

## ***Union Institute & University*** ***Campus Safety & Security Report for Calendar Year 2014*** **Released September 2015**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, codified at 20 USC 1092(f) as part of the Higher Education Act of 1965, (known as the Clery Act) is a federal law that requires colleges and universities to provide information about specific types of crimes covered under the Clery Act occurring during the previous calendar year. The Office of Institutional Research prepares the Campus Safety & Security Report each September, using information provided by the university's centers of any Clery Act incidents reported to designated campus officials and/or local law enforcement agencies. The report can be found on the university's main web page. Print copies of the report may be obtained by contacting the Office of Institutional Research; prospective employees may request a copy of the report from the Human Resources department. Readers will see from the report that UI&U centers and surrounding areas are safe places to work, study, and visit—there were no or very few incidents in 2014 at university facilities.

Definitions used for this report:

- **On-campus.** On-campus incidents are those that occurred inside facilities leased by the university, hallways and other access areas to those facilities, and exterior areas immediately adjacent to those facilities, including parking lots serving the facility.
- **Off campus.** Off-campus incidents are those that occurred at a non-campus location leased by/controlled by UI&U. For our purposes, this category includes: hotels where the cohort Ph.D. program holds its twice-yearly academic residency--covering only those areas rented by UI&U (e.g. meeting rooms, faculty and staff rooms, but not student's rooms). Incidents that may occur at Bachelor of Science off-campus course locations are not included because these facilities are not under UI&U control.
- **Public property.** As required by the federal regulations, the report also includes incidents occurring on public property surrounding UI&U centers: such as public sidewalks, streets, and other areas immediately adjacent to the centers.

This report is only as comprehensive as the information provided—it is important that students, faculty, staff, and visitors inform the university about any criminal incidents that have occurred. University policies on facilities' access and use, sexual assault, reporting criminal incidents, drug and alcohol use, and timely warnings to the university community (attached to this report), may also be found in the *University Catalog* at <http://myunion.edu/academics/catalog>; or (for policies specific to employees) on the university's employee intranet (Sharepoint). University policies related to safety and security are reviewed regularly. Most of the policies attached to this report were revised in 2014-2015, as part of the university's efforts to maintain policy statements that are appropriately aligned with federal and state regulations.

If you have comments, questions, or concerns about this report, please direct them to:

Office of Institutional Research  
Union Institute & University  
440 E. McMillan Street Cincinnati, Ohio 45206-1925  
513-487-1152

## Campus Crime Report January 1, 2014 to December 31, 2014

Union Institute & University (UI&U) is committed to providing a safe, secure, and crime-free environment for students, employees, and visitors. The institution monitors and follows up on any reported crimes. Security awareness is important: students, faculty, and staff are encouraged to accept responsibility for their own safety and for the safety of other members of Union Institute & University's community. The tables below provide information about Clery Act criminal incidents reported as occurring at Union Institute & University locations in 2014 and in the two preceding years. As can be seen from the reports, UI&U provides its students, employees, and guests with a safe and secure environment in which to study and work.

Some background information that may be helpful:

- All UI&U centers occupy leased space. University centers in California and Florida, and Vermont (the New England center, formerly known as the Marlboro center) occupy facilities that house other tenants.
- Note that the Montpelier and Brattleboro centers in Vermont were closed July 2013, with all Vermont operations consolidated at the Marlboro center, which was renamed the "New England center." Accordingly, the report for calendar year 2013 covers Clery Act incidents occurring at the Montpelier and Brattleboro centers up to the time of closure.
- Security personnel at Union Institute & University facilities—whether engaged by the university or by the owner of the facility in which the university leases space—do not have law enforcement authority. The university has no written agreements with local law enforcement agencies to provide campus security.
- Criminal incidents at off-campus locations (e.g. academic residencies at hotels) may be included in this report, but only if the incident involved a UI&U student, employee, or visitor participating in a UI&U event and if that event occurred at a location "controlled by" the university, such as an incident at a hotel or conference center during the course of an academic residency. Incidents occurring at off-campus course sites not controlled by the university (such as course sites at police stations) are not included in this report.

### Liquor and Drug Law Violations and Illegal Weapons Possession Arrests by Local Police Agencies; Disciplinary Actions by the University

January 1, 2014 – December 31, 2014						
Includes incidents on campus, off campus, and on public property surrounding UI&U facilities						
	Liquor Law Violations		Drug Law Violations		Illegal Weapons Possession	
	Arrests	Disciplinary Action	Arrests	Disciplinary Action	Arrests	Disciplinary Action
Main campus, Cincinnati, OH	0	0	0	0	0	0
Los Angeles center, CA	0	0	0	0	0	0
New England center, Brattleboro, VT (formerly Marlboro center)	0	0	0	0	0	0
North Miami Beach center, FL	0	0	0	0	0	0
Sacramento center, CA	0	0	0	0	0	0

<b>January 1, 2013 – December 31, 2013</b>						
<b>Includes incidents on campus, off campus, and on public property surrounding UI&amp;U facilities</b>						
	Liquor Law Violations		Drug Law Violations		Illegal Weapons Possession	
	Arrests	Disciplinary Action	Arrests	Disciplinary Action	Arrests	Disciplinary Action
Main campus, Cincinnati, OH	0	0	0	0	0	0
Brattleboro center, VT <sup>1</sup>	0	0	0	0	0	0
Los Angeles center, CA	0	0	0	0	0	0
Marlboro center, Brattleboro, VT	0	0	0	0	0	0
North Miami Beach center, FL	0	0	0	0	0	0
Montpelier center, VT <sup>2</sup>	0	0	0	0	0	0
Sacramento center, CA	0	0	0	0	0	0

<b>January 1, 2012 – December 31, 2012</b>						
<b>Includes incidents on campus, off campus, and on public property surrounding UI&amp;U facilities</b>						
	Liquor Law Violations		Drug Law Violations		Illegal Weapons Possession	
	Arrests	Disciplinary Action	Arrests	Disciplinary Action	Arrests	Disciplinary Action
Main campus, Cincinnati, OH	0	0	0	0	0	0
Brattleboro center, VT	0	0	0	0	0	0
Los Angeles center, CA	0	0	0	0	0	0
Marlboro center, Brattleboro, VT	0	0	0	0	0	0
North Miami Beach center, FL	0	0	0	0	0	0
Montpelier center, VT	0	0	0	0	0	0
Sacramento center, CA	0	0	0	0	0	0

### **Criminal Incidents**

The criminal offenses reported in the following tables are listed using categories established by the Federal Bureau of Investigation's hierarchy of crimes<sup>3</sup> as established in the annual report of criminal incidents to the U.S. Department of Education. Reported Clery Act crimes occurring on public property immediately adjacent to a UI&U center and off-campus (i.e. at a university course location or university sponsored event) are included in the data reported for the center to which the off-campus location is connected. Under the Violence Against Women Act, three new

<sup>1</sup> Brattleboro center closed July 2013

<sup>2</sup> Montpelier center closed July 2013

<sup>3</sup> Contact the Office of Institutional Research for definitions. As noted, this report covers only those crimes delineated in the Clery Act—it does not include all possible types of criminal incidents.

types of Clery Act crimes—domestic violence, dating violence, and stalking—were added in the 2013 report year. None of the incidents reported in any of the three years covered by this report were identified as hate (bias-motivated) crimes. Brief descriptions of reported incidents are included.

<b>Criminal Offenses at Union Institute &amp; University Locations January 1, 2014 – December 31, 2014</b>					
	Cincinnati Campus	Los Angeles Center	New England Center	Miami Center	Sacramento Center
Murder and Non-negligent homicide	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0
Forcible sex offenses	0	0	0	0	0
Domestic violence	0	0	0	0	0
Dating violence	0	0	0	0	0
Stalking	0	0	0	0	0
Non-forcible sex offenses	0	0	0	0	0
Robbery	0	0	0	0	0
Aggravated Assault	0	1	0	0	0
Burglary	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	3
Arson	0	0	0	0	0

Notes:

- No incidents occurring in 2014 were categorized as hate crimes.
- The assault of the Los Angeles student occurred in the facilities parking garage when her vehicle was intentionally hit by the alleged perpetrator's vehicle. The student chose not to file a police report.

