohibits discrimination based on sex. Discrimination related to sex including gender identity, gender expression and sexual orientation are prohibited under this protocol.

## Title IX Coordinator

The Title IX coordinator is responsible for ensuring the University staff, deputy Title IX coordinators, investigators, and decisions makers implement these protocols to protect safety, restore and preserve equal access to education and to deter prohibited behaviors.

## Witness

A witness is an individual who may have additional information about a report or formal complaint of conduct that could constitute sexual harassment or conduct prohibited by this protocol.

## Prohibited Conduct

This protocol addresses conduct prohibited by Title IX of the Education Amendments Act of 1972 and conduct prohibited by the University's rules or policies. Where there are differences in prohibited conduct, Section A under the definition addresses conduct prohibited by Title IX and Section B addresses conduct prohibited by the University's rules or policies.

## Limited Amnesty

While the University does not condone underage drinking, drug use, or violation of other University rules/policies, it considers reporting gender-based misconduct to be of paramount importance. To encourage such reporting and adjudication of such conduct, the University will extend limited amnesty to complainants, respondents, and witnesses. The University will generally not seek to hold the student responsible for a non-violent violation of the law or the Code of Student Conduct, such as personal use of alcohol or drugs, during the time period immediately surrounding the reported behaviors prohibited by the gender-based misconduct protocol.

## **Sex Discrimination as defined by Title IX (CFR 106) – Part A**

Title IX of the Education Amendments of 1972, prohibits sexual harassment and sex discrimination

### **Quid Pro Quo**

An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;

### **Denial of Access**

Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or

### **Sexual Assault, Dating Violence, Domestic Violence, and Stalking**

- Sexual assault as defined by the Federal Bureau of Investigation Uniform Crime Reporting System
- Domestic violence as defined by the Violence Against Women Act
- Dating violence as defined by the Violence Against Women Act
- Stalking as defined by the Violence Against Women Act

Sexual assault, domestic violence, dating violence and stalking are further defined below.

### **Sexual Assault**

As defined by the Federal Bureau of Investigation Uniform Crime Reporting System, sexual assault is defined as forcible and non-forcible sex offenses and includes:

#### **Rape**

The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. Carnal knowledge is defined as the slightest penetration of the sexual organ of the female (vagina) by the sexual organ of the male (penis).

#### **Sodomy**

Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.

#### **Sexual Assault with an Object**

Use of an object or instrument to unlawfully penetrate, however slight, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. An object or instrument is anything used by the offender other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.

#### **Fondling**

The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental incapacity.

## Incest

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

## Statutory Rape

Sexual intercourse with a person who is under the statutory age of consent.

## Dating Violence

Dating violence is an act of violence committed by a person who is or has been in a romantic or intimate relationship with the complainant. The existence of such a romantic or intimate relationship is determined by the length of the relationship; the type of relationship, and the frequency of interaction between the individuals involved in the relationship.

Examples include but are not limited to:

- Threats of physical violence;
- Physical violence, including but not limited to: being slammed or held against a wall; being slapped, kicked, choked or burned; having an arm twisted, fingers bent or other action to intimidate or otherwise coerce behavior;
- Threats or manipulation intended to control a party's behavior or isolate from friends, families or loved ones;
- Limiting or controlling access to money or financial resources; or
- Action that causes a reasonable person to fear harm to self or others.

## Domestic Violence

Domestic violence is an act of violence committed by:

- a. A current or former spouse or intimate partner of the complainant;
- b. A person with whom the complainant shares a child in common;
- c. A person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner.
- d. A person similarly situated to a spouse or the victim under the domestic/family violence laws of the jurisdiction,
- e. Any other person against an adult or youth victim who is protected from that person's act under the domestic/family violence laws of the jurisdiction.

## Stalking

As defined by the Violence Against Women Act, stalking is engaging in a course of conduct directed at a specific person on the basis of sex that would cause a reasonable person with similar characteristics, under similar circumstances, to fear for the person's 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.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

## Sex Discrimination

An unequal or disadvantageous treatment of an individual or group of persons based on their sex, gender, sexual orientation, and/or gender identity. This includes, but is not limited to, situations where individuals are

harassed, excluded or denied equal access, or subjected to sex stereotyping in academic or extracurricular opportunities.

### Retaliation

Retaliation occurs when an individual or group intimidates, threatens, coerces, or discriminates against an individual(s) for the purpose of interfering with any right or privilege secured by Title IX or this protocol or because the individual(s) has made a report or formal complaint of a violation of University policy, or testified, assisted, participated or refused to participate in any manner in an investigation, proceeding, or hearing. A good faith pursuit of legal action or the exercise of rights protected under the First Amendment does not constitute retaliation.

### Gender - Based Misconduct as defined by University Protocol – Part B

#### Gender Discrimination

An unequal or disadvantageous treatment of an individual or group of persons based on their sex, gender, sexual orientation and/or gender identity. This includes, but is not limited to, situations where individuals are harassed, excluded or denied equal access, or subjected to sex stereotyping in academic or extracurricular opportunities.

#### Battery

As prohibited by the University, battery is intentionally, or negligently, causing physical contact or bodily harm to another person because of a person's sex or gender.

Battery within the jurisdiction defined by the University Gender-Based Misconduct Policy and Protocol may occur within circumstances in which the University exercises substantial control over both the respondent and the context in which the discrimination occurs or within circumstances deemed by the University to affect adversely the University or its students and University employees.

#### Indecent Exposure

As prohibited by the University, indecent exposure is the exposure of the private or intimate parts of the body in a lewd manner in public or in private when the respondent(s) may be readily observed and/or engaging in sexual activity in public.

Indecent exposure within the jurisdiction defined by the University Gender-Based Misconduct Policy and Protocol may occur within circumstances in which the University exercises substantial control over both the respondent and the context in which the discrimination occurs or within circumstances deemed by the University to affect adversely the University or its students and University employees.

#### Sexual Exploitation

As prohibited by the University, sexual exploitation is taking non-consensual, unjust, or abusive sexual advantage of another.

Examples include, but are not limited to:

- taking, sharing, or copying pictures, video, or audio recording of nudity or sexual activity without consent;
- knowingly allowing another to secretly watch otherwise consensual sexual activity;
- engaging in non-consensual voyeurism;
- sex trafficking or coercing another person to perform a sexual act with an individual or group;
- inducing another to touch or expose their genitals; or
- possession, use, and/or distribution of alcohol or other drug (e.g., Rohypnol, Ketamine, GHB, Burudanga, etc.) for the purpose of engaging in or facilitating any activity prohibited herein.

## Sexual Harassment

Sexual harassment is unwelcome sexual, sex-based, and/or gender-based verbal, written, electronic, and/or physical conduct that unreasonably interferes with an individual's work or educational experience or creates an intimidating, hostile, or offensive working, educational or residential environment. Sexual harassment includes but is not limited to:

### Quid Pro Quo

Explicitly or implicitly conditioning an individual's employment, academic status, or participation in an educational program or activity on the individual's submission to unwelcome sexual advances, requests for sexual favors, or conduct of a sexual nature made by a person having power or authority over the provision or denial of that employment, status, program, or activity.

### Hostile Environment

Sexual, sex-based, and/or gender-based verbal, written, electronic, and/or physical conduct that a reasonable person would consider severe or pervasive and that unreasonably interferes with, denies, or limits an individual's ability to participate in or benefit from the University's educational programs, employment, and activities, or creates a hostile or offensive work, educational, or campus residential environment.

### Sexual Assault

Sexual assault is any non-consensual sexual contact, non-consensual sexual intercourse, or sexual offenses prohibited by applicable federal, state, or municipal law.

### Non-consensual Sexual Contact

Any intentional sexual touching, however slight, with any object by a person upon another person, that is without consent and/or by force. Sexual contact includes 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 other intentional bodily contact in a sexual manner.

### Non-consensual sexual intercourse

Any sexual intercourse, however slight, with any object, by a person upon another person, that is without consent and/or by force. Intercourse includes vaginal or anal penetration by a penis, object, tongue or finger, an oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

### Intimate Partner Violence (IPV)

Physical, sexual, mental, and/or emotional abuse by a current or former intimate partner. An intimate relationship is determined by the length, type, and frequency of the interactions between the individuals in the relationship. IPV includes but is not limited to violence or other abuse by one person against another in a domestic setting such as in a marriage or cohabitation.

### Stalking

Engaging in a course of conduct directed at a specific person on the basis of sex that would cause a reasonable person with similar characteristics, under similar circumstances, to fear for the person's 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.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

## Jurisdiction

Jurisdiction as defined by Title IX of the Education Amendments Act of 1972 must occur within the University's programs, activities, and/or University-owned or controlled locations in the United States, or in any building owned or controlled by a student organization officially recognized by the University, and where the University exercises substantial control over both the respondent and the context in which the prohibited conduct occurs.

Jurisdiction as defined by the University Gender-Based Misconduct Policy and Protocol may occur within circumstances in which the University exercises substantial control over both the respondent and the context in which the discrimination occurs or within circumstances deemed by the University to adversely affect the University, its students and/or employees including off-campus occurrences.

Protections from discrimination outlined in this protocol are extended to all University students, faculty and staff; as well as to all applicants for admission to undergraduate or graduate studies and applicants for employment.

Students are prohibited by the University from engaging in prohibited conduct from the date they have been notified of their acceptance for admission until the date their degree is conferred; even though conduct may occur before classes begin or after classes end. Students who have not yet completed their degree and are no longer actively enrolled may be subject to a formal complaint as outlined in the grievance process. Employees are prohibited by the University from engaging in prohibited conduct from their first day of employment until their separation date (i.e. last day of employment).

Context will determine when individuals who are both students and employees of the University will be considered students and when they will be considered employees during a grievance process.

In circumstances in which behavior has been reported and it is determined that the respondent is not covered by the jurisdiction outlined in this policy, every effort will be made to refer the behavior to a high school, college, university, or local police agency (when conduct is criminal) for possible investigation.

## Requirement to Report

All employees are classified as either responsible (or mandatory) reporters or confidential reporters. Every employee is a mandatory reporter unless specifically identified as "confidential." Mandatory reporters are required to report any instances of gender-based misconduct of which they become aware, observe, or believe has occurred. Mandatory reporters also include these student employees:

- Teaching Assistants;
- Graduate Assistants;
- Resident Assistants;
- Student employees in the Department of Student Recreation and Wellness Services;
- Student employees in the Department of Student Life including, but not limited to, student employees of the SOuRCe, Zips Program Network, Student Union Game Room, Marketing, Campus Programs, Serve Akron, Lead Akron, and the Student Union Information Desk;
- Office of Multicultural Development Peer Mentors;
- Choose Ohio First Peer Mentors.

While responsible employees are required to report all information of which they are aware, they should not ask for specifics, press for more information, or otherwise take action to investigate. All employees with knowledge of a concern must submit a report, even if this means numerous reports will be submitted for the same concern. Faculty and staff planning a public forum as part of an awareness activity (e.g., "Take Back the Night," "candlelight vigils," "survivor speak-outs,") may request an exception from reporting requirements

from the Title IX coordinator in advance of those activities.

### Confidential Employees

Only those employees identified below are considered “confidential” sources and are not required to report information obtained during confidential communication:

- University Counseling & Testing Center – Simmons Hall
  - University Wayne Campus – Counseling and Accessibility Services
  - University Health Services – Student Recreation and Wellness Center
  - University Clinic for Individual and Family Counseling – Chima Family Center
  - University Department of Psychology Counseling Clinic – Buchtel College of Arts and Sciences
- Confidential employees will be designated as such by the Title IX coordinator and receive written notification of their status.

Confidential employees will be designated as such by the Title IX coordinator and receive written notification of their status.

Confidential resources also include off-campus clergy, counselors, physicians, and Sexual Assault Nurse Examiners (SANE)

A complainant or respondent may speak confidentially to individuals in legally protected roles. A confidential report will not result in a report to law enforcement or the filing of a Title IX report without the permission of the individual. The information will not be reported to the Title IX coordinator, a deputy coordinator, Student Conduct & Community Standards, the University Equal Employment Opportunity/Affirmative Action Office, or the University police department.

### Timely Warnings and Campus Security Authorities

If a report of sexual misconduct or any crime of violence indicates an immediate threat to the health or safety of persons on campus or an on-going serious or continuing threat to the campus community, a timely warning will be issued to the campus community by the University of Akron police. The purpose of a timely warning is to enable persons to protect themselves, heighten safety awareness and seek information that may lead to an arrest and conviction of the perpetrator. When possible, complainants will be advised if the deputy Title IX coordinator anticipates a timely warning may be issued. These warnings do not include the name or identifying information of the individual reporting the concern.

Campus security authorities (CSA) are employees designated by the director of Clery compliance and crime analysts who are required to report crime, including but not limited to Title IX offenses and to UAPD to ensure accurate information about campus safety is available to the community. The CSA reports will be included in the University’s annual Report of Crime Statistics and issuance of a safety advisory or other emergency notification, where appropriate. Campus security authorities are staff members who have significant responsibility for student or campus activities. They include the Dean of Students and deputy Title IX coordinator for students; staff within the Dean of Students Office; most managerial staff in the

Division of Student Affairs; Residence Life and Housing staff, including resident assistants; advisors to registered student organizations; the Director and associate Directors of Athletics and athletic coaches.

University of Akron police officers receiving a report of gender-based misconduct must file a report with the University and evaluate whether a timely warning or safety notification will be made. While law enforcement officers are required to file a Title IX report, complainants are not obligated to pursue an investigation through the University.

## **What to Report**

Concerns falling under this protocol must be reported whether the conduct occurred on-campus, off-campus, at an academic, educational, co-curricular, athletic, study abroad, or other University program or activity.

Conduct prohibited by the University applies to the conduct of all students and employees that occurs in person or by any electronic form or medium on university premises or on non-University premises where the conduct away from university premises is deemed by the University to adversely affect the University, its students or employees, including but not limited to:

- a. Any professional practice assignment;
- b. Any activity performed to satisfy an academic course or course requirement, including but not limited to internships, co-op, clinical or practicum experiences, field trips, study abroad, or student teaching;
- c. Any activity supporting pursuit of a degree, such as research at another institution;
- d. Any activity sponsored, conducted, or authorized by the University or by student organizations including but not limited to social events, athletic contests, and philanthropic activities;
- e. Any activity that causes substantial destruction of property belonging to the University, members of the University community, or causes or threatens serious harm to the health or safety of members of the University community.
- f. Any activity where a summons, criminal indictment, or information has been issued or an arrest has occurred.

The University and Title IX prohibits retaliation, including retaliatory harassment, against anyone who files a complaint under this procedure or who participates in an investigation in any way. Concerns of retaliation should be reported using any mechanism outlined below and will be addressed using the same process(es) available for reports of gender-based misconduct. Retaliation is itself a violation of protocol and formal complaints alleging retaliation will be investigated and addressed regardless of any outcome of the underlying concerns.

The Title IX coordinator or a deputy Title IX coordinator can assist in determining whether the behavior may be covered by this protocol. An individual making a report does not affirm that the reported behavior constitutes a specific offense.

Rather, the report alerts the appropriate officials to investigate a situation or incident that may fall under one of these areas.

## **How to Report**

Students and employees impacted by gender-based misconduct, including complainants and respondents, may face barriers to seeking support. Reports may be made in person; by mail or email, using the contact information below; or online. Reports may be filed by the individual who was subjected to the behavior, someone who observed the behavior, someone who learned about the behavior second hand, or on behalf of someone who was subjected to the behavior but is incapacitated as well as by those not affiliated with the University, but who have concerns of gender-based misconduct involving a student or employee of the University.

When choosing to self-report, students and employees are encouraged to take steps and care to ensure their own personal safety. Please call the University of Akron Police Department at 330-972-2911 if any member of the University community is in immediate danger. Please call 9-1-1 to reach the local police department for off-campus emergencies. Students or employees who have experienced gender-based misconduct should consider retaining all communications from the respondent, including email,

voicemail, text messages, and social media communications. Students or employees who have been impacted by the prohibited conduct outlined in this protocol should consider retaining all communications, including email, voicemail, text messages and social media communications. In instances where criminal conduct occurred, they may also consider taking steps to preserve physical or medical evidence, even in instances when not considering legal action to preserve the option for consideration in the future.

**In Person**

Reports can be made in person to:

Dr. Rosa Githiora, Associate Director, Inclusion and Equity, Title IX coordinator, Leigh Hall 309 B, 330-972-5462, rgithior@uakron.edu.

Concern	Deputy Title IX Contact
Reports involving students on the main campus	Deputy Title IX Coordinator for Students Jacqueline Fausnight, Assistant Dean of Students Student Union, 152 330-972-4197 jfausnight@uakron.edu - or - Deputy Title IX Coordinator for Students Michael Strong, Associate Vice President, Dean of Students Student Union, 152 330-972-6593 mstrong@uakron.edu
Reports involving the regional campuses, including the Wayne Campus	Deputy Title IX Coordinator for Regional Campuses Sonya Wagner, Manager Student Services – Wayne Campus Wayne Campus, Boyer HPE Building, A206 330-972-8935, sew30@uakron.edu
Reports involving student athletes	Deputy Title IX Coordinators for Athletics Jacklin Wallgren, Senior Associate Athletic Director for Institutional Services Info-Cision Stadium, 269 330-972-5512, jwallgren@uakron.edu
Reports involving the Law School	Deputy Title IX Coordinator for Law School Andrew Costigan, Assistant Dean of Student Affairs, McDowell Law Center, 106 330-972-5170, acc142@uakron.edu
Reports involving employees and third-parties	Deputy Title IX Coordinator for Employees Emily Lenke, Director Employee and Labor Relations Administrative Services Building, 125E 330-972-6195, emf22@uakron.edu

Questions or concerns can also be referred to the U.S. Department of Education, Office for Civil Rights (“OCR”), Cleveland Enforcement Office, 1350 Euclid Avenue, Suite 325, Cleveland, Ohio 44115, Phone: 216-522-4970, TTY/TDD: 800-877-8339, Fax: 216-522-2573, E-mail: OCR.Cleveland@ed.gov.

## Online

To ensure ease of access and availability to submit a report at any time and from any location with access to the internet, reports can be submitted online through the University's Title IX website:  
<https://www.uakron.edu/title-ix/report/>

## Anonymous

Reports can be submitted anonymously, but this may limit the University's ability to respond. Students or employees interested in anonymous reporting are advised to consider reporting options through <https://www.uakron.edu/safety/report-a-problem/anonymous-reporting.dot> which allow for ongoing communication while maintaining anonymity. Without additional information, the University faces a limited ability to gather corroborating information and due process considerations can foreclose the disciplinary process outlined in the grievance procedures.

Anonymous reports can also limit access to additional support and interim measures if the parties are not identified. Providing names does not obligate the complainant to pursue an investigation but does allow them access to additional support and resources through the University.

## Initial Outreach and Supportive Measures

A deputy Title IX coordinator, or designee, will reach out to the complainant identified in the report, on or before the following business day a report is received. They will invite the complainant to meet and discuss the report, review relevant policies, any necessary timely warnings/safety notifications, the grievance procedures, and supportive measures. Any student or employee who has reported any gender-based misconduct that is reported within or outside of the jurisdiction of this protocol may receive supportive measures as provided by the University under this protocol. Information about on and off campus resources for counseling, mental health, victim advocacy, legal assistance, visa and immigration assistance, financial assistance and how to request supportive measures will be provided.

Even if a complainant does not specifically request their information remain confidential, The University will seek to protect the privacy of all parties, to the extent possible. The deputy coordinator, or designee, will discuss with complainants what information is confidential and what information is not, as well as privacy protections required by the Family Education Right to Privacy Act ("FERPA"). They will review how information is disclosed during an investigation process, and clarify what information is, and is not, necessary to share when seeking supportive measures. The discussion includes the requirements of Clery Act including crime logs, annual security reports, timely warnings, police reports, evidence gathered during investigations and supportive measures.

If the report was submitted by a third party, the complainant will be provided an opportunity to review or amend the reported information. The complainant will review the grievance procedure with the deputy coordinator or designee and be offered assistance in submitting a formal complaint.

No decisions regarding formal complaints, reporting to police or police investigations, need to be made at this initial meeting. Supportive measures can be accessed at any time, even if the individual initially declined the service or declined to participate in the grievance process. Individuals who are the subject of a report are not required to meet with the deputy coordinator, or designee, but are encouraged to do so. After sufficient time has lapsed or after multiple attempts to contact the complainant prove unsuccessful, the report will be closed; it can be opened at any time in the future.

The personalized support provided to complainants following a report of prohibited conduct is also available to respondents upon their request. Upon receipt of notice of charges and a formal complaint, a deputy Title IX coordinator, or designee, will reach out to the respondent to offer personalized support.

## Safety Planning and Supportive Measures

When meeting with complainants or respondents, the deputy coordinator, or designee, will discuss any immediate steps that can be taken before, during, or in lieu, of an investigation to minimize any ongoing harm. Informal safety plans may also lead to safety assessments designed to identify and mitigate any risk to the safety of the parties or community members.

Supportive measures are provided free of charge to protect complainants and respondents from harm, to protect safety, to remedy the effects of gender-based misconduct, and preserve equal access to the University's educational programs and activities. Supportive measures may also be issued to protect the larger campus community from harm. Measures may include campus restrictions or directives but cannot impose an unreasonable burden on either party.

Supportive measures can also be reviewed, amended or changed at any point during or after the grievance procedures. The University may be able to provide appropriate supportive measures no matter how long ago the reported behavior occurred, no matter where it occurred, and no matter who the other party was. Both complainants and respondents have access to these measures and support. The measures may include, but are not limited to:

- amending work or class schedules, when appropriate, to minimize chance encounters;
- assistance with filing a police report with the appropriate authorities;
- referring to Health Services for medical needs or arranging for an advocate to accompany an individual to a hospital;
- discussing support such as safety escorts available through the University of Akron Police Department;
- filling an academic or financial appeal if academic performance is adversely impacted;
- offering a change of work locations or working conditions;
- offering alternative student housing arrangements;
- parking or transportation options such as switching parking permits from commuter or residential;
- providing information and referrals for counseling support through the Counseling and Testing Center or, as available, through the Employee Assistance Program ("EAP");
- request assistance from faculty to ensure students are provided an opportunity to successfully complete coursework.

It may be necessary to share certain information about the individual to other University employees to provide these accommodations or supportive measures. In these cases, information shared will be limited only to what and who is needed to consider the accommodation or supportive measure.

## No-Contact Directives and Orders of Protection

Upon request, complainants and respondents will be assisted in petitioning for a lawful order of protection through the appropriate court within the local jurisdiction. The deputy coordinators, Hope and Healing - the Rape Crisis Center of Summit County, OneEighty - the Rape Crisis Center of Wayne County and University of Akron Police are prepared to assist with such requests. Either temporary protection orders or civil protection orders may be issued by a judge under specific circumstances.

When a court order is issued, the protected party should provide a copy of the court order to a deputy coordinator or to the University of Akron Police Department. The University will comply with and enforce lawful orders of protection upon receipt of the order.

A University No-Contact Directive will also be issued as a supportive measure upon request by either a complainant or respondent following a report of prohibited behaviors. The directives are applied equally to both parties and prohibit communication between the parties. The directives can be requested prior to, or in lieu of, a formal complaint or at any time during the grievance process. Witnesses and students or employees who are not complainants or respondents may also request a No Contact Directive.

## Removal for Safety Threat

### Student

Pending action on the alleged violation(s), the status of a student shall not be altered, nor shall the student's right to be present on campus and to attend classes be suspended, unless the student's presence poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment prohibited by Title IX or other prohibited conduct outlined in this protocol. The Title IX coordinator, or designee, shall determine whether such a threat exists. If the Title IX coordinator, or designee, concludes that such a threat exists, the president, or designee, may suspend the student immediately.

This interim suspension does not replace the grievance process outline in this protocol.

Any student under an interim suspension may request a review of the interim suspension with the Title IX coordinator, or designee. The review will consist of an in-person meeting to review the interim suspension. Regardless of the outcome of the review, the grievance process will continue as provided in this protocol. The Title IX coordinator has the authority to modify the interim suspension as appropriate.

### Employee

Employees representing a safety threat to the University community, or to the employee's own physical or emotional safety, may be placed on administrative leave pending the outcome of the investigation. The employee may be prohibited from all or part of University property and activities or may be permitted on campus only under specific conditions during this administrative leave.

### Crime of Violence

An individual arrested for certain criminal offenses, including rape, sexual battery, gross sexual imposition, and domestic violence, may be subject to a "1219" proceeding. A "1219" proceeding refers to a provision of Ohio law which provides for the dismissal and/or termination of individuals arrested and convicted of crimes of violence that occur on or affecting University persons or property. The initiation of a "1219" proceeding against an individual does not prohibit the University from investigating and taking University disciplinary action against the same individual under applicable University Rules/Policies for the same conduct that gave rise to the "1219" proceeding.

### Bias and Conflicts of Interest

All Complainants and Respondents have the right to a fair, impartial, and unbiased grievance procedure. Complainants and respondents may submit written requests to the Title IX coordinator to replace a deputy Title IX coordinator, investigator, decision maker, or appeal decision maker where there are reasonable grounds to establish bias, conflict of interest, or inability to be fair and impartial. Bias exists where an individual lacks the ability to remain neutral or impartial displays or favoritism towards a particular complainant or respondent, or towards complainants or respondents generally. The appearance of bias or presence of aligned interest, in and of itself, does not constitute bias. A conflict of interest occurs when an

individual may have a personal gain or loss as a result of the underlying report or complaint. The staff member will only be replaced if the Title IX coordinator determines that bias precludes impartiality or constitutes conflict using a preponderance of the evidence standard, or whether it is more likely than not that bias or a conflict of interest exists.

A deputy Title IX coordinator, investigator, decision maker or appeal decision maker who has reason to believe they cannot make an objective determination shall recuse themselves.

## **Grievance Process**

Formal complaints filed with the University allege a violation of this protocol. All formal complaints of gender-based misconduct will be investigated by the University in a prompt and equitable manner. Formal complaints against students will be investigated by the Office of Student Conduct & Community Standards. Formal complaints against employees, volunteers, or third parties will be investigated by the Office of Equal Employment Opportunity & Affirmative Action. Complainants can also request investigations of potentially criminal behavior by the University Police Department or appropriate local law enforcement agency.

The grievance process provides both parties the right and ability to participate in the investigation, collection of evidence, and a hearing. The University is responsible for gathering relevant evidence during the investigation. Respondents and complainants are presumed not responsible for violations of University protocol until a determination is made at the conclusion of the grievance process. Determinations of responsibility are made using a preponderance of the evidence standard and are determined at the conclusion of the hearing.

## **Who Can File a Formal Complaint?**

While anyone may file a report alleging that conduct occurred which is prohibited by this protocol, only individuals who are participating or seeking to participate in an education program or activity of the University may file a formal complaint requesting an investigation into conduct prohibited by Title IX of the Education Amendments Act of 1972.

Any individual who feels that they have been subjected to conduct prohibited by the University may file a formal complaint requesting an investigation into that conduct. Regardless of any request, the University will seek to protect the privacy of those involved in the complaint and investigation, to the extent permitted by law.

A formal complaint may also be filed by the Title IX coordinator or a deputy Title IX coordinator in consultation with the Title IX coordinator. Whether to file a complaint without the request of a complainant will be evaluated based on the context of the University's commitment to provide a safe and non-discriminatory campus environment. Factors considered include, but are not limited to:

- Seriousness of the allegation including use of weapons, illegal drugs or intoxicants, illegal activities, or multiple respondents;
- the existence of prior complaints or reports involving the respondent;
- Availability of other information verifying the veracity of the report; and
- Safety of the reporter, complainant, respondent and of the campus community.

## **Notice of Allegations**

All complaints and respondents have the right to a timely notice of a formal complaint and allegations. Written notice of a formal complaint will be issued to the complainant and respondent by the investigating office upon receipt of the complaint. This notice will contain a description of the grievance process and details regarding the

allegations, including the identities of the parties, and the date and location of the incident. This notice will be simultaneously updated if additional allegations arise during the investigation that are not included in the original notice. The written notice will provide that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process. The written notice will provide that the parties may have an advisor of their choice, as provided below, who may be, but is not required to be, an attorney and may expect and review evidence pursuant to 34 C.F.R. 106.45(b)(5)(v). The written notice to the parties will provide that the code of student conduct prohibits knowingly furnishing false or misleading information to university officials, either verbally, in writing or in any other form of communication on university records. This shall include the furnishing of false or misleading information during the grievance process and will subject the student to appropriate disciplinary action pursuant to the code of student conduct.

## **Advisors**

Parties may have an advisor of their choice accompany them and assist them throughout the investigatory process. The advisor may, but is not required to be, an attorney. At the request of either party, the University will provide an advisor to them at no cost. Advisors provided to either party by the University will receive training prior to serving as an advisor. While parties may have an advisor accompany them to any interviews or meetings, this person may not actively participate in the interview by asking questions or suggesting answers. The investigator may end the interview if the advisor is being disruptive or obstructing the interview. During a hearing, and only during a hearing, advisors will be responsible for asking questions of the parties and witnesses on behalf of the person they are advising. Advisors are to use any materials obtained during the investigation solely for the grievance process.

## **Investigation Process**

Investigations will be conducted by trained investigators who are free from conflicts of interest or bias for or against complainants or respondents generally, or a particular complainant or respondent. The burden of gathering information rests with the University. There is an expectation that all parties will reasonably cooperate with requests to provide information. No medical, mental health, or other privileged records will be accessed, considered, or used during the investigation unless the party who is the subject of those records provides voluntary, written consent.

All formal complaints will be investigated. The University may consolidate formal complaints where the allegations arise out of the same facts or circumstances, including allegations against more than one respondent, allegations by more than one complainant against one or more respondents or by a respondent against a complainant.

The investigation process will include interviews with the parties, witnesses (as appropriate and identified), and the collection of evidence. Witness names, including fact or expert witnesses, may be provided by either party or by other witnesses. Both parties also have the opportunity to present any evidence to the investigator related to determining responsibility. All evidence that the parties wish to have considered by the investigator must be provided by the date specified by the investigator.

Parties and witnesses will be provided with written notice of the date, time, location, purpose, and identity of participants for any interview or meeting where they are expected to participate. At least two (2) business day notice should be given to the investigator if an advisor will attend the interview. Interviews may not be recorded without the written permission of the investigator.

The parties have the right to inspect and review all evidence collected during the investigation that is directly

related to the allegations raised in the formal complaint. Copies of all evidence directly related to the allegations will be provided to the parties and their advisor at the conclusion of the investigation and prior to the issuance of the final investigatory report. Either party may submit a written response to this evidence or address the impact of that evidence on the investigation no later than ten (10) business days after the evidence has been provided to review. Copies of the written responses will be included with the final report.

After the ten (10) business day period for submission of a written response, the investigator will prepare a written report summarizing the relevant evidence gathered during the investigation. This report will provide an objective evaluation of all relevant evidence, both inculpatory and exculpatory. In creating the report, the investigation will consider any written responses submitted by the parties during the evidence review process. The written report will be provided to both parties and their advisors at least ten (10) business days in advance of the hearing. Parties may submit a written response to the report within five (5) business days after the report is issued. These responses will be shared with the other party, their advisor, and the hearing officer prior to the hearing.

### **Dismissal of Formal Complaints**

Formal complaints filed under Title IX of the Education Amendments Act of 1972 will be dismissed if the conduct alleged: (1) does not constitute sexual harassment as defined by Title IX; (2) did not occur in a University education program or activity; or (3) did not occur against a person in the United States.

Formal complaints filed under Title IX or University rules or policies may be dismissed: (1) on written request of the complainant; (2) if the respondent is no longer enrolled or employed at the University; (3) specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination on the allegations in the formal complaint; or, (4) the allegations as contained in the complaint would not support a plausible inference of a violation of the University policy following a hearing.

Both parties will receive prompt written notice of any dismissal and the reason for that dismissal. Dismissals may be appealed following the appeal process outlined below. All appeals of dismissal must be filed within ten (10) business days of said dismissal.

### **Timeframe for Investigations**

All efforts will be made to issue the investigator's report within 75-business days after notice of charges has been sent to the respondent. The hearing will be completed within 30- business days of the report being issued. The hearing officer's report will be issued within ten (10) business days of the hearing. The parties will have ten (10) business days to file a written appeal following the issuance of the hearing officer's report. These dates may be extended for good cause. Both the complainant and respondent may request a three (3) business day delay; any additional extension after the initial delay shall only be granted for good cause and in limited circumstances, at the sole discretion of the Title IX coordinator. Good cause includes, but is not limited to, the absence of a party, their advisor, or a witness; concurrent law enforcement activity or investigations; location or unavailability of an interpreter; or provision of reasonable accommodations of disabilities needed for the grievance process. Written notice of any extensions, and the reasons for the extension(s), will be provided to both parties.

### **Hearing Process**

A live hearing will occur following the issuance of the investigative report. The University may conduct this live hearing through a virtual platform that permits the parties to simultaneously view and hear each other and

the proceedings. The parties, their advisors, and all witnesses will be notified in writing of the date, time, and location of the hearing no later than ten (10) business days before the hearing. All parties must have an advisor or request a University advisor for the hearing. At the request of either party, the hearing will be conducted electronically with the parties in separate rooms. No findings of responsibility will be made by the hearing officer based solely on an individual's absence from the live hearing or failure to answer questions at the hearing.

During the hearing, the parties' advisors will have the opportunity to cross-examine the other party and witnesses, including on issues of credibility. Advisors may, but are not required to be, an attorney. All questionings will be conducted in accordance with the University's rules of decorum. The parties may not ask questions directly of the other party or witness. If a party does not have an advisor, the University will provide an advisor for the hearing at no cost to that party. All evidence directly related to the allegations which was obtained as part of the investigation will be made available to the parties and their advisors for use at the hearing.

The hearing officer will determine the admissibility of any questions asked during the hearing. In doing so, the hearing officer is not bound by the Ohio Rules of Evidence or the Federal Rules of Evidence. Questions about the complainant's sexual predisposition or prior sexual behavior will not be permitted unless offered to prove that someone other than the respondent committed the alleged conduct or offered to prove consent as defined under this protocol. Questions seeking disclosure of legally privileged information, such as medical or mental health information, discussions with attorneys, counselors, or religious/spiritual advisors, will not be permitted without the express written consent of the individual holding the privilege.

The hearings will be video recorded. A copy of the recording will be made available to either party upon written request.

## **Hearing Outcome**

The hearing officer will determine responsibility for a violation of this protocol following the hearing using a preponderance of the evidence standard, or whether it is more likely than not that the respondent engaged in conduct which violates this policy. Credibility determinations will be based on relevant factors, including, but not limited to, an overall review of the interviews, evidence collected, and questioning at the hearing. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

This determination will be made in a written report which will be provided to both parties simultaneously and includes the allegations; a description of all procedural steps from receipt of the formal complaint through the hearing; findings of fact supporting the determination; conclusions regarding how this policy applies to those facts; a statement and rationale for the result of each allegation, including a determination of responsibility, any disciplinary sanctions and whether remediation will be provided to the complainant. The report will also provide the bases available for appeal.

Sanctions will be determined based on the specific facts of the case. Sanctions for students may include a range of disciplinary action from fines, educational sanctions, probation, up to and including separation from the University. Sanctions for employees can include a range of disciplinary action from additional training or a written reprimand, up to and including termination from employment. The hearing officer will also determine whether remedies should be provided to a complainant to restore or preserve equal access to the University's education programs or activities. If the hearing officer determines that remedies are appropriate, those remedies will be determined by the Title IX coordinator or deputy Title IX coordinator in consultation with the complainant. Remedies may include those items identified above as supportive measures; revisions of class,

work or recreational schedules; relocation of a party's work or living space; adjustments to title, rank or pay rates if impacted by the violation; amendment or rescission of disciplinary action if impacted by the violation; up to and including the removal of a party from a class, activity, organization or committee. Both parties continue to have access to supportive measures regardless of the outcome of the hearing.

## **Appeals**

Either party may appeal the hearing officer's findings or the dismissal of a formal complaint within ten (10) business days following the issuance of the hearing officer's report. Appeals of hearing decisions following investigations conducted by the Department of Student Conduct and Community Standards or by the Office of Equal Employment Opportunity & Affirmative Action should be submitted to the Title IX coordinator.

Appeals must be filed in writing. Any recommended corrective action will be delayed during the appeal. Appeals may be filed for the following reasons, to determine if:

- There occurred a procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the complaint;
- The Title IX coordinator, investigator(s), or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter;
- There was a misapplication or misinterpretation of the rule/policy alleged to have been violated;
- There was not a reasonable basis to support the hearing officer's findings of a policy violation.
- The sanction(s) imposed by the hearing officer is not proportionate to the violation found by the hearing officer.

The Title IX coordinator will ensure that the decision-maker for the appeal is not the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX coordinator.

Both parties will be notified in writing if an appeal is filed. The other party will have ten (10) business days to file a response to the appeal after the written notice is issued by the Title IX coordinator. The reviewer will simultaneously issue a written decision describing the result of the appeal and the rationale for the result of the appeal to both parties within fifteen (15) business days after the response is submitted.

## **False Reports**

It is a violation of this protocol to knowingly make a false report of a Gender-Based Misconduct violation. However, failure to prove a claim is not equivalent to making a false report. It is also a violation of this protocol for a student or an employee to knowingly make a false statement as part of the investigation or disciplinary hearing.

## **When Police Receive a Report**

Responsible employees are required to report criminal behavior; however, complainants are not required to speak with police. The University will comply with a student's request for assistance in notifying the University police. A report to the University police, or other law enforcement agency, does not require the complainant to pursue a University investigation (formal complaint).

When the University police Department receives a report of sexual misconduct or intimate personal violence, their first priority is to ensure that the student or employee is safe, and they will investigate the criminal behavior. The University police will verify that a Gender-Based Misconduct referral has been submitted and evaluate the available information to determine if a timely warning safety notification will be made.

When the University police receive a report from a deputy Title IX coordinator on behalf of a complainant who does not wish to speak to the police, the police, when possible, will defer to the request from a complainant for privacy.

Please note a delay in reporting to police could weaken or result in loss of evidence used to determine whether an individual is responsible for a criminal offense. In the State of Ohio, individuals have up to 25 years to file a report of rape or sexual battery with police.

### **Police Investigations**

A respondent who commits a crime may be subject to criminal prosecution and/or civil litigation as well as disciplinary action by the University. A police report must be made for criminal prosecution to be considered by the local prosecuting attorney. The chances of successful prosecution are greater if the report is timely and is supported by the collection of medical and/or evidence.

### **Concurrent Investigations**

In certain circumstances, the University may need to briefly suspend the investigation of a formal complaint at the request of law enforcement while the law enforcement agency is in the process of gathering evidence. The University will maintain regular contact with law enforcement to determine when it will begin/resume its investigation, usually after the law enforcement agency has completed the evidence-gathering process, or sooner if the University determines that the evidence-gathering process will be lengthy or delayed. The University will not wait until the ultimate outcome of the criminal investigation to begin or complete its own investigation of a formal complaint. The situation of concurrent investigations can influence the timeframe for investigations and the hearing process and may present a delay.

### **If a Complainant Stops Speaking with Police**

The University Police Department will not close an investigation due to non-cooperation of a complainant without first providing time to respond that is adequate and reasonable under the circumstance. Nor will University police personnel prohibit the complainant or others from discussing a formal complaint. Support services and resources are available regardless of criminal charges, participation in a University investigation, or University disciplinary action.

### **Informal Resolutions**

The University welcomes informal resolution of formal complaints when the parties wish to resolve a formal complaint cooperatively. Both parties must agree to participate in the Informal Resolution process. Informal resolutions will be reached when the parties agree to the resolution and to commit to abide by terms agreed upon through the resolution process. In addition, the University must accept the agreement before it can go into effect. The informal process does not result in any finding or determination that the respondent violated this protocol but does permit the parties to work cooperatively with a neutral third party to determine how to address and resolve the underlying concerns between the parties.

## **Eligible Complaints**

Only formal complaints where both parties are students, both parties are employees, or the respondent is a student are eligible for an informal resolution. Formal complaints filed by students against employees must follow the investigation and hearing process.

The informal process cannot be used if one party is not a student or employee of the University, where any party is under 18 years of age, where the formal complaint was filed by the Title IX coordinator, or where the respondent has been emergency removed from the University community.

## **Procedures**

The informal resolution process may be requested at any point after a formal complaint has been filed and until a decision is made at the end of the grievance process. Both parties must consent in writing to participate in the informal process. Agreement to the informal process is voluntary and unique to that party. In cases of multiple complainants and/or multiple respondents, all individuals must agree to participate in the informal process before that process can be used. A party can withdraw their consent to the informal process at any time before a final agreement is reached by the parties. If all parties do not agree to use the informal process or if consent is withdrawn, then an investigation and hearing will occur.

The informal resolution process will be conducted by a designee of the Title IX coordinator. The designee may end the informal resolution process and request an investigation through the grievance process at any point if it is determined that one of the parties has sought or exercised undue influence over another party. Informal resolution processes must be completed within fifteen (15) business days; if no agreement has been reached an investigation will be conducted as outlined in the grievance process.

The formal complaint will be considered closed once the parties have reached a final agreement through the informal resolution process. The Title IX coordinator, or designee, will maintain a record of the report, formal complaint, and resolution for seven (7) years. Relevant offices will be notified of the final resolution outcome including the Office of Academic Affairs, the vice president of student affairs, the Office of Human Resources, Labor & Employee Relations, and Title IX deputies and investigators. The Title IX coordinator, or designee, will also be responsible for monitoring the implementation of the resolution as appropriate and will address noncompliance with the resolution agreement through the Office of Human Resources, Labor & Employee Relations, or as outlined in the Code of Student Conduct's policy on Failure to Comply with a University Official.

## **Additional Considerations**

### **When a Minor is involved**

Any reports of abuse of a person under the age of 18 will be reported to the appropriate authorities. Educational records of enrolled students at the University under the age of 18 are protected under the Family Educational Rights and Privacy Act (FERPA). FERPA does not apply to minors on campus who are not enrolled at the University. Non-enrolled minors can include, but are not limited to, individuals involved in camps, on campus programming, and/or visitors.

If a minor is involved, a parent or legal guardian shall have the legal right to act on behalf of a minor complainant, respondent, party, or other individual, such as filing a formal complaint.

## **Immigration or International Visa Information**

Certain legal protections are available to international employees or students. The U-visa and the T-visa are currently among those options. The U-visa provides temporary legal status and work eligibility for complainants of specific crimes (including domestic violence, sexual assault, human trafficking, involuntary servitude, and other violations). The T-visa provides complainants of human trafficking and immediate family members with temporary legal status and work eligibility. Additional information is available through the U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services at: <https://www.uscis.gov/>. For more information on this or other immigrant status questions, please contact Community Legal Aid Services in Akron at (330) 535-4191.

## **Records Retention**

Records, including reports, formal complaints, investigation files, hearing decisions, appellate information and appeal decisions will be maintained by the University for seven (7) years as required by Title IX. Title IX records are subject to the University records retention policy and additional information is available at <https://www.uakron.edu/ogc/legal-policies-and-procedures/records/records-retention.dot>

The records maintained will include any supportive measures taken in response to a report or formal complaint of sexual harassment. In each instance, the University will document the basis for its conclusion and that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the University's education program or activity. If the University does not provide a complainant with supportive measures, then the University will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the University in the future from providing additional explanations or detailing additional measures taken.

## **Annual Review of Reporting Protocols and Procedures**

The Title IX Coordinator is responsible for this protocol. It is reviewed annually and posted as required by law as part of the Annual Campus Safety Report. The University's protocol is designed to comply with applicable state and federal laws. The University reserves the right to modify or deviate from this protocol when, in the sole judgment of the University, circumstances warrant, to protect the rights of the involved parties or to comply with applicable law or regulations. Prior versions of the University protocol are available upon request.

## **Training**

All Title IX coordinators, deputy Title IX coordinators, investigators, decision makers, individuals responsible for reviewing appeals, and individuals who facilitate the informal resolution process will, as applicable, receive training on:

- The definition of behaviors prohibited under this protocol;
- Jurisdiction under Title IX;
- The scope of the University's education program or activities;
- Conducting grievance procedures including investigations, hearings, appeals, and informal resolution (as applicable); and
- How to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

In addition, decision makers will receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual

predisposition or prior sexual behavior are not relevant. Investigators will receive training on issues of relevancy to create an investigative report that fairly summarizes the relevant evidence. Materials used to train these individuals will be available on the University's website.

## **Educational Programs and Campaigns**

The University strives to develop and maintain a campus culture that is safe for, and respectful of all its community members. To achieve this goal, the University offers a combination of prevention programs, awareness programs, and ongoing campaigns that are designed to create awareness of, and prevent prohibited behaviors identified in this protocol. The initiatives outlined below are informed by research and periodically assessed for effectiveness.

**Awareness** - The University's awareness program start with online training which is mandatory for all new students and continues with programs specifically designed for first-time, first-year, students. Programs are also presented to the University during Domestic Violence Awareness Month, and Sexual Assault Awareness Month.

**Prevention** - The University's prevention program has been built upon several activities. Programs have included presentations during the Akron Experience Course, posters, environmental and social media displays around campus, online training for upper-class students, mandatory training for faculty and staff and a program designed to better help men understand wellness, health, and their own experiences. Trainings include steps students can take to increase personal empowerment for creating a safe community by proactively addressing conditions that tend to make violence possible and safe options for bystander interventions.

**Ongoing Prevention** – Successful ongoing prevention efforts require the engagement and support of the entire University community. In addition to programs sponsored by the Sexual Assault and Violence Education (SAVE) team, several programs and activities sponsored by student organizations and academic departments have been recognized as essential contributions including programs planned and developed by:

- Student Organizations: Defined Lines and the Coalition Against Sexual Assault (CASA)
- Academic Departments: Women's Studies, Psychology, Social Work and Sociology
- Community Partners: Hope and Healing – the Rape Crisis Center of Summit and Medina Counties, OneEighty – the Rape Crisis Center of Wayne and Holmes Counties, and the Summit County Prosecutor's Office of Victim Services

## **On and Off Campus Resources**

Information about resources available both on and off campus including counseling services, mental health services, victim advocacy, financial, and legal assistance are provided. Students and employees are encouraged to speak with a deputy Title IX coordinator to learn more about specific resources or services available at The University or within the community.

### **Akron Campus**

- Counseling and Mental Health Services: Clinic for Individual and Family Counseling 330-972-6822
- Counseling and Mental Health Services: Counseling and Testing Center: Simmons Hall 306, 330-972-7082.
- Counseling and Mental Health Services: Department of Psychology Counseling Clinic 330-972-6714
- Counseling and Mental Health Services: Employee Assistance Program provider ("EAP") is available to all employees.
- 800-227-6007. EAP is a resource provided by the University through off campus providers that do not report

- Employee Services: Equal Employment Opportunity/Affirmative Action 330-972-7300
- Financial Assistance: Student Emergency Financial Assistance program 330-972-7272
- Housing and Student Support Services: Residence Life and Housing 330-972-7800
- Medical and Student Support Services: Student Health Services: Student Recreation and Wellness Center, 260, 330-972-7808.
- Public Safety: University of Akron Police Department 330-972-2911
- Student Support Services: Dean of Students Office 330-972-6048
- Student Support Services: Inclusive Excellence 330-972-7522
- Student Support Services: Student Conduct and Community Standards 330-971-6380
- Victim Advocacy and Counseling: Hope and Healing the Rape Crisis Center of Medina and Summit Counties Student Recreation and Wellness Center, 246, 330-434-7273.

## **Wayne Campus**

- Counseling and Mental Health Services: Counseling and Accessibility Services: Boyer HPE Building, B112, Wayne Campus, Orrville OH 330-684-8767
- Public Safety: University of Akron Police (Wayne Campus) 330-684-8910
- Student Support Services: Wayne Campus Student Services 330-684-8900

## **Off Campus**

- Counseling and Victim Advocacy: Hope and Healing BWS 330-374-1111 Battered Women's Shelter of Summit and Medina Counties, 974 Market St. Akron, OH 44305
- Counseling and Victim Advocacy: Hope and Healing RCC 330-434-7273 Rape Crisis Center of Summit and Medina Counties, 974 Market St. Akron, OH 44305
- Counseling and Victim Advocacy: OneEighty 800-686-1122 Rape Crisis Center of Holmes and Wayne Counties, 104 Spink St. Gault Liberty Center Wooster, OH 44691
- Financial Assistance: Ohio Victims of Crime Compensation Program 877-584-2846
- Legal Assistance: Akron Bar Association 330-253-5007
- Legal Assistance: Community Legal Aid Services in Akron 330-535-4191
- Medical: PATH Center (Providing Access to Healing) 330-344-1148 Akron General Hospital Emergency Room, 1 Akron General Hospital. Akron, OH 44307
- Public Safety: Akron Police Department 330-375-2658
- Victim Advocacy: Ohio Sexual Violence Helpline (844) OHIO-HELP (1-844-644-6435). This helpline is a confidential, statewide hotline dedicated to serving survivors of sexual assault and relationship violence.
- Victim Advocacy: The National Sexual Assault Telephone Hotline 800-656-HOPE (4673). This hotline, operated by Rape Abuse and Incest National Network (RAINN), connects a caller with a local RAINN affiliate organization based on the first six digits of the caller's phone number.
- Victim Advocacy: Victim Assistance Program 330-376-0040

## **Statement of Shared Interests and Rights**

Members of the University community have legal rights and due process protections which the University upholds. All members of the University community including complainants and respondents shall be provided:

- Access and encouragement to seek guidance from a member of the University community, Title IX coordinator or deputy Title IX coordinators.
- Access to counseling and/or support services through either the University Counseling and Testing

Center (students) or the Employee Assistance Program (faculty and staff)

- The right to choose not to speak or choose not to respond to the University following a report of prohibited conduct. Choosing not to respond does not absolve a student or employee of responsibility for their actions.

All complainants and respondents shall be provided the following:

- Notice and sufficient time to prepare prior to meetings.
- The opportunity to present witnesses and evidence during the grievance process.
- The presumption that neither the complainant nor the respondent is responsible for violating University policy until a determination is made at the conclusion of the grievance process.
- The right of timely notification of formal complaints in which they are a complainant or a respondent including if known: the name of the reporter (if different from the complainant), parties involved, conduct which is prohibited, date, and location of the incident.
- The right to an impartial grievance process free from bias or conflict of interest as defined in this protocol. · The right to be accompanied by an advisor of their choice to any related meeting or proceeding.
- The right to be simultaneously informed in writing of modifications to the charges that occur during an investigation and of the outcome grievance process, informal resolution process, or any appeals.
- The right to review and provide comment on all relevant evidence including inculpatory (evidence that shows or tends to show involvement) and exculpatory (evidence that favors and tends to exonerate) evidence.
- To not be required to disclose or otherwise use questions or evidence that discloses information protected under a legally recognized privilege.

## **II. Equal Employment Opportunity and Affirmative Action**

### **A. University of Akron**

Title IX formal complaints involving respondents who are non-students will be investigated by the Equal Employment Opportunity and Affirmative Action Office (EEO/AA).

Both parties will receive written notice once a formal complaint is filed and have the opportunity to select a formal investigation or, for qualified complaints, an information resolution. A formal complaint involves an investigation and hearing with the opportunity to present information and cross-examine witnesses. After the hearing, the hearing officer will issue a written finding providing whether, by a preponderance of the evidence, there has been a violation of the University of Akron's Title IX and Gender-Based Misconduct Policy and protocol. A formal complaint can be filed with the Title IX coordinator, a deputy Title IX coordinator, or online. The investigation is conducted in good faith to provide a prompt, adequate, reliable, equitable, and impartial investigation of the formal complaint. The Office of EEO/AA also investigates allegations of retaliation, as defined by this policy.

Note: In some instances, the parties may agree to an informal resolution. The main purpose of an informal resolution is to stop the offending behavior. Some examples of an informal resolution may include, but are not limited to, training on the behavior, changes to workspaces or limiting contact between the parties. An informal approach does not result in finding a policy violation. An individual may choose to advance to the formal process at any time. The informal resolution process is not available for complaints filed by a student against an employee of the University. Additional cases that are not eligible for informal resolution are specified in the University's policy.

#### **3359-26-02 General staff personnel policies and procedures.**

E (2) Disciplinary action is normally progressive in nature; that is, repetitions of causes for disciplinary action or a combination of offenses should lead to application of more serious disciplinary sanctions. Some actions, because of their seriousness, represent a threat to the safety and well-being of the individual, other employees, or students or to university operations, (i.e., use of illegal substances, absence in excess of three days without notification, etc.) and may warrant bypassing one or all steps of the disciplinary procedures. The following defines and outlines the suggested sequence of the various disciplinary actions.

(a) A verbal warning is an oral discussion between a supervisor and an employee who fails to meet performance standards or exhibits unsatisfactory behavior. Verbal warnings are generally issued for minor offenses and should be considered by the employee as a clear indication that a repetition of the offense may call for more serious disciplinary action. When a verbal warning is issued, the supervisor should take immediate constructive steps to help the employee avoid a reoccurrence of the offense.

(b) A written warning is more serious than a verbal warning and may become a permanent part of the employee's official record. A written warning is issued if the required corrective behavior from a previous verbal warning(s) is not exhibited within the specified time limits, or if the offense is of a serious nature. A copy of the written warning is given to the employee and the original is forwarded to personnel services to be placed in the employee's official file. When a written warning is issued, the supervisor should take immediate constructive steps to help the employee avoid a reoccurrence of the offense.

(c) Continued unsatisfactory performance or the commission of a serious offense may serve as the basis for more severe disciplinary actions beyond a verbal or written warning. A suspension without pay can vary from one day to several weeks or months. A suspension is designed to give an employee some time to think over the seriousness of the offense and it is hoped that the employee will make a commitment to better behavior or performance in the future.

(d) A reduction in pay and or position may be on a permanent or temporary basis. Demotions are for situations in which an employee has been promoted and cannot handle the job or is no longer able to perform the regular duties in a competent manner. A removal is the most serious penalty that can be imposed and should be used with care in the event that a previous progressive discipline has not achieved the corrective behavior or when a serious offense has been committed.

(3) A staff member may be disciplined, suspended, discharged, or reduced in pay or position for the following types of unsatisfactory conduct: incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, failure of good behavior, or any acts of misfeasance, malfeasance, or nonfeasance.

### **III. Related Considerations**

The University is dedicated to preventing Title IX violations by providing:

- Education and prevention programming informing the community about the risks and myths that contribute to gender-based misconduct, including bystander intervention training.
- Assistance and support, including interim support measures and accommodations.
- Processes for prompt, equitable, and impartial investigation and adjudication that include appropriate disciplinary sanctions for those who commit Title IX violations, including suspension and dismissal.

#### **A. When a Minor is involved**

When a report is received involving a student who has not yet reached the age of eighteen:

- The deputy Title IX coordinator completes a safety assessment to provide an environment free of harm and to identify the student's legal guardian.
- the student is advised of the University staff member's responsibility to report child abuse as outlined in the [Ohio Revised Code section 2151.421](#);
- A deputy Title IX coordinator works directly with the guardian in reviewing the University of Akron Sexual protocols, on and off campus resources available to the student, and seeking permission to investigate the report.
- the student and guardian are advised of the University of Akron Student Records and Privacy Practices available at <http://www.uakron.edu/ogc/legal-policies-and-procedures/privacy-practices-and-policies/ferpa.dot> and specifically that the student's records and decisions transition to the student when they turn eighteen;
- the student and guardian are advised that the Rape Crisis Center for Medina and Summit Counties provides confidential and anonymous support for clients, including those who are not eighteen.

#### **B. University Records**

##### **1. Records Retention**

Title IX records are subject to the University of Akron records retention policy available at <http://www.uakron.edu/ogc/legal-policies-and-procedures/records/records-retention.dot>

## 2. **FERPA**

The Family Educational Rights and Privacy Act (FERPA) protects students' educational records, including Title IX reports and investigatory records. FERPA prohibits the University from releasing these records to persons outside the institution without the student's consent except in response to a lawful subpoena or as otherwise required by law. However, if the student is found responsible for violating the Code of Student Conduct or Gender-Based Misconduct and Title IX Policy and Protocol, including those sections relating to sexual misconduct or intimate partner violence, the University may release the following information:

- Name of the student found responsible (but not the identity of the complainant);
- The applicable section of the Code of Student Conduct or Gender-Based Misconduct and Title IX Policy and Protocol, found to have been violated: and
- Sanctions imposed because of the disciplinary proceedings.

## 3. **Protecting Directory Information**

An individual's directory information can be protected and/or limited by modifying it online or through the assistance of a deputy Title IX coordinator for students.

## **C. Jurisdiction**

This protocol applies to on-campus conduct, as well as off-campus conduct, academic, educational, co-curricular, athletic, study abroad, and all other University programs and activities. This protocol applies to all forms of gender-based misconduct, including pregnancy or marital status-based discrimination and discrimination based on sexual orientation, gender identity and gender. It applies to all Title IX athletics issues and to different treatment based on sex.

Students are enrolled from the date they matriculate until the date their degree is conferred.

## **D. Standard of Review**

The standard of review used to determine responsibility is a "preponderance" standard. This determination is based on the greater weight of the information/evidence and does not require a standard beyond a reasonable doubt.

## **E. Timeline**

The University of Akron is committed to addressing all formal complaints of Title IX violations in a prompt and equitable manner.

### 1. University Investigation

Reports of gender-based misconduct can be reported to a deputy Title IX coordinator at any time following an incident. There is no requirement that a report be submitted immediately following an incident. The extent to which a formal complaint of gender-based misconduct can be investigated may decrease when involved individuals leave The University of Akron or if evidence becomes unavailable.

The length of a university investigation and disciplinary action will vary depending on the facts and circumstances following receipt of the report. Some of the factors influencing this timeline include the complexity of the investigation and the severity and extent of the alleged violation.

The timeline may also be affected by the availability of witnesses, holidays, winter recess or spring break periods and summer or winter terms, and the parties' requests for continuances.

Reasonable requests for extensions of time will not be denied and will be available equally to each party. Other factors may also affect the typical timeline.

## **2. Police Investigation**

In the State of Ohio: Adult sexual assault: 25 years after the even. Child sexual assault: 43 years, with an additional five years granted if DNA is recovered within 25 years.

## **F. Affirmative Action**

The University of Akron is an equal education and employment institution operating under nondiscrimination provisions of Title 41, Ohio Revised Code; Titles VI, VII of the Civil Rights Act of 1964, as amended; and Title IX of the Educational Amendments of 1972, as amended; Executive Order 11246, as amended; Vocational Rehabilitation Act section 504; Vietnam Era Veterans' Readjustment Act, as amended; Age Discrimination in Employment Act of 1967, as amended; Title II of the Genetic Information Nondiscrimination Act of 2008; and Americans with Disabilities Act, as amended as related to admissions, treatment of students, programs and activities, and employment practices.

It is the policy of this institution that there shall be no unlawful discrimination against any individual in employment or in its programs or activities at the University of Akron because of race, color, religion, sex, sexual orientation, gender identity, age, national or ethnic origin, disability, military status, genetic information, or status as a veteran. The University of Akron prohibits sexual harassment of any form in all aspects of employment and in its programs and activities and prohibits discrimination based on sexual and racial or ethnic orientation in employment and admissions. This policy applies to faculty, staff, students, visitors, applicants, and contractors in a manner consistent with applicable laws, regulations, ordinances, orders, and University policies, procedures, and processes.

The University of Akron is committed to be an equal opportunity employer. As a federal government contractor, we are required to provide equal employment opportunities to qualified minorities, women, individuals with disabilities and protected veterans. The University's Affirmative Action Plan acts as an audit tool to help identify areas of underutilization for these groups. If it is determined that the University's workforce does not adequately reflect the available labor market in a group, a placement goal is set to promote movement towards adequate representation.

The Affirmative Action policy can be found at [www.uakron.edu/ogc/UniversityRules/pdf/38-01.pdf](http://www.uakron.edu/ogc/UniversityRules/pdf/38-01.pdf)

Additional information about the Affirmative Action Policy or its implementation is available in the Office of Equal Employment Opportunity and Affirmative Action, Administrative Services Building Room 138 or online at [www.uakron.edu/hr/eeoaa](http://www.uakron.edu/hr/eeoaa).

## **G. False Reports**

It is a violation of this protocol to knowingly make a false report of a Title IX violation. However, failure to prove a claim is not equivalent to making a false report. It is also a violation of this protocol for a student or other person to knowingly make a false statement as part of the investigation or disciplinary hearing.

## **H. Training of Title IX Staff and Investigators of Misconduct**

The investigation is conducted by professionals who receive annual training on issues related to Title IX violations and on conducting an investigation that protects the safety of students and promotes accountability.

University hearing board members who are involved in conducting and deciding formal complaints involving gender-based misconduct including, sexual misconduct, intimate partner violence, interpersonal violence, sexual harassment, and gender-based discrimination receive annual training.

## **I. Annual Review of Reporting Protocols and Procedures**

The Title IX coordinator is responsible for this protocol. It is reviewed annually and posted as required by law as part of the Annual Campus Safety Report.

The University of Akron's protocol is designed to comply with applicable state and federal laws. The University of Akron reserves the right to modify or deviate from this protocol when, in the sole judgment of the University, circumstances warrant, to protect the rights of the involved parties or to comply with applicable law or regulations.

## **J. Immigration or International Student Visa Information**

There are certain legal protections available to immigrants or international students. The U-visa and the T-visa are currently among those options. The U-visa provides temporary legal status and work eligibility for complainants of specific crimes (including domestic violence, sexual assault, human trafficking, involuntary servitude, and other violations). The T-visa provides complainants of human trafficking and immediate family members with temporary legal status and work eligibility. Additional information is available through the U.S. Department of Homeland Security U.S. Citizenship and Immigration Services at: [www.uscis.gov](http://www.uscis.gov). For further information with this or other immigrant status questions, please contact Community Legal Aid Services in Akron at 330-535-4191.

# **IV. Law**

## **Title IX**

The Education Amendments of 1972, or Title IX, provides:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

Title IX applies to institutions that receive federal financial assistance from the Department of Education, including state and local educational agencies.

Additional information about Title IX is available at

<https://www2.ed.gov/about/offices/list/ocr/index.html>

## **First Amendment**

This protocol is not intended to and will not be enforced to infringe upon First Amendment rights, including the right to academic freedom.