<b>Criminal Offenses at Union Institute &amp; University Locations January 1, 2013 – December 31, 2013</b>							
	Cincinnati Campus	Brattleboro Center <sup>4</sup>	Los Angeles Center	New England Center	Montpelier Center <sup>5</sup>	Miami Center	Sacramento Center
Murder and Non-negligent homicide	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0
Forcible sex offenses	0	0	0	0	0	0	0
Domestic violence	0	0	0	0	0	0	0
Dating violence	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0
Non-forcible sex offenses	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	1	0
Aggravated Assault	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	3
Arson	0	0	0	0	0	0	0

Notes:

- No incidents occurring in 2013 were categorized as hate crimes.
- The robbery of an employee occurred in the Miami center parking lot.

<sup>4</sup> Closed July 2013

<sup>5</sup> Closed July 2013

<b>Criminal Offenses at Union Institute &amp; University Locations January 1, 2012 – December 31, 2012</b>							
	Cincinnati Campus	Brattleboro Center	Los Angeles Center	Marlboro Center	Montpelier Center	Miami Center	Sacramento Center
Murder and Non-negligent homicide	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0
Forcible sex offenses	0	0	0	0	0	0	0
Non-forcible sex offenses	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	3
Arson	0	0	0	0	0	0	0

Notes:

- No incidents occurring in 2012 were categorized as hate crimes.
- The three motor vehicle thefts all occurred from the parking lot adjacent to the lot commonly used by Sacramento center students and employees.

### Unfounded Crimes

If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is "unfounded". Only sworn or commissioned law enforcement personnel may unfound a crime. There were no crimes occurring in 2014 or in previous years at any Union Institute & University center, off-campus venue, or public property adjacent to any center that were determined to be false or baseless following investigation by law enforcement authorities.

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### Registered Sex Offenders

Federal standards require that the university advise the campus community of where law enforcement agency information provided by a State under section 170101(j) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(j)), concerning registered sex offenders may be obtained: this information may be obtained through this web site:

<http://www.familywatchdog.us/default.asp>

### Applicable Policy Statements

As required for Clery Act reporting, Union Institute & University policy statements specifically relevant to student and employee safety are incorporated in this report. These policy statements are cited in full below and are available in the *University Catalog* at

<http://myunion.edu/academics/catalog/>.

## Student Conduct Policies

### Contextual Framework for Student Conduct at Union Institute & University

This contextual framework for student conduct is derived from Union Institute & University's mission, vision, values and principles. Not only is it meant to provide general expectations of

students, it also is the foundation for a number of specific institutional policies and procedures governing student behavior and interactions.

An education at Union Institute & University (UI&U) is based upon the concept of a mutually beneficial learning community. Disregard or contempt for this concept can be found at the root of academic offenses (such as plagiarism, forgery, intellectual dishonesty, or falsification of records,) socially disruptive and destructive behaviors (such as discriminatory or harassing conduct), and criminal acts (such as assault, destruction of property, theft, hate crimes).

In a strong learning community, conduct that allows others to pursue studies unimpeded by disrespectful or disruptive personal behavior is essential. Differing viewpoints may not be permitted to interfere with learning or the advancement of scholarship. The basic principle of the UI&U learning community is respect for the individual. Members of the UI&U learning community are expected treat one another with positive regard and without denigration. The ultimate goal is to learn from one another while acknowledging any differences that may arise.

Freedom in research and publication of results is also a characteristic of a strong learning community, as long as the dignity, health, privacy, and other rights of human and animal subjects are protected, and university and program policies are followed.

A strong learning community, characterized by individual respect, carries with it the following rights, responsibilities, and challenges.

Students, as members of the UI&U learning community, have the right to be:

- Treated fairly, justly, respectfully, equitably, and professionally.
- Acknowledged for their ideas, creations and expressions.
- A participant in a learning and working environment that is free of discriminatory or harassing behavior.

Students, as members of the UI&U learning community, have the responsibility to:

- Contribute to an environment in which there is freedom to learn.
- Develop the capacity for truth and exercise their rights to free inquiry and free speech in a reasonable manner.
- Respect the cultural, intellectual, and personal differences of others.
- Acknowledge properly the intellectual or artistic work of others.
- Refrain from harassing or discriminatory behavior.
- Protect the rights of human subjects used in research.
- Avoid conflicts of interest or relationships that might compromise the educational process.

Students, as members of the UI&U learning community are challenged to:

- Learn from one another's differences.
- Respect all persons in the UI&U learning community.
- Treat conflict as an opportunity for growth and learning.
- Refrain from spreading rumor, slander, or misinformation.

### **University Response to Serious Student Misconduct**

Union Institute & University has the right and the responsibility to act immediately when an individual's behavior or actions are illegal and/or create a situation that places the student or any other individual at risk, and/or is disruptive and harmful to the learning environment, regardless of whether those behaviors or actions are specifically prohibited by other university policies. (See below for examples of disruptive or harmful behaviors.)

When the university (or its responsible representative) believes that a student's conduct is sufficiently disruptive or dangerous, the university may suspend normal disciplinary procedures by temporarily removing a student (physically, if the student is on campus or participating in an off-campus activity; and/or blocking student access to online learning systems). An immediate response is called for in, but not limited to, cases of student behavior that is threatening to self or others and behavior that disrupts the learning environment or university facilities.

- A UI&U instructor and/or administrator has the right and the responsibility to remove a student or other participant from a course, seminar, or other university-sponsored learning activity, whether in-person or online, if that person's behavior becomes disruptive or poses a danger to others.
- The university has the right and the responsibility to take disciplinary measures in response to student misconduct, independent of any action that might or might not be taken by law enforcement.
- Any UI&U student or employee has the right and the responsibility to contact local law enforcement in the event of illegal behavior occurring on university property and/or during university sponsored activities occurring off campus. (See below: "Crimes Covered Under the Clery Act".)

Following removal, the student may seek re-instatement in accordance with the applicable university policy.

### **Crimes Covered Under the Clery Act**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, codified at 20 USC 1092(f) as part of the Higher Education Act of 1965, is a federal law that requires colleges and universities to provide information about campus crime statistics and security policies for the previous full calendar year.

It is the policy of Union Institute & University that local law enforcement must be notified of all incidents involving crimes covered under the Clery Act, occurring at a UI&U center or at any university-sponsored off-campus facility when such crimes involve a member of the UI&U community – student, employee, guest, or visitor. In determining whether to notify local law enforcement, no differentiation should be made between attempted and completed crimes.

Crimes covered under the Clery Act that must be reported to local law enforcement are<sup>6</sup>:

- Drug Law violations. *Drug laws vary by state. Generally speaking, use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs must be reported. Sale, transfer or possession of controlled substances must be reported;*
- Liquor Law violations. *Liquor laws vary by state. Generally speaking, sale, transfer or possession of alcohol must be reported, unless served by the university at a university sponsored event;*
- Illegal weapons possession. *The definition of illegal weapons and illegal weapon possession varies by state. Generally speaking, possession of a weapon at a university facility or at a university sponsored event off-campus must be reported. Weapons are not permitted on any university property, with the exception of students and instructors who are sworn law enforcement officers and are required to carry a weapon when off duty;*

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<sup>6</sup> Definitions are based on the Federal Bureau of Investigations *Uniform Crime Reporting Handbook (UCR)* and the Violence Against Women Act.

- Murder and non-negligent homicide. *The willful and non-negligent killing of one human being by another must be reported;*
- Negligent manslaughter. *The killing of another person through gross negligence must be reported;*
- Forcible sex offenses. *Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent must be reported (includes forcible rape, forcible sodomy, forcible sexual assault with an object, and forcible fondling);*
- Non-forcible sex offenses. *Unlawful, non-forcible sexual intercourse must be reported (includes statutory rape and incest);*
- Robbery. *Taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear must be reported;*
- Aggravated assault. *Any unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury must be reported. Aggravated assault may be accompanied by the use of a weapon or by means likely to produce death or great bodily harm;*
- Burglary. *Unlawful entry of a structure to commit a felony or a theft must be reported.*
- Motor vehicle theft. *The theft or attempted theft of a motor vehicle must be reported (does not include thefts from autos);*
- Arson. *Willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc. must be reported; and*
- Hate crimes. *Any of the above offenses and any incidents of larceny, theft, simple assault, intimidation or destruction, damage, vandalism of property that were motivated by bias.*

In 2013, Federal reporting requirements were expanded to include crimes prohibited in the Violence Against Women Act of 1994 (reauthorized in 2013). The Act's coverage extends to male as well as female victims. Crimes that must be reported under the Violence Against Women Act are:

- Domestic violence. *Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction;*
  - Dating violence. *Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim;*
- Stalking. *Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress; and*
- Sexual Assault. *An offense that meets the definition of rape, fondling, incest or statutory rape as used in the Federal Bureau of Investigations Uniform Crime Reporting Program.*

The behaviors delineated under the Violence Against Women Act are covered by this policy only if they involve a Union Institute & University student (as victim or perpetrator) and if they occur within the context of the educational process. For example, the policy does not apply if:

- An incident of domestic violence occurs in a student's home;
- Dating violence does not involve another member of the UI&U community;



- Stalking behavior (in-person and/or cyber-stalking) occurs outside the context of UI&U activities, does not involve another member of the UI&U community, and/or does not involve use of university-supplied technology, such as cyber-stalking using the student's "myunion" email.