## **Clery Act**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990 ("Clery Act"), requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses and to notify the campus community of certain safety concerns. The Clery Act requires colleges and universities to:

- Publish and distribute an annual campus security report (available at [www.uakron.edu/safety](http://www.uakron.edu/safety)); and

- Maintain a public log of all reported crimes; and
- Issue timely warnings (“Safety Advisory”) of crimes that represent a threat to the safety of students or employees; and · Keep statistics of crime that occur on campus, in institutional residential facilities, in off-campus buildings or on public property adjacent to campus.

### Violence Against Women Act

The Violence Against Women Reauthorization Act of 2013 (“VAWA”) amended the Clery Act. VAWA requires 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. Additional Information about VAWA is available at [www.justice.gov/ovw](http://www.justice.gov/ovw).

### Ohio Criminal Offenses

The following definitions of criminal behavior in the State of Ohio are considered violations of Title IX. These definitions describe many of the same crimes outlined in the prohibited behaviors section of this policy.

### Sex Offenses

There is currently no definition of “Sexual Assault” in the Ohio Revised Code. However, the following crimes are defined by Ohio law.

### Ohio Revised Code 2907.02 – Rape

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

- (a) For the purpose of preventing resistance, the offender substantially impairs the other person's judgment or control by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception.
- (b) The other person is less than thirteen years of age, whether or not the offender knows the age of the other person.
- (c) The other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age.

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

(B) Whoever violates this section is guilty of rape, a felony of the first degree. If the offender under division (A)(1)(a) of this section substantially impairs the other person's judgment or control by administering any controlled substance, as defined in section 3719.01 of the Revised Code, to the other person surreptitiously or by force, threat of force, or deception, the prison term imposed upon the offender shall be one of the definite prison terms prescribed for a felony of the first degree in division (A)(1)(b) of section 2929.14 of the Revised Code that is not less than five years, except that if the violation is committed on or after March 22, 2019, the court shall impose as the minimum prison term for the offense a mandatory prison term that is one of the minimum terms prescribed for a felony

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

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

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

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

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

(F) Upon approval by the court, the victim may be represented by counsel in any hearing in chambers or other proceeding to resolve the admissibility of evidence. If the victim is indigent or otherwise is unable to obtain the services of counsel, the court, upon request, may appoint counsel to represent the

victim without cost to the victim.

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

#### Ohio Revised Code 2907.03 – Sexual Battery

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

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

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

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

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

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

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

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

(8) The other person is a minor, the offender is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the other person is enrolled in or attends that institution.

(9) The other person is a minor, and the offender is the other person's athletic or other type of coach, is the other person's instructor, is the leader of a scouting troop of which the other person is a member or is a person with temporary or occasional disciplinary control over the other person.

(10) The offender is a mental health professional, the other person is a mental health client or patient of the offender, and the offender induces the other person to submit by falsely representing to the other person that the sexual conduct is necessary for mental health treatment purposes.

(11) The other person is confined in a detention facility, and the offender is an employee of that detention facility.

(12) The other person is a minor, the offender is a cleric, and the other person is a member of, or attends, the church or congregation served by the cleric.

(13) The other person is a minor, the offender is a peace officer, and the offender is more than two years older than the other person.

(B) Whoever violates this section is guilty of sexual battery. Except as otherwise provided in this division, sexual battery is a felony of the third degree. If the other person is less than thirteen years of age, sexual battery is a felony of the second degree, and the court shall impose upon the offender

a mandatory prison term equal to one of the definite prison terms prescribed in division (A)(2)(b) of section 2929.14 of the Revised Code for a felony of the second degree, except that if the violation is committed on or after March 22, 2019, the court shall impose as the minimum prison term for the offense a mandatory prison term that is one of the minimum terms prescribed in division (A)(2)(a) of that section for a felony of the second degree.

(C) As used in this section:

(1) "Cleric" has the same meaning as in section 2317.02 of the Revised Code.

(2) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code.

(3) "Institution of higher education" means a state institution of higher education defined in section 3345.011 of the Revised Code, a private nonprofit college or university located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code, or a school certified under Chapter 3332. of the Revised Code.

(4) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.

#### Ohio Revised Code 2907.04 – Unlawful Sexual Conduct with a Minor

(A) No person who is eighteen years of age or older shall engage in sexual conduct with another, who is not the spouse of the offender, when the offender knows the other person is thirteen years of age or older but less than sixteen years of age, or the offender is reckless in that regard.

(B) Whoever violates this section is guilty of unlawful sexual conduct with a minor.

(1) Except as otherwise provided in divisions (B)(2), (3), and (4) of this section, unlawful sexual conduct with a minor is a felony of the fourth degree.

(2) Except as otherwise provided in division (B)(4) of this section, if the offender is less than four years older than the other person, unlawful sexual conduct with a minor is a misdemeanor of the first degree.

(3) Except as otherwise provided in division (B)(4) of this section, if the offender is ten or more years older than the other person, unlawful sexual conduct with a minor is a felony of the third degree.

(4) If the offender previously has been convicted of or pleaded guilty to a violation of section 2907.02, 2907.03, or 2907.04 of the Revised Code or a violation of former section 2907.12 of the Revised Code, unlawful sexual conduct with a minor is a felony of the second degree.

#### Ohio Revised Code 2907.05 – Gross Sexual Imposition

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

(1) The offender purposely compels the other person, or one of the other persons, to submit by force or threat of force.

(2) For the purpose of preventing resistance, the offender substantially impairs the judgment or control of the other person or of one of the other persons by administering any drug, intoxicant, or controlled

substance to the other person surreptitiously or by force, threat of force, or deception.

(3) The offender knows that the judgment or control of the other person or of one of the other persons is substantially impaired as a result of the influence of any drug or intoxicant administered to the other person with the other person's consent for the purpose of any kind of medical or dental examination, treatment, or surgery.

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

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

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

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

(1) Except as otherwise provided in this section, gross sexual imposition committed in violation of division (A)(1), (2), (3), or (5) of this section is a felony of the fourth degree. If the offender under division (A)(2) of this section substantially impairs the judgment or control of the other person or one of the other persons by administering any controlled substance, as defined in section 3719.01 of the Revised Code, to the person surreptitiously or by force, threat of force, or deception, gross sexual imposition committed in violation of division (A)(2) of this section is a felony of the third degree.

(2) Gross sexual imposition committed in violation of division (A)(4) or (B) of this section is a felony of the third degree. Except as otherwise provided in this division, for gross sexual imposition committed in violation of division (A)(4) or (B) of this section there is a presumption that a prison term shall be imposed for the offense. The court shall impose on an offender convicted of gross sexual imposition in violation of division (A)(4) or (B) of this section a mandatory prison term, as described in division (C)(3) of this section, for a felony of the third degree if the offender previously was convicted of or pleaded guilty to a violation of this section, rape, the former offense of felonious sexual penetration, or sexual battery, and the victim of the previous offense was less than thirteen years of age.

(3) A mandatory prison term required under division (C)(2) of this section shall be a definite term from the range of prison terms provided in division (A)(3)(a) of section 2929.14 of the Revised Code for a felony of the third degree.

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

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

Evidence of specific instances of the defendant's sexual activity, opinion evidence of the defendant's sexual activity, and reputation evidence of the defendant's sexual activity shall not be admitted under this section unless it involves evidence of the origin of semen, pregnancy, or sexually transmitted disease or

infection, the defendant's past sexual activity with the victim, or is admissible against the defendant under section 2945.59 of the Revised Code, and only to the extent that the court finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.

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

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

### Ohio Revised Code 2907.06 – Sexual Imposition

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

- (1) The offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard.
- (2) The offender knows that the other person's, or one of the other person's, ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired.
- (3) The offender knows that the other person, or one of the other persons, submits because of being unaware of the sexual contact.
- (4) The other person, or one of the other persons, is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of such person, and the offender is at least eighteen years of age and four or more years older than such other person.
- (5) The offender is a mental health professional, the other person or one of the other persons is a mental health client or patient of the offender, and the offender induces the other person who is the client or patient to submit by falsely representing to the other person who is the client or patient that the sexual contact is necessary for mental health treatment purposes.

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

(C) Whoever violates this section is guilty of sexual imposition, a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to a violation of this section or of section 2907.02, 2907.03, 2907.04, or 2907.05, or former section 2907.12 of the Revised Code, a violation of this section is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to three or more violations of this section or section 2907.02, 2907.03, 2907.04, or 2907.05, or former section 2907.12 of the Revised Code, or of any combination of those sections, a violation of this section is a misdemeanor of the first degree and, notwithstanding the range of jail terms prescribed in section 2929.24 of the Revised Code, the court may impose on the offender a definite jail term of not more than one year.

## Domestic Violence

### Ohio Revised Code 2919.25 – Domestic Violence

(A) No person shall knowingly cause or attempt to cause physical harm to a family or household member.

(B) No person shall recklessly cause serious physical harm to a family or household member.

(C) No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member.

(D)(1) Whoever violates this section is guilty of domestic violence, and the court shall sentence the offender as provided in divisions (D)(2) to (6) of this section.

(2) Except as otherwise provided in divisions (D)(3) to (5) of this section, a violation of division (C) of this section is a misdemeanor of the fourth degree, and a violation of division (A) or (B) of this section is a misdemeanor of the first degree.

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

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

(5) Except as otherwise provided in division (D)(3) or (4) of this section, if the offender knew that the victim of the violation was pregnant at the time of the violation, a violation of division (A) or (B) of this section is a felony of the fifth

degree, and the court shall impose a mandatory prison term on the offender pursuant to division (D)(6) of this section, and a violation of division (C) of this section is a misdemeanor of the third degree.

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

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

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

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

(d) If the violation of division (A) or (B) of this section is a felony of the third degree, except as otherwise provided in division (D)(6)(e) of this section and notwithstanding the range of definite prison terms prescribed in division (A)(3) of section 2929.14 of the Revised Code for a felony of the third degree, the court shall impose a mandatory prison term on the offender of either a definite term of six months or one of the prison terms prescribed in division (A)(3) (b) of section 2929.14 of the Revised Code for felonies of the third degree.

(e) If the violation of division (A) or (B) of this section is a felony of the third degree and the offender, in committing the violation, caused serious physical harm to the pregnant woman's unborn or caused the termination of the pregnant woman's pregnancy, notwithstanding the range of definite prison terms prescribed in division (A)(3) of section 2929.14 of the Revised Code for a felony of the third degree, the court shall impose a mandatory prison term on the offender of either a definite term of one year or one of the prison terms prescribed in division (A)(3)(b) of section 2929.14 of the Revised Code for felonies of the third degree.

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

(F) As used in this section and sections 2919.251 and 2919.26 of the Revised Code:

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

## Dating Violence

There is currently no definition of "Dating Violence" in the Ohio Revised Code.

### Ohio Revised Code 2903.11 – Felonious Assault

- (A) No person shall knowingly do either of the following:
- (1) Cause serious physical harm to another or to another's unborn;
  - (2) Cause or attempt to cause physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordinance.
- (B) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall knowingly do any of the following:
- (1) Engage in sexual conduct with another person without disclosing that knowledge to the other

person prior to engaging in the sexual conduct;

(2) Engage in sexual conduct with a person whom the offender knows or has reasonable cause to believe lacks the mental capacity to appreciate the significance of the knowledge that the offender has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome;

(3) Engage in sexual conduct with a person under eighteen years of age who is not the spouse of the offender.

(C) The prosecution of a person under this section does not preclude prosecution of that person under section 2907.02 of the Revised Code.

(D)(1)(a) Whoever violates this section is guilty of felonious assault. Except as otherwise provided in this division or division (D)(1)(b) of this section, felonious assault is a felony of the second degree. If the victim of a violation of division (A) of this section is a peace officer or an investigator of the bureau of criminal identification and investigation, felonious assault is a felony of the first degree.

(b) Regardless of whether the felonious assault is a felony of the first or second degree under division (D)(1)(a) of this section, if the offender also is convicted of or pleads guilty to a specification as described in section 2941.1423 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, except as otherwise provided in this division or unless a longer prison term is required under any other provision of law, the court shall sentence the offender to a mandatory prison term as provided in division (B)(8) of section 2929.14 of the Revised Code. If the victim of the offense is a peace officer or an investigator of the bureau of criminal identification and investigation, and if the victim suffered serious physical harm as a result of the commission of the offense, felonious assault is a felony of the first degree, and the court, pursuant to division (F) of section 2929.13 of the Revised Code, shall impose as a mandatory prison term one of the definite prison terms prescribed for a felony of the first degree in division (A)(1)(b) of section 2929.14 of the Revised Code, except that if the violation is committed on or after the effective date of this amendment, the court shall impose as the minimum prison term for the offense a mandatory prison term that is one of the minimum terms prescribed for a felony of the first degree in division (A)(1)(a) of section 2929.14 of the Revised Code.

(2) In addition to any other sanctions imposed pursuant to division (D)(1) of this section for felonious assault committed in violation of division (A)(1) or (2) of this section, if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1425 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, the court shall sentence the offender to a mandatory prison term under division (B)(9) of section 2929.14 of the Revised Code.

(3) If the victim of a felonious assault committed in violation of division (A) of this section is a child under ten years of age and if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1426 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, in addition to any other sanctions imposed pursuant to division (D)(1) of this section, the court shall sentence the offender to a mandatory prison term pursuant to division (B)(10) of section 2929.14 of the Revised Code.

(4) In addition to any other sanctions imposed pursuant to division (D)(1) of this section for felonious assault committed in violation of division (A)(2) of this section, if the deadly weapon used in the commission of the violation is a motor vehicle, the court shall impose upon the offender a class two suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege as specified in division (A)(2) of section 4510.02 of the Revised Code.

(E) As used in this section:

(1) "Deadly weapon" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.

(2) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.

(3) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.

(4) "Sexual conduct" has the same meaning as in section 2907.01 of the Revised Code, except that, as used in this section, it does not include the insertion of an instrument, apparatus, or other object that is not a part of the body into the vaginal or anal opening of another, unless the offender knew at the time of the insertion that the instrument, apparatus, or other object carried the offender's bodily fluid.

(5) "Investigator of the bureau of criminal identification and investigation" means an investigator of the bureau of criminal identification and investigation who is commissioned by the superintendent of the bureau as a special agent for the purpose of assisting law enforcement officers or providing emergency assistance to peace officers pursuant to authority granted under section 109.541 of the Revised Code.

(6) "Investigator" has the same meaning as in section 109.541 of the Revised Code.

(F) The provisions of division (D)(2) of this section and of division (F)(20) of section 2929.13, divisions (B)(9) and (C)(6) of section 2929.14, and section 2941.1425 of the Revised Code shall be known as "Judy's Law."

## Stalking

### Ohio Revised Code 2903.211 – Menacing by Stalking

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

(2) No person, through the use of any form of written communication or any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, computer system, or telecommunication device shall post a message or use any intentionally written or verbal graphic gesture with purpose to do either of the following:

(a) Violate division (A)(1) of this section;

(b) Urge or incite another to commit a violation of division (A)(1) of this section.

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

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

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

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

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

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

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

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

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

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

(g) At the time of the commission of the offense, the offender was the subject of a protection order issued under section 2903.213 or 2903.214 of the Revised Code, regardless of whether the person to be protected under the order is the victim of the offense or another person.

(h) In committing the offense under division (A)(1), (2), or (3) of this section, the offender caused serious physical harm to the premises at which the victim resides, to the real property on which that premises is located, or to any personal property located on that premises, or, as a result of an offense committed under division (A)(2) of this section or an offense committed under division (A)(3) of this section based on a violation of division (A)(2) of this section, a third person induced by the offender's posted message caused serious physical harm to that premises, that real property, or any personal property on that premises.

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

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

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

(D) As used in this section:

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

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

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

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

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

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

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

(6) "Computer," "computer network," "computer program," "computer system," and "telecommunications device" have the same meanings as in section 2913.01 of the Revised Code.

(7) "Post a message" means transferring, sending, posting, publishing, disseminating, or otherwise communicating, or attempting to transfer, send, post, publish, disseminate, or otherwise communicate, any message or information, whether truthful or untruthful, about an individual, and whether done under one's own name, under the name of another, or while impersonating another.

(8) "Third person" means, in relation to conduct as described in division (A)(2) of this section, an

individual who is neither the offender nor the victim of the conduct.

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

(10) "Organization" includes an entity that is a governmental employer.

(11) "Family or household member" means any of the following:

(a) Any of the following who is residing or has resided with the person against whom the act prohibited in division (A) (1) of this section is committed:

(i) A spouse, a person living as a spouse, or a former spouse of the person;

(ii) A parent, a foster parent, or a child of the person, or another person related by consanguinity or affinity to the person.

(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the person, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the person.

(b) The natural parent of any child of whom the person against whom the act prohibited in division (A)(1) of this section is committed is the other natural parent or is the putative other natural parent.

(12) "Person living as a spouse" means a person who is living or has lived with the person against whom the act prohibited in division (A)(1) of this section is committed in a common law marital relationship, who otherwise is cohabiting with that person, or who otherwise has cohabited with the person within five years prior to the date of the alleged commission of the act in question.

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

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

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

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

## Additional

The following is a list of additional specific offenses under Ohio law that may fall under the broader categories identified above. This list is not exhaustive and, depending upon the circumstances of the crime and the individuals involved, other offenses could fall into these categories:

- Ohio Revised Code 2903.12 – Aggravated Assault
- Ohio Revised Code 2903.13 – Assault
- Ohio Revised Code 2903.14 – Negligent Assault
- Ohio Revised Code 2905.01 – Kidnapping
- Ohio Revised Code 2905.02 – Abduction
- Ohio Revised Code 2905.03 – Unlawful Restraint
- Ohio Revised Code 2917.11 – Disorderly Conduct
- Ohio Revised Code 2903.21 – Aggravated Menacing
- Ohio Revised Code 2903.22 – Menacing
- Ohio Revised Code 2917.21 – Telecommunications Harassment

### **i. Additional University Staff**

All members of the University community share a responsibility for ensuring violations of this policy are reported.

#### **1. Responsible Employees**

Pursuant to Title IX, all employees of the University of Akron are considered “responsible employees.” Therefore, should a responsible employee become aware of an instance of gender-based misconduct, or if they observe such conduct, they are required to report the conduct to one of the University’s deputy Title IX coordinators. This duty to report applies to all University of Akron administrators, supervisors, managers, faculty, and staff. Specific student employees, considered responsible employees, are identified below in sections (2) and (3). To ensure the safety of the community, responsible employees are required to report when they know gender-based misconduct has occurred or when they believe misconduct may have occurred – even if they are not certain. Responsible employees are not required to investigate, ask for additional information, question or compel a complainant, respondent or witness for more information than initially provided.

#### *Exemption*

Responsible employees are not required to report information disclosed at public awareness events (e.g., “Take Back the Night,” “candlelight vigils,” “survivor speak-outs,” or other public forums or discussions in which students or employees do not intend to make a report of gender-based misconduct). Information about the University reporting protocols for gender-based misconduct, community resources and support should be provided at such public awareness events. In the classroom, instructors should remind students that faculty are required to report gender-based misconduct.

#### **a. Confidential Employees (Not Required to Report)**

Only those employees with a legal privilege of confidentiality under Ohio law (including doctors and licensed counselors acting in their capacity as counselors)

are not required to report when the information is obtained during a confidential communication. Those offices with staff who are exempt from reporting include:

- University of Akron Counseling & Testing Center - Simmons Hall
- University of Akron Wayne College - Counseling and Accessibility Services
- University of Akron Health Services - Student Recreation and Wellness Center
- University of Akron Clinic for Individual and Family Counseling – Chima Family Center
- University of Akron Department of Psychology Counseling Clinic – Buchtel College of Arts and Sciences

b. Graduate Students who are Responsible Employees (Required to Report)

Some graduate assistants may also be required to report instances of gender-based misconduct, or retaliation. Those required to report are as follows:

- Teaching Assistants
- Graduate Assistants in administrative units

Most graduate students are not required to report.

c. Undergraduate Students who are Responsible Employees (Required to Report)

Some undergraduate students are required to report by virtue of their specific student employment to report instances of sexual misconduct, intimate partner violence, sexual harassment, or retaliation. Those undergraduate students required to report are as follows:

- Resident Assistants
- Student employees in the Department of Student Recreation and Wellness Services
- Student employees in the Department of Student Life including, but not limited to, student employees of the SOuRCe, Zips Program Network, Student Union Game Room, Marketing, Campus Programs, Serve Akron, Lead Akron, and the Student Union Information Desk
- Office of Multicultural Development Peer Mentors
- Choose Ohio First Peer Mentors

## 2. Campus Security Authorities

Campus Security Authorities are required to provide information regarding any report of a Title IX offense to UAPD to be included in the University's Annual Report of Crime Statistics and, if appropriate, for issuing a safety advisory (timely warning) or other emergency notification. A victim's name and other personally identifying information is not included in any safety alert or emergency notification. An institution is not required to issue a timely warning with respect to crimes reported to a pastoral or professional counselor. 34 C.F.R. §668.46(e)(2)

## V. Education and Prevention

By providing resources for prevention, education, support, investigation, and a fair disciplinary process, The University of Akron seeks to eliminate all Title IX violations.

### A. Sexual Assault and Violence Education (SAVE) Team Initiatives

The University of Akron strives to develop and maintain a campus culture that is safe for, and respectful of all its community members. To achieve this goal, the University offers a combination of prevention programs, awareness programs, and ongoing campaigns that are designed to create awareness of, and prevent dating violence, domestic violence, sexual assault, and stalking. The Sexual Assault and Violence Education (SAVE) team coordinates much but not all the programs and activities on campus related to sexual assault, dating violence, domestic violence, stalking, and sexual harassment. The SAVE team includes University students, faculty, and staff as well as the community partners like the Summit County Prosecutor's Office, Hope and Healing the Rape Crisis Center in Summit and Medina Counties and OneEighty the Rape Crisis Center in Holmes and Medina Counties where the University of Akron has campuses. Student organizations, academic departments including Social Work, Psychology, Sociology and Women's Studies have also made significant contributions along with administrative departments such as Student Conduct and Community Standards, Dean of Students, New Student Orientation, Office of Equal Employment Opportunity and Affirmative Action, and Division of Equity and Inclusion. Through this commitment, the Office of Student Success educates students on the following:

- Title IX protocol and the University's commitment to enforce it.
- Code of Student Conduct, including the applicable Title IX Code violations.
- The definitions of dating violence, domestic violence, sexual assault, and stalking as those terms are defined for purposes of VAWA and the Clery Act.
- Steps to minimize individual risk of sexual assault, sexual misconduct, domestic violence, dating violence and stalking, including crime reduction tips, safety tips, and healthy relationship education.
- Process and responsibility for reporting Title IX violations.
- How to recognize and obtain consent for sexual activity.
- Resources for students who have been victim/survivors of Title IX violations as well as for those students accused of Title IX violations.
- How to be knowledgeable and supportive peer presence, including bystander intervention education training.
- On-going wellness promotion programs that address issues including but not limited to sexual health and wellness, healthy relationships, violence prevention, and drug and alcohol education.
- Comprehensive, ongoing, universal campus-wide campaign committed to creating an environment that promotes responsibility, dignity, and respect.

Additional information about these University educational opportunities is available at:

<https://www.uakron.edu/save-team/>

### B. Campus Orientation Programs

The University of Akron requires all incoming students to complete an online education program entitled *Creating a Culture of Respect*, through the education technology company Everfi, but is distributed through the University's Brightspace. The training includes Prevent Zone: Hazing prevention tool and Voices for Change: Sexual Assault Prevention. Additionally, new incoming

students are invited to attend and participate in *New Roo Weekend*, where they can access prevention and awareness programming, even if not required to take it. Incoming students are also encouraged to take the *Akron Experience Course* which features Title IX education and prevention training embedded in its content.

The University of Akron police foster a safe and non-discriminatory campus environment by doing the following:

- Providing safety and security patrols as part of regular University police/regional campus security responsibilities.
- Including Title IX protocol information on its website and directly to victim/survivors who elect to file a police report.
- Provide survivor centered investigatory techniques.
- Accurately maintain and report statistics of Title IX violations as required by the Clery Act.
- Provide sufficient emergency phones and cameras throughout campus.

## **C. Reporting Protocol Definitions**

### **The Parties**

These terms are used throughout this document and are defined as follows:

#### **1. Complainant**

Complainant(s) are individuals who are eligible to file a formal complaint or to report a violation of this policy. Complainants also include any person who is reported to have experienced a violation of this policy in cases where a third party has made a report.

Terms that may be commonly used to describe a complainant: survivor, victim, target, or reporting party.

#### **2. Respondent**

Respondent(s) are individuals who have been alleged to have violated this policy. Terms that may be commonly used to describe a respondent: accused, alleged, perpetrator, or responding party.

#### **3. Witness**

A Witness is an individual who may have additional information about a report or formal complaint of gender-based misconduct. Witnesses may include, but are not limited to: eye-witnesses, friends, police, University students and staff who responded to an incident or received an initial report.

#### **4. Advisor**

Complainants and respondents have the right to be accompanied to any meeting or proceeding by an advisor of their choice. Advisors may include an attorney or advocate. Advisors are not permitted to participate or interject during any meeting or proceeding.

#### **5. Campus Security Authority**

The Clery Act requires the University to designate University staff members who have significant responsibility for student or campus activities as Campus Security Authorities. At The University of Akron, campus security authorities include: the Dean of Students and deputy Title IX coordinator for students; most managerial staff in The Division of Student Affairs; Residence Life and Housing staff, including resident assistants; advisors

to registered student organizations; the director and associate directors of Athletics and athletic coaches.

### **i. Report**

A Report refers to notice provided to the University that gender-based misconduct has or may have occurred. Reports may be submitted by a complainant, respondent, responsible employee, a campus security authority (CSA), or by a third party.

### **ii. Formal Complaint**

A formal complaint refers to a request for an investigation by The University of Akron to determine if a University policy has been violated or a criminal act has occurred. The University of Akron Police Department (or local police agency), The Department of Student Conduct and Community Standards, or The Office of Equal Employment Opportunity and Affirmative Action investigate formal complaints. Formal complaints may be initiated by a complainant, the University of Akron Title IX coordinator, or their designee.

### **iii. Timely Warning – Safety Advisory**

If a report of a sexual misconduct or intimate partner violence indicates there is an immediate threat to the health or safety of persons on campus or that an on-going serious or continuing threat to the campus community exists, a Timely Warning Safety Advisory (“Timely Warning”) will be issued to the campus community. The purpose of a Timely Warning is to enable persons to protect themselves, heighten safety awareness, and seek information that will lead to an arrest and conviction of the perpetrator. Timely Warnings will not include the complainant’s name or other personally identifying information.

Additional information regarding Timely Warnings and sexual misconduct and intimate partner violence can be found later in the Emergency Notification and Response section of this report.

## **D. Title IX Coordinator(s) – Who they are and what they do**

Dr. Rosa Githiora serves as the Title IX coordinator. As Title IX coordinator she is responsible for overseeing the University’s Title IX process and coordinates the University’s efforts and responsibilities to ensure compliance with Title IX.

### **Deputy Title IX Coordinators**

The Title IX coordinator is assisted by deputy Title IX coordinators:

#### **1. Deputy Title IX Coordinator for Employees**

Emily Lenke serves as the intake coordinator for all reports of gender-based discrimination involving employees and third parties. She meets with both complainants and respondents and may implement interim measures of support for both parties, when necessary to stop and prevent the effects of gender-based discrimination. She processes complaints through the Equal Employment Opportunity and Affirmative Action Office. Emily Lenke can be reached at the Administrative Services Building, The University of Akron, Akron, OH, 44325-4733, 330-972-6195 or emf22@uakron.edu.

#### **2. Deputy Title IX Coordinator for Students**

Michael Strong serves as the dean of students and Jacqueline Fausnight serves as assistant dean of students, Title IX coordinator for students. They serve as the intake coordinator for all reports of gender-based misconduct involving students on the main

campus. They meet with both complainants and respondents and may implement interim measures of support for both parties, when necessary to stop and prevent the effects of gender-based misconduct. They also refer formal complaints to the Office of Student Conduct and Community Standards. Michael Strong and Jacqueline can be reached at the Student Union, 152, The University of Akron, OH 44325-4612, 330-972-6048 or [mstrong@uakron.edu](mailto:mstrong@uakron.edu) or [jfausnight@uakron.edu](mailto:jfausnight@uakron.edu).

**3. Deputy Title IX Coordinator for Regional Campuses, including Wayne College**

Sonya Wagner serves as manager student services and deputy Title IX coordinator for Wayne College. She meets with both complainants and respondents from the regional campuses, including Wayne College. She may implement interim measures of support for both parties, when necessary to stop and prevent the effects of gender-based misconduct. She also refers formal complaints to the Office of Student Conduct and Community Standards. Sonya Wagner can be reached at Wayne College, Boyer HPE Building, A206, 330-972-8935 or [sew30@uakron.edu](mailto:sew30@uakron.edu).

**4. Deputy Title IX Coordinator for Athletics**

Jacklin Wallgreen serves as the senior associate athletic director and deputy Title IX coordinator for Athletics. She coordinates support for student athlete complainants and respondents. She also coordinates response to reports and formal complaints within the Department of Athletics. Jacklin Wallgreen can be reached at Info-Cision Stadium, Room 269, The University of Akron, OH 44325-2605, 330-972-5512 or [jwallgren@uakron.edu](mailto:jwallgren@uakron.edu).

**5. Deputy Title IX Coordinator for Law School**

Andrew Costigan serves as the assistant dean of student affairs and deputy Title IX coordinator for the Law School. He coordinates support for law student complainants and respondents. He also coordinates response to reports and formal complaints within the Law School. Andrew Costigan can be reached at McDowell Law Center, 106, The University of Akron, OH 44325, 330-972-5170, [acc142@uakron.edu](mailto:acc142@uakron.edu).

**6. Title IX Investigators**

When a formal complaint is initiated in which the respondent is a University of Akron student, the Department of Student Conduct and Community Standards staff serve as the investigator(s) of the formal complaint. The Department of Student Conduct and Community Standards is in Simmons Hall 302, 330-972-6380.

When a formal complaint is initiated in which the respondent is a University of Akron faculty member, staff member, or guest of the University, The Office of Equal Employment Opportunity and Affirmative Action staff serve as the investigator(s) of the formal complaint. The Office of Equal Employment Opportunity and Affirmative Action is in the Administrative Services Building, 185 E. Mill Street, 330-972-7300.

Criminal complaints occurring at the University are investigated by the University of Akron Police Department. The University of Akron Police Department may also assist and liaison with local police agencies when a crime is investigated in a nearby community. The University of Akron Police Department is located at 146 Hill St. Akron, OH 44325-0402, 330-972-2911.

#### iv. Additional University Staff

All members of the University community share a responsibility for ensuring violations of this policy are reported.

##### 1. Responsible Employees

Pursuant to Title IX, all employees of the University of Akron are considered “responsible employees.” Therefore, should a responsible employee become aware of an instance of gender-based misconduct, or if they observe such conduct, they are required to report the conduct to one of the University’s deputy Title IX coordinators. This duty to report applies to all University of Akron administrators, supervisors, managers, faculty, and staff. Specific student employees, considered responsible employees, are identified below in sections (2) and (3). To ensure the safety of the community, responsible employees are required to report when they know gender-based misconduct has occurred or when they believe misconduct may have occurred – even if they are not certain. Responsible employees are not required to investigate, ask for additional information, question or compel a complainant, respondent or witness for more information than initially provided.

##### *Exemption*

Responsible employees are not required to report information disclosed at public awareness events (e.g., “Take Back the Night,” “candlelight vigils,” “survivor speak-outs,” or other public forums or discussions in which students or employees do not intend to make a report of gender-based misconduct). Information about the University reporting protocols for gender-based misconduct, community resources and support should be provided at such public awareness events. In the classroom, instructors should remind students that faculty are required to report gender-based misconduct.

##### a. Confidential Employees (Not Required to Report)

Only those employees with a legal privilege of confidentiality under Ohio law (including doctors and licensed counselors acting in their capacity as counselors) are not required to report when the information is obtained during a confidential communication. Those offices with staff who are exempt from reporting include:

- University of Akron Counseling & Testing Center - Simmons Hall
- University of Akron Wayne College - Counseling and Accessibility Services
- University of Akron Health Services - Student Recreation and Wellness Center
- University of Akron Clinic for Individual and Family Counseling – Chima Family Center
- University of Akron Department of Psychology Counseling Clinic – Buchtel College of Arts and Sciences

##### b. Graduate Students who are Responsible Employees (Required to Report)

Some graduate assistants may also be required to report instances of gender-based misconduct, or retaliation. Those required to report are as follows:

- Teaching Assistants

- Graduate Assistants in administrative units

Most graduate students are not required to report.

c. Undergraduate Students who are Responsible Employees  
(Required to Report)

Some undergraduate students are required to report by virtue of their specific student employment to report instances of sexual misconduct, intimate partner violence, sexual harassment, or retaliation. Those undergraduate students required to report are as follows:

- Resident Assistants
- Student employees in the Department of Student Recreation and Wellness Services
- Student employees in the Department of Student Life including, but not limited to, student employees of the SOuRCe, Zips Program Network, Student Union Game Room, Marketing, Campus Programs, Serve Akron, Lead Akron, and the Student Union Information Desk
- Office of Multicultural Development Peer Mentors
- Choose Ohio First Peer Mentors

**2. Campus Security Authorities**

Campus Security Authorities are required to provide information regarding any report of a Title IX offense to UAPD to be included in the University’s Annual Report of Crime Statistics and, if appropriate, for issuing a safety advisory (timely warning) or other emergency notification. A victim’s name and other personally identifying information is not included in any safety alert or emergency notification. An institution is not required to issue a timely warning with respect to crimes reported to a pastoral or professional counselor. 34 C.F.R. §668.46(e)(2)

**VI. Prohibited Behaviors – Gender-Based Misconduct (Policy Violations)**

Any person, regardless of gender, can be a target of these behaviors.

**A. Sexual Misconduct**

The following behaviors are considered sexual misconduct and are criminal actions:

**1. Sexual Assault**

A. As prohibited by Title IX of the Education Amendments Act of 1972 and as defined by the Federal Bureau of Investigation Uniform Crime Reporting System, sexual assault is defined as forcible and non-forcible sex offenses and includes:

(a) Rape

The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. Carnal knowledge is defined as the slightest penetration of the sexual organ of the female (vagina) by the sexual organ of the male (penis).

(b) Sodomy

Oral or anal sexual intercourse with another person, without the consent of the victim,

including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.

(c) Sexual Assault with an Object

Use of an object or instrument to unlawfully penetrate, however slight, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. An object or instrument is anything used by the offender other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.

(d) Fondling

The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental incapacity.

(e) Incest

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

(f) Statutory Rape

Sexual intercourse with a person who is under the statutory age of consent.

Sexual assault within the jurisdiction defined by Title IX of the Education Amendments Act of 1972 must occur within locations, events, or circumstances in which The University of Akron exercises substantial control over both the respondent and the context in which the sexual assault occurs; or in any building owned or controlled by a student organization officially recognized by The University of Akron.

B. As prohibited by the University of Akron's rules or policies, sexual assault is any non-consensual sexual contact, non-consensual sexual intercourse, or sexual offenses prohibited by applicable federal, state, or municipal law.

- Non-consensual sexual contact is any intentional sexual touching, however slight, with any object by a person upon another person, that is without consent and/or by force. Sexual contact includes 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 other intentional bodily contact in a sexual manner.
- Non-consensual sexual intercourse is any sexual intercourse, however slight, with any object, by a person upon another person, that is without consent and/or by force. Intercourse includes vaginal or anal penetration by a penis, object, tongue or finger, an oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

Sexual assault within the jurisdiction defined by the University of Akron Gender-Based Misconduct Policy and Protocol may occur within circumstances in which The University of Akron exercises substantial control over both the respondent and the context in which the sexual assault occurs or within circumstances deemed by the University to affect adversely the University or its students and/or University employees.

## **B. Intimate Partner Violence/Interpersonal Violence**

The following behaviors are considered intimate partner violence or interpersonal violence and are prohibited:

### **1. Dating Violence**

Dating violence is an act of violence committed by a person who is or has been in a romantic or intimate relationship with the complainant. The existence of such a romantic or intimate relationship is determined by the length of the relationship; the type of relationship, and the frequency of interaction between the individuals involved in the relationship. Examples include but are not limited to:

- Threats of physical violence; and
- Physical violence, including but not limited to being slammed or held against a wall; being slapped, kicked, choked, or burned; having an arm twisted, fingers bent or other action to intimidate or otherwise coerce behavior; · Threats or manipulation intended to control a party's behavior or isolate a party from their friends, families or loved ones; and
- Limiting or controlling access to money or financial resources; or
- Action that causes a reasonable person to fear harm to self or others.

Dating violence within the jurisdiction defined by Title IX of the Education Amendments Act of 1972 must occur within locations, events, or circumstances in which The University of Akron exercises substantial control over both the respondent and the context in which the dating violence occurs; or in any building owned or controlled by a student organization officially recognized by The University of Akron.

Dating violence within the jurisdiction defined by the University of Akron Gender-Based Misconduct Policy and Protocol may occur within circumstances in which The University of Akron exercises substantial control over both the respondent and the context in which the dating violence occurs or within circumstances deemed by the University to affect adversely the University or its students and University employees.

### **2. Domestic Violence**

Domestic violence is an act of violence committed by:

- a. A current or former spouse or intimate partner of the complainant; and
- b. A person with whom the complainant shares a child in common; and
- c. A person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner. d. A person similarly situated to a spouse or the victim under the domestic/family violence laws of the jurisdiction, e. Any other person against an adult or youth victim who is protected from that person's act under the domestic/family violence laws of the jurisdiction.

Domestic violence within the jurisdiction defined by Title IX of the Education Amendments Act of 1972 must occur within locations, events, or circumstances in which The University of Akron exercises substantial control over both the respondent and the context in which the domestic violence occurs; or in any building owned or controlled by a student organization officially recognized by The University of Akron.

Domestic violence within the jurisdiction defined by the University of Akron Gender-Based Misconduct Policy and Protocol may occur within circumstances in which The University of Akron exercises substantial control over both the respondent and the context in which the domestic violence occurs or within circumstances deemed by the University to affect adversely the University or its

students and University employees adversely.

## **C. Stalking**

A. As prohibited by Title IX of the Education Amendments Act of 1972 and defined by the Violence Against Women Act, stalking is engaging in a course of conduct directed at a specific person on the basis of sex that would cause a reasonable person with similar characteristics, under similar circumstances, to fear for the person's 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.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking within the jurisdiction defined by Title IX of the Education Amendments Act 1972 must occur within locations, events, or circumstances in which The University of Akron exercises substantial control over both the respondent and the context in which the stalking occurs or in any building owned or controlled by a student organization officially recognized by The University of Akron.

B. As prohibited by University of Akron rules or policies, stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. Stalking includes repeatedly actively following, harassing, threatening, or intimidating another including by telephone, mail, electronic communication, social media, or any other action, device or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death.

- 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.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking within the jurisdiction defined by the University of Akron Gender-Based Misconduct Policy and Protocol may occur within circumstances in which The University of Akron exercises substantial control over both the respondent and the context in which the stalking or within circumstances deemed by the University to affect adversely the University or its students and/or University employees adversely.

## **D. Sexual Harassment**

As prohibited by applicable University of Akron rules and policies, sexual harassment is unwelcome sexual, sex-based, and/or gender-based verbal, written, electronic, and/or physical conduct that unreasonably interferes with an individual's work or education experience or creates an intimidating, hostile, or offensive working, educational or residential environment. Sexual Harassment includes but is not limited to:

### **1. Quid Pro Quo**

Explicitly or implicitly conditioning an individual's employment, academic status, or

participation in an educational program or activity on the individual's submission to unwelcome sexual advances, requests for sexual favors, or conduct of a sexual nature made by a person having power or authority over the provision or denial of that employment, status, program, or activity.

## 2. Hostile Environment

Sexual, sex based, and/or gender-based verbal, written, electronic, and/or or physical conduct that a reasonable person would consider severe or pervasive and that unreasonably interferes with, denies, or limits an individual's ability to participate in or benefit from the University's educational programs, employment, and activities, or creates a hostile or offensive work, educational, or campus residential environment.

Examples include, but are not limited to:

- Jokes, unwelcome questions, or comments about a person's sexual history or sexual prowess; and
- Unwelcome sexual name calling; and
- Jokes or comments about a person's perceived failure to conform to a gender-based stereotype, for example teasing a male whom the individual believes appears feminine; and
- Hanging or displaying sexually explicit photographs, drawings, posters, or desktop images in workspaces or public spaces; and
- Sending unwelcome e-mails, texts, social media messages/comments of a sexual nature, or denigrating a particular gender identity; and
- Jokes intended to deprecate a particular gender; and
- Assigning tasks or work to an individual based on a belief related to gender roles, for example "that's women's work"; or
- Comments downplaying or ridiculing an individual's major or decision to attend college based on gender roles, for example "women shouldn't work" or "men can't be nurses."
- Watching or displaying pornography in public campus locations.

Sexual harassment, within the jurisdiction defined by the University of Akron Gender-Based Misconduct Policy and Protocol, may occur within circumstances in which The University of Akron exercises substantial control over both the respondent and the context in which the sexual harassment occurs or within circumstances deemed by the University to adversely affect the University or its students and University employees.

## **E. Gender-Based Discrimination**

Gender-based discrimination is treating someone unfavorably because of that person's sex or gender. An example of gender-based discrimination is when a person is treated unfavorably in class, at work, or in housing due to social behavior such as the nonconformance of gender roles.

## **F. Retaliation**

Retaliation occurs when an individual or group intimidates, threatens, coerces, or discriminates against an individual(s) for the purpose of interfering with any right or privilege secured by Title IX or this protocol or because the individual(s) has made a report or formal complaint of a violation of University policy, or testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or hearing. A good faith pursuit of legal action or the exercise of rights protected under the First Amendment does not constitute retaliation.

## **Procedures to Address Retaliation**

The same procedures outlined in this policy to address all forms of gender-based misconduct will be used to address retaliation.

Those who engage in retaliation will face University disciplinary action up to and including suspension or termination. Formal complaints of retaliation should be reported to the deputy Title IX coordinator for employees. At the Akron campus reports are submitted to Emily Lenke, deputy Title IX coordinator for employees, and those that occur at any of the regional campus locations, including those at the Wayne Campus, are submitted to Sonya Wagner, deputy Title IX coordinator for Wayne College.

## **VII. Reporting Options**

### **A. Personally Reporting**

#### **1. Reporting to Deputy Title IX Coordinator**

Reporting to a deputy Title IX coordinator provides the complainant access to additional support, interim measures, and opportunities for investigations not available through confidential reporting and anonymous reporting options.

Reports may be submitted to a deputy Title IX coordinator from:

- responsible employees who are required to report.
- police who are reporting criminal conduct.
- bystanders and third parties who are concerned for the welfare of employees or students; and,
- employees who are sharing first-hand (witness) accounts of violations.

The University may be able to provide appropriate supportive measures no matter how long ago the alleged incident(s) occurred.

If the complainant is incapacitated for any reason and unable to report, a report should be made on their behalf.

#### **2. Confidential Reporting Options**

A complainant or respondent may speak confidentially to individuals in legally protected roles, including the following:

- Hope & Healing of Medina and Summit Counties, Student Recreation and Wellness Center, 246, 330-972-6328.
- The University of Akron's Employee Assistance Program Provider ("EAP"). Information about the EAP can be obtained from Mrs. Emily Lenke at Administrative Services Building, The University of Akron, Akron, OH, 44325-4733, emf22@uakron.edu, 330-972-6195.
- The University of Akron, Wayne College, Counseling and Accessibility Services, Wayne College and Boyer HPE Building, B112, Wayne College, Orrville OH, 330-972-8767.
- The University of Akron Health Services, Student Recreation and Wellness Center, 260, 330-972-7808.
- Off-campus with clergy, counselors, physicians, and Sexual Assault Nurse Examiners (SANE).

A confidential report will not result in a report to law enforcement or a university investigation. It will not be reported to the Title IX coordinator, a deputy coordinator, or to the University of Akron Equal Employment Opportunity/Affirmative Action Office. A confidential report will not be included in the annual Campus Security Report.

### **3. Anonymous Reporting**

Anonymous reports will be accepted by The University of Akron.

Options for Anonymous reporting is available at <http://www.uakron.edu/safety/report-a-problem/anonymous-reporting.dot> and

<https://secure.ethicspoint.com/domain/media/en/gui/61475/index.html>

The University's options for investigating or resolving anonymous reports may be limited because of the unique challenges presented, including the following:

- The University is not able to provide support or services to a complainant that has not been identified.
- The University may not be able to hold a student or employee responsible for an alleged violation of this policy because a respondent has a right to know the name of the reporter (or complainant if different from the reporter) as well as information regarding the nature of the formal complaint.

The University encourages all complainants to consider reporting to a Title IX coordinator or choosing a Confidential Reporting Option.

### **B. Reporting Requirements of Responsible Employees**

Responsible employees have a duty to report gender-based misconduct. In addition, Ohio law requires those not in a legally protected role with knowledge of a felony to report it to law enforcement. All responsible employees also have an obligation to notify the University of Akron Police Department of a felony. For sexual misconduct, intimate partner violence, or interpersonal violence that may also constitute a criminal offense that occurred on the University of Akron campus, contact the University police directly at 330-972-2911 to file a police report. University of Akron police officers are trained to respond quickly, with sensitivity and compassion.

Employees at the Wayne College Campus should report to the Wayne College Campus Police at 330-684-8910.

### **C. Third Party Reports**

Students, active bystanders, family, or other concerned individuals are not required, but are able to report gender-based misconduct. Reports from third parties will result in the Deputy Title IX coordinator for employees contacting the complainant as with all other such reports.

### **D. How to Submit a Report**

All concerns about sexual misconduct, intimate partner violence, sexual harassment, or retaliation should be reported to:

- Title IX Coordinator - Dr. Rosa Githiora, [rgithior@uakron.edu](mailto:rgithior@uakron.edu), 330-972-5462.
- Deputy Title IX Coordinator for Employees – Emily Lenke, [emf22@uakron.edu](mailto:emf22@uakron.edu), 330-972-6195.

- Deputy Title IX Coordinator for Wayne College – Sonya Wagner, sew30@uakron.edu, 330-972-8935 (if the alleged conduct is related to a regional campus, including Wayne College).
- Deputy Title IX Coordinator for Students – Michael Strong, mstrong@uakron.edu, 330-972-6048 or Jacquelin Fausnight, jfausnight@uakron.edu, 330-972-6048.
- Deputy Title IX Coordinator for Athletes – Jacklin Wallgren, jwallgren@uakron.edu, 330-972-5512.
- Deputy Title IX Coordinator for the Law School - Andrew Costigan, acc142@uakron.edu, 330-972-5170.

Another easy and effective way to report Title IX violation is through the University of Akron’s online reporting system at: [https://cm.maxient.com/reportingform.php?UnivofAkron&layout\\_id=11](https://cm.maxient.com/reportingform.php?UnivofAkron&layout_id=11) All online reports are transmitted electronically to the Title IX coordinator and deputy Title IX coordinators

An employee who experienced gender-based misconduct (sexual misconduct, intimate partner violence, interpersonal violence, sexual harassment, or gender-based discrimination) should retain all communications from the respondent, including email, voicemail, text-messages, and social media communication.

For emergency situations, please contact the University of Akron Police Department by calling 330-972-2911.

## **E. When Police Receive a Report**

Responsible employees are required to report criminal behavior; however, complainants are not required to speak with police. The University of Akron will comply with an employee’s request for assistance in notifying the University of Akron Police. A report to the University of Akron police or other law enforcement agency does not require the complainant to pursue a university investigation (formal complaint).

When the University of Akron Police Department receives a report of sexual misconduct or intimate personal violence, they will investigate the criminal behavior. The University of Akron police will verify that a Title IX referral has been submitted and evaluate the available information to determine if a timely warning safety notification will be made.

When the University of Akron police receive a report from a deputy Title IX coordinator on behalf of a complainant who does not wish to speak to the police, the police, when possible, will defer to the request from a complainant for privacy.

Please note that a delay in reporting to police could weaken or result in a loss of evidence used to determine whether an individual is responsible for a criminal offense. Adult sexual assault: 25 years after the event. Child sexual assault: 43 years, with an additional five years granted if DNA is recovered within 25 years.

### **1. When an Employee is arrested for A Crime of Violence**

An employee arrested for certain criminal offenses, including rape, sexual battery, gross sexual imposition, and domestic violence, may be subject to a “1219” proceeding. “1219” refers to the section of Ohio law which provides for the suspension and termination of employees arrested and convicted of crimes of violence that occur on or affecting University persons or property. The initiation of a “1219” proceeding against an employee does not prohibit the University from investigating and taking University disciplinary action against the same employee under applicable University Rules/Policies for the same conduct that gave rise to the “1219” proceeding.

## **VIII. When a report is received**

If the investigation finds sufficient information exists to believe that gender-based misconduct has occurred, the University will take immediate and appropriate steps to stop the misconduct, prevent any further violations, remedy the effects of the misconduct, and prevent retaliation. Such steps may include increasing security in a designated space, no-contact directives, and/or required education/training of the respondent or department or campus training.

### **A. Outreach and Support from Deputy Title IX Coordinator for Employees**

Upon receipt of a report, the deputy Title IX coordinator for employees will reach out to the complainant and request to meet to discuss support and to ensure the complainant is aware of and understands all available options.

The deputy Title IX coordinator for employees provides the complainant with written notification of this policy and information about support services available to complainants.

No police report, formal complaint or investigation need occur before this support is available. A complainant can access these services at any time, even if the employee initially declined the service.

When a complainant meets with the deputy Title IX coordinator, or designee, they will discuss the report submitted, safety planning and any possible timely warning safety notifications. The complainants will also be offered personalized support through interim measures and will discuss possible formal complaints (investigations) related to the report. Complainants have the right not to meet with the deputy Title IX coordinator, or designee, but are encouraged to do so.

To initiate support or report prohibited behaviors on the Akron campus, contact Emily Lenke, who serves as the deputy Title IX coordinator for employees. She is available during regular business hours and serves as the intake coordinator for all reports of gender-based misconduct involving non-students. Emily Lenke can be reached at the Administrative Services Building, 138, The University of Akron, OH 44325-4733, 330-972-6195 or emf22@uakron.edu.

Emily Lenke serves as the intake coordinator for all reports of gender-based discrimination involving employees and third parties. She meets with both complainants and respondents and may implement interim measures of support for both parties, when necessary to stop and prevent the effects of gender-based discrimination. She processes complaints through the Equal Employment Opportunity and Affirmative Action Office. Emily Lenke can be reached at the Administrative Services Building, The University of Akron, Akron, OH, 44325-4733, 330-972-6195 or emf22@uakron.edu.

To initiate support or report prohibited behaviors at a regional campus, including the Wayne College Campus, contact Sonya Wagner who serves as the deputy Title IX coordinator for Wayne College. She is available during regular business hours and meets with students to discuss interim measures of support. When appropriate, she may coordinate support with Emily Lenke at the main campus. Sonya Wagner can be reached at Wayne College, Boyer HPE Building, A206, 330-972-8935 or sew30@uakron.edu.

#### **2. Discuss - Safety Planning**

The deputy Title IX coordinator will assist the employee with possible interim measures of support/protective measures such as:

- immediately attending to any medical needs. The deputy Title IX coordinator for employees can assist in arranging an advocate to accompany the employee to the hospital, if requested by the employee.
- contacting a support person such as a friend or family member, if desired.
- obtaining a University, no-contact directive or assist in referring the employee for a court-issued restraining order or other lawful order of protection.
- amending work schedules, when appropriate, to minimize the chances of contact with the respondent.
- changing work locations or working conditions.
- transportation/parking options; and,
- discussing support such as safe escorts available through the University of Akron Police Department.

### **3. Timely Warning Safety Advisory**

If a report of a sexual misconduct or intimate partner violence indicates there is an immediate threat to the health or safety of persons on campus or that an on-going serious or continuing threat to the campus community exists, a timely warning will be issued to the campus community. When possible, complainants will be advised if the deputy Title IX coordinator anticipates a timely warning may be issued. An institution is not required to issue a timely warning with respect to crimes reported to a pastoral or professional counselor. 34 C.F.R. §668.46(e)(2)

### **4. Privacy Protections**

Even if a complainant does not specifically request their information remain confidential, The University of Akron will seek to protect their privacy, to the extent possible. The deputy Title IX coordinator for employees will discuss with complainants what information is confidential and what information is not. This discussion includes privacy protections related to crime logs, annual security reports, timely warnings, police reports, evidence gathered during investigations and interim measures.

It is also possible that reports of gender-based misconduct are incomplete and submitted without all possible detail. The deputy Title IX coordinator will discuss with the complainant what information has been reported before providing an opportunity to disclose additional information.

### **5. Personalize Support**

The Deputy Title IX Coordinator will assist the employee with interim measures of support which may include, but are not limited to:

- Information about medical and psychological resources is available through the EAP.
- assistance in receiving academic support services including tutoring, if applicable.
- reporting criminal conduct to appropriate authorities.
- offering an alternate work location or work schedule.

Interim measures may also take the form of a personalized or expedited referral to campus resources. Employees are encouraged to seek support from such resources.

**a) Counseling**

Counselors at a variety of agencies both on and off campus can help a person decide what steps to take, such as seeking medical attention, preserving evidence, obtaining counseling, and reporting to authorities. The University of Akron has rape crisis center advocates on campus. Information, support and advice are available for anyone who wishes to discuss issues related to sexual misconduct, intimate partner violence or sexual harassment; whether a report of gender-based misconduct has been submitted or if the person is seeking information on behalf of a complainant, witness or respondent.

(1) On Campus Counseling Resources

Professional staff members who are legally obligated to maintain confidentiality work at these offices. Meeting with one of these staff members will not initiate the reporting process.

- Hope & Healing of Medina and Summit Counties, Student Recreation and Wellness Center, 246, 330-972-6328.
- University of Akron EAP. Information about the EAP can be obtained from Michelle Smith, Assistant VP, Human Resources, Administrative Services Building, The University of Akron, Akron, OH, 44325-0602, 330-972-5146 or msmith5@uakron.edu.
- The University of Akron, Wayne College, Counseling and Accessibility Services, Wayne College and Boyer HPE Building, B112, Wayne College, Orrville OH, 330-972-8767.

(2) Off Campus Counseling Resources

Crisis intervention and assistance in reporting is available to victims/survivors 24 hours a day by calling:

- Hope & Healing of Medina and Summit County at 877-906-7272.
- The National Sexual Assault Telephone hotline 800-656-HOPE (4673). This hotline, operated by RAINN, connects a caller with a local RAINN affiliate organization based on the first six digits of the caller's phone number.
- Ohio Sexual Violence Helpline at 1-844-OHIO-HELP (1-844-644-6435). This helpline is a confidential, statewide hotline dedicated to serving survivors of sexual assault and relationship violence.
- OneEighty, Holmes and Wayne counties, 330-264-8498. Six major service programs: Addiction Services, Mental Health Services, Domestic Violence and Sexual Assault Services, Rape Crisis Center, Housing and Supportive Services and Prevention and Education Services.

**b) Medical Treatment**

A complainant targeted with sexual misconduct or intimate partner violence is urged to seek appropriate medical evaluation immediately after the incident.

For life-threatening conditions, call 330-972-2911, or go to the nearest hospital emergency department.

University Health Services also offers services through the Well Women's Clinic.

**c) Medical – Legal Evidence Collection**

A person who has experienced a violation is encouraged to request collection of medical/legal evidence. Prompt collection of physical evidence is essential should a person later decide to pursue criminal prosecution and/or a civil action against the respondent. Collection of evidence may involve interaction with police and a police report. It is the decision of the complainant whether to speak with the police or not, even if the police are notified about the alleged violation.

A free and confidential exam can be administered at most hospitals. The sooner the sexual assault is reported, the more likely important evidence will still be present. “Date rape” drugs may still be present in the complainant’s system and should be tested for if the complainant believes they may have been drugged. To help preserve evidence that may assist in proving a formal complaint or obtaining a protection order, the complainant is encouraged to put any soiled clothes in a paper (not plastic) bag, and to refrain from the following:

- Bathing or douching
- Washing hands or face
- Urinating
- Drinking any liquids
- Smoking, eating, or brushing teeth (including mouthwash and flossing)

If an individual is uncertain about whether they want to report what has occurred, they can still have evidence collected. In cases of sexual assault, the police may be called to the hospital. The complainant can then decide whether to speak with the police at that time to report what has happened.

**d) Legal Assistance**

For legal assistance you may contact Community Legal Aid Services in Akron at 330-535-4191 or the Akron Bar Association at 330-253-5007. Legal services may include, but are not limited to, restraining orders, child support, custody, divorce, visitation restrictions, visa adjustments, and division of debts and property. There may be fees associated with some or all these legal services.

**e) Advocacy**

The deputy Title IX coordinator will assist the complainant in contacting the Hope & Healing of Medina and Summit County, or other local agency, if they request assistance with a personal advocate.

**6. Formal Complaints and Discipline**

The University of Akron recommends that all incidents of gender-based misconduct be investigated to the extent possible. A deputy Title IX coordinator will review available options for investigations with the complainant.

A deputy Title IX coordinator will assist the complainant in determining:

- If the respondent is a University of Akron student, faculty member, or staff member.
- What, if any, University of Akron rules/policies may have been violated.

- Which University investigation model (Equal Employment Opportunity/Affirmative Action or Student Conduct and Community Standards) is applicable.
- If criminal behavior is alleged, which police agency has jurisdiction.
- Reporting options to another college or university, if applicable.

A deputy Title IX coordinator will encourage, but not force, the complainant to consider participating in an investigation.

**a) Options for Investigation**

Complainants are provided with information about possible criminal investigations as well as possible University investigations.

A criminal charge and a university investigation may be pursued at the same time, but they are two separate and distinct processes.

If a complainant requests an investigation, the deputy Title IX coordinator for employees will assist the employee with submitting a formal complaint to the appropriate University department or police agency.

**b) When a Complainant Requests That an Incident Not Be Investigated**

The University has an obligation to promptly take steps to investigate or otherwise determine what occurred and then to take appropriate steps to resolve formal complaints, to the extent feasible, when it knows or reasonably should know about possible gender-based misconduct, from any source, regardless of whether a complainant declines to participate in the process, or a respondent is a third-party or is no longer a University employee.

Reporters (or the complainant if different from the reporter) may request that a report not be investigated or that their identity remain confidential. In such cases, a deputy Title IX coordinator, in consultation with the Title IX coordinator, will evaluate the request for confidentiality in the context of the University's commitment to provide a safe and non-discriminatory campus environment.

If the request for confidentiality or that a report not be investigated is granted, the University will not conduct a formal investigation.

However, under some circumstances, a deputy Title IX coordinator, in consultation with the Title IX Coordinator, may determine that, despite the request for confidentiality or that the report not be investigated, the University has an obligation to formally investigate a report, such as when there is a significant risk to the campus community. In this case the complainant will be informed of the decision to conduct a formal investigation.

**(1) Evaluating Requests Not to Investigate**

To evaluate a request for confidentiality or not to investigate a report, a deputy Title IX coordinator, in consultation with the University's Title IX coordinator, may take appropriate steps to conduct a preliminary review into the alleged violation and weigh the request against the following factors:

- Seriousness of the alleged violation (including whether the violation involved the use of a weapon, other illegal activity, illegal drug or intoxicant, multiple respondents, etc.).
- Whether there have been other formal complaints or reports made regarding the respondent (e.g., a history of arrests, a record of misconduct at The University of Akron or other institutions).
- Respondent’s right to access the formal complaint or report including the complainant’s identity.
- Applicability of any laws requiring disclosure.
- Availability of other information to verify the formal complaint.
- Whether the circumstances suggest there is an increased risk of the respondent(s) committing additional Title IX violations (e.g., a pattern of behavior).
- Whether the respondent has threatened the complainant or others.
- Safety of the reporter and/or complainant.
- Safety of the campus community.

If the reporter (or complainant if different from the reporter) insists that their privacy be protected and that their name or other identifiable information not be disclosed to the respondent, a deputy Title IX coordinator will advise the reporter and/or complainant of the University’s limited ability to respond to the report.

- (2) Requests for Confidentiality Limit the Ability of the University to Investigate  
A respondent has a right to know the name of the reporter (or complainant if different from the reporter) as well as information included in the formal complaint; thus, the University may not be able to both investigate a report and maintain the confidentiality of the reporter (or complainant if different from the reporter).

The University may take other steps to limit (stop and prevent) the effects of the reported gender-based misconduct. The University will respond to formal complaints, reports, or information about incidents of gender-based misconduct to stop prohibited discrimination, eliminate any hostile environment, take steps to prevent the recurrence of the discrimination, and address any effects on campus or in the context of any University programs and activities regardless of location.

**c) Types of Investigations**

- (1) University Investigations  
The deputy Title IX coordinator for employees will inform the complainant of their right to request an investigation through the Equal Employment Opportunity/Affirmative Action Office if the respondent is an employee or third-party. If the respondent is a student, the deputy coordinator for students will notify the employee of their right to request an investigation. In this case the matter may be investigated by either the University of Akron Equal Employment Opportunity/Affirmative Action Office and/or The Department of Student Conduct and Community Standards. If the respondent is a third party, the deputy

coordinator will assist the complainant in reporting the alleged conduct to the authorities in the appropriate jurisdiction.

The University of Akron will preserve the complainant's (and respondent's) privacy to the extent possible and permitted by law.

(a) *Student Conduct Investigation*

When the complainant(s) and the respondent(s) in a formal complaint are University of Akron students the Department of Student Conduct and Community Standards staff serve as the investigator(s) of the formal complaint. The Department of Student Conduct and Community Standards is located in Simmons Hall 302 and can be reached at (330) 972-6380.

(b) *Equal Employment Opportunity and Affirmative Action Investigation*

When the respondent in a formal complaint is a University of Akron faculty member, staff member, or guest of the University, the director of The Office of Equal Employment Opportunity and Affirmative Action will serve as the investigator of the formal complaint. The Office of Equal Employment Opportunity and Affirmative Action is in the Administrative Services Building Room 138 and can be reached at 330-972-7300.

(2) Police Investigations

The University of Akron informs employees who have been the victim/survivor of sexual misconduct, intimate partner violence, or interpersonal violence of their ability to pursue criminal charges against the person or persons they believe to have committed the crime.

A deputy Title IX coordinator will assist the employee in filing a formal complaint with The University of Akron police if on-campus or assist in referring the student to another appropriate police department, if off-campus.

If a police report has already been filed, a deputy Title IX coordinator may assist the employee in learning about the status of an investigation.