While it is impossible to anticipate every possible type of disruptive behavior, Union Institute & University has developed the following institutional policies and procedures covering specific types of student behavior:<sup>7</sup>

- Academic Integrity Policy. This policy covers issues of plagiarism and cheating, personal relationships between students and instructors, delineating procedures to be followed when violations of academic integrity occur;
- Americans with Disabilities Act (ADA) policies and procedures, including a complaint process;
- Discriminatory and Sexual Harassment Policy and Procedures for Students, including a complaint process;
- Email Use Policy;
- Family Educational Rights and Privacy Act;
- Institutional Review Board Policies and procedures. This policy covers issues related to research with human subjects;
- Intellectual Property Policy;
- Sexual Assault Policy;
- Student Complaints and Appeals Policy and Procedure. This policy applies to student complaints and appeals not specifically covered by other policies and includes procedures for filing informal and formal complaints;
- Student Use of Alcohol and Controlled Substances;
- Tampering with Educational Records;
- Technology Resources Acceptable Use Policy; and
- Use of university Facilities Policies and Procedures. This policy incorporates a range of behaviors considered by the university to be inappropriate and/or illegal when occurring at university facilities and at off-campus university-sponsored events.

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<sup>7</sup> Institutional policies listed may be revised or added to at any time and may be supplemented by program-specific policies.

# Use of University Facilities: Policies and Procedures

Effective July 1, 2015 as Revised

## Policy Statement

It is the policy of Union Institute & University that the safety of individuals using university facilities is paramount. To that end, the university has established procedures and standards for use of its facilities, including access, general standards for behavior, reporting of injuries and criminal incidents, and timely warnings of dangerous situations. This policy and the information and procedures detailed below apply to all UI&U facilities. There may also be facility-specific rules and restrictions, determined jointly by the building's owner, and/or state and local regulations.

## Union Institute & University Facilities

All university-operated centers occupy leased space—either in a stand-alone building (Cincinnati and Brattleboro) or suite(s) within a building having other tenants (all other centers). As a general practice, students and employees have access to university facilities during normal business hours (typically 8 a.m. to 6 p.m., Monday through Friday). Some facilities may be open on evenings and/or weekends for classes and/or academic residencies. Hours of operation are posted at each location. Individuals having questions about access or use of a specific facility should contact the facilities director (Cincinnati center) or the responsible center administrator.

## General Standards for Use of UI&U Facilities: Centers, Course Locations, and Temporary Off-Campus Locations

In addition to its permanent centers in Cincinnati, Ohio; North Miami Beach, Florida; Los Angeles and Sacramento, California; and Brattleboro, Vermont, UI&U also offers classes and holds academic meetings at other locations: the Bachelor of Science program offers numerous classes at law enforcement agency facilities; doctoral programs may hold academic residencies at hotels/conference centers. These off-campus locations are considered to be university facilities during the times they are in use by UI&U. The following use standards apply to all university-operated facilities, permanent and temporary:

- Individuals using a university-operated facility shall behave appropriately at all times—they shall not engage in any behavior that is threatening, dangerous or harmful to self or others, disruptive to the learning or work environment, or damaging to university property or property of others. (Appropriate conduct is specifically addressed in a number of other university policies, including but not limited to the Student Conduct Policy, the policy on Discriminatory and Sexual Harassment, the Sexual Assault Policy, and the policy on Drug and Alcohol Use.)
- Students and visitors at UI&U facilities are expected to cooperate with university personnel as they carry out their duties, and to abide by any location specific requirements regarding access (such as wearing employee or visitor badges, front-desk check in and out, etc.)
- Personal property is not covered under Union Institute & University's insurance policy. Personal vehicles should be locked, and personal property secured in offices, desks, or hotel rooms, as applicable.
- No firearms or other weapons may be brought onto university property, with the exception of students or employees who are commissioned police officers and required to carry a weapon while on or off duty.
- Tampering with wiring, electrical equipment, sprinkler systems, fire extinguishers, fire alarms or any other safety equipment is prohibited.

- Smoking is not permitted inside any university facility, or within 30 feet of any exterior door of a university facility. (Smoking rules at course locations and temporary off-campus facilities may vary.)

### General Safety Suggestions

Union Institute & University does not have a police force or official security department at any of its facilities. Security personnel at UI&U's permanent facilities are not commissioned police officers—they have no authority to arrest; nor are they qualified to administer medical services. Security personnel employed by the university are required to call 911 in an emergency situation and to report criminal activity to university officials and to local law enforcement offices.

All individuals visiting university facilities are expected to take reasonable steps to ensure their own safety. To that end, the university offers the following general safety suggestions:

- Avoid walking alone, particularly after dark. If walking alone is unavoidable, be aware of your surroundings. (At most university locations, security personnel are available during operating hours to provide escort services if requested.)
- Do not leave personal property unsecured or unattended.
- Keep vehicles locked, and do not leave personal items in view.
- Offices, workstations, and classrooms should be locked when not in use.
- Be aware of suspicious persons and activities. If you observe someone or something suspicious, notify building security and/or local law enforcement authorities. In an emergency, dial 911.

### The Upstanding Bystander

A bystander is an individual who witnesses but is not involved in an accident or criminal incident. The university encourages proactive action by bystanders, such as seeking medical or emergency assistance when an individual's health or safety may be in jeopardy, including, but not limited to, when danger arises due to use of alcohol, drugs, or acts of violence, harassment, vandalism, or hate crimes. Being aware of an incident, acknowledging that the incident may be an emergency, taking responsibility to act, and attempting to help are all characteristics of being an upstanding bystander. Upstanding bystanders may report incidents of concern to any university administrator, to campus security, or by contacting local law enforcement directly.

### Facilities Contact Information

If calling from any UI&U telephone, dial the extension number.

Center	Contact Person	Contact
Cincinnati Center	Facilities Director	Extension 1248; (513) 487-1248
New England Center	Dean	Extension 8401; (802) 254-0152
North Miami Beach Center (including area course locations)	Dean	Extension 2104; ((305) 653-7141
Los Angeles Center (including area course locations)	Dean	Extension 1722; (323) 926-8326
Sacramento Center (including area course locations)	Dean	Extension 1525; (916) 564-3100

### Reporting Injuries

If a student or other individual is injured while on campus or while participating in a university-sponsored activity off campus, the university strongly encourages the individual to report the injury to a university administrator at the event, who must then inform the Chief Financial Officer

(CFO). The individual may be asked to submit a completed Accident/Incident Report (Form 134), which can be obtained from the Human Resources office or downloaded from the UI&U employee intranet. Any injury that occurs to a UI&U employee while at a university facility or while conducting university business at any other location **must** be reported to the Human Resources office in Cincinnati, Ohio.

### **Reporting Criminal Incidents**

In accordance with Federal regulations and in keeping with Union Institute & University's philosophy of concern for its students, faculty, staff, and visitors, any individual who is a victim of criminal activity or who observes such activity occurring at a university-operated facility or at a university sponsored event occurring off campus is strongly encouraged to report the incident to a university representative as well as to local law enforcement.

If an emergency situation exists, the victim or witness should call 911. In non-emergency situations, the victim or witness may elect to report the incident to a university administrator, who will, in turn, contact local law enforcement.

Criminal incidents and activities should **always** be reported to the appropriate facilities contact, as listed above. Criminal activities may also be reported to security personnel at UI&U facilities, where applicable. Note, however, that security personnel at UI&U facilities are not commissioned law enforcement officers; they have no authority to make arrests.