(3) Legal Options

Formal complaints may also be filed with the United States Department of Education, Office for Civil Rights. Additional information can be found at: <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

## **B. Available Interim Measures of Support, Protection, and Remedy**

Interim measures are issued to protect complainants and respondents from harm and to remedy the effects of gender-based misconduct. Interim measures may also be issued to protect the larger campus community from harm. Interim measures will be issued by a deputy Title IX coordinator after an evaluation to ensure the complainant and respondent are treated fairly and have equitable access to support through these measures.

Employees may, upon request, obtain interim support services from a deputy Title IX coordinator, such as changing work schedules, working locations and transportation circumstances. The University will make such accommodations or provide such reasonable protective measures if they are reasonably

available. A deputy Title IX coordinator will exercise discretion and sensitivity about sharing the identity of the complainant when arranging for interim support services.

The deputy Title IX coordinator will maintain as confidential any support services or protective measures provided to the complainant to the extent that maintaining such confidentiality would not impair the ability of the University to provide the support services or protective measures. There may be times when the University must disclose some information about the complainant to university faculty or staff to provide accommodation or protective measures. This information will be limited only to what and who is needed to complete the accommodation/protective measure(s). A deputy Title IX coordinator will determine what information will be disclosed and to whom based upon the request.

## **7. No Contact Directives and Orders of Protection**

A deputy Title IX coordinator, the Rape Crisis Center of Medina and Summit County, as well as the University of Akron Police Department may assist the employee in obtaining a “no contact” directive, an order of protection, or a restraining order.

### **a) University of Akron – No-Contact Directive**

A University of Akron “No-Contact Directive” can be requested following a report of sexual misconduct, intimate partner violence or sexual harassment. The directive may also be requested upon the initiation of or at any point during an investigation of a formal complaint. This request can be made to a Deputy Title IX Coordinator.

No contact directives can be requested by complainants or respondents.

Any violation of a No-Contact Directive should be reported immediately to a deputy Title IX coordinator. A violation of a “No-Contact Directive” may result in a referral to the Equal Employment Opportunity/Affirmative Action Office for possible rule/policy violations even if a formal complaint has already been made.

### **b) Criminal – Temporary Protection Order**

Upon request, a deputy Title IX coordinator, the University of Akron police, or a Rape Crisis advocate may assist complainants in requesting protection or restraining orders.

An individual who believes they have been the victim of a crime can request a court-issued order from the jurisdiction in which the crime took place and/or the accused individual is located.

Temporary Criminal Protection orders can be requested through the appropriate police departments and/or criminal court. These orders can be issued during an active criminal case against an alleged offender for a specific duration.

For additional information or to request a criminal protection order contact:

- University of Akron Police Department, 330-972-2911.
- Criminal Courts: Summit County Court of Common Pleas; Akron Municipal Court.

After a court order is issued, the protected party should provide a copy of the court order to the deputy Title IX coordinator for employees. The University of Akron will comply with a lawful order of protection upon receipt of the order.

Any violation of a court-issued order should be promptly reported to the police.

**c) Civil Protection Order**

Upon request, a deputy Title IX coordinator, The University of Akron police, or a Rape Crisis advocate may assist complainants in requesting protection or restraining orders.

An individual who has experienced or believes they are at risk of experiencing violence, threats, or abuse may apply for a civil protection order. Protection orders may be issued following reports of domestic violence and stalking or sexually oriented offense. Civil protection orders can be obtained through local courts, depending upon the location of the incident/accused individual.

After a court order is issued, the protected party should provide a copy of the court order to the deputy Title IX coordinator for employees. The University of Akron will comply with a lawful order of protection upon receipt of the order.

Any violation of a court-issued order should be promptly reported to the police.

## **IX. Police Investigations**

A respondent who commits a crime may be subject to criminal prosecution and/or civil litigation as well as disciplinary action by The University of Akron. A police report must be made for criminal prosecution to be considered by the local prosecuting attorney. The chances of successful prosecution are greater if the report is timely and is supported by the collection of medical and/or legal evidence.

### **A. Concurrent Investigations**

In certain circumstances the University may need to briefly suspend the investigation of a formal complaint at the request of law enforcement while the law enforcement agency is in the process of gathering evidence. The University will maintain regular contact with law enforcement to determine when it will begin/resume its investigation, usually after the law enforcement agency has completed the evidence-gathering process, or sooner if the University determines that the evidence-gathering process will be lengthy or delayed. The University will not wait until the ultimate outcome of the criminal investigation to begin or complete its own investigation of a formal complaint.

### **B. If a Complainant Stops Speaking with Police**

The University of Akron Police Department will not close an investigation due to non-cooperation of a complainant without first providing time to respond that is adequate and reasonable under the circumstance. Nor will University police personnel prohibit the complainant or others from discussing a formal complaint. Support services and resources are available regardless of criminal charges, participation in a University investigation, or University disciplinary action.

Interim suspensions may prohibit the student from all or part of university property and activities or permit the student to remain only under specified conditions (e.g., no-contact directives). See the Code of Student Conduct for the detailed procedures regarding interim suspensions:

<http://www.uakron.edu/ogc/UniversityRules/pdf/41-01.pdf>

## **X. Code of Student Conduct**

The Department of Student Conduct and Community Standards (SCCS): The primary focus of SCCS is to promote and enforce University community standards through the administration of the University of Akron's student conduct process as outlined in the Code of Student Conduct (Code). A copy of the Code, which details the jurisdiction, definitions of student misconduct, amnesty policy, and the investigation and adjudication

processes, including but not limited to, the fact-finding process, alternative resolution process, hearing and appeal processes, administrative fees, disciplinary fines and sanctions, has been included in Appendix F. In addition, SCCS also coordinates a number of educational programs and presentations used to educate faculty, staff, and students about their rights and responsibilities as members of our community and the student conduct process.

## **XI. University Investigations**

### **A. Review and investigation**

Title IX formal complaints involving respondents who are employees of The University of Akron will be investigated by the Equal Employment Opportunity and Affirmative Action Office (EEO/AA).

A formal complaint involves an investigation, when appropriate, and will conclude with a written finding providing whether, by a preponderance of the evidence, there has been a violation of The University of Akron's Title IX and Gender-Based Misconduct Policy & Protocol. A formal complaint can be made online or with the Title IX coordinator. The investigation is conducted in good faith to provide a prompt, adequate, reliable, equitable, and impartial investigation of the formal complaint. The Office of EEO/AA also investigates allegations of retaliation, as defined by this policy.

Note: In some instances, the parties may agree to an informal resolution. The main purpose of an informal resolution is to stop the offending behavior. Some examples of an informal resolution may include, but are not limited to, educational counseling with the respondent, or disciplinary action against the responsible employee. An informal approach does not result in finding a policy violation. An individual may choose to advance to the formal process at any time. Incidents of sexual assault will not be subject to an informal resolution.

Prior to the resolution of a formal Title IX complaint, and to ensure compliance, the Title IX coordinator, or relevant deputy Title IX coordinator, will review any proposed resolution (finding and sanctions, if any). The failure of an investigator to find sufficient information for cause is not the same as filing a false allegation.

Even absent a finding of responsibility for a Title IX violation, the University may still institute remedial actions deemed necessary to remedy any effects of the alleged incident, including but not limited to, education/training.

Title IX formal complaints involving complainant(s) and respondent(s) that are University of Akron students will be investigated by the Department of Student Conduct and Community Standards (SCCS). The complaint process for students is outlined in the Title IX Reporting Protocol for Students at: [www.uakron.edu/title-ix/students](http://www.uakron.edu/title-ix/students).

### **B. Notice and Due Process**

The complainant and respondent have the right to be accompanied by an advisor of their choice, including an attorney or advocate, to any related meeting or proceeding. The role of the advisor is only to be present to advise; they will not be permitted to interject during the meeting. If the advisor is determined to be unreasonably interfering with the investigation, they may be asked to leave.

The complainant and respondent will have equitable and timely access to information being considered in the investigation process.

The complainant and respondent are entitled to the same opportunity to file a written statement, to submit relevant information/evidence, and to identify relevant witnesses.

The investigator will contact the parties and witnesses to establish interview times and locations, as necessary.

Confidential medical/counseling records and information regarding an employee's sexual history with others will not be provided to the other party without written consent.

The investigator will prepare a written report summarizing the information gathered during the investigation. The complainant and the respondent will both be provided with a copy of the final investigative report.

Following the investigation, the allegations will be reviewed to evaluate whether they fall under Title IX. If they do not, the complaint will be dismissed. If the allegations do fall under Title IX, then the complaint will proceed to a live hearing in front of a hearing officer. The hearing officer will issue a written report after the hearing which will be provided to both parties.

The failure of the hearing officer to find a rule/policy violation is not the same as filing a false report.

### **C. Disciplinary Sanctions**

Employee sanctions vary depending on the severity of the violation and are commensurate with the violation(s) found to have occurred. In cases where sexual misconduct is found to have occurred, the University will determine appropriate, enforceable sanctions and other measures reasonably calculated to stop the harassment and prevent its recurrence. More than one sanction may be imposed for any single violation. Individual circumstances and prior conduct history are included in the factors that are considered when determining the sanction(s).

Sanctions include, but are not limited to, the following:

- Verbal reprimand – a documented verbal notice to the employee that the employee has violated university rules/policies and that future violations will result in progressive disciplinary action.
- Formal reprimand - a notice in writing to the employee that the employee has violated university rules/policies and that future violations will result in progressive disciplinary action.
- Loss of privileges - denial of specified privileges for a designated period of time.
- Suspension - separation of the employee from the University for a specified period of time, after which the employee is eligible to return.
- Termination - permanent separation of the employee from the University.

### **D. Appeal Process**

Either party may appeal the investigator's findings to the Title IX coordinator within ten (10) business days from the date of the findings. Appeals must be filed in writing. Any recommended corrective action will be delayed during the appeal. Appeals may be filed for the following reasons:

- There occurred a procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the complaint;
- The Title IX coordinator, investigator(s), or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter;

- There was a misapplication or misinterpretation of the rule/policy alleged to have been violated;
- There was not a reasonable basis to support the hearing officer’s findings of a policy violation;
- The sanction(s) imposed by the hearing officer is not proportionate to the violation found by the hearing officer.

The Complainant and the Respondent will be notified of the outcome of the appeal.

## **E. Interim Measures**

During any stage of the investigation, if the investigator reasonably suspects that an employee’s continued presence on campus presents a safety threat to the University community or a threat to the employee’s own physical or emotional safety, the investigator will notify the University of Akron Police Department, the deputy Title IX coordinator for employees and the Title IX coordinator. If it is determined that such a threat exists, the employee may be placed on administrative leave immediately, pending the investigation. This administrative leave does not replace the regular investigation process.

Administrative leave may prohibit the employee from all or part of University property and activities or permit the employee to be present on campus only under specified conditions (e.g., with a police escort).

## **F. Campus Orientation Programs**

The University of Akron requires all incoming employees to complete an online education program addresses conduct that falls under Title IX, prevention training and their obligations under Title IX. They have access prevention and awareness programing. Targeted training sessions are provided to various departments and colleges including but not limited to the Athletics Department and Residence Life and Housing. Training is also provided by EEO/AA and/or the Title IX Coordinator(s), upon request.

The University of Akron police foster a safe and non-discriminatory campus environment by doing the following:

- Providing safety and security patrols as part of regular University police/regional campus security responsibilities.
- Including Title IX protocol information on its website and directly to victim/survivors who elect to file a police report.
- Provide survivor centered investigatory techniques.
- Accurately maintain and report statistics of Title IX violations as required by the Clery Act.
- Provide sufficient emergency phones and cameras throughout campus.

## **XII. Education and Prevention**

By providing resources for prevention, education, support, investigation, and a fair disciplinary process, The University of Akron seeks to eliminate all Title IX violations.

### **A. Sexual Assault and Violence Education (SAVE) Team Initiatives**

The SAVE team, Office of Student Success, in collaboration with the Title IX coordinator, creates, supports, and evaluates educational and support programs aimed at the eradication of Title IX violations involving The University of Akron. To support these programs, the deputy coordinator for students at Akron’s main campus coordinates campus-wide Title IX violation education, awareness, and prevention programs. These educational opportunities are available for both students and employees.

Through this commitment, the Office of Student Success educates the campus community on the following:

- Title IX protocol and the University's commitment to enforce it.
- Code of Student Conduct, including the applicable Title IX code violations.
- The definitions of dating violence, domestic violence, sexual assault, and stalking as those terms are defined for purposes of VAWA and the Clery Act.
- Steps to minimize individual risk of sexual assault, sexual misconduct, domestic violence, dating violence and stalking, including crime reduction tips, safety tips, and healthy relationship education.
- Process and responsibility for reporting Title IX violations.
- How to recognize and obtain consent for sexual activity.
- Resources for those who have been victim/survivors of Title IX violations as well as for those accused of Title IX violations.
- How to be knowledgeable and supportive of peer presence, including bystander intervention education training.
- On-going wellness promotion programs that address issues including but not limited to sexual health and wellness, healthy relationships, violence prevention, and drug and alcohol education.
- Comprehensive, ongoing, universal campus-wide campaign committed to creating an environment that promotes responsibility, dignity, and respect.

## **B. Campus Orientation Programs**

The University of Akron requires all incoming employees to complete an online education program through the education technology company Everfi which addresses conduct that falls under Title IX, prevention training and their obligations under Title IX. They have access prevention and awareness programming. Targeted training sessions are provided to various departments and colleges including but not limited to the Athletics Department and Residence Life and Housing. Training is also provided by EEO/AA and/or the Title IX coordinator(s), upon request.

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- Providing safety and security patrols as part of regular University police/regional campus security responsibilities.
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- Provide survivor centered investigatory techniques.
- Accurately maintain and report statistics of Title IX violations as required by the Clery Act.
- Provide sufficient emergency phones and cameras throughout campus.

## **Timely Warnings**

### **Safety Advisory**

If a crime is reported on the University of Akron campus or on public property surrounding campus and, in the judgment of the University of Akron Police Department (UAPD), that crime constitutes a serious or on-going threat to the campus community, a safety advisory is issued by the University. The purpose of a safety advisory

is to provide individuals with information about the incident that will: enable people to protect themselves; heighten safety awareness; aid in the prevention of similar crimes; and seek information that will lead to an arrest and conviction of the perpetrator.

Whether an incident triggers the need for a safety advisory is considered on a case-by-case basis. Factors that are considered include:

- the type of alleged crime (including whether the offense is a Clery reportable offense);
- the facts of the incident (including where and when the incident occurred);
- when the incident was reported; and,
- the extent of information known by UAPD.

(For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other University of Akron community members and a safety advisory would not be necessary. In cases involving sexual assault, if the report of the assault is reported long after the incident occurred, the University might not have the ability to distribute a “timely” warning notice to the community.)

Every attempt will be made to distribute a safety advisory soon after the incident is reported; however, the release of the safety advisory is subject to the availability of facts concerning the incident. The decision to issue an advisory will be made by the University's chief of police or their designee, with notice to the vice president, chief communication and marketing officer and Chief of Staff. Other University offices may be consulted as necessary.

Safety advisories are distributed to students and employees via a blast email or text and are posted on the University's Safety website. Safety advisory emails or texts typically include:

- A succinct statement of the incident;
- Possible connection to previous incidents, if applicable;
- Date and time the bulletin was released;
- Other relevant and important information;
- Appropriate safety tips, if applicable, and
- Physical description of the suspect, when sufficient detail exists to help identify suspects or groups of suspects. Such details may include a combination of gender, race, clothing, height, body type, build, accent, tattoos, hair color, facial hair, or other unique identifying characteristics.

Safety advisories shall not include the names of victims.

## Emergency Notification and Response

### Emergency Messaging System – Notification of an Immediate Threat

In the event of an emergency, The University of Akron will initiate notification to its campus without delay while taking into account the safety of the community. The University of Akron maintains multiple systems for alerting students, faculty, and staff about campus emergencies:

- text messaging via Z-Alert, <https://www.uakron.edu/safety/z-alert.dot>
- our UA mobile app, available for free, <https://www.uakron.edu/mobile/>
- the University website,
- email, and
- outdoor warning system.
- The University also may elect to alert the media to obtain assistance in disseminating information.

Emergency messaging primarily will be used for situations that pose an immediate threat to the health or safety of students or employees on campus or for an event that necessitates the closing of an entire campus (e.g., severe weather, chemical spills, fires, and crime.) Emergency messages about criminal activity generally will not be sent unless it is determined that there is an imminent threat of danger to the campus community. The necessity of criminal activity messages are evaluated on a case-by-case basis. In those cases where a crime has been reported and UAPD determines there is no imminent threat but the crime still presents a serious or ongoing threat to the campus community, a Timely Warning or Safety Advisory will be issued.

The emergency messaging system is provided in addition to existing emergency notification procedures and does not replace or eliminate any other emergency notification system (e.g., fire alarms, tornado sirens.) The University will provide follow-up information to the community as appropriate, including via the University's website.

Any individual may report an emergency to the University of Akron police at 330-972-2911 or by using the UA Mobile app.

## **Emergency Notification Procedures**

If UAPD confirms there is an imminent threat to the health or safety of some or all of the members of the campus community (e.g., tornado, criminal activity), UAPD may direct its police dispatch to send a text message and to other warning systems. In this scenario, the chief of police may collaborate with the vice president of communication and marketing, or their designee to determine the content and audience for the message. The senior director of digital communications is the designated individual that will send the emergency notification through University email, if necessary. If there is not an imminent threat of danger, but circumstances still warrant an emergency notification, the chief of police may collaborate with the vice president, chief communication and marketing officer (and other offices as necessary), which, in consultation with UAPD, will determine the content of the message and will use some or all of the methods described above to communicate to the campus community or appropriate segment of the campus community.

In either scenario, the University will, without delay and taking into account the safety of the community, determine the content of the emergency message (notification). Initiation of the emergency messaging (notification) system may be delayed or withheld if issuing a message (notification) will, in the professional judgment of the chief of police, or their designee, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency situation. The warnings typically consist of the following elements: a short description and location of the incident; actions the recipient needs to take to avoid harm; and how follow-up information will be provided.

### **Emergency Notification v. Timely Warning**

If there is an immediate threat to the health or safety of students or employees occurring on campus, The University of Akron will follow its emergency communication procedures. No additional safety advisory (i.e., timely warning) based on the same circumstance will be issued. Follow-up information will be disseminated to the community as available and as needed.

### **Additional Communication**

Updated information will be posted to the University's website and provided to the media as available.

### **Annual Publication**

General information about the University's response and evacuation procedures is publicized each year as part of its Campus Safety Report, which is published as part of its compliance with the Clery Act.

# Emergency Response Procedures and Testing Emergency Response/Evacuation Procedures

## Emergency Response Procedures

The University of Akron has established a Comprehensive Emergency Management Plan (CEMP) to provide an all-hazards approach for managing its response to emergencies or disasters that threaten the safety and well-being of the University's community or disrupt its programs and operations. The University also has established an Emergency Operations Group (EOG) to carry out its CEMP. Large-scale emergencies require a coordinated response effort between the University and local emergency response agencies, and the CEMP provides the policies, procedures, responsibilities, and organizational structure to plan for and respond to such emergencies

The CEMP is activated when a significant emergency or dangerous incident occurs on campus. If UAPD determines the situation presents an immediate threat and activation of the CEMP is warranted, the chief of police, or their designee, with notice to the manager of the Executive Management Group, will initiate the CEMP by immediately contacting the University's vice president of communication and marketing, or their designee, and emergency management coordinator (EMC), who will distribute necessary notifications and activate the Campus Emergency Operations Center (CEMP). The CEMP evacuation plan/map for the University is included in the CEMP annex.

If the University president or Board of Trustees determines that unsafe conditions warrant the declaration of a state of emergency, the president (or designee) may issue a state of emergency, consistent with the authority of Ohio Revised Code Chapter 3345.26 and applicable University Rules. Prior to the issuance of the emergency proclamation, the president should consult with the chief of police and campus safety, and if possible, notify members of the UA Board of Trustees of the intent to declare the State of Emergency. When issued, the EOG manager shall immediately notify the Summit County Emergency Management Agency (SCEMA).

## Testing Emergency Response and Evacuation Procedures

The indoor fire alarm mass notification system and outdoor warning system are tested monthly. Email, the telephone announcement line and digital tools are in regular use. A text-only home page has been developed and it is ready to be activated if needed during an emergency. System tests are pre-announced. The campus is informed at the beginning of the academic year of the tests of both the indoor and outdoor warning systems.

Campus safety services also conduct tests of emergency response procedures on at least an annual basis. The tests typically are announced. The Department of Environmental and Occupational Health and Safety (EOHS) coordinates at least one announced or unannounced emergency preparedness exercise per year and conducts follow-through activities designed for the assessment and evaluation of emergency plans and capabilities, and documentation of the tests is maintained by the University's Department of Environmental and Occupational Health and Safety. The University also includes this description of Emergency Response procedures annually in its campus safety report and in conjunction with at least one test per year.

Evacuation fire drills are coordinated by EOHS each semester for all residence hall facilities to prepare students, staff, and other building occupants for an organized evacuation in case of an emergency. Students are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. Designated locations for long-term evacuations are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. UAPD, Student Affairs staff, and Residence Life and Housing staff who are on the scene will communicate information to students regarding the developing situation or any evacuation status changes. In addition to educating the occupants of each building about the evacuation

procedures during the drills, the process also provides the University an opportunity to test the operation of fire alarm system components.

Evacuation drills for residence halls are monitored by EOHS and Residence Life and Housing staff. Recommendations for improvements may be submitted to the appropriate departments/offices for consideration. The University of Akron also has protocols for assisting people who require accommodations for safe evacuation.

### Emergency Preparedness Exercises

Conducting emergency exercises is an integral piece of the Comprehensive Emergency Management Plan at The University of Akron and offers opportunities to examine and improve emergency response protocols. Information about previous exercises and after-action reports is available by contacting the Emergency Management Office on 330-972-2633.

Date of Exercise	Type of Exercise	Announced or Unannounced	Description
1/30/23	Hybrid Tabletop Exercise  (Some exercise participants participated virtually, and others participated in person)	Announced	The University community participated in an active shooter virtual tabletop exercise. This exercise simulated an active shooter/ barricaded gunman incident occurring on the third floor of the Central Hower Building. The third floor of this building is shared by Akron Public STEM High School and UA’s Geosciences / Physics Depts. Akron Public School’s Administrative Staff Members actively participated in this exercise. A partial evacuation of the Central Hower Building was simulated and a full campus lockdown was ordered.

### Missing-student notification policies and procedures

Any person who believes a current University of Akron student is missing should notify the University of Akron Police Department (UAPD) at 330-972-2911. In the event another University office receives a report of a missing student, that office is responsible for notifying UAPD, which will investigate to determine whether the student is missing.

When students move into their residence halls, they will be given the opportunity to identify a confidential contact, who will be contacted by the institution if the student is determined to be missing for more than 24 hours. If a missing student is under the age of 18 or is not an emancipated individual, in addition to notifying the designated contact person, the University is required by law to contact the student’s custodial parent or legal guardian no later than 24 hours after the student has been missing.

Unless otherwise required by law, contact information will only be accessible to authorized campus officials and law enforcement personnel as part of a missing person investigation.

Should anyone believe that a residential student has been missing for more than twenty-four (24) hours, s/he immediately should contact UAPD, a Residence Life and Housing staff member, or a Student Affairs staff member, who immediately will contact UAPD. UAPD will investigate the missing student report. If the

residential student is not located during the ensuing twenty-four (24) hours, or sooner as conditions may dictate, the University will notify the City of Akron Police Department as well as the student's confidential contact person (and/or parent as necessary.)

## Campus Sex Crime Prevention Act information

The responsibility for tracking persons in Ohio who have been designated as registered sex offenders is assigned to the sheriffs of the various counties. The following websites contain information about registered sex offenders for geographic areas covered by this report.

The Office of the Ohio Attorney General: <http://www.icrimewatch.net/index.php?AgencyID=55149>

- Summit County Sheriff: [http://www.sheriffalerts.com/cap\\_main.php?office=5398](http://www.sheriffalerts.com/cap_main.php?office=5398)
- Wayne County Sheriff: <https://waynecountysheriff.com/sex-offenders/>
- Medina County Sheriff:  
[https://sheriffalerts.com/cap\\_office\\_disclaimer.php?office=55175&fwd=aHR0cDovL3NoZXJpZmZhbGVydHMuY29tL2Nhcf9tYWluLnBocD9vZmZpY2U9NTUxNzU=](https://sheriffalerts.com/cap_office_disclaimer.php?office=55175&fwd=aHR0cDovL3NoZXJpZmZhbGVydHMuY29tL2Nhcf9tYWluLnBocD9vZmZpY2U9NTUxNzU=)
- Holmes County Sheriff: <http://www.holmescountysheriff.org/sex-offender>

## Drug Abuse Prevention Information

### Drug Free Schools and Communities Notice

The issue of drug abuse, misuse, and dependency concerns the entire University community, as well as our surrounding environment. The Drug Free Schools and Communities Act Amendment of 1989 Policy (Public Law 101-226) is federal legislation developed to eliminate illicit drugs and to initiate the intelligent use of alcohol on all college campuses, schools, and communities. There is a bi-annual review of the Drug Free Schools and Community Act by selected professionals at the University

<https://www.uakron.edu/safety/police/docs/DFSCA.pdf>

The University is concerned with the quality of life on campus and believes that a rewarding college experience can only be achieved through the elimination of chemical abuses. Information is included below about drug and alcohol use and abuse, health risks, legal and University sanctions, resources, and support services available to anyone with concerns about alcohol and drug problems. Students may obtain printed materials about drugs and alcohol at Student Health Services, Suite 260, Student Recreation and Wellness Services, and employees should contact Human Resources, 330-972-7381 or 330-972-7090.

Unlawful consumption, distribution, possession or use of drugs or alcohol by students or employees on university property, in conjunction with university activities or inconsistent with the Code of Student Conduct is prohibited. Violators are subject to prosecution in accordance with applicable laws or ordinances and may be subject to university discipline.

### University Sanctions

#### Students

Unauthorized consumption, possession, or distribution of alcohol is a violation of section (D) of the University Code of Student Conduct, located in University Rule 3359-41-01. Sanctions may include, but are not limited to, attendance at workshops, educational sanctions, disciplinary fees/fines, disciplinary probation, suspension, dismissal, and other sanctions appropriate to the violation. Possession, use, or distribution of marijuana or any narcotic, hallucinogenic or other drug in either the refined or crude form which is prohibited by law is a violation of section (D) of the University Code of Student Conduct, located in University Rule 3359-41-01.

Sanctions may include, but are not limited to, attendance at workshops, educational sanctions, disciplinary fees/fines, disciplinary probation, removal from the residence halls, suspension, dismissal, and other sanctions appropriate to the violation. For more information about the Code of Student Conduct see University Rules 3359-41-01 available at <http://www.uakron.edu/dotAsset/1344508.pdf>

### **University Employees**

Employees who furnish alcohol to minors, are under the influence, possess, or use alcohol while at work violate University Rules 3359-20-05.5 and 3359-47-01 and may receive appropriate sanctions, up to and including termination. Likewise, possession or use of illegal drugs on University property, or any other property where University business is being carried out, is a violation of University rules 3359-20-05.5 and 3359-47-02. Unlawful manufacture, distribution, dispensing, possession, or use, of any drug or controlled substance is a violation of University Rule 3359-47-02. Employees who violate these rules may be subject to sanctions up to and including termination. If disciplinary action under these policies is taken against an employee covered by a collective bargaining agreement, the action shall be subject to grievance procedures set forth in such agreement. For more information about the University's Alcohol Policy and the University's Drug Free Workplace Policy see <http://www.uakron.edu/dotAsset/1344556.pdf>

### **Substance abuse risks**

#### **Alcohol**

##### *Effects of Occasional and Extended Use*

Liver disease, heart disease, pancreatitis, cirrhosis of the liver, hepatitis, Fetal Alcohol Syndrome, slowed reaction, high blood pressure, stroke, birth defects, cancer of the esophagus, mouth, throat, and larynx (voice box), breast cancer, colon cancer, rectal cancer, unconsciousness, memory loss, impotence, weight gain, premature aging, bad breath, infertility, heart attacks, stomach ulcers, and colitis.

#### **Marijuana**

##### *Effects of Occasional and Extended Use*

Memory and learning difficulties, distorted perception, difficulty in thinking and problem solving, loss of coordination, increased heart rate, heart attack, burning and stinging of the mouth and throat, heavy cough, respiratory illnesses, cancer of the respiratory tract and lungs, decreased immune system functioning, depression, anxiety, personality disturbances, altered neurological development in infants, drug craving, irritability, sleeplessness, and increased aggression.

#### **Cocaine & Crack Cocaine**

##### *Effects of Occasional and Extended Use*

Constricted peripheral blood vessels, dilated pupils, increased temperature, increased heart rate, increased blood pressure, restlessness, irritability, anxiety, paranoia, depression, ulceration of the mucous membrane of the nose, cardiac arrest, seizures, and respiratory arrest.

#### **Heroin, Opium, Morphine, Codeine and Demerol**

##### *Effects of Occasional and Extended Use*

Fatal overdose, spontaneous abortion, collapsed veins, infectious diseases including HIV/AIDS and hepatitis, infection of the heart lining and valves, abscesses, cellulitis, liver disease, pulmonary complications, pneumonia, cellular tissue death, malnutrition, low blood pressure, and seizures.

#### **LSD, PCP**

##### *Effects of Occasional and Extended Use*

Dilated pupils, higher body temperature, loss of appetite, sleeplessness, dry mouth, tremors, blocked speech,

psychosis, extreme image distortion, violent behavior, flashbacks, hallucinations, increased heart rate and blood pressure, flushing, sweating, dizziness, numbness, drowsiness, convulsions, coma, heart and lung failure, ruptured blood vessels in the brain, death, memory loss, distorted perception, diminished concentration and judgment, paranoia, fearlessness, anxiety, may affect hormones related to growth, nausea, blurred vision, vomiting, drooling, loss of balance, delusions, catatonia, depression, and weight loss.

### **MDMA (Ecstasy)**

#### *Effects of Occasional and Extended Use*

Confusion, depression, sleep problems, severe anxiety and paranoia, muscle tension, involuntary teeth clenching, nausea, blurred vision, faintness, chills or sweating, increased heart rate and blood pressure, brain damage, drug craving, rapid eye movement, acne-like rash, liver damage, Parkinson's disease. and stimulant-like and hallucinogenic-like effects.

### **Barbiturates and Tranquilizers**

#### *Effects of Occasional and Extended Use*

Shallow breathing, slurred speech, sluggishness, fatigue, disorientation, lack of coordination, dilated pupils, disinhibition, sleepiness, impaired memory, impaired judgment and coordination, irritability, paranoia and suicidal ideation, depression of the respiratory center in the brain resulting in death, tremors, elevated blood pressure and pulse, sweating, seizures, emotional instability, vision problems, sexual dysfunction, chronic tiredness, menstrual irregularities, breathing disorders, hallucinations, vomiting, sleep and eating disorders.

### **GHB**

#### *Effects of Occasional and Extended Use*

Coma and seizures, nausea and difficulty breathing, insomnia, anxiety, tremors, sweating, and unconsciousness.