A written report of any criminal incident occurring at a university facility must be filed by the applicable facilities contact with the chief financial officer (CFO) within forty-eight (48) hours of the occurrence. For criminal incidents occurring at university-sponsored events held off-campus (such as a seminar or reception), the university employee with on-site responsibility for the event (such as the faculty convener of a seminar) is responsible for filing the report to the CFO. The CFO, in consultation with the president and/or other personnel, will determine whether additional university investigation of the incident is necessary, whether any disciplinary actions against an employee or student are warranted, and/or if the incident is such as to call for a warning to the university community. University investigations and/or disciplinary actions are separate from actions that may be taken by law enforcement agencies.

### **Annual Campus Crime Report**

In September of each year, as required by federal law, the university publishes on the university's Web site a report of certain types of criminal incidents occurring at university facilities and their immediate environs in the previous calendar year. (The types of crimes reported are determined by federal regulations.) Notice of the report is communicated via email and on CampusWeb. The report is available to employees, students, prospective employees, and prospective students, any of whom may request a print version of the report, as directed in the report text.

### **Confidentiality**

It is the policy of UI&U that the university will report, to the appropriate law enforcement agency, any alleged crimes of which it is made aware. Individuals reporting crimes to the university cannot be assured confidentiality in such reports.

Under the provisions of the Family Educational Rights and Privacy Act (FERPA), as amended in 2000, Union Institute & University has the discretionary authority to disclose to a victim of a crime of violence the final results of any disciplinary action taken by the university against the person accused of the crime. The victim may not disclose this information to any third party. The university may release certain information regarding the final results of a disciplinary hearing to the general public if the hearing was related to a crime of violence for which an individual was found to be in violation of university rules or policies regarding such crimes. If results are released by the university, only the individual's name, the violation committed, and the sanctions imposed by the university against the individual will be published.

### **Timely Warnings**

An alert will be given to the university community when the university receives a report of a crime against a person or a particularly threatening crime against property that appears to represent an ongoing danger to the safety of students, faculty, and staff. Alerts may result from reports from local law enforcement or from reports by members of the UI&U community. Every attempt will be made to distribute the alert within 12 hours of the time the incident is reported; however, release of timely warnings are subject to the availability of accurate facts concerning the incident. Alerts will be distributed by email to all employees at the center, to students enrolled at the center, and to faculty who work off-site but are likely to visit the center.

Each alert will include the following information.

1. A succinct statement of the incident, including date and location of the occurrence.
2. Possible connection to previous incidents, if applicable.
3. Physical description of the suspect.
4. Composite drawing of the suspect, if available.
5. Date and time the bulletin was released.
6. Other relevant and important information

Alerts may also include requests for information about an offender, crime prevention tips, and/or information about special precautions to be taken until the specific crime has been resolved

See also:

Student Conduct Policy

Emergency Response Plan

# Sexual Misconduct Policy

Effective June 8, 2015

## Policy Statement

Union Institute & University recognizes the human dignity of each individual of the university community and believes that each has a responsibility to promote respect and dignity for others. Union Institute & University is committed to providing a learning and working environment in which students, faculty, and staff can thrive, and a culture that is welcoming, affirming, and free of fear. To this end, UI&U strives to foster an academic and work environment that is free from sexual discrimination, sexual harassment, and sexual violence. This policy outlines a process to stop, remedy, and prevent all forms of sexual misconduct including acts of sexual violence, sexual harassment, domestic violence, dating violence, stalking, and bullying, including cyberstalking and cyberbullying.

This policy applies to all university students and employees, members of the university's governing board, third parties, and others who do business with the university, including visitors or guests of the university. This policy applies to all aspects of the university's operations and programs wherever situated. It applies to all conduct on university premises, and at university-sponsored events or programs, and to other off-campus behavior, not part of a university sponsored activity, when the effects of the conduct substantially intrude on the university and create a hostile academic or employment environment. In the case of allegations of sexual misconduct, this policy supersedes any conflicting procedures and policies set forth in other university documents.

This policy outlines the rights and options of victims of sexual misconduct and ensures a fair and equitable process for all parties. This policy is not a substitution for law; some allegations might rise to actions that are criminal in nature. UI&U supports and encourages individuals to report criminal activity to appropriate law enforcement officials. While the university respects and will attempt to conform to the wishes of a complainant for anonymity and/or confidentiality, some actions and situations may require that the university report an activity to appropriate law enforcement officials.

### Definitions

While the following definitions are not inclusive of all possible violations of this policy, they are meant to create a working glossary to illustrate potential situations covered by this policy and define sexual misconduct. The university prohibits all forms of sexual discrimination, gender based harassment, sexual harassment, and sexual misconduct. Violations will not be tolerated and will result in appropriate discipline including possible suspension or expulsion from the university (students), suspension or termination from employment (employees), and sanctions including possible removal as to members of the university governing boards.

**Complainant:** A person who has filed a complaint alleging a violation of this sexual misconduct policy.

**Consensual Relationships:** The university discourages consensual sexual or amorous relationships where there is an institutional power difference between the parties involved, for example between a supervisor and a subordinate employee, or between a student and anyone having a grading, advisory, or supervisory authority over that student. Relationships that occur in the context of educational evaluation or employment supervision present serious concerns

about the validity of consent and existence of welcomeness. The disparity of power in these relationships makes them susceptible to exploitation. The university requires relationships of this type be disclosed to appropriate officials and may require changes in the evaluative and grading relationship (i.e. an independent third party assumes the duties of evaluating or grading and in the event of an employee relationship, a change in reporting relationship.)

**Cyberbullying:** Cyberbullying is the willful and repeated use of cell phones, computers, and other electronic communication devices to harass and threaten others.

**Cyberharassment:** Cyberharassment differs from cyberstalking in that it may generally be defined as not involving a credible threat. Cyberharassment pertains to threatening or harassing email messages, instant messages, or to blog entries or websites dedicated solely to tormenting or harassing an individual.

**Cyberstalking:** Cyberstalking is the use of the Internet, email, or other electronic communications to stalk, and generally refers to a pattern of threatening or malicious behaviors. See also cyberbullying and cyberharassment.

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

**Domestic Violence:** Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Gender Harassment:** Gender harassment means unwelcome acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender or gender stereotyping, even if those acts do not involve conduct of a sexual nature. For example, harassment of individuals based upon sexual orientation or of transsexual individuals is a form of gender harassment based upon gender stereotyping. Such conduct is prohibited by this policy.

**Hate Crime:** A criminal offense of any type committed against a person, property, or society which is motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, gender identity, ethnicity, or national origin.

**Rape:** Rape is a violent form of sexual assault – an act of violence in which sex is used as a weapon. It includes any sexual intercourse with a person that occurs without his or her effective consent or when the person is unable to give consent. There are several different circumstances under which rape can occur.

- Stranger rape: the victim does not know the perpetrator.
- Acquaintance rape: the victim and the perpetrator are known to each other.
- Date rape: a type of acquaintance rape, when the assault occurs between two people who are dating partners.
- Marital rape: rape between husband and wife.

**Respondent:** A person identified as having violated any provision of this sexual misconduct policy.

**Sexual Assault:** The victim of sexual assault is never to blame for behavior of the perpetrator. For the purposes of this policy, sexual assault includes, but is not limited to, those activities described within the phrase “gross sexual imposition.”

- sexual act(s) or contact(s) with another which involve compelling a person to submit by force or threat of force;
- use of intoxicants to substantially impair a person's power to give consent to sexual act(s) or contact(s); and/or
- engaging in sexual act(s) or contact(s) when there is reasonable belief that the other person suffers from a mental state which renders him or her incapable of understanding the nature of the contact.

Sexual assault encompasses a range of unwanted sexual contacts and acts, including, but not limited to: rape and attempted rape, child sexual abuse, sexual exploitation, exhibitionism, voyeurism, fondling, and obscene phone calls. While sexual assault can take many forms, it is important to remember that the loss of power and control that a victim of sexual assault experiences is a common thread. Both women and men can sexually assault; both can be sexually assaulted.

**Sex/Gender Discrimination:** Sex discrimination means the unequal and unlawful treatment of a person based solely on that person's sex or gender, sexual orientation, or gender identity when the adverse actions affect either that individual's employment or educational opportunities. Gender harassment and sexual harassment, including sexual violence, are forms of sex discrimination prohibited by this policy and federal law.

**Sexual Harassment:** Sexual harassment means unwelcome acts of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual misconduct is a form of sexual harassment including rape, or sexual assault or other physical sexual conduct perpetrated against a person's will or when the person is incapable of legally granting consent due to impairment from drugs or alcohol or other infirmity. This includes cyberbullying and cyberharassment.

There are two basic types of sexual harassment:

- **quid pro quo sexual harassment**, (the Latin term for "this for that"), occurs when there is an unwelcome demand for a sexual favor in exchange for employment or academic benefit. For example, a request for sexual favors by a faculty member in exchange for a better student evaluation would be unlawful quid pro quo sexual harassment.
- **hostile environment sexual harassment** exists when unwelcome harassing behavior is sufficiently serious that it denies or limits a student's ability to participate in or benefit from the university's programs, or it unreasonably interferes with an employee's work performance and creates a hostile, intimidating, or offensive academic or work environment.

**Sexual Misconduct:** Sexual misconduct means non-consensual sexual intercourse, sexual assault, sexual contact, or other physical sexual conduct perpetrated against another. Sexual intercourse includes any oral, anal, or vaginal penetration, to any degree, with any object. Sexual contact is any sexual touching, however slight, with any object, by any person upon another, without consent. Sexual touching includes touching of any erogenous areas such as a person's genitals, breasts, or buttocks. Sexual misconduct may also include sexual exhibitionism, peeping or other voyeurism, prostitution or solicitation of prostitution, or going



beyond the scope of consent, e.g., by allowing others to view consensual sex or the non-consensual photographing or video or audio taping of sexual activity or distribution of recorded sexual activity.

**Stalking:** Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

### **The Importance of Consent**

Consent is an affirmative decision to engage in mutually acceptable sexual activity given by clear actions or words. It is an informed decision made freely and actively by all parties. Relying solely upon nonverbal communication can lead to miscommunication. It is important not to make assumptions; if confusion or ambiguity on the issue of consent arises anytime during a sexual interaction, it is essential that each participant stops and clarifies, verbally, willingness to continue. Consent may not be inferred from silence, passivity, or lack of active resistance alone. Furthermore, a current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. Being intoxicated does not diminish one's responsibility to obtain consent.

Conduct will be considered "without consent" if no clear consent, verbal or nonverbal, is given. It should be noted that in some situations an individual's ability to freely consent is taken away by another person or circumstance. Examples include, but are not limited to, when an individual is incapacitated due to alcohol or drugs, frightened, physically forced, asleep, unconscious, intimidated, coerced, mentally or physically impaired, beaten, threatened, isolated, or confined.

### **The Impact of Alcohol and Drugs**

The use of alcohol or drugs can have unintended consequences. Alcohol or drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and effectively given. The perspective of a reasonable person similarly situated to the complainant and in consideration of the context of the behavior will be the basis for determining whether one should have known about the impact of the use of alcohol or drugs on another's ability to give consent. Being intoxicated or high is never an excuse for sexual misconduct.

### **Retaliation**

Retaliation is prohibited under this policy. Any individual who believes he or she has been subjected to misconduct under this policy is encouraged and has the right to seek support, utilize available resources, and come forward with his/her concern or complaint. Fear of retaliation should never be an obstacle to reporting an incident of alleged sex/gender-based harassment, sexual violence, relationship violence, or any form of stalking. Retaliation is also prohibited against anyone who participates in an investigation of, or follow-up to, a complaint of a violation of this policy.

### **Rights of Complainant/alleged victim**

- To be treated with respect before, during, and after the complaint process.
- To be informed of the university's disciplinary process and possible outcomes.
- To receive substantive communication and, when warranted, procedural developments regarding an investigation.
- The alleged conduct may also be criminal in nature, and complainants have the right to report such conduct to the appropriate law enforcement agency. The university will provide assistance in the filing of such complaint if requested by the victim. A criminal report does not preclude university disciplinary action. Likewise, the university may

pursue disciplinary action against a respondent regardless of whether a criminal complaint is filed.

- To have an educational environment that is free of discrimination and to prevent the recurrence of a hostile environment and, if appropriate, remedy the effects of the alleged harassment on the complainant.
- Complainants/victims are strongly encouraged to seek counseling and support. Help with accessing appropriate resources is available through the Office of Student Success (students) or Human Resources (employees). Additional resources are listed under the Help and Resources section of this policy.
- An advisor of the complainant's choice may accompany the complainant to any meeting with the investigator or to any hearing. The advisor's role in any meeting or hearing is limited to quietly conferring with the complainant through written correspondence or whisper, and the advisor may not address any other participant or investigators.

### **Rights of Respondent**

- Respondents will be treated with respect before, during, and after the complaint process.
- Respondents will be informed of the university's disciplinary process and possible outcomes.
- The university will communicate substantive and, when warranted, procedural developments regarding an investigation. Note that alleged behavior may also be criminal in nature, and a respondent may be subject to a criminal investigation by the appropriate law enforcement agency at the same time as an investigation by the university under this policy.
- Respondents can expect a presumption of innocence throughout the disciplinary process unless and until they are found responsible for a violation of this policy.
- Respondents have the right to (and are strongly encouraged to seek) counseling and support. Help with accessing appropriate resources is available through the Office of Student Success or Human Resources.
- An advisor of the respondent's choice may accompany the respondent to any meeting with the investigator or to any hearing. The advisor's role in any meeting or hearing is limited to quietly conferring with the complainant through written correspondence or whisper, and the advisor may not address any other participant or investigators.

### **Prevention**

UI&U strives to foster a safe learning and working environment, considering both physical surroundings and the university's response to allegations of sexual assault. The university monitors the physical surroundings of its centers to enhance security and safety through lighting, limited facilities access, security staff, etc. While there is no absolute way to prevent a sexual assault, there are a number of simple precautions that can be taken to minimize risk: Individuals should be aware of their surroundings and not let alcohol or other drugs cloud their judgment; keep home, office, and car doors and windows locked; do not lend your keys to anyone you do not trust implicitly; do not put your name or address on your key ring; do not provide personal contact information (personal email, phone number, address) to someone you do not know and trust; always watch for unidentified visitors to UI&U facilities; report unknown visitors immediately; stay away from isolated or dark areas; walk with a companion or in a group whenever possible.

As part of its commitment to providing a safe learning and working environment free from all forms of sexual misconduct, UI&U provides ongoing training opportunities for students and employees in the prevention and remedy of sexual misconduct .

## **Reporting a Violation**

The university's Title IX coordinator shall have overall responsibility for coordinating compliance with this policy. Any student, employee, or other individual who believes a violation of this policy has occurred may file a complaint with any appropriate UI&U official. However, the university encourages complaints be submitted in writing to the Title IX coordinator or deputy Title IX coordinator whose contact information is listed below. The complaint should describe the alleged incident, where and when it occurred, and the desired remedy sought. While there is no official statute of time limitations for submitting a complaint, the university encourages reports of violations be filed quickly to maximize the institution's opportunity to respond and investigate. All employees who become aware of conduct that might fall under this policy are required to notify the Title IX coordinator with the names of the parties involved and any known details as soon as possible.

The university will attempt to maintain confidentiality except where, in the university's judgment, maintaining confidentiality would jeopardize the safety of members of the university community (including the complainant) or where the university is required by law to disclose the information. The university encourages complainants to report violations, which might be subject to criminal action, to appropriate law enforcement officials. As necessary and as required by the laws of the locality, the university reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim. All participants (including the complainant and respondent, witnesses, advisors, investigators and others) involved in any part of the complaint process are expected to respect the confidentiality of the proceedings and circumstances giving rise to the report.

## **Contacts**

### **Title IX coordinator**

Patricia J. Burke, JD, SPHR

[patty.burke@myunion.edu](mailto:patty.burke@myunion.edu)

513-487-1287 or 1-800-861-6400 ext. 1287

Union Institute & University

Human Resources Department

440 E. McMillan Street

Cincinnati, OH 45206

### **Deputy Title IX Coordinators**

The deputy Title IX coordinators will assist the Title IX coordinator by forwarding any complaints or notice of violations of this policy promptly to the Title IX coordinator; will assist complainants/victims and refer them to local resources as appropriate; will notify local law enforcement if necessary; and will offer overall help in coordinating and implementing the university's Title IX compliance efforts and related reporting and disclosure laws concerning campus safety for their respective centers.