### **Rohypnol ("Roofies")**

#### *Effects of Occasional and Extended Use*

Amnesia, death, muscle reaction, seizures, dependence, blackouts, dizziness, disorientation, nausea, decreased blood pressure, visual disturbances, gastrointestinal disturbances, urinary retention, headache, muscle pain, extreme anxiety, tension, restlessness, confusion, irritability, numbness, tingling, loss of identity, hallucinations, delirium, convulsions, shock, and cardiovascular collapse.

### **Ketamine ("Special K")**

#### *Effects of Occasional and Extended Use*

Dream-like states and hallucinations, delirium, amnesia, impaired motor function, high blood pressure, depression, and potentially fatal respiratory problems.

### **Inhalants**

#### *Effects of Occasional and Extended Use*

unconsciousness, heart failure and death, suffocation, hearing loss, peripheral neuropathies or limb spasms, central nervous system or brain damage, bone marrow damage, liver and kidney damage, blood oxygen depletion, Kaposi's sarcoma.

Note: The Ohio Revised Code and federal law distinguish amongst controlled narcotic substances by category. Ohio law classifies narcotics according to a schedule (Schedule I – Marijuana, heroin, Opiates; Schedule II – Opium & Opium derivatives such fentanyl, morphine, and oxycodone; Schedule III – stimulants such as steroids, ketamine; Schedule IV – diazepam, alprazolam, and tramadol; Schedule V – least potential- such as pregabalin, diphenoxyllate/atropine, dextromethorphan). Penalties vary depending upon the Schedule of the narcotic.

Note: Distribution of controlled substances in or near schools and colleges can result in penalties twice the regular penalty for the same offense. Trafficking in drugs can result in forfeiture of property including motor vehicles, vessels, money, real property, and other personal property.

Note: Use of ANY controlled substance to aid in committing a crime of violence (including sexual assault) is a violation of federal law that could be prosecuted in addition to the underlying crime. Penalties may be as great as 20 years in prison with the penalties increased if the perpetrator has a prior conviction or if death or serious bodily injury results from the use of the controlled substance.

## Resources

The University of Akron has the IMPACT Employee Assistance (EAP) & Work/Life Program which offers access to confidential professional support. The IMPACT program includes access to unlimited phone consultation, six complimentary face-to-face counseling sessions per person per occurrence, plus an expansive collection of resources. The IMPACT Employee Assistance (EAP) & Work/Life Program is available 24 hours a day, 7 days a week by calling 800-227-6007.

Students who are struggling with alcohol or substance abuse issues also may be referred to The University of Akron Crisis, Assessment, Referral and Evaluation “CARE” team. The CARE Team provides guidance and assistance to students who are experiencing crises and responds to students when concerns have been identified for a student’s health, welfare, and safety.

In addition to specific programs identified above, the University, as well as its constituent student and employee organizations, offers various programming concerning the effects of alcohol and substance abuse for constituent University audiences throughout the year. Information regarding ongoing programming is communicated to students and employees through informational postings, webpage announcements and electronic newsletters that the University sends to students (through Zipmail) and employees (through the Digest.) Student organizations may use the Zipmail system to share information with university students.

## On-Campus Support and Resources

The following are available to students and employees.

- Center for Nursing: 330-972-6968
- Clinic for Child Study and Family Therapy 330-972-6822
- Counseling and Testing Center 330-972-7082
- Health Services 330-972-7808
- Department of Psychology 330-972-6714
- Department of Sport Science and Wellness Education 330-972-7473

## Hotlines

- Ohio Addiction 1-866-210-1303
- Center for Substance Abuse Prevention, SAMHSA 1-877-726-4727
- SAMHSA National Helpline 1-800-662- HELP (4357)
- National Council on Alcoholism & Drug Dependence (NCADD) Hotline 1-800-622-2255
- National Suicide Prevention Hotline 1-800-273-TALK (8255)
- National Sexual Assault Hotline 1-800-656-HOPE (4673)
- U.S. Department of Education 1-800-624-0100

## Akron Support Services

- Alcoholics Anonymous 330-253-8181
- Alcohol, Drug Addiction and Mental Health Services Board 330-940-1133, 330-434-9144
- Summit County Public Health 330-923-4891
- Green Leaf Family Services 330-376-9494
- Hope & Healing/Medina & Summit Counties 330-374-0740/Hotline 877-906-RAPE (7273)/
- Campus 330-972-6328
- Summit County Suicide Prevention Coalition 330-434-9144 or 1-800-273-TALK (8255)

## National Support Services

- Al-Anon/Alateen Family Group Headquarters 1-757-563-1600
- Alcoholics Anonymous World Services 1-212-870-3400
- Marijuana Anonymous World Services 1-800-766-6779
- Nar-Anon Family Groups 1-800-477-6291
- Narcotics Anonymous 1-818-773-9999
- SAMHSA (Substance Abuse and Mental Health Services Administration) 1-800-622-4357; TTY 1-800-487-4889

## Fire Safety

The University of Akron emphasizes the importance of fire safety, particularly among its resident students. However, because the possibility of residence hall fires exists, The University of Akron takes a number of precautions to protect the approximately 2,200 students who currently live in nine residence halls.

### Reporting Fires and Evacuation

All fires should be reported immediately to the City of Akron Fire Department, University of Akron Police Department (9-1-1 or 330-972-2911) or residence hall staff. Upon receipt of a fire report, the University of Akron Police Department immediately will dispatch officers and Environmental and Occupational Health and Safety personnel to investigate fire reports on campus and route calls to the City of Akron Fire Department as necessary.

Upon receiving notice of a fire by way of an announcement or activation of the fire alarm system, occupants immediately should evacuate the building using the closest available exit. Elevators should not be used. Once out of the building, individuals should assemble at their pre-designated meeting point to await further instructions.

Each floor has a clearly marked location where students who require physical assistance to evacuate residence halls should go to obtain evacuation assistance. Students must call University police at 330-972-2911 to secure assistance during an evacuation. This number is also posted on each residence hall floor.

### Equipment

All residence halls are equipped with a fire alarm system. All alarm systems function and undergo rigorous testing and documentation each year. Fire safety specialists activate the alarm systems annually and inspect and clean the system components on an annual basis.

Fire extinguishers (ABC type) are in all residence halls and spaced in accordance with the Ohio Fire Code.

All residence hall rooms have flame-retardant mattresses and window shades. Public areas have carpets and drapery that meet maximum flammability standards.

Campus police can unlock all student rooms and building doors in an emergency to maximize evacuation and rescue. In addition, the University's regional campus and center buildings are equipped with "Knox Security Key Boxes." These high security boxes contain building master keys for use by the firefighters who come into a residence hall. The boxes are opened by a key that is on each fire truck. The submaster keys in these "Knox Boxes" enable firefighters to quickly unlock building doors to maximize evacuation and rescue or to fight an active fire.

Four locations, owned by the University but not operated by Residence Life and Housing, have fire safety systems in place, but do not have suppression systems. These locations include: 478 Orchard Street; Hower House; Tau Kappa Epsilon Housing; and Phi Kappa Psi Housing. Further information concerning each residence hall and housing facility fire safety system is available on the chart contained in Appendix C of this report.

## **Restrictions**

The University of Akron restricts use of any item that produces an open flame or heating surface in residence hall student rooms. Candles, incense, and hot plates are among the restricted items. The full list of prohibited items is available in the Residence Life Handbook, which is at: <https://www.uakron.edu/reslife/handbook/>

All residence halls are non-smoking, including vaping; this includes all student rooms.

## **Education**

All resident students receive a fire inspection checklist during move-in, which helps students identify fire safety risks and recommends safe practices. Fire safety information also is provided through floor meetings to all resident students. Additional safety information can be found at the Department of Environmental and Occupational Health and Safety (EOHS) Web site: <http://www.uakron.edu/safety/eohs/fire.dot>

The University of Akron conducts fire drills once each semester for its residence halls and as required by Ohio's Fire Code for all other campus buildings. The University also conducted drills for academic support buildings as required by law. EOHS also provides on-site fire training in the residence halls upon request.

Students are advised that each floor has a clearly marked location where students who require physical assistance to evacuate residence halls should go to obtain evacuation assistance. Students must call University police at 330-972-2911 to secure assistance during an evacuation. This number is also posted on each residence hall floor.

Emergency Action Plan placards, which detail emergency guidelines for different types of possible emergencies, including fire, are posted throughout each residence hall, and provided to each resident's room.

Residence hall video display boards provide safety messaging throughout each academic term.

## **Fire Safety Recommendations and Tips Smoking and Safety**

- Careless smoking is the leading cause of fire deaths in North America.
- Smoking in bed or when you are drowsy could be deadly.
- Provide smokers with large, deep non-tip ashtrays and soak butts with water before discarding.

- Before going to bed or leaving home after someone has been smoking, check under and around cushions and upholstered furniture for smoldering cigarettes.

### **Cooking Safety**

- Never leave cooking unattended and turn pot handles inward on the stove where you can't bump them.
- Keep cooking areas clear of combustibles and wear clothes with short, rolled-up or tight-fitting sleeves when you cook.
- If grease catches fire in a pan, slide a lid over the pan to smother the flames and turn off the heat. Leave the lid on until cools. NEVER throw water on steaming or burning grease.

### **Cool a Burn**

- Run cool water over a burn for 10 to 15 minutes.
- Never put butter or any grease on a burn. Never use ice.
- If the burned skin blisters or is charred, see a doctor immediately.

### **Space Heaters**

- Keep portable heaters and space heaters at least 3 feet from anything that can burn.
- Keep children and pets away from heaters, and never leave heaters on when you leave home or go to bed.

### **Use Electricity Safely**

- Do not overload extension cords or run them under rugs.
- Replace any electrical cord that is cracked or frayed.
- If an electrical appliance smokes or has an unusual smell, unplug it immediately, then have it serviced before using it again or discard.
- Don't tamper with your fuse box or use improper-size fuses.

### **When Not to Fight a Fire**

- If the fire is spreading beyond the spot where it started.
- If you can't fight the fire with your back to an escape exit.
- If the fire can block your only escape.

### **How to Use a Fire Extinguisher**

The following are general statements for the operation of a fire extinguisher; however, all extinguishers are different. Users should be trained in how to use a fire extinguisher prior to use to ensure that the correct type of extinguisher is used and that it is used properly.

1. Pull the pin.
2. Aim the extinguisher nozzle at the base of the flames.
3. Squeeze the trigger while holding the extinguisher upright.
4. Sweep the extinguisher from side to side to cover the area of the fire.

### **Off-Campus Fire Safety Tips**

- All rental properties should be equipped with a smoke detector in every room used for sleeping and on every level of your home, including the basement.
- Test detectors every month, following the manufacturer's directions, and replace batteries once a year, or whenever a detector "chirps" to signal low battery power.
- Never "borrow" a smoke detector battery for another use - a disabled detector can't save your life.

- Replace detectors that are more than 10 years old.

#### Future Fire Safety Initiatives

The University of Akron continually strives to improve campus fire safety. All new building construction and renovations are completed in accordance with applicable fire codes and the University is exploring opportunities to further expand its Network Fire Alarm Mass Notification System.

# Appendices

Includes:

- Appendix A - 2023 Clery Crime and Fire Statistics
- Appendix B - Definitions and Footnotes
- Appendix C - Residence Hall Fire Suppression System
- Appendix D - Title IX Resources
- Appendix E - Title IX and Safety Programming/Training
- Appendix F - Code of Student Conduct at The University of Akron 3359-41-01

## Appendix A

### Crime Statistics Chart – Akron Campus

Crimes Reported	Year	Campus (not including residence facility)	Campus (residence facilities only)	Campus Total	Non-Campus <sup>a</sup>	Public Property <sup>b</sup>	Hate Crimes <sup>c</sup>
Aggravated Assault	2023	1	0	1	0	1	0
	2022	1	0	1	0	0	0
	2021	0	0	0	0	1	0
Arson	2023	0	0	0	0	0	0
	2022	1	0	1	0	0	0
	2021	1	0	1	0	0	0
Burglary	2023	2	0	2	0	0	0
	2022	0	1	1	0	0	0
	2021	0	0	0	0	0	0
Manslaughter by Negligence	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Murder and Non-Negligent Manslaughter	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	2	0
Motor Vehicle Theft	2023	10	0	10	0	0	0
	2022	1	0	1	0	1	0
	2021	1	0	1	0	0	0
Robbery	2023	2	0	2	1	1	0
	2022	0	0	0	0	0	0
	2021	1	0	1	0	1	0
Rape	2023	0	7	7	0	0	0
	2022	0	5	5	0	0	0
	2021	1	5	6	0	0	0
Fondling	2023	2	5	7	2	0	0
	2022	1	1	2	0	0	0
	2021	0	1	1	0	0	0
Incest	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Statutory Rape	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0

Crimes Reported	Year	Campus (not including residence facility)	Campus (residence facilities only)	Campus Total	Non- Campus <sup>a</sup>	Public Property <sup>b</sup>	Hate Crimes <sup>c</sup>
Domestic Violence	2023	0	0	0	0	1	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Dating Violence	2023	0	11	11	2	0	0
	2022	2	8	10	0	0	0
	2021	1	5	6	0	0	0
Stalking	2023	9	10	19	0	1	0
	2022	14	4	18	0	0	0
	2021	5	2	7	0	0	0
Total Unfounded Crimes	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0

See Appendix B

### Arrests and Disciplinary Referrals – Akron Campus

Crimes Reported	Year	Campus (not including residence)	Campus (residence facilities only)	Campus Total	Non-Campus <sup>a</sup>	Public Property <sup>b</sup>
<b>Arrests</b>						
Alcohol Law Violations	2023	0	0	0	0	2
	2022	0	0	0	0	1
	2021	1	0	1	0	0
Drug Law Violations	2023	3	2	5	1	0
	2022	4	0	4	0	2
	2021	6	1	7	0	0
Weapon Law Violations	2023	0	0	0	1	2
	2022	3	1	4	0	1
	2021	0	0	0	0	0
<b>Disciplinary Referrals</b>						
Alcohol Law Violations	2023	1	80	81	1	0
	2022	3	52	55	0	1
	2021	0	49	49	0	0
Drug Law Violations	2023	4	60	64	0	0
	2022	1	45	46	0	0
	2021	2	36	38	0	0
Weapon Law Violations	2023	0	4	4	1	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0

## Additional Hate Crime<sup>c</sup> Categories – Akron Campus

		Race	Gender	Religion	National Origin	Sexual Orientation	Gender Identity	Ethnicity	Disability
Larceny-Theft	2023	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
Simple Assault	2023	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
Intimidation	2023	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	1	0
Property Damage Destruction Vandalism	2023	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0

See Appendix B

## Crime Statistics Chart - Wayne College Campus (Regional Campus)

Crimes Reported	Year	Campus (not including residence facility)	Campus (residence facilities only) <sup>f</sup>	Campus Total	Non-Campus <sup>a</sup>	Public Property <sup>b</sup>	Hate Crimes <sup>c</sup>
Aggravated Assault	2023	0	N/A	0	0	0	0
	2022	0	N/A	0	0	0	0
	2021	0	N/A	0	0	0	0
Arson	2023	0	N/A	0	0	0	0
	2022	0	N/A	0	0	0	0
	2021	0	N/A	0	0	0	0
Burglary	2023	0	N/A	0	0	0	0
	2022	0	N/A	0	0	0	0
	2021	0	N/A	0	0	0	0
Manslaughter by Negligence	2023	0	N/A	0	0	0	0
	2022	0	N/A	0	0	0	0
	2021	0	N/A	0	0	0	0
Murder and Non-Negligent Manslaughter	2023	0	N/A	0	0	0	0
	2022	0	N/A	0	0	0	0
	2021	0	N/A	0	0	0	0
Motor Vehicle Theft	2023	0	N/A	0	0	0	0
	2022	0	N/A	0	0	0	0
	2021	0	N/A	0	0	0	0
Robbery	2023	0	N/A	0	0	0	0
	2022	0	N/A	0	0	0	0
	2021	0	N/A	0	0	0	0
Rape	2023	0	N/A	0	0	0	0
	2022	0	N/A	0	0	0	0
	2021	0	N/A	0	0	0	0
Fondling	2023	0	N/A	0	0	0	0
	2022	0	N/A	0	0	0	0
	2021	0	N/A	0	0	0	0

**See Appendix B**

### Crime Statistics Chart – Wayne College Campus Continued

Crimes Reported	Year	Campus (not including residence facility)	Campus (residence facilities only)	Campus Total	Non- Campus <sup>a</sup>	Public Property <sup>b</sup>	Hate Crimes <sup>c</sup>
Incest	2023	0	N/A	0	0	0	0
	2022	0	N/A	0	0	0	0
	2021	0	N/A	0	0	0	0
Statutory Rape	2023	0	N/A	0	0	0	0
	2022	0	N/A	0	0	0	0
	2021	0	N/A	0	0	0	0
Domestic Violence	2023	0	N/A	0	0	0	0
	2022	0	N/A	0	0	0	0
	2021	0	N/A	0	0	0	0
Dating Violence	2023	0	N/A	0	0	0	0
	2022	0	N/A	0	0	0	0
	2021	0	N/A	0	0	0	0
Stalking	2023	0	N/A	0	0	0	0
	2022	0	N/A	0	0	0	0
	2021	0	N/A	0	0	0	0
Total Unfounded Crimes	2023	0	N/A	0	0	0	0
	2022	0	N/A	0	0	0	0
	2021	0	N/A	0	0	0	0

See Appendix B

### Arrests and Disciplinary Referrals – Wayne College Campus

Crimes Reported	Year	Campus (not including residence facility)	Campus (residence facilities only) <sup>f</sup>	Campus Total	Non-Campus <sup>a</sup>	Public Property <sup>b</sup>
<b>Arrests</b>						
Alcohol Law Violations	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
Drug Law Violations	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
Weapon Law Violations	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0

Disciplinary Referrals						
Alcohol Law Violations	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
Drug Law Violations	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
Weapon Law Violations	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0

See Appendix B

### Additional Hate Crime Categories – Wayne College Campus

		Race	Gender	Religion	National Origin	Sexual Orientation	Gender Identity	Ethnicity	Disability
Larceny-Theft	2023	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
Simple Assault	2023	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
Intimidation	2023	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
Property Damage Destruction Vandalism	2023	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0

See Appendix B

## Crime Statistics Chart – Medina County University Center (Separate Campus)

Crimes Reported	Year	Campus (not including residence facility)	Campus (residence facilities only) <sup>f</sup>	Campus Total	Non-Campus <sup>a</sup>	Public Property <sup>b</sup>	Hate Crimes <sup>c</sup>
Aggravated Assault	2023	0	N/A	0	N/A	0	0
	2022	0	N/A	0	N/A	0	0
	2021	0	N/A	0	N/A	0	0
Arson	2023	0	N/A	0	N/A	0	0
	2022	0	N/A	0	N/A	0	0
	2021	0	N/A	0	N/A	0	0
Burglary	2023	0	N/A	0	N/A	0	0
	2022	0	N/A	0	N/A	0	0
	2021	0	N/A	0	N/A	0	0
Manslaughter by Negligence	2023	0	N/A	0	N/A	0	0
	2022	0	N/A	0	N/A	0	0
	2021	0	N/A	0	N/A	0	0
Murder and Non-Negligent Manslaughter	2023	0	N/A	0	N/A	0	0
	2022	0	N/A	0	N/A	0	0
	2021	0	N/A	0	N/A	0	0
Motor Vehicle Theft	2023	0	N/A	0	N/A	0	0
	2022	0	N/A	0	N/A	0	0
	2021	0	N/A	0	N/A	0	0
Robbery	2023	0	N/A	0	N/A	0	0
	2022	0	N/A	0	N/A	0	0
	2021	0	N/A	0	N/A	0	0
Rape	2023	0	N/A	0	N/A	0	0
	2022	0	N/A	0	N/A	0	0
	2021	0	N/A	0	N/A	0	0
Fondling	2023	0	N/A	0	N/A	0	0
	2022	0	N/A	0	N/A	0	0
	2021	0	N/A	0	N/A	0	0

**See Appendix B**

## Crime Statistics Chart – Medina County University Center Continued

Crimes Reported	Year	Campus (not including residence facility)	Campus (residence facilities only)	Campus Total	Non- Campus <sup>a</sup>	Public Property <sup>b</sup>	Hate Crimes <sup>c</sup>
Incest	2023	0	N/A	0	N/A	0	0
	2022	0	N/A	0	N/A	0	0
	2021	0	N/A	0	N/A	0	0
Statutory Rape	2023	0	N/A	0	N/A	0	0
	2022	0	N/A	0	N/A	0	0
	2021	0	N/A	0	N/A	0	0
Domestic Violence	2023	0	N/A	0	N/A	0	0
	2022	0	N/A	0	N/A	0	0
	2021	0	N/A	0	N/A	0	0
Dating Violence	2023	0	N/A	0	N/A	0	0
	2022	0	N/A	0	N/A	0	0
	2021	0	N/A	0	N/A	0	0
Stalking	2023	0	N/A	0	N/A	0	0
	2022	0	N/A	0	N/A	0	0
	2021	0	N/A	0	N/A	0	0
Total Unfounded Crimes	2023	0	N/A	0	N/A	0	0
	2022	0	N/A	0	N/A	0	0
	2021	0	N/A	0	N/A	0	0

See Appendix B

## Arrests and Disciplinary Referrals – Medina County University Center

Crimes Reported	Year	Campus (not including residence facility)	Campus (residence facilities only) <sup>f</sup>	Campus Total	Non-Campus <sup>a</sup>	Public Property <sup>b</sup>
<b>Arrests</b>						
Alcohol Law Violations	2023	0	N/A	0	N/A	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
Drug Law Violations	2023	0	N/A	0	N/A	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0

Weapon Law Violations	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
<b>Disciplinary Referrals</b>						
Alcohol Law Violations	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
Drug Law Violations	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
Weapon Law Violations	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0

See Appendix B

### Additional Hate Crime Categories – Medina County University Center

		Race	Gender	Religion	National Origin	Sexual Orientati	Gender Identity	Ethnicity	Disability
Larceny-Theft	2023	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
Simple Assault	2023	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
Intimidation	2023	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
Property Damage Destruction Vandalism	2023	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0

See Appendix B

### Crime Statistics Chart – Lakewood (Separate Campus) - Closed August 2024

Crimes Reported	Year	Campus (not including residence facility)	Campus (residence facilities only)	Campus Total	Non- Campus <sup>a</sup>	Public Property <sup>b</sup>	Hate Crimes <sup>c</sup>
Incest	2023	0	N/A	0	N/A	0	0
	2022	0	N/A	0	N/A	0	0
	2021	0	N/A	0	N/A	0	0
Statutory Rape	2023	0	N/A	0	N/A	0	0
	2022	0	N/A	0	N/A	0	0
	2021	0	N/A	0	N/A	0	0
Domestic Violence	2023	0	N/A	0	N/A	0	0
	2022	0	N/A	0	N/A	0	0
	2021	0	N/A	0	N/A	0	0
Dating Violence	2023	0	N/A	0	N/A	0	0
	2022	0	N/A	0	N/A	0	0
	2021	0	N/A	0	N/A	0	0
Stalking	2023	0	N/A	0	N/A	0	0
	2022	0	N/A	0	N/A	0	0
	2021	0	N/A	0	N/A	0	0
Total Unfounded Crimes	2023	0	N/A	0	N/A	0	0
	2022	0	N/A	0	N/A	0	0
	2021	0	N/A	0	N/A	0	0

See Appendix B

### Arrests and Disciplinary Referrals – Lakewood - Closed August 2024

Crimes Reported	Year	Campus (not including residence facility)	Campus (residence facilities only)	Campus Total	Non-Campus	Public Property
<b>Arrests</b>						
Alcohol Law Violations	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
Drug Law Violations	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0

Weapon Law Violations	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
<b>Disciplinary Referrals</b>						
Alcohol Law Violations	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
Drug Law Violations	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
Weapon Law Violations	2023	0	N/A	0	0	0
	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0

See Appendix B

### Additional Hate Crime Categories – Lakewood - Closed August 2024

		Race	Gender	Religion	National Origin	Sexual Orientation	Gender Identity	Ethnicity	Disability
Larceny-Theft	2023	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
Simple Assault	2023	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
Intimidation	2023	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0
Property Damage Destruction Vandalism	2023	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0

See Appendix B

## Fire Statistics Chart - Akron Campus

Residence Facility	Year	Total Fires In Building	Cause of Fire	Number of Deaths	Number of Injuries	Value of Property Damage
478 Orchard <sup>d,e.</sup>	2023	0		0	0	0
	2022	0		0	0	0
	2021	0		0	0	0
Bulger Hall 265 Buchtel Common	2023	0		0	0	0
	2022	0		0	0	0
	2021	0		0	0	0
Exchange Residence Hall 207 E.	2023	0		0	0	0
	2022	3	Microwave	0	0	\$0-99
	2021	0		0	0	0
Honors Res Hall 188 S. College	2023	0		0	0	0
	2022	0		0	0	0
	2021	0		0	0	0
Hower House	2023	0		0	0	0
	2022	0		0	0	0
	2021	0		0	0	0

## Fire Statistics Chart – Akron Campus Continued

Residence Facility	Year	Total Fires In Building	Cause of Fire	Number of Deaths	Number of Injuries	Value of Property Damage
Orr Hall 88 South College	2023	0		0	0	0
	2022	0		0	0	0
	2021	0		0	0	0
Quaker Square 125 S. Broadway <b>Closed 5/1/22</b>	2023	0		0	0	0
	2022	0		0	0	0
	2021	0		0	0	0
Ritchie Hall	2023	0		0	0	0
	2022	0		0	0	0
	2021	0		0	0	0
Sisler- McFawn 211 Buchtel Common	2023	0		0	0	0
	2022	0		0	0	0
	2021	0		0	0	0
South Hall 353 Grant St	2023	0		0	0	0
	2022	0		0	0	0
	2021	0		0	0	0
Spanton Hall 190 S. College	2023	0		0	0	0
	2022	0		0	0	0
	2021	0		0	0	0
Spicer Hall 282 Spicer St.	2023	0		0	0	0
	2022	0		0	0	0
	2021	0		0	0	0

**See Appendix B**

## Appendix B

### Definitions and Footnotes to Crime and Fire Statistics Department of Education Clery Definitions

#### **Campus:**

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

#### **Non-Campus:**

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or

Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

#### **Public Property:**

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus. Public property, for the purposes of data collection and this report, does not include businesses or private residences adjacent to the campus.

City of Akron Crime Statistics: <https://www.communitycrimemap.com/>

#### Footnotes:

- a. Non-campus statistics for the Akron campus include facilities owned or controlled by the University and frequently used by students including but not limited to:
  - Bath Nature Preserve
  - Fraternity and Sorority houses
  - Panzner Wetland Wildlife Preserve
  - Steiner Woods (3675 La Mesa Dr., Akron, OH 44333)
  - Joffrey Ballet School - 434 Avenue of the Americas FL3, New York, NY 10011, Floors 3 4 and 5 (Lobby and Reception on 3rd Floor). Dormitory – 569 Lexington Ave., New York, NY 10022, Floors 14 and 15. Joffrey additional studio facility - 47-10 Austelle Place, Long Island City, NY 11101 (Long Island City is within the NYC city limits in the borough of Queens)

Non-campus statistics for the Wayne College Campus include:

- Medina County University Center and Lakewood (closed August 2024) currently do not have any non-campus properties. Wayne College Campus, Medina County

University Center, and Lakewood (closed August 2024) do not have any residence halls.

- b. "Public Property" statistics include police reports taken by the City of Akron, the City of Orrville, and the City of Medina for public properties adjacent to the University Akron and Wayne campuses and the Medina County University Center. Every effort has been made to comply with the definitions contained in the statutes, regulations, and Handbook for Campus Crime Reporting; however Public Property statistics provided by municipalities are not independently verified by the University and may include reports of crimes that occurred in private residences, businesses, or non-Campus locations.
- c. Hate crimes are crimes that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived: race (RA), gender (GE), religion (RE), national origin (NO), sexual orientation (SO), gender identity (GI), ethnicity (ET) or disability of the victim (DB).
- d. 478 Orchard and 503/505 (torn down 2019) Vine are apartment buildings owned by the University, but not designated as residence halls or managed by the University.
- e. Glenville Hall at 478 Orchard is being leased for Greek housing.

## Appendix C

### Residence Hall Life Safety Systems

Residence Facility	Suppression System <sup>1</sup>	Fire Extinguishers	Emergency Generator <sup>2</sup>	Fire Alarm	Mass Notification <sup>3</sup>	Smoke Detectors
Owned by The University of Akron and Operated by Residence Life and Housing						
Bulger Hall	Wet	Yes	Yes	Monitored	Yes	Hard-wired
Exchange Residence Hall	Combination Wet and Dry	Yes	Yes	Monitored	Yes	Hard-wired
Honors Res. Hall	Combination Wet and Dry	Yes	Yes	Monitored	Yes	Hard-wired
Orr Hall	Wet	Yes	No	Monitored	Yes	Hard-wired
Quaker Square <b>Closed 5/1/22</b>	Wet	Yes	Yes	Monitored	Yes	Hard-wired
Ritchie Hall	Wet	Yes	No	Monitored	Yes	Hard-wired
Sisler-McFawn	Wet	Yes	Yes	Monitored	Yes	Hard-wired
South Hall	Combination Wet and Dry	Yes	Yes	Monitored	Yes	Hard-wired
Spanton Hall	Wet	Yes	Yes	Monitored	Yes	Hard-wired
Spicer Hall	Combination Wet and Dry	Yes	Yes	Monitored	Yes	Hard-wired
Owned by The University of Akron						
Tau Kappa Epsilon <sup>4</sup>		Yes		Monitored	No	Hard-wired
Glenville Hall <sup>4,5</sup> 478 Orchard		Yes		Monitored	No	Hard-wired
Hower House <sup>4</sup>		Yes		Monitored	No	Hard-wired & Battery operated
Phi Kappa Psi <sup>4</sup>		Yes		Monitored	No	Hard-wired

1. Suppression system is a water or dry-based automatic fire sprinkler system designed to operate and distribute water above a fire at a pre-determined temperature.
2. Emergency generator is a backup electrical power-generating device that provides temporary power during an outage.
3. A mass notification system is one which the University of Akron Police Department can provide specific instructions to either individual buildings or groups of buildings.
4. Each unit has individual smoke detector alarms, consistent with the requirements of the Ohio Fire Code.
5. Temporarily occupied by Alpha Phi sorority which moved out (6/1/24). Sigma Nu working on a leasing agreement with the University.