Los Angeles-Dean- Elizabeth Pastores-Palfy  
6701 Center Drive West #1200  
Los Angeles, CA 90045  
800-486-8328 ext. 1722  
[beth.pastores-palfy@myunion.edu](mailto:beth.pastores-palfy@myunion.edu)

Sacramento Dean, Julie Crandall  
160 Promenade Cir, Ste 115  
Sacramento, CA 95834  
800-486-7049 ext. 1525  
[Julie.crandall@myunion.edu](mailto:Julie.crandall@myunion.edu)

Florida-Dean-David George  
16853 NE 2nd Ave Ste 102  
N Miami Beach, FL 33162-1746  
800-486-7141 ext. 2104  
[David.George@myunion.edu](mailto:David.George@myunion.edu)

Vermont-Dean-Bill Lax  
28 Vernon St Ste 112  
Brattleboro, VT 05301-3668  
802-254-0152 ext. 8401  
[william.lax@myunion.edu](mailto:william.lax@myunion.edu)

Cincinnati- Dean-Peter Caccavari  
440 E. McMillan St.  
Cincinnati, OH 45206-1925  
800-861-6400 ext. 1138  
[Pete.Caccavari@myunion.edu](mailto:Pete.Caccavari@myunion.edu)

Associate Dean Doctoral programs-Michael Raffanti  
440 E McMillan St  
Cincinnati, OH 45206-1925  
800-861-6400 ext. 1237  
[michael.raffanti@myunion.edu](mailto:michael.raffanti@myunion.edu)

### **Complaint Process**

The Title IX coordinator is responsible for investigating reports of violations of this Sexual Misconduct Policy including the possible utilization of external investigators. Upon receipt of a complaint or report of sexual misconduct, the Title IX coordinator will conduct an initial assessment of the complaint and any supporting documentation to determine the appropriate course of action. This course of action may include: (1) a determination that the alleged incident does not rise to the level of a violation covered under this policy; (2) an informal resolution approach; or 3) the initiation of a more formal investigation. The university will seek action consistent with the complainant's request where possible. Any individual seeking informal resolutions or mediation should discuss these options with the Title IX coordinator. Informal resolution or mediation is never an option for any allegation of sexual assault or violence. Interim, immediate measures may be taken during the course of the informal resolution process and/or investigation to ensure the safety and well-being of the complainant and/or the university at large. These measures will be imposed in a way that minimizes the burden on the

complainant to the extent possible while balancing the rights of the respondent. Interim measures may include a no contact order between parties.

Individuals with complaints of sexual misconduct also have the right to file a formal complaint with the US Department of Education:

US Department of Education, Office for Civil Rights (OCR)  
Lyndon Baines Johnson Department of Education Bldg.  
400 Maryland Avenue, SW  
Washington, DC 20202-1100 or by visiting <http://www.ed.gov/ocr> or calling 1-800-421-3481.

### **Informal Resolution Process**

Where appropriate, it is hoped that resolution of any complaint not involving sexual assault or violence, will begin with a sincere attempt at informal resolution. Individuals are encouraged to discuss their concerns with the Title IX Coordinator and if the complainant agrees, concerns will be resolved through interactive discussion between the parties and if appropriate, a remedies-based resolution. Informal resolution or mediation is never an option for any allegation of sexual assault or violence.

Remedies-based resolution is a non-disciplinary approach designed to eliminate a hostile environment without initiating a potential disciplinary action against a respondent. Resolution measures may include a no contact order between the parties. All involved parties will be notified in writing by the Title IX coordinator of the allegation and the suggested resolutions in a timely manner.

### **Formal Resolution Process**

If the complainant does not believe that a satisfactory resolution has been reached at the informal resolution stage, or the complainant prefers to skip the informal resolution process, the complainant should submit a written complaint to the Title IX coordinator. Any supporting documentation and evidence should be referenced in the written complaint. The coordinator will begin a formal investigation. If the initial assessment indicates that a violation more likely than not has occurred, the coordinator will meet with the complainant to review and finalize the complaint. The coordinator will send notice of the complaint/allegations to the respondent within 7 business days of finalizing the complaint. While every attempt will be made to follow the time frames named in this policy, unusual situations or circumstances may delay specific deadlines.

The Title IX coordinator will conduct a thorough and impartial investigation of the complaint and deliver a written finding to all concerned within 60 days of the initiation of the complaint. The university will use a “preponderance of the evidence” standard and evaluate available information from the perspective of a reasonable person in the complainant’s position and in consideration of the context of the behavior. Unusual situations and or circumstances may delay the investigation beyond the 60 day time frame. All parties will be informed of the delay and every attempt will be made to resolve the matter in a timely fashion.

Should the coordinator determine there is a violation (finding a party responsible for the violation) the coordinator will forward the written report with findings to the vice president of academic affairs (VPAA) or the vice president of human resources (VPHR) to determine sanctions. For students found responsible, the VPAA will determine appropriate sanctions. For employees found responsible, the VPHR will determine appropriate sanctions. Sanctions include the possibility of removal from the university or termination of employment.

Written notification of the sanctions imposed by the VPAA or VPHR will be sent to all parties in a timely manner. Included in the written notification of sanctions will be instructions on the appeals process.

### **Appeals**

Findings of the Title IX Coordinator and/or sanctions imposed by the VPAA or the VPHR may be appealed by either party by filing a written appeal to the president of the university. The appeal process is not intended to re-hear the same case and is limited to the specific grounds outlined below. Any resolution or sanction will remain in force while an appeal is considered and a final decision is determined. Each student/employee is limited to one appeal per case, and the decision of the appeal is final. For the appeal to be considered, the appellant must submit a written notice to the president within 15 business days of receipt of the outcome decision letter. This written appeal must state the specific grounds for the appeal and should include any supporting documentation.

### **Grounds for appeal**

The complainant and/or respondent have the right to appeal the results of the formal resolution process. An appeal may be made under any one or more of the following circumstances:

- The established processes were not followed in a significant way that resulted in material harm or prejudice to either the complainant or respondent. Deviations from designated procedures will not be a basis for sustaining an appeal unless material harm or prejudice results have occurred.
- Discovery of substantial new evidence that was unavailable at the time of the hearing or investigation that reasonably could have affected the decision. This new information must be included with the request for appeal.
- The sanction imposed was disproportionate to the nature of the violation or circumstances. In cases in which a respondent has accepted responsibility, such appeals are limited to having the severity of the sanction reviewed.
- Dissatisfaction with a decision is not grounds for an appeal. Non-attendance or non-participation in the process is not considered new evidence or grounds for an appeal.

The Title IX Coordinator will notify the respondent and complainant of any appeal, what the grounds for the appeal are and what the procedure for the appeal will be in a timely fashion.

The appellant and respondent will be notified of the appeals decision of the president in a timely manner.

Should a complaint be filed against the Title IX Coordinator, the VPAA or the VPHR will coordinate the investigation as appropriate.

The university prohibits any intentional false reports of incidents. Such intentional false reporting is a violation of the Student Code of Conduct and Employee Workplace standards policy.

### **Help and Resources**

It is especially important for students or employees who have been sexually assaulted to seek immediate and appropriate medical treatment. This is not only important for the victim's health, but will be vital for gathering of necessary evidence for criminal investigations. Emergency medical services should be summoned as soon as possible for assault and violence incidents. Often the impact of sexual assault or violence is invisible and victims of sexual assault or violence may need mental health counseling to assist them in dealing with the trauma.

- Employees who need assistance in securing outside help or services should contact Human Resources at 1-800-861-6400.
- Students who need assistance in securing outside help or services should contact the Office of Student Success at 1-800-294-8884 x2140 or Dr. Jay Keehn at [jay.keehn@myunion.edu](mailto:jay.keehn@myunion.edu)

Students whose academic performance is adversely affected by a violation of this policy should consult with the ADA coordinator about possible accommodations.

Additional resources are listed below:

### **Rape, Abuse and Incest National Network**

The nation's largest anti-sexual assault organization, RAINN operates the National Sexual Assault Hotline, 1-800-656-HOPE, and carries out programs to prevent sexual assault. [www.rainn.org](http://www.rainn.org)

### **NotAlone**

Not Alone was launched in connection with the White House Task Force to Protect Students from Sexual Assault. The Task Force was established on January 22, 2014 and since then, thousands of people have shared their stories and ideas about how best to eliminate sexual assault in schools.

<https://www.notalone.gov/resources>

### **Cincinnati**

- Police – 911 or (513)569-8600
  - Women Helping Women
  - 24-Hour Hotline: (513) 381.5610 or (877) 889-5619
  - [www.womenhelpingwomen.org](http://www.womenhelpingwomen.org)
- [Ohio Alliance to End Sexual Violence](http://www.ohioalliance.org)
  - 888-886-8388

### **Sacramento**

- Police -911 or (916)264-5471
- California Coalition Against Sexual Assault (916) 446-2520
  - [www.calcasa.org](http://www.calcasa.org)

### **Los Angeles**

- Police 911 or 1-877 275-5273
- California Coalition Against Sexual Assault (916) 446-2520
  - [www.calcasa.org](http://www.calcasa.org)

### **Vermont**

- Police 911 or (802) 257-7946
- Vermont Network Against Domestic and Sexual Violence (802) 223-1302
  - [www.vtnetwork.org](http://www.vtnetwork.org)

### **Florida**

- Police 911 or (305) 949-5500
- Florida Council Against Sexual Violence (850) 297-2000

- [www.fcasv.org](http://www.fcasv.org)

**Related policies**

*For students:* Student Discriminatory and Sexual Harassment. Policy.

In the case of allegations of sexual misconduct (including sexual harassment) this Sexual Misconduct policy supersedes any conflicting procedures and policies set forth in other university documents.



## **Discriminatory and Sexual Harassment Policy and Procedures for Students Effective July 1, 2014, as revised**

### **Policy Statement**

Discriminatory and sexually harassing behaviors will not be tolerated at Union Institute & University. Harassment violates the dignity of individuals and impedes the realization of the university's educational mission. The university is committed to preventing and eliminating discriminatory and sexual harassment by encouraging faculty, staff, and students to report any concerns or complaints about sexual harassment.

Sexual abuse/assault are criminal actions and, as such, are generally prohibited under and responded to within the parameters of the university's policy on sexual assault.

### **Definitions**

For purposes of this policy, the following definitions apply.

**Complainant** is a student making a complaint of harassment.

**Discriminatory Harassment** is conduct of any nature which denies equal privileges or treatment to a particular individual because of age, race, color, sex, sexual orientation, religion, national origin, physical impairment and/or any other classification protected by law.

Discriminatory harassment may include, but is not limited to, verbal or physical attacks; written threats, slurs; banter, teasing, or jokes that are derogatory or depict individuals in a stereotypical and demeaning manner; or any other conduct which has the purpose or effect of interfering unreasonably with an individual's work or academic performance by creating an offensive, hostile, or intimidating working or learning environment. See also the Americans with Disabilities Act/Section 504, Grievance Procedure for Students.

**Grievance** is a formal student complaint of harassment, filed when the student is not satisfied with the resolution to her/his initial complaint.

**Initial Complaint** is a student's initial written allegation of harassment.

**Involved Parties/Parties** is the complainant and the person or persons against whom a complaint of harassment has been made.

**Resolution** is the outcome of the investigation of a complaint of harassment.

**Sexual Harassment** is both a form of discrimination and a type of sexual assault. Sexual harassment is defined by the U.S. Equal Employment Opportunity Commission as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature." Sexual harassment often manifests itself in subtle ways, such as sexually suggestive comments, unwanted touching, or risqué jokes, but blatant demands for sexual contact are also considered harassment. Sexual harassment occurs when:

- Submission to the conduct is made explicitly or implicitly a term or condition of an individual's employment, promotion, grades or academic status; **or**
- Submission to or rejection of the conduct is used as a basis for making an employment or academic decision affecting an individual; **or**
- The conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or of creating an intimidating, hostile, or offensive environment for work or learning.

Harassment can occur in person or via electronic media, such as email, twitter, in threaded discussions, "sexting," etc.

## **Complaint Records**

By federal regulation, records of official student complaints must be maintained in the President's Office. At UI&U it has been determined that only those complaints of harassment that are unresolved through the departmental/program-level process will be considered to be official complaints. In addition to the official complaint file maintained in the President's Office, a record of every student complaint will be maintained in the applicable department or program office. Records of student complaints of harassment by an employee may also be placed in the employee's file in the human resources office.

## **Confidentiality**

UI&U will maintain confidentiality of student complaints of harassment, within the guidelines of the Family Educational Rights and Privacy Act (FERPA). Only the involved party/parties and university representatives involved in the review and resolution of a complaint will have access to information related to an ongoing complaint or grievance. Identities of involved parties will be disclosed on a need-to-know basis to ensure a thorough investigation of the incident as well as due process for the individual accused of harassing behavior. Both parties involved in the harassment complaint are expected to use discretion in discussing the issue with other students and/or with employees. If a student is determined to publicly discuss her/his pending or ongoing harassment complaint in such a way as to potentially affect the outcome, the vice president for academic affairs (VPAA) may immediately halt the investigation process.

## **Witnessing Harassment**

Any student who witnesses discriminatory or harassing behavior is encouraged to report the incident. The confidentiality of an individual reporting harassing behavior as a witness and of the alleged harasser will be protected against unnecessary disclosure, but s/he may be called on to provide information in the university's investigation of the incident.

## **Procedures for Investigating and Resolving Student Complaints of Discriminatory or Sexual Harassment**

The university will make every effort to promptly investigate and resolve student complaints of harassment, with due regard for fairness and the rights of both the complainant and alleged offender. A student who knowingly makes false allegations of harassment or provides evidence of harassment with the knowledge that it is false is subject to disciplinary action. The university prohibits retaliation against anyone who files a complaint and/or participates in an investigation.

If at any stage of the university's investigation of a student's complaint of harassment, the university becomes aware that a student has instituted legal proceedings, the process of complaint discussion, review, and resolution will be immediately halted. And all documentation of the process will be forwarded to the office of the president.

Because of the potential implications to the student's feelings of personal safety, the university may ban any contact between the alleged harasser and the student during an investigation. Such a ban should not, however, be construed as an assumption of guilt of the alleged harasser.

While the VPAA has primary responsibility for ensuring resolution of complaints from students about discriminatory or sexual harassment, if the allegation of harassment is directed at a UI&U employee, that responsibility will be shared with the vice president of human resources will also be involved. The vice president of human resources has designated an employee at each academic center as a resource person to assist in resolving complaints of discriminatory or sexual harassment; the employees having this responsibility will receive appropriate training and support from Human Resources.

Procedures to be followed for investigation and resolution of student complaints of sexual or discriminatory harassment generally follow the model for other types of student complaints. Students are advised to retain all documentation related to complaints and grievances. Documentation may include letters, emails, faxed messages, recorded messages, and/or notes of telephone conversations.

### **Initial Harassment Complaint and Resolution—Program/Departmental Level**

A student may initiate a complaint of harassment through a letter or email—if a student verbally communicates a concern, it is *not* considered to be a complaint under the terms of this policy. The student must identify the concern as a complaint under the terms of this policy, and submit it to her/his academic dean.

To avoid possible delays, student written complaints of harassment should be submitted only to the academic dean. Any other employee who receives such a complaint is required to immediately forward it to the appropriate dean. Note, however, if the student's complaint of harassment is against the dean, the complaint should be submitted to the VPAA.

The dean (or VPAA), in consultation with all involved parties, will evaluate the situation and propose a resolution. If the complaint is against an employee, the vice president of human resources will also be involved in the process. At the conclusion of the process, the dean (or VPAA) will prepare a written report, which will include: the student's written complaint; description of the review process (interactions with involved parties); and the proposed resolution. The dean (or VPAA) will provide this report to the student and other involved parties, also keeping a copy of the report in departmental files. The report will be submitted within 30 days of receipt of the initial complaint; if additional time is needed to conduct a review, the dean must notify all involved parties. The student will be invited to respond to the report by filing a grievance in the event that s/he disagrees with the resolution. That invitation will include a 30-day deadline for filing a grievance.

### **Grievance and Resolution—Institutional Level**

If the student is not satisfied with the resolution proposed at the conclusion of the initial investigation of harassment, s/he may choose to file a grievance. A grievance will not be considered unless there is a documented complaint/informal resolution process. Every grievance must include a compelling argument from the student, beyond simple dissatisfaction with the proposed resolution. Harassment grievances must be submitted within 30 days of the conclusion of the departmental/program level complaint investigation/resolution process. Harassment grievances must be submitted to the VPAA in writing. They must include:

- All documentation related to the complaint/informal resolution process.
- Additional information that the student deems pertinent to the issue.

The grievance must be in the form of a letter, clearly marked "Grievance," and it must be dated and signed by the student. A grievance may not be submitted as an email, but the signed document may be submitted as an email attachment. (Students choosing to submit a harassment grievance as an email attachment should insert "Grievance" in the email subject line.)