## Appendix D

### Resources for Victims of Sexual Violence

Sexual Assault, Dating Violence, Domestic Violence, Stalking

#### Emergency Numbers

University of Akron Police Department  
Akron Off-Campus 330-972-2911  
Wayne College Police 330-684-8910  
Or 9-1-1

City of Akron Police Department  
Emergency 9-1-1

Rape Crisis Center of Medina and Summit Counties  
Akron Campus Office:  
Student Recreation and Wellness Center 246  
330-972-6328

Summit County  
Rape Crisis Center, 974 East Market Street, Akron, OH 44305  
24 Hour Crisis Hotline:  
Local: 330-434-7273  
Toll Free: 877-906-7273  
[www.rccmsc.org](http://www.rccmsc.org)

Medina County  
Rape Crisis Center, 704 N. Court St. #21, Medina, OH 44256  
330-764-8635  
[www.rccmsc.org](http://www.rccmsc.org)

OneEighty, Holmes and Wayne Counties  
104 Spink St., Wooster, OH 44691  
330-264-8498  
<https://www.one-eighty.org/>

**Akron Campus Resources**  
Counseling and Testing Center  
Simmons Hall 306  
330-972-7082  
[www.uakron.edu/counseling](http://www.uakron.edu/counseling)

University Health Services  
Student Recreation and Wellness Center Suite 260  
330-972-7808  
[www.uakron.edu/healthservices](http://www.uakron.edu/healthservices)

Counseling and Accessibility Services (Wayne College)  
Boyer HPE Building B112  
330-972-8767  
<http://wayne.uakron.edu/student-services/personal-counseling/index.dot>

Department of Student Conduct and Community Standards  
Simmons Hall 302  
330-972-6380  
[www.uakron.edu/studentconduct](http://www.uakron.edu/studentconduct)

Residence Life and Housing  
Ritchie Hall  
330-972-7800  
[www.uakron.edu/reslife](http://www.uakron.edu/reslife)

Department of Psychology  
Counseling Clinic  
330-972-6714  
<https://www.uakron.edu/psychology/academics/cpp/psych-clinic.dot>

Office of Student Financial Aid  
Simmons Hall 202  
330-972-7032  
<https://www.uakron.edu/finaid/>

### **Off-Campus Services**

Akron Community  
Battered Women's Shelter of Summit and Medina Counties  
330-374-1111  
Toll Free: 877-414-1344  
[www.scmcbws.org](http://www.scmcbws.org)

Community Legal Aid Services  
330-535-4191  
[www.communitylegalaid.org](http://www.communitylegalaid.org)

Victim Assistance Program  
330-376-0040  
[www.victimassistanceprogram.org](http://www.victimassistanceprogram.org)

Cleveland Clinic Akron General Hospital  
Trauma Center - Sexual Assault Nurse Examiners' program  
1 Akron General Avenue  
330-344-6611  
<https://my.clevelandclinic.org/about/community/title-ix-sexual-misconduct#where-to-get-help-tab>

## **State and Federal Resources**

United States Department of Homeland Security, Citizenship Immigration Services  
[www.uscis.gov](http://www.uscis.gov)

Ohio Victims of Crime Compensation Program  
877-584-2846  
<http://www.ohioattorneygeneral.gov/Individuals-and-Families/Victims/Apply-for-Victims-Compensation>

Alcohol Drug Addiction Mental Health Services (ADAMHS) Board of Cuyahoga County  
216-241-3400  
[www.adamhsc.org](http://www.adamhsc.org)

Laura's Home Women's Crisis Center  
216-431-3510  
[www.thecitymission.org/lauras-home](http://www.thecitymission.org/lauras-home)

Cleveland Rape Crisis Center  
216-619-6192  
[www.clevelandrapecrisis.org](http://www.clevelandrapecrisis.org)

The Legal Aid Society of Cleveland  
888-817-3777  
<https://laslev.org/>

Medina  
Battered Women's Shelter of Summit and Medina Counties  
330-374-0740  
<https://hopeandhealingresources.org/our-work/battered-womens-shelter-24-hour-shelter-services/>

Community Legal Aid Services  
800-998-9454  
[www.communitylegalaid.org](http://www.communitylegalaid.org)

The Counseling Center of Wayne and Holmes Counties  
330-264-9029  
[www.ccwhc.org](http://www.ccwhc.org)  
Summa Health Wadsworth-Rittman Emergency Department  
330-331-1100  
<http://www.summahealth.org/locations/emergencyrooms/summa%20health%20centr%20at%20wadsworth-rittman/>

Cleveland Clinic - Medina Hospital  
800-223-2273  
<https://my.clevelandclinic.org/locations/medina-hospital>

Julie Adams House  
216-741-2871  
<http://julieadamshouse.org>

Pomerene Hospital  
330-674-1015  
[www.pomerenehospital.org](http://www.pomerenehospital.org)

OneEighty, Holmes and Wayne Counties  
330-264-8498  
<https://www.one-eighty.org/>

Orrville Community  
Community Legal Aid Services  
800-998-9454  
[www.communitylegalaid.org](http://www.communitylegalaid.org)

The Counseling Center of Wayne and Holmes Counties  
877-264-9029  
<http://www.ccwhc.org/>

Aultman Orrville Hospital  
330-682-3010  
[www.aultmanorrville.org](http://www.aultmanorrville.org)

Wooster Community Hospital  
330-263-8100  
[www.woosterhospital.org](http://www.woosterhospital.org)

## Appendix E

### 2023 Programming Initiatives Related to Sexual Violence Prevention Presented to the Campus Community

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Program / Initiative	Sponsor	Topic	Strategies and Goals	Target Audience
Akron Experience – Student Conduct Presentation	Student Conduct and Community Standards	Alcohol and Drugs, Dating Violence, Domestic Violence, Stalking, Sexual Assault, Sexual harassment	Primary Prevention, Awareness	New Students
Akron Early College Orientation	Student Conduct and Community Standards	Alcohol and Drugs, Dating Violence, Domestic Violence, Stalking, Sexual Assault, Sexual harassment	Primary Prevention, Awareness	New Students
Know the Code Workshops	UAPD, Student Conduct and Community Standards, Dean of Students	Alcohol and Drugs, Dating Violence, Domestic Violence, Stalking, Sexual Assault, Sexual harassment	Primary Prevention, Awareness	New Students
Online Know the Code Workshops	UAPD, Student Conduct and Community Standards, Dean of Students, Hope & Healing	Alcohol and Drugs, Dating Violence, Domestic Violence, Stalking, Sexual Assault, Sexual harassment	Primary Prevention, Awareness	New Students
Know the Code Workshop Residence Life and Housing Training	UAPD, Student Conduct and Community Standards, Dean of Students, Hope & Healing	Alcohol and Drugs, Dating Violence, Domestic Violence, Stalking, Sexual Assault, Sexual harassment	Primary Prevention, Awareness	Residence Life and Housing
Know the Code Workshops/International students	UAPD, Student Conduct and Community Standards, Dean of Students	Alcohol and Drugs, Dating Violence, Domestic Violence, Stalking, Sexual Assault, Sexual harassment	Primary Prevention, Awareness	New International Students
Sexual Harassment Prevention – Online	Vector Solutions	Sexual harassment	Primary Prevention, Awareness, Risk Reduction	Faculty, staff, and UAPD

Program / Initiative	Sponsor	Topic	Strategies and Goals	Target Audience
Creating a Culture of Respect - Online	Vector Solutions	Alcohol and Drugs, Dating Violence, Domestic Violence, Stalking, Sexual Assault, Sexual Harassment	Primary Prevention, Awareness, Risk Reduction, Bystander Intervention	New students
Enhancing a Culture of Respect - Online	Vector Solutions	Alcohol and Drugs, Dating Violence, Domestic Violence, Stalking, Sexual Assault, Sexual Harassment	Primary Prevention, Awareness, Risk Reduction, Bystander Intervention	Returning Students
Sexual Violence Prevention Bystander Intervention (POWER presentations)	SAVE Team, Hope & Healing	Dating Violence, Domestic Violence, Stalking, Sexual Assault, Sexual Harassment	Primary Prevention, Secondary Prevention, Risk Reduction, Bystander Intervention	Students
SOuRcE Student Organization Leadership Training	SAVE Team	Dating Violence, Domestic Violence, Stalking, Sexual Assault, Sexual Harassment	Awareness, Risk Reduction	Student Leaders
Domestic Violence Awareness Month- One Love Workshops	SAVE Team, Defined Lines Student Organization	Dating Violence and Domestic Violence	Awareness, Primary Prevention, Risk Reduction	Campus Community
International Demin Day	SAVE Team	Dating Violence, Domestic Violence, Stalking, Sexual Assault, Sexual Harassment	Awareness	Campus Community
International Student Orientations	Dean of Students	Dating Violence, Domestic Violence, Stalking, Sexual Assault, Sexual Harassment	Primary Prevention, Awareness, Risk Reduction	New International Students
Discussing Our Choices	Counseling and Testing Center	Alcohol	Primary Prevention	Campus Community
Safezone Ally Training	Counseling and Testing Center	Sexual Harassment	Primary Prevention	Campus Community and Students
Wear Purple Day	SAVE Team	Dating Violence, Domestic Violence	Awareness	Campus Community

Program / Initiative	Sponsor	Topic	Strategies and Goals	Target Audience
Q&A with the Title IX Coordinator	SAVE Team/Title IX Coordinator	Dating Violence, Domestic Violence, Stalking, Sexual Assault, Sexual Harassment	Awareness, Primary Prevention, Secondary Prevention	Campus Community
Tie-Dye Table for Purple Day	SAVE Team	Dating Violence, Domestic Violence	Awareness	Campus Community
Purple Athletic Events	SAVE Team	Dating Violence, Domestic Violence	Awareness	Campus Community
Volunteer Service Learning – Hospital Bags for Survivors	SAVE Team	Dating Violence, Domestic Violence, Stalking, Sexual Assault, Sexual Harassment	Awareness, Risk Reduction	SAVE Team, Campus Community
Domestic Violence Awareness Month Tabling in Student Union	SAVE Team	Dating Violence, Domestic Violence	Awareness	Campus Community
Annual Sexual Assault Awareness Month Luncheon	Hope & Healing	Dating Violence, Domestic Violence, Stalking, Sexual Assault, Sexual Harassment	Awareness	Akron Community
Sip & Seek Awareness Event	Hope & Healing	Dating Violence, Domestic Violence, Stalking, Sexual Assault, Sexual Harassment	Awareness	Akron Community
Survivor’s Retreat	Hope & Healing	Dating Violence, Domestic Violence, Stalking, Sexual Assault, Sexual Harassment	Risk Reduction	Akron Community
Sexual Assault Awareness Month Studio Day	SAVE Team	Dating Violence, Domestic Violence, Stalking, Sexual Assault, Sexual Harassment	Awareness	Campus Community
Sexual Assault Awareness Month Social Media Campaign	SAVE Team	Dating Violence, Domestic Violence, Stalking, Sexual Assault, Sexual Harassment	Awareness	Campus Community
Women’s Self-Defense	UA Police Department	Dating Violence, Domestic Violence, Sexual Assault,	Primary Prevention	Campus Community

Program / Initiative	Sponsor	Topic	Strategies and Goals	Target Audience
		Sexual Harassment, Stalking		
Discussing Sex, Drugs, and Bullying: What are the Challenges Facing our Future Students?	SAVE Team	Dating Violence, Domestic Violence, Stalking, Sexual Assault, Sexual Harassment	Primary Prevention, Awareness, Risk Reduction	Campus Community
Transgender Day of Remembrance	Inclusion & Equity, Hope & Healing	Sexual Harassment	Awareness	Campus Community
Presentation to Sigma Gamma Rho	Hope & Healing	Dating Violence, Domestic Violence, Stalking, Sexual Assault, Sexual Harassment	Primary Prevention, Awareness	Sigma Gamma Rho Sorority
Denim Day	SAVE TEAM	Sexual Assault, Sexual Harassment	Awareness	Campus Community
RA Training	Hope & Healing	Dating Violence, Domestic Violence, Stalking, Sexual Assault, Sexual Harassment	Awareness, Secondary Prevention	Resident Assistants
In-Class Training on Services and Title IX for Students	Hoping & Healing, Title IX	Dating Violence, Domestic Violence, Stalking, Sexual Assault, Sexual Harassment	Primary Prevention, Awareness, Risk Reduction	Nursing Students, Psychology Students, Sociology Students, Social Work Students
Training on Services and Title IX for Students	Hope & Healing	Dating Violence, Domestic Violence, Stalking, Sexual Assault, Sexual Harassment	Primary Prevention, Awareness, Risk Reduction	LGBTUA, Pride in STEM
Training on Services and Title IX for Students	Hope & Healing	Dating Violence, Domestic Violence, Stalking, Sexual Assault, Sexual Harassment	Primary Prevention, Awareness, Risk Reduction	ROTC
Donation Drive for Hope & Healing	Lambda Chi Alpha	Dating Violence, Domestic Violence	Awareness	Campus Community

Program / Initiative	Sponsor	Topic	Strategies and Goals	Target Audience
Donation Drive for Hope & Healing	Defined Lines	Dating Violence, Domestic Violence	Awareness	Campus Community

## Student Leadership and Title IX Training Initiatives Related to Sexual Violence Prevention

Student Leadership training was provided to the following groups that addressed Alcohol and Drugs, Dating Violence, Domestic Violence, Stalking, Sexual Assault and Sexual Harassment. These behaviors were identified as violations of university policy and against the law (when applicable). The training also provided information to students about the University of Akron reporting protocols for sexual violence and confidential services and community resources for students in need.

Program / Initiative	Sponsor	Target Audience
Hearing Board Training	Student Conduct and Community Standards	Student Leadership Training
Certified Peer Educator Training and Retreat	CPE Supervisors and Hope & Healing	Certified Peer Educators
Biomedical Engineering Department Graduate Assistants	Student Conduct and Community Standards & Engineering	GA Leadership Training
Child Life and Speech Language Graduate Student Orientation	Student Conduct and Community Standards & Child Life and Speech Language Departments	Graduate Students in these programs
Residence Life and Housing Responsible Student Employee	SAVE and Title IX Response Team	Student Leadership Training
Source Leadership Retreat	Student Life and SAVE	Student Leadership Training
Consent, Bystander Intervention, Responding to Disclosure Training	Hope & Healing	Student African American Brotherhood students
Consent, Bystander Intervention, Responding	Hope & Healing	Certified Peer Educators

## Training for Title IX Coordinators and Title IX Response Team

Program / Initiative	Sponsor	Target Audience
Coffee and Chat	SAVE Team	SAVE Team
Title IX Hearing Board Training	Training	Student Conduct and Community Standards
Coping Skills	Webinar	SAVE Team
Dating and Domestic Violence Training	Conference	Presentation by Leanne Blitz for the SAVE Team
Sixth Annual Responding to the Needs of Victims Conference	Conference	Summit County Prosecutor Sherri Bevan Walsh

## Appendix F

### Code of student conduct at The University of Akron 3359-41-01

(A) Introduction, purpose and disciplinary authority of the university.

(1) The disciplinary power of the university is inherent in its responsibility to protect its educational purposes and processes through the setting of standards of conduct and scholarship for its students and through the regulation of the use of its facilities. The university of Akron's code of student conduct reflects and supports the educational mission of the institution, balancing the ideals of individual rights and responsibilities with community citizenship and responsibility. The code of student conduct expresses the university's values of civility, integrity in all matters, and responsible behavior on and off university premises. Students also are required to abide by applicable federal, state, and local laws.

(2) Students at the university of Akron are responsible to know and abide by all university rules, regulations and policies. Failure to abide by the university's rules, regulation and policies may result in sanction(s) by the university. Students are subject to public laws, which the university police and other law enforcement agencies are empowered to enforce on or off university premises, either through their statutory jurisdiction or pursuant to a mutual aid agreement. Public laws include federal, state and local laws and ordinances. Should a student's conduct violate public law and the code of student conduct, the university may proceed with its own investigation and disciplinary action under the code of student conduct without awaiting the outcome of concurrent criminal, administrative or civil proceedings.

(3) There are significant differences between the university of Akron's student conduct process and state and federal criminal processes. Criminal processes are adversarial, with one side opposing the accused. The student conduct process is designed to be a tool for student learning and development while still protecting the interests of complainants, respondents, victims and all members of the university community. Although the university of Akron's student conduct process is not designed to

function as a court of law, there are policies and procedures in place to ensure that each student is treated in a fair and equitable manner. However, the formal rules of criminal procedure that apply to the criminal justice system do not apply to the student conduct process.

(4) The overarching goal of the enforcement of the code of student conduct is to focus on the growth of the individual student, encourage self-discipline, and maintain a civil environment that is safe and conducive for learning. Each intervention within the university's student conduct process is intended to assess the cause of a student's inappropriate behavior and to develop resolutions that will benefit the individual student and the university community.

(5) Involvement of parents or guardians in these proceedings will be governed by the "Family Educational Rights and Privacy Act" as provided in rule 3359-11-08 of the Administrative Code.

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(6) This chapter shall not be interpreted, construed or applied in any manner that abridges or denies to any student their constitutional rights as guaranteed under the constitutions of the United States or the state of Ohio.

(B) Definitions.

(1) "Advisor." "Advisor" includes anyone assisting or supporting the complainant or respondent during their involvement in a student conduct and community standards proceeding, including but not limited to, an attorney, parent, guardian, social worker, student advocate, professor, acquaintance or friend. The role of an advisor is explained in paragraph (F)(3) of this rule.

(2) "Appeals board." "Appeals board" refers to a panel of hearing officers assigned by the director of the department of student conduct and community standards to review appeals as defined in paragraph (F)(7) of this rule. An appeals board shall be composed of three members, including at least one student and one faculty member. No appeals board member may have participated in the initial adjudication of the

case. All appeals board members must be members of the hearing officer pool. Representatives of the department of student conduct and community standards may not serve as a hearing officer on an appeals board. The appeals board procedure is explained in paragraph (F)(7) of this rule.

(3) "Chairperson of the hearing board." "Chairperson of the hearing board" or "chairperson" refers to a member of the hearing board who is selected by the director of the department of student conduct and community standards from a smaller pool of hearing officers who have received additional training. The chairperson presides over the deliberations of the hearing board and reports the hearing board's decision.

(4) "Code of student conduct." "Code of student conduct" refers to this rule of the administrative code, which outlines the expectations for student behavior and the procedures through which the department of student conduct and community standards addresses student misconduct.

(5) "Complainant." "Complainant" means any individual or entity who is alleged to be the victim of conduct prohibited by the code of student conduct.

(6) "Professional Staff." "Professional Staff" means individuals who are full-time or parttime non-teaching professional personnel of the university as described in paragraph

(A) of rule 3359-22-01 of the Administrative Code.

(7) "Disciplinary hold." "Disciplinary hold" is a restriction placed on a student's account that prevents a student from obtaining certain university services, including but not limited to: registering for classes; obtaining enrollment or degree verification; and/or receiving an official transcript.

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(8) "Disciplinary referral." "Disciplinary referral" is a communication to the department of student conduct and community standards of information about a possible violation of the code of student conduct with a request that the department of student conduct and community standards initiate action concerning the alleged violation.

(9) "Faculty member." "Faculty member" means any individual hired by the university to

conduct classroom or teaching activities, research activities or who is otherwise considered by the university to be a member of the faculty.

(10) "Hearing board." "Hearing board" refers to a panel of hearing officers assigned by the director of the department of student conduct and community standards to make a determination of responsibility and sanction as appropriate. The hearing board shall be composed of five members including three faculty members or professional staff, but at least one of each classification, and two student members. A minimum of two faculty members must serve on a hearing board in which a student is charged with academic misconduct. In the case of a graduate or professional student accused of misconduct, the student members of the hearing board will be graduate or professional students. Representatives of the department of student conduct and community standards may not serve as a hearing officer on a hearing board. The hearing procedure is explained in paragraph (F)(6) of this rule.

(11) "Hearing facilitator." "Hearing facilitator" refers to the representative of the department of student conduct and community standards who presides over hearings conducted pursuant to this code and ensures that the hearing procedures specified in this code are followed.

(12) "Hearing officer." "Hearing officer" refers to a representative of the department of student conduct and community standards or members of the hearing officer pool appointed by the president and assigned by the director of the department of student conduct and community standards to make a determination of responsibility and sanction as appropriate. All hearing officers shall be trained prior to serving on a hearing or appeals board.

(13) "Investigating officer". "Investigating officer" refers to representative of the department of student conduct and community standards who: investigates allegations of student misconduct; meets with the respondent; decides whether to proceed to a hearing; determines sanction(s) if the respondent accepts responsibility for the alleged violation(s); and presents information about the alleged misconduct

to the hearing board or hearing officer.

(14) "Member of the university community." "Member of the university community" includes students, university employees, and individuals lawfully present on university premises.

(15) "Respondent." "Respondent" includes any student or student organization, through their authorized representative, that has been accused informally or through a

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disciplinary referral of violating the code of student conduct.

(16) "Student." "Student" includes all individuals taking credit or non-credit courses from the university of Akron. Individuals who have been notified of their acceptance for admission, individuals who withdraw after allegedly violating the code of student conduct and individuals who are matriculated but not officially enrolled for a particular term are also considered "students." Student status ceases when an individual graduates, is not enrolled for two consecutive semesters including the summer term, transfers to another institution, or an individual who is suspended or dismissed for any reason.

(17) "Student organization." "Student organization" means any number of individuals who have complied with the formal requirements for or are actively seeking university recognition as a student organization.

(18) "University official." "University official" includes any individual employed or appointed by the university and performing administrative or professional responsibilities within the scope of their authority.

(19) "University policy." "University policy" generally means the written regulations of the university as found in, but not limited to: the code of student conduct; the residence hall handbook; the school of law student handbook; departmental operating manuals; the university web page; university rules; and the undergraduate and graduate bulletins. University policy also includes unwritten policies that are commonly applied and utilized consistent with written policies or in order to carry

out the effect of written policies.

(20) "University premises." "University premises" includes all land, buildings, facilities, and other property in the possession of or owned, leased, used or controlled by the university or its foundations including adjacent streets and sidewalks.

(21) "University." "University" means the university of Akron and all of its campuses, centers or other locations on which it operates.

(22) "Weapon." "Weapon" is defined in accordance with federal, state and local law, and includes any object or substance designed to inflict a wound or cause injury.

(C) Jurisdiction.

(1) University authority should not be used merely to duplicate the function of general laws. The university of Akron code of student conduct applies to the conduct of all students and student organizations that occurs on university premises or on nonuniversity premises, in person or by any electronic form or medium, where the conduct away from university premises is deemed by the university to affect the university or its students and university employees, including but not limited to:

(a) Any professional practice assignment;

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(b) Any activity performed to satisfy an academic course or course requirement, including but not limited to internships, co-op, clinical or practicum experiences, field trips, study abroad or student teaching;

(c) Any activity supporting pursuit of a degree, such as research at another institution;

(d) Any activity sponsored, conducted, or authorized by the university or by student organizations including but not limited to social events, athletic contests and philanthropic activities;

(e) Any activity that causes substantial destruction of property belonging to the university or members of the university community or causes or threatens serious harm to the health or safety of members of the university community; or

(f) Any activity which could constitute a criminal offense as defined by local, state or federal law, regardless of the existence or outcome of any criminal proceeding.

(2) Each student shall be responsible for their conduct from the time of notification of acceptance for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment, even if their misconduct while a student is not discovered until after a degree is awarded. The code of student conduct shall apply to a student's conduct even if the student withdraws from the university while a disciplinary matter is pending. Student status ceases when an individual graduates, is not enrolled for two consecutive semesters including the summer term, transfers to another institution, or an individual who is suspended or dismissed for any reason. The director of student conduct and community standards or designee shall determine whether the code of student conduct shall be applied to conduct occurring off university premises, on a case-by-case basis.

(D) Definition of student misconduct.

The university of Akron defines "student misconduct" as behavior that violates university policies, rules and regulations. Any student or student organization alleged to have committed or to have attempted to commit the following misconduct is subject to the disciplinary process outlined in this rule. Students and student organizations have shared responsibility for infractions committed in their presence in such a way to incite, aid or abet a violation and/or may be responsible for their guests' actions that are violations of the code of student conduct.

(1) Academic misconduct: Engaging in any intentional or unintentional activity, individually or in concert with others, which would constitute a breach of academic integrity, or otherwise subverts the educational process. This includes the submission of any student work or assignment wherein an evaluation, grade, or academic credit is expected, whether in a face-to-face setting or by any electronic

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means. Acts of academic misconduct include, but are not limited to, the following:

(a) Cheating: the use, attempt to use, or possession of any aid, information, resources,

or other means in the completion of any academic assignment, where use of such material is not specifically permitted or authorized by the instructor, or providing such material to another student. This includes, but is not limited to: possessing, referring to, or otherwise using unauthorized books, notes, crib/cheat sheets, etc. in any format; possessing, using, or referring to any unauthorized electronic devices or other materials during completion of any academic assignment; looking at or using information from another student during the completion of any academic assignment; receiving assistance from another individual in completing any academic assignment without express authorization from the instructor; utilizing or soliciting another individual to complete any portion of an academic assignment in place of oneself or submitting the work of another individual as one's own; submitting the same, or substantially the same, materials for academic credit in more than one course without the express permission of the instructor making the academic assignment; completing or participating in the completion of any portion of an academic assignment for another student to submit as their own work; providing assistance, information, or other materials to another student in any manner not authorized by the instructor.

(b) Plagiarism: presenting as one's own work the ideas, representations, or words of another individual/source without proper attribution. Examples include, but are not limited to, submitting material that in whole or in part is not entirely one's own work, without accurate and appropriate citation and/or attribution (including the use of quotation marks); using the words, ideas, or structure/sequence of another individual or source without proper and appropriate citation and attribution (including the use of quotation marks).

(c) Fabrication: falsification, invention, or manipulation of any information, citation, data, or method. Examples include, but are not limited to, changing materials submitted on a graded academic assignment and requesting re-grading of that

assignment; presenting false or invented information in any academic assignment; presenting false claims regarding how information or data was collected, generated or obtained; inventing or inaccurately presenting citations or sources.

(d) Unauthorized collaboration: unauthorized collaboration with another in any phase of, or in the completion of, an individual academic assignment, without the express permission of the instructor to complete any assignment in that manner.

(e) Misrepresentation: falsely representing oneself or one's efforts or abilities in an academic assignment. Examples include, but are not limited to, utilizing another individual or individuals to complete any portion of an academic assignment in

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place of one's self; having another individual appear in or participate in any fashion in any class.

(f) Gaining an unfair advantage: completing an academic assignment through use of information or means not available to other students or engaging in any activity that interferes with another student's ability to complete their academic work.

Examples include, but are not limited to: retaining, possessing, using, or distributing previous or current academic assignment materials when the instructor has indicated that those materials are not to be retained or shared or are to be returned to the instructor at the conclusion of the academic assignment or course (including originals, copies, reproductions, or pictures and electronic or hard-copy formats); making copies, pictures or reproductions in any form of any academic assignment when the instructor has not allowed such reproduction; obstructing or interfering with another student's work, or ability to get access to information to be used in the completion of any academic assignment; taking another student's work without his or her knowledge or permission; removing academic assignment materials from an instructor's office, classroom, computer, or any other University space (physical or

virtual/electronic); violating the procedures described to maintain the integrity of an academic assignment.

(g) Engaging in behavior specifically prohibited by an instructor in the course syllabus or during any academic assignments.

(h) Attempts to engage in any of the described acts shall be treated the same as a completed act.

This rule shall not be interpreted as permitting a faculty member to limit a student's right to responsibly engage in free inquiry and expression, when relevant to the subject under study or discussion, or to be treated fairly in the academic setting and to have the student's performance evaluated solely on an academic basis.

Violation of any prohibition of academic misconduct may result in the imposition of sanctions beyond any imposed, or suggested, by the faculty member involved, and may result in the university revoking any degree awarded. Any act of academic misconduct must be reported to the department of student conduct and community standards by any faculty, or other individuals who become aware of such acts and will be adjudicated as outlined in paragraph (H) of this rule.

(2) Furnishing false information: knowingly furnishing false or misleading information to university officials or faculty members either verbally, in writing or in any other form of communication or on university records; including, but not limited to, forgery, alteration, or misuse of any university, government, or other document, record, or instrument of identification.

(3) Offenses against others: engaging in or threatening physical abuse, threats, 3359-41-01 8

intimidation, harassment, coercion, and/or other conduct which intentionally or recklessly threatens or endangers the health, welfare or safety of any individual.

(4) Protected class-based harassment: protected class-based harassment in violation of rule 3359-11-13 of the Administrative Code, includes, unwelcome conduct directed towards a person based on their actual or perceived membership in a protected class

where (a) enduring the offensive conduct becomes a condition of continued employment or participation in the university's educational program, activities or services, or (b) the conduct is sufficiently severe or pervasive to create a work, educational or campus residential environment that a reasonable person would consider intimidating, hostile, or abusive. For purposes of this policy, protected classes are those specified in the university's affirmative action policy and include race, color, religion, sex, sexual orientation, gender identity or expression, age, national or ethnic origin, disability, status as a parent during pregnancy and immediately after the birth of a child, status as a parent of a young child, status as a foster parent, military status, genetic information, or status as a veteran. Alleged violations of protected class-based harassment will be addressed through the process as provided in rule 3359-11-13 of the Administrative Code.

(5) Disorderly conduct: disorderly, disruptive, lewd or indecent conduct.

(6) Unauthorized recording: unauthorized use of an electronic or other device(s) to make an audio or video recording or photograph of any individual without the individual's prior knowledge or consent, except as is otherwise permitted by law and except in a public setting where there is not a reasonable expectation of privacy and such use is consistent with the law. The faculty have the right to control the academic environment and to permit or deny permission for electronic video or audio recording in the academic environment.

(7) Release of recordings: unauthorized distribution or dissemination of an audio or video recording or photograph of any individual without the individual's prior knowledge or consent, even if the audio or video recording or photograph originally had been produced with the individual's consent, except as is otherwise permitted by law and except in a public setting where there is not a reasonable expectation of privacy and such use is consistent with the law.

(8) Gender-based misconduct. Gender-based misconduct as defined in the gender-based misconduct and title IX policy and protocol includes sexual harassment, sexual

assault, dating violence, domestic violence, stalking, discrimination, battery, indecent exposure, sexual exploitation and retaliation. Alleged violations of genderbased misconduct will be addressed through the process outlined in the genderbased misconduct and title IX policy and protocol.

(9) Theft/damage: theft or attempted theft, or willfully, recklessly, or negligently destroying, damaging, injuring, or using another's property without the consent of the owner.

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(10) Drugs: unlawful use, possession, manufacture, cultivation, distribution or facilitating the distribution of marijuana or any narcotic, hallucinogenic, drug of abuse, or other controlled substances as defined in applicable federal, state or local law. Possession of drug paraphernalia is also prohibited.

(11) Alcohol: use, possession, manufacture or distribution of alcoholic beverages, or public intoxication in a manner prohibited by law or university policy including, but not limited to, any violation of rule 3359-47-01 of the Administrative Code. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any individual under twenty-one years of age.

(12) Gambling: unlawful gambling or participating in unlawful games of chance as defined in applicable federal, state or local law.

(13) Weapons/prohibited items: unlawful or unauthorized possession of firearms, fireworks, explosives, other weapons, or dangerous chemicals, or using any item, even if lawfully possessed, in a manner that harms, threatens or causes fear to others.

(14) Felony/misdemeanor: commission of any felony or misdemeanor under applicable federal, state or local law.

(15) Unauthorized access: unauthorized possession, distribution, duplication, retention or use of keys, keycards or other means of access to any university premises or unauthorized entry or exit, presence in, or use of university facilities.

(16) Disruptive/obstructive behavior: behavior that the student knew or reasonably should

have known would cause a disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other university activities, including its public service functions on or off university premises, or of other authorized nonuniversity activities occurring on university premises.

(17) Riotous behavior: participation in a disturbance with the purpose to commit or incite any action that presents a clear and present danger to others, causes physical harm to others, or damages property. Prohibited behavior in the context of a riot includes, but is not limited to, those behaviors prohibited by federal, state or local law and:

(a) Engaging in conduct designed to incite another to engage in riotous or violent behavior;

(b) Causing or threatening damage to or destruction of university premises or property of others, whether done intentionally or with reckless disregard;

(c) Failing to comply with a directive to disperse by university officials, faculty members, law enforcement or emergency personnel; or

(d) Intimidating, impeding, hindering or obstructing university officials, faculty

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members, or law enforcement or emergency personnel in the performance of their duties.

This rule shall not be interpreted as prohibiting legally protected behavior and speech under the law.

(18) Animals: possession of or permitting animals inside buildings owned or leased by the university of Akron. This excludes disability-related service animals and animals permitted within the residence halls by the residence life and housing contract.

Animals must not be disruptive to the learning or living environment of the university. Owners must control their animals at all times and abide by all applicable university policies and federal, state, and local laws (e.g., use of leashes and removal of waste) while on university premises.

(19) Computer/network use: Students are responsible to know and abide by the regulations as outlined in rule 3359-11-10 of the Administrative Code. University

computing resources include hardware, software, and data owned, licensed, or developed by the university, students, or employees. Abuse of computer facilities and resources includes, but is not limited to:

- (a) Unauthorized transfer or entry into a file, to use, read, or change the contents, or for any other purpose;
- (b) Unauthorized access to, use of, or control of university computing resources including circumvention of computing system safeguards;
- (c) Use of another individual's identification and/or password;
- (d) Use of computing facilities and resources to interfere with the work of another student, faculty member or university official;
- (e) Use of computing facilities and resources to send unlawful communications, including threats of violence, obscenity, child pornography, and harassing communications;
- (f) Use of computing facilities and resources to interfere with normal operation of the university computing system or educational process;
- (g) Destruction, theft or misuse of property;
- (h) Unauthorized copying of computer software, or other violations of software copyrights, license agreements or trade secrets; or
- (i) Using university resources to violate federal, state, or local law.

(20) Hazing: Hazing means doing, participating in, allowing, causing, coercing or forcing an individual to do, any of the acts listed in this paragraph, regardless of the

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individual's willingness to participate, for the purpose of admitting, affiliating, or initiating, an individual into or with a student organization or any other recognizable groups, teams, or associations of students, or for the purpose of continuing, enhancing, or reinstating an individual's affiliation, membership, or status in a student organization or any other recognizable groups, teams, or associations of students:

- (a) Consume any food, liquid, alcohol, drug of abuse, or other substance;
- (b) Endure any act of a physical nature including, but not limited to, whipping, beating, branding, paddling, kicking, pushing, shoving, physical exercise, physical exertion, or exposure to the elements;
- (c) Endure any act which may adversely affect the mental health or dignity of the individual including, but not limited to, sleep deprivation, exclusion from social contact, or conduct that could result in embarrassment, harassment, ridicule, or degradation;
- (d) Any activity which has the potential to be frightening, degrading, or unduly deceptive, including deception designed to convince the individual of impending pain, injury, or non-admission, non-affiliation, non-initiation, or nonmembership, including, but not limited to, promoting servitude, requiring individuals to run personal errands, intentionally creating labor or clean-up work, berating or verbally harassing individuals, referring to individuals by demeaning or embarrassing nicknames, assigning individuals degrading, crude, or humiliating stunts, skits, or acts, throwing items at or on individuals, forcing individuals to carry items, forcing individuals to yell when entering or departing a physical structure or in the presence of designated individuals, forcing individuals to use designated entrances or exits, forcing an individual to be confined to a small space, transportation and/or abandonment of an individual, or requiring individuals to wear embarrassing, humiliating, or scant attire or to be nude;
- (e) Any activity that causes or creates a substantial risk of causing mental or physical harm to any individual;
- (f) Endure or participate in any act of a sexual nature;
- (g) Any activity which endangers or has the potential to endanger the academic performance of the individual, such as not allowing adequate time for or interfering with academic commitments;
- (h) Any destruction or removal of public or private property; or

(i) Any violation of federal, state, or local law; university policy, rule or regulation; or the Ohio department of higher education anti-hazing policy.

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Hazing does not include reasonable and customary athletic, law enforcement or military training, contests, competitions, or events that are explicitly relevant to the mission of the student organization or any other recognizable groups, teams, or associations of students.

Expressed or implied consent of the victim to hazing is not a defense and does not prevent the behavior from being considered a violation of this rule.

It is a violation of this rule for any individual, knowing that hazing has been or is being committed, to fail to report such information to law enforcement authorities or to the department of student conduct and community standards.

(21) Failure to comply: willful failure to comply with directions of university officials, faculty members, law enforcement officers or emergency personnel acting in performance of their duties and/or willful failure to identify oneself to these individuals when requested to do so.

(22) Fire safety: tampering with, or misuse of, fire alarms and/or firefighting equipment, including but not limited to: fire extinguishers, fire hoses, heat and smoke detectors, sprinkler systems, or other safety devices.

(23) Abuse of the conduct system: abuse of the student conduct system, including but not limited to:

(a) Failing to comply with notice (with confirmation of delivery) from the department of student conduct and community standards or university official to appear for a meeting or hearing as part of the student conduct process;

(b) Knowingly falsifying, distorting, or misrepresenting information during the student conduct process or initiating a conduct proceeding in bad faith or without reasonable cause to do so;

(c) Engaging in behavior that an individual knew or reasonably should have known

would cause disruption or interference with the orderly proceeding of the student conduct process;

(d) Attempting to discourage an individual's proper participation in, or use of, the student conduct process;

(e) Attempting to influence the impartiality of a member of the hearing board or hearing officer prior to, and/or during the course of, the hearing proceeding;

(f) Failing to comply with the sanctions imposed under the code of student conduct;

or

(g) Influencing or attempting to influence another individual to commit an abuse of the student conduct system.

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(24) Violation of university policy/rule/regulation: Willfully, recklessly, or knowingly engaging in conduct that violates any university policy, rule, or regulation. It is not a defense that the student was unaware of the policy, rule, or regulation.

(E) Amnesty.

(1) Medical amnesty. Student health and safety is a substantial university interest. The university's interest in promoting student health and safety is furthered by encouraging students to seek and obtain prompt medical assistance for themselves or another individual who is in distress from the use of alcohol, and/or other substances, or is experiencing a medical emergency. The university's interest is also furthered by removing obstacles to obtaining prompt medical assistance for an individual in need.

A student who in good faith seeks or obtains medical assistance (e.g. seeking assistance of a university staff member, calling UAPD at 330-972-2911 if on campus or calling 9-1-1 if off campus) for themselves or for another individual for the use of alcohol, other substances, or experiencing a medical emergency shall not be charged with a violation of the code of student conduct in connection with the possession or use of alcohol or drugs if all of the following apply:

(a) The information that would be the basis of the code of student conduct alcohol, drug or other offense was obtained as a result of a student seeking medical assistance for themselves or another individual.

(b) The student accepts responsibility for the misconduct; obtains an alcohol and drug assessment; complies with any recommendations for treatment from a university or community alcohol or drug abuse services provider or a properly credentialed substance abuse or addiction treatment professional; and completes any educational interventions required by the department of student conduct and community standards.

(c) The student provides documentation of completion of assessment and treatment recommendations.

(d) The student has not previously been granted medical amnesty in defense of another alcohol or drug incident.

(e) The student is in good disciplinary standing with the university.

(2) Limited amnesty. To encourage reporting and adjudication of student misconduct including, but not limited to, gender-based misconduct, the university of Akron may extend limited amnesty to complainants, respondents, and witnesses. Such amnesty may be granted at the sole discretion of the director of student conduct and community standards or designee.

(3) Amnesty does not preclude any disciplinary actions regarding other university  
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violations including, but not limited to, endangering, threatening, or attempting to cause physical harm to another individual; gender-based misconduct; damage to property; theft; hazing; or any other code of student conduct violation.

(4) Student organizations. If a representative of a recognized student organization seeks medical assistance under medical amnesty, that act will be considered as a mitigating factor in determining a sanction if the organization is found in violation of the code of student conduct in connection with the occurrence.

(5) In the event of a health and safety emergency, the university may notify the students' parents/guardians about the incident.

(6) Amnesty applies only to disciplinary actions under code of student conduct violations and does not limit any law enforcement agency, including the university of Akron police department, from investigating or prosecuting criminal activity in accordance with federal, state or local law.

(7) Determination of whether all the conditions of amnesty have been satisfied is at the sole discretion of the director of student conduct and community standards or designee. When circumstances warrant, the department of student conduct and community standards may waive compliance with paragraphs (E)(1)(d) and (E)(1)(e) of this rule. A student who fails to successfully satisfy all the conditions of this policy, including any required educational interventions, will be referred for adjudication as outlined in this rule for the original incident.

(F) Investigation and adjudication of student misconduct.

(1) The department of student conduct and community standards shall be the exclusive administrative unit that has authority to investigate reports of misconduct as defined in this rule and to implement the procedures and sanctions as provided in this rule.

While other units and organizations such as residence halls, athletic teams and professional schools may have separate rules and administer separate penalties or sanctions, whether by contract or otherwise, that may apply to certain categories of students, the commission of misconduct as defined in this rule shall also be reported to the department of student conduct and community standards for action as appropriate under this rule.

(2) Interim suspension. Pending action on any alleged violation(s) of the code of student conduct, the status of the student shall not be altered or the student's right to be present on campus and to attend classes suspended, except when the student's continued presence disrupts the good order and discipline of the university or poses a threat to the physical or emotional safety of others. The vice president for student

affairs or designee shall determine whether such a threat exists. If the vice president for student affairs or designee, concludes that such a disruption or threat exists, the vice president for student affairs or designee may suspend the student immediately.

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When a student is suspended in this manner, the department of student conduct and community standards shall convene a hearing as soon as practical. This interim suspension does not replace the regular student conduct process.

Any student under an interim suspension may request a review of the interim suspension by submitting a written request to the vice president for student affairs or their designee. The vice president for student affairs or their designee will complete a review and issue a decision within three business days of receipt of the written request. Regardless of the outcome of the review, the student conduct process will continue as provided in this rule. The vice president for student affairs or designee has the authority to modify the interim suspension as appropriate.

(3) Right to an advisor. The complainant and the respondent shall have the right to have an advisor of their choice present to provide advice and counsel in any meetings or hearings held by the department of student conduct and community standards. The advisor may only give counsel to their party and may not actively participate in the meeting or hearing. The same individual may not serve as an advisor and a witness; nor can the advisor of a charged student organization serve as a witness and an advisor. In extraordinary circumstances and at the sole discretion of the hearing officer/hearing facilitator, an advisor may be permitted to actively participate, subject to the limited terms and conditions set by the hearing officer/hearing facilitator. The complainant and respondent shall speak and act on their own behalf. Any advisor who repeatedly violates the limitations imposed on advisors, or otherwise engages in disruptive behavior may be removed from the meeting or hearing. Meetings or hearings will not be scheduled around the availability of an advisor. An advisor may not attend a meeting or hearing unaccompanied by the

advisee.

In cases where the complainant or respondent is a minor or dually enrolled high school student, the complainant and/or respondent may have both a parent and an advisor present for a meeting or hearing.

If an accommodation is required for a complainant or respondent, an individual such as an interpreter, sign language communicator, or physical needs assistant may attend a meeting or hearing and may not be counted as an advisor.

(4) The fact-finding process shall be as follows:

(a) When a disciplinary referral is received by the department of student conduct and community standards alleging a student has violated the code of student conduct the department of student conduct and community standards will send written notice to the student respondent(s). This notice will include the alleged violation(s) of the code of student conduct and details concerning a fact-finding meeting. Notice will be sent to the respondent's official university email account; however, the department may use other delivery methods as necessary.

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(b) The respondent shall be required to appear before an investigating officer(s) of the department of student conduct and community standards. Upon the respondent's appearance in the department of student conduct and community standards, the respondent shall be informed of the alleged violation(s) of the code of student conduct.

(c) During meetings conducted by the department of student conduct and community standards the respondent and complainant shall be given:

(i) Reasonable access to all available materials related to the alleged violation(s).

(ii) An opportunity to make a statement concerning the alleged violation(s). The respondent is not required to make a statement; unless the respondent is a student organization, in which case a statement on behalf of the student organization is required. Any statements made may be used in disciplinary

proceedings.

(iii) An opportunity to provide relevant information and/or identify relevant witnesses.

(iv) The right to have an advisor present. The role of an advisor is explained in paragraph (F)(3) of this rule.

(d) Failure to appear or comply with a request to make and keep an appointment relevant to an investigation may result in a disciplinary hold being placed on a respondent's account and/or the initiation of charges for abuse of the student conduct system. In addition, failure of the respondent to participate in an investigation and/or fact-finding meeting shall in no way prevent the university from proceeding with an investigation and/or conducting a hearing.

(e) The fact-finding process shall be concluded if:

(i) The respondent denies the alleged misconduct, and based on the information gathered during the investigation, the investigating officer(s) determine(s) that there is not sufficient information to support an allegation that the respondent has violated the code of student conduct. If these conditions are satisfied, the respondent and complainant shall be informed that the matter is closed; or

(ii) The respondent admits responsibility for violating the code of student conduct. The investigating officer(s) shall issue sanction(s) and inform the respondent and complainant of the outcome. If the respondent or complainant disagree with the sanction(s), the respondent and/or complainant may appeal the sanction(s) to the appeals board; or

(iii) The respondent denies the alleged misconduct, and based on the information gathered during the investigation, the investigation reveals that there is

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sufficient information to support an allegation that the respondent has violated the code of student conduct, the department of student conduct and

community standards may place a disciplinary hold on the respondent's account and may pursue a determination of responsibility at a hearing as outlined in this rule.

(5) Alternative resolution process.

Based on the nature of the incident and the willingness of the complainant and the respondent to participate, the department of student conduct and community standards may recommend to the parties that the matter be addressed through an alternative resolution process, which may include, but is not limited to, an educational conference, mediation or restorative justice process. Such alternative resolution processes shall be conducted by an individual chosen by the department of student conduct and community standards who has been trained in alternative resolution processes. No such process shall be conducted unless the respondent and complainant consent to the alternative resolution process.

(6) Hearing procedures.

(a) Alleged violations of the code of student conduct shall be heard by a single hearing officer or hearing board. The respondent and/or complainant has the option to request a hearing with a single hearing officer, rather than a full hearing board. The final determination of the use of a single hearing officer or the full hearing board will be determined by the director of student conduct and community standards or designee. If a single hearing officer model is used, the hearing officer will determine if the hearing facilitator role as described in this rule will be used at the hearing.

(b) In cases where more than one respondent or complainant is involved, a separate hearing may be requested in writing by a respondent or complainant and granted at the discretion of the director of student conduct and community standards or designee. The department of student conduct and community standards may hold separate hearings at its discretion.

(c) The respondent and complainant shall be informed in writing by the department of

student conduct and community standards of the date, time and location of the hearing, the specific violation(s) of the code of student conduct that the respondent is accused of violating, and information on the hearing procedures. The notice will be sent to the respondent's and complainant's official university email account; however, the department may use other delivery methods as necessary. Either party may request a postponement of the hearing for reasonable cause. Any request for postponement must be made in writing, include the supporting rationale and be received by the department of student conduct and community standards at least two business days before the scheduled hearing.

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(d) The complainant(s), respondent(s), hearing officer(s), and investigating officer(s) may request witnesses who might have pertinent information to participate in a hearing. Information shall be limited to elements relevant to the alleged violation(s) of the code of student conduct and only information relevant to the alleged violation(s) of the code of student conduct shall be considered by the hearing officer(s) in making a decision concerning responsibility. On a date specified by the department of student conduct and community standards, the complainant and respondent will submit to the department of student conduct and community standards a list of witnesses for the hearing, a summary of the information each witness is expected to provide and any document(s) the complainant and respondent expect to present at the hearing. The department of student conduct and community standards will make this information available to the complainant, respondent, and the hearing officer(s) prior to the hearing. The university does not have the power to compel or subpoena witnesses to attend the hearing. If a witness, for good reason, cannot attend the hearing, they may testify by telephone or video-conference. If the witness cannot testify by telephone or video-conference, they may submit a written statement. If the

hearing officer/hearing facilitator determines that a written statement may be considered by the hearing officer(s), the complainant and respondent shall have the right to object to its consideration by the hearing officer(s) and, if admitted, to provide a rebuttal to said evidence.

(e) Prior to the hearing, the respondent and complainant shall have reasonable access to all available materials and information revealed by the investigation and known to the department of student conduct and community standards.

(f) All hearings are closed to the public.

(g) If the respondent or complainant does not appear at the hearing, the allegation(s) shall be reviewed as scheduled on the basis of the information available and a decision shall be made.

(h) To provide for a fair and impartial hearing the following processes shall apply:

(i) No hearing officer shall be a participant in the investigation of the alleged violation(s) against the respondent. If any hearing officer is unavoidably involved, that hearing officer must disclose and shall not participate in the hearing.

(ii) The complainant and respondent shall have the right to challenge any hearing officer for good cause. If the hearing facilitator determines that good cause has been shown, the challenged hearing officer shall be excused, and a substitute may be appointed by the hearing facilitator. Four hearing officers constitute a quorum for a hearing board.

(iii) Either party may raise a continuing objection to the proceedings or on any other matter; any such objection shall be noted for the record.

(iv) The hearing facilitator shall facilitate the operation of the hearing and shall begin the hearing by reviewing the hearing procedures that include the standard of evidence needed to support a finding of responsibility. The hearing facilitator or hearing officer shall also be responsible for recording

the hearing. The recording will be made available to the respondent and complainant for review during the appeal period. The respondent, complainant, witnesses, and/or their advisors are not permitted to record any conference, hearing or disciplinary meeting.

(v) The standard of proof that shall apply to all hearings is "preponderance of the evidence" (i.e., more likely than not), that the alleged conduct occurred.

(vi) The respondent will enter a plea regarding each alleged violation of the code of student conduct. An admission of complete responsibility would require no further hearing proceedings, except that the complainant, respondent, and investigating officer shall be offered the opportunity to present information to be considered for the sanction(s) to be assessed by the single hearing officer or hearing board.

(vii) The complainant and respondent will be given the opportunity to make a statement and present evidence that pertain(s) to the alleged violation(s).

The respondent shall not be required to testify against themselves. No inference may be drawn against the respondent for failing to attend a hearing or remaining silent. The conclusion shall be based on the evidence presented and, if applicable, any sanction(s) shall be imposed in accordance with the findings.

(viii) The complainant and respondent shall be given an opportunity to hear and question each other, the investigating officer, and all witnesses, as well as to present information and call witnesses. Questions asked, and testimony given by the complainant and respondent shall be limited to elements relevant to the alleged violation(s) and potential sanction(s).

(ix) The investigating officer will present the investigative report and has the right to question the complainant, respondent, and any witnesses.

(x) The hearing officer(s) has the right to question the complainant, respondent, investigating officer and any witness.

(i) The hearing officer(s) and/or the hearing facilitator are responsible for the overall decorum of the hearing process, and may:

(i) Remove any individual in attendance at a hearing if the hearing officer/hearing facilitator believe the individual to be disruptive, distracting,  
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or inhibiting the process in any way.

(ii) Limit the time of any individual presenting to the hearing officer(s).

(iii) Limit the number of witnesses if it is determined that the information they intend to share is similar in nature to other individuals who have presented to the hearing officer(s).

(iv) End statements or questions if the hearing officer/hearing facilitator determines that no new evidence is being offered.

(v) Permit any additional university officials to be present during the hearing.

(j) The hearing officer(s) and/or the hearing facilitator may request advice from a university attorney. A university attorney may be present during the hearing.

The role of the university attorney shall be limited to advising the hearing officer(s) and/or the hearing facilitator on matters of procedure and on the rights of the parties; provided however that if the hearing officer and/or hearing facilitator allows an advisor to actively participate in the hearing, the university attorney shall be afforded the same opportunity to actively participate, subject to any limited terms and conditions set by the hearing officer and/or hearing facilitator.

(k) The hearing facilitator shall attend all meetings of the hearing board with the exception of deliberations which shall be closed.

(l) Findings regarding responsibility and sanction(s) shall be decided during closed deliberations as follows:

(i) In a hearing being conducted by a single hearing officer, the findings regarding responsibility and sanctions(s) shall be decided by that hearing

officer.

(ii) In a hearing being conducted by a hearing board, the findings regarding responsibility and sanction(s) shall be decided by a majority vote of the hearing officers. The chairperson shall participate in balloting. Four hearing officers constitute a quorum; three affirmative vote(s) shall be required for a finding of responsibility.

The hearing officer(s) shall complete a report with the findings of responsibility and, if applicable, sanction(s). The report shall be signed by all hearing officer(s) and shall be final, subject only to the complainant's and respondent's right of appeal to the appeals board. A representative of the department of student conduct and community standards shall transmit the findings to the complainant and respondent.

(7) Appeals board.

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(a) Procedures.

(i) The complainant and/or respondent ("the appellant(s)") shall have five business days from the time that they are notified of the outcome of the hearing to submit an appeal in writing. In order to prepare their appeal, the appellant(s) may have reasonable access to all available materials related to the proceedings.

(ii) The appellant(s) must prepare a written statement appealing the outcome of the hearing and submit it to the department of student conduct and community standards. The appeal is not intended to re-hear or re-argue the same case and is limited to the specific grounds outlined in this rule. The appeal must specify the applicable grounds for appeal, as listed in paragraph (F)(7)(b) of this rule, the facts that support the appellant(s)' claim(s), and the requested solution.

(iii) In a case where a respondent has accepted responsibility for violating the

code of student conduct, the appellant(s) may only appeal on the basis of paragraph (F)(7)(b)(iv) of this rule.

(iv) The appellee(s) will be notified if an appeal is filed and will have five business days to submit a written response to the appeal. The department of student conduct and community standards may provide the appeals board with a written response. Copies of the appeal(s) and any response(s) will be made available to the parties.

(v) The appeals board shall meet in closed session to review all records of the proceedings and to determine whether the grounds presented for appeal have merit. The appeals board may request advice from a university attorney. The role of the university attorney shall be limited to advising the hearing officer(s) on matters of procedure and on the rights of the parties.

(vi) If the appellant(s)' appeal(s) the outcome of the hearing, the sanction(s) issued shall not be imposed until the appeal has been considered by the appeals board and the parties have been notified of the outcome of the appeal process; provided, however, that a student issued an interim suspension pursuant to paragraph (F)(2) of this rule shall remain on interim suspension during the pendency of an appeal.

(b) Grounds for appeal.

(i) Whether there was a misapplication or misinterpretation of the rule alleged to have been violated;

(ii) Whether the hearing was conducted in violation of procedural requirements set forth in the code of student conduct, and whether these violation(s)

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significantly impacted the outcome of the hearing;

(iii) Whether there was a reasonable basis for the hearing board's or hearing officer's decision;

(iv) Whether the sanction(s) imposed were grossly disproportionate to the

violation(s) of the code of student conduct for which the respondent(s) was found responsible; or

(v) Whether there is new evidence that was unavailable to the appellant(s) at the time of the hearing which is sufficient to alter the decision.

(c) Possible dispositions by the appeals board. The appeals board may exercise one of the following options in response to the appeal(s):

(i) The appeal may be denied and the outcome of the hearing upheld.

(ii) The case may be remanded for a new hearing.

(iii) The appeals board may reverse the finding of responsibility, in whole or in part, made by the hearing board or hearing officer.

(iv) The appeals board may uphold, reduce or increase the sanction(s) imposed by the hearing board or hearing officer.

(v) The appeals board may dismiss the appeal if the appeal is not based upon one or more of the grounds set forth in paragraph (F)(7)(b) of this rule.

(d) The decision of the appeals board is final.

(8) Sanctions.

(a) Sanctions should be commensurate with the violation(s) found to have occurred.

More than one sanction may be imposed for any single violation. Individual circumstances, attitude, and prior conduct history are some of the factors that are considered when determining the sanction(s). Failure to complete any sanction may result in a disciplinary hold being placed on a student's account. Possible sanctions include, but are not limited to:

(i) Deactivation - a student organization's loss of all privileges, including university recognition, for a specified period of time.

(ii) Educational sanctions - other appropriate sanctions may be imposed, including but not limited to, educational conferences and/or discussions, reflection papers, workshops, work assignments, essays, service to the university or university community, or other related discretionary sanctions.

(iii) Failing or lowered grades – in cases of academic misconduct, a student may  
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be issued a failing or lowered grade in a course and/or loss of credit on  
coursework.

(iv) Fine - monetary charge assigned for a violation in accordance with the  
schedule approved by the board of trustees.

(v) Formal reprimand - a notice in writing to the student that the student is  
violating or has violated university regulations and that future violations  
will result in further charges and sanctions.

(vi) Loss of privileges - denial of specified privileges for a designated period of  
time, including but not limited to restrictions on access to university  
facilities, university sponsored events, and residence hall actions up to and  
including cancellation of contract.

(vii) Probation - probation is imposed for a designated period of time and  
includes the probability of more severe disciplinary sanctions if the student  
is found to violate any university regulation(s) during the probationary  
period. Students shall not be considered to be in good standing with the  
university until the probationary period has ended. Probation may affect a  
student's ability to participate in athletics, serve in a leadership capacity in a  
student organization or act as a representative of the university of Akron.

(viii) Revocation of an academic degree.

(ix) Revocation of admission (for violations that occur prior to the student's first,  
class attendance.)

(x) Restitution - compensation for loss, damage, or injury. This may take the  
form of appropriate service and/or monetary or material replacement.

(xi) University deferred suspension – suspension that is delayed or deferred,  
pending completion of assigned sanction(s) or behavioral expectations. A  
finite period of observation and review occurs during the deferred

suspension. This suspension will go into effect immediately if the student fails to complete the assigned sanctions or behavioral expectations or is found responsible for violations of the code of student conduct while on deferred suspension.

(xii) University suspension - separation of the student from the university for a specified period of time, after which the student is eligible to return.

Conditions for readmission may be required.

(xiii) University dismissal - permanent separation of the student from the university.

(b) Review of dismissal.

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Students dismissed pursuant to this rule shall not be readmitted to the university of Akron except upon review and approval of the vice president for student affairs. No request for readmission will be considered until at least one year has elapsed from the date of dismissal. A request for readmission after a dismissal pursuant to this rule must be made in writing and should include the reasons for the request and any supporting information and/or documentation to justify the potential readmission. Upon review, the vice president for student affairs may approve or deny the request for readmission and will notify the student of the decision. Readmission under these circumstances may be accompanied by terms of strict probation or other conditions deemed appropriate by the vice president for student affairs.

(G) Hearing officers.

(1) Pool of members. The president shall appoint a pool of hearing officers from a list of nominees submitted by the vice president for student affairs. This pool shall be collected as follows:

(a) Nominees.

(i) Faculty members. Every year, the dean of each academic college shall

nominate, for a two-year renewable term, a minimum of one full-time faculty member from their college and forward the nominee(s)' name(s) to the director of the department of student conduct and community standards.

(ii) Professional staff. Every year, a supervisor may nominate, for a two-year renewable term, a minimum of one professional staff from his or her administrative unit and forward the nominee(s)' name(s) to the director of the department of student conduct and community standards.

(iii) Undergraduate students. Undergraduate students seeking appointment to a hearing officer position shall apply to the department of student conduct and community standards and be recommended by the undergraduate student government (USG) as provided by the USG bylaws. Nominations shall be forwarded to the vice president for student affairs. The appointment will be a one-year renewable term.

(iv) Graduate students. Graduate students seeking appointment to a hearing officer position shall apply to the department of student conduct and community standards and be recommended by the graduate student government (GSG), consistent with its bylaws. Nominations shall be forwarded to the vice president for student affairs. The appointment will be a one-year renewable term.

(b) The director of the department of student conduct and community standards shall compile the list of all interested nominees and forward it, along with any

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recommendations to serve, to the vice president for student affairs.

(c) The vice president for student affairs or designee shall review the pool of nominees and the recommendations submitted by the director of the department of student conduct and community standards and shall forward to the president the final, recommended nominees for hearing officer membership.

(H) Academic misconduct procedure.

(1) Procedure for addressing allegations of academic misconduct.

(a) An incident of academic misconduct may be resolved, and a sanction assessed in a meeting between the faculty member and student. If the student and faculty member agree on the facts of the incident and the proposed sanction(s), the matter can be resolved informally. The faculty member shall confer with the department of student conduct and community standards to determine whether any prior academic misconduct has occurred. Written documentation of the agreement as to the facts and the sanction should be created by the faculty member, signed by the student and retained for the faculty member's records. A copy shall be sent to the department of student conduct and community standards and the student.

(b) If the student and faculty member disagree about the facts of the incident or the proposed sanction(s), then the matter shall be referred to the department of student conduct and community standards for adjudication as provided in the code of student conduct. The matter also may be referred directly to the department of student conduct and community standards if the faculty member does not wish to have the matter resolved informally as provided in this rule. Such decision by the faculty member shall not prejudice the student's case.

(2) When the alleged misconduct of the student creates an immediate health and safety concern, including but not limited to, clinical and internship environments, in addition to any other academic disciplinary processes, the student may be immediately removed from the clinical or internship environment upon recommendation of the academic dean, in accordance with the rules of the academic program, professional governing body or contract between the university and the site, pending the outcome of the university conduct process as set forth in this rule.

(I) Entering university property.

University officials have the right to enter property owned, leased or operated by the university for purposes of inspecting for cleanliness, orderliness and safety, to perform

maintenance, and to administer university regulations. Evidence of violations of this code obtained as a result of this entry, may be used in disciplinary proceedings. In cases involving suspicion of misconduct, as defined in this code, except in health, welfare and safety emergencies, student premises and possessions shall not be searched without first  
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obtaining proper authorization from the vice president for student affairs or designee. Notwithstanding the foregoing, university police have the right to enter property, subject to the normal requirements of applicable policy and law.

(J) Disciplinary records.

Consistent with the requirements of the "Family Educational Rights and Privacy Act," disciplinary records and information concerning students may be provided from time to time to other university officials, in accordance with rule 3359-11-08 of the Administrative Code or others as prescribed by law. In such instances, neither the consent of the student nor that of the student's parents shall be required.

(K) Authority for amendments.

The procedures set forth in this document are the instrument of the board of trustees of the university of Akron. Amendments to the code may be proposed in accordance with the procedures set forth in the board's bylaws.

Effective: 10/14/2023

Certification:

M. Celeste Cook

Secretary

Board of Trustees

Promulgated Under: 111.15

Statutory Authority: 3359.01

Rule Amplifies: 3359.01

Prior Effective Date: 11/04/1977, 12/06/1985, 01/16/1986, 12/04/1999,

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08/20/2011, 11/15/2012, 05/23/2013, 11/01/2013,  
 02/01/2015, 12/20/2021, 01/17/2022

<b>Student Conduct &amp; Community Standards</b>		
<b>Administrative Fees</b>		
<u>Finding of Responsibility</u>		
Agreement reached during Fact Finding		\$50.00
Agreement reached through Hearing Board (HB) Process		\$75.00
<b>Disciplinary Fines</b>		
Restitution-for lost/stolen/damaged while in possession (max)		cost plus 20%
<u>Substance Abuse Violations</u>		
<u>Alcohol use/possession/distribution</u>		
1st offense		\$50.00
2nd offense		\$100.00
3rd+ offense		\$150.00
<u>Drug/controlled substance use/possession</u>		
1st offense		\$100.00
2nd offense		\$150.00
3rd+ offense		\$250.00
<u>Serious Violations of the Code of Conduct</u>		
Violent/threatening behavior		\$150.00
Theft		\$150.00
Weapons		\$150.00
Drug sales/distribution		\$150.00
Other fines corresponding to the nature of the violation	up to	\$250.00