Upon receipt of the grievance, the VPAA will conduct a brief review of the materials. At the conclusion of the initial review, the VPAA will constitute an ad hoc harassment committee, notifying the student, in writing, of the expected timeframe for committee formation and review. Because each committee must be constituted with members appropriate to the type of grievance, the initial VPAA review and formation of the committee will typically be concluded

within twenty (20) working days of receipt of the initial grievance; the VPAA will notify the student if the initial review will take longer than twenty days. The committee is recommendatory to the VPAA and the vice president of human resources (if applicable).

The VPAA may also refuse to accept the grievance. If a grievance is not accepted, the VPAA will notify the student, in writing, citing the reasons for the decision. A harassment grievance may be refused for a number of reasons, including, but not limited to, the following:

- The issue is not covered by this policy and procedure (see above).
- The grievance appears to be motivated by a desire to punish or retaliate, rather than by a desire to resolve the situation.
- The grievance does not contain any information or documentation other than what was provided with the initial complaint.

A student whose grievance is not accepted may resubmit it with additional documentation or information. If the grievance is not accepted after the second submission, the student may not resubmit it.

The committee will consider all documentation related to the grievance, including the report on the program/departmental level complaint and the review/resolution process. The VPAA may consult with any or all involved parties, including any individuals who might have information that would contribute to the investigation. University legal counsel may also be consulted. At the conclusion of the review, the VPAA (or the VPAA and vice president for human resources) will consider the committee's recommendation for a resolution and prepare a written report, which will include: information related to the initial complaint and resolution; the student's written grievance; a description of the review process (such as interactions with involved parties); and the proposed resolution. The VPAA will provide this report to the student and other involved parties. The VPAA's report will be submitted to the student within forty (40) days of receipt of the initial complaint; if additional time is needed to conduct a review, the VPAA will notify all involved parties.

### **The Grievance Committee**

Each committee charged with reviewing and making a recommendation to the DSS in response to a student complaint of discriminatory or sexual harassment will be specially constituted from a pool of faculty, administrators, and staff who have received training specific to the various types of harassment. Each committee will consist of five (5) members: there will be at least one faculty member, one administrator (academic or non-academic) member, and one staff member, with the remaining two members chosen "at large.". Members, insofar as possible, will have had no prior relationship with either the complainant or the alleged harasser. No members of the committee shall make any direct contact with the parties involved in the incident: any need for clarification or additional information will be passed on to the VPAA and the vice president of human resources (where applicable). Committee members are charged with maintaining strict confidentiality throughout and after the process: they may not discuss the incident with coworkers or students under any circumstances.

The committee is recommendatory to the VPAA (and the vice president of human resources, if applicable). The committee's report will include a recommendation for disciplinary action, should members find the grievance to be justified. The decision of the DSS or the vice president of human resources, if applicable is final.

### **Disciplinary Action**

Disciplinary action taken as a result of findings of harassment may range from a reprimand (student or employee) to dismissal from the university (student) or termination of employment (employee). Disciplinary action will be imposed in accordance with the following university

policies: Student Conduct Policy, the ADA Grievance Procedure, and human resources policies as published on the university's employee intranet. See also the Sexual Assault Policy for information about behaviors that go beyond harassment.

### **Institutional Student Complaint Log**

Under the provisions of the federal Higher Opportunity Employment Act, colleges and universities are required to maintain a log of student complaints and grievances. At the conclusion of the formal review of the student's complaint (i.e. the level requiring Grievance Review Committee review), the VPAA will enter a case summary into the log, including the following information:

- Initial date received as a formal complaint (i.e. the date submitted to the VPAA)
- Student name
- Brief description of the incident
- Description of the resolution
- Date of the final resolution

### **A Note Regarding Consensual Relationships**

Consensual relationships are not considered sexual harassment because the behavior involved is not, by definition, unwelcome. However, when one of the parties in a consensual relationship is in a more powerful position (or one that is perceived to be more powerful), the relationship has the potential for exploitation and abuse. The respect and trust accorded to a faculty member, dean, or director by a student, as well as the power exercised by other individuals with authority to make decisions that affect the student's academic program, make fully voluntary consent by a student or subordinate suspect.

Students should be aware that having a consensual relationship with an individual who has responsibility/authority to evaluate/approve the student's work may also be construed to represent a conflict of interest, calling into question the integrity of the student's work. The university's employee Conduct and Ethics Policy states that sexual relationships between employees and students are "usually deemed inappropriate or unethical." See the Academic Integrity Policy for more information about consensual relationships.

# **Alcohol and Drug Abuse Policy and Prevention Program**

Effective August 31, 2009

On August 16, 1990, the Department of Education issued the final regulations implementing amendments to the Drug-Free Schools and Communities Act enacted on December 12, 1989, in the Federal Register. The goal of the amendments is to require each institution of higher education to certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. Note that no distinction is made in the act between full-time and part-time or permanent and temporary students or employees. Under these amendments, each institution of higher education must have a drug and alcohol abuse prevention program including annual distribution of a report to every employee and to any student taking one or more classes for any type of academic credit (except continuing education units). The report is required to include:

- Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on an institution's property or as part of any of its activities.
- A description of the applicable legal sanctions under local, state, or federal law for the unlawful possession, use, or distribution of illicit drugs and alcohol.
- A description of the health risks associated with the use of illicit drugs and the abuse of alcohol.
- A description of any drug or alcohol counseling, treatment, rehabilitation, or re-entry programs that are available to employees or students.
- A clear statement that the institution will impose disciplinary sanctions on students and employees (consistent with local, state, and federal laws) for violations of published standards of conduct and a description of those sanctions, up to and including expulsion or termination of employment.

## **Policy on Student Use of Alcohol and Controlled Substances**

*This policy statement is specific to Union Institute & University students. It has been adapted from the policy for employees as published in the human resources policy manual.*

The use, sale, transfer or possession of alcohol or controlled substances by students creates a potential for harm and is not permitted on Union Institute & University (UI&U) property or at any university sponsored learning activity or events, except as specifically authorized by this policy.

UI&U encourages students who have problems with alcohol or use of controlled substances to make use of available internal and external resources to help control or resolve their problems. UI&U supports rehabilitative efforts and will assist if requested to do so. If a student has a medical condition or a substance addiction and has reason to believe the condition may impair attendance or performance, s/he is expected to notify his/her faculty advisor or dean. However, students should be aware that providing information about a medical condition or substance addiction for the first time during a disciplinary proceeding will not negate the disciplinary action from continuing.

UI&U may assist individuals who have violated this policy through referral to a rehabilitation program but is under no obligation to do so beyond the information provided in the statement on drug and alcohol abuse prevention.

If the student's use of a controlled substance is related to a condition that qualifies as a disability under the Americans with Disabilities Act (ADA), s/he may also apply for accommodation to the

university's ADA compliance officer, in accordance with published procedures. Requests for ADA accommodation and/or rehabilitation assistance do not preclude any disciplinary action for violations of this or any other university policy.

### **Standards and Consequences**

- UI&U permits the legal use of medication or drugs prescribed by a licensed practitioner or purchased over-the-counter provided that such usage does not endanger the safety of others. Students who are legally taking medications that may impair performance are expected to inform their faculty advisor or dean.
- Alcohol may occasionally be served at university-sponsored events held at university centers or locations outside the university. Students and/or employees may consume alcohol in moderation at such events; individuals whose behavior is impaired due to alcohol consumption may be required to leave the event and/or be subject to disciplinary action.
- The illegal use, sale, transfer, or possession of controlled substances or alcohol by a student or employee during a university-sponsored learning activity or on university property is forbidden. Such activity is grounds for dismissal.

### **Definitions:**

**Controlled Substance** – Any narcotic, drug or drug-like substance for which the sale, use, or possession is either unlawful or is being utilized outside of prescribed medical treatment. Controlled substances include, but are not limited to, marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration.

**Illegal Use** – Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, use of illegally obtained prescription drugs.

**Legal Drugs** – A legally prescribed drug means that an individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization.

**Moderation** – When referring to consumption of alcohol at university sponsored events, moderation is defined not by the quantity of alcohol consumed but by resulting behavior.

**University Property** – Any university owned, leased, or rented building, grounds, office, classroom or other facility, including off-campus course and degree sites and temporary off-campus facilities, such as hotel and conference center space used by the university for learning activities.