

## Dean of Students - Administrative Activities Review

### Basic Facts and Description | Mission and Goals

We provide individualized care and support to students in need and work to create a healthy environment by promoting safety, healing and wellbeing for all students.

The goal of our work is to:

- welcome and engage students in need;
- direct students to appropriate resources; and,
- assist students, faculty, and staff in realizing effective responses to questions and concerns.

### Services:

To achieve these goals the Dean of Students Office provides services in the following categories: **CARE and Case Management** outreach and support for students experiencing crisis or emergency circumstances, **Deputy Title IX for Students** coordinates University response to incidents of gender-based misconduct involving students, and **SAVE Team** coordinates University gender-based misconduct prevention programs. Providing individualized support to students who have been reported to be a danger to self or other, targeted by sexual violence, or targeted by sexual harassment remain the top priorities. This focus is necessary to ensure a University response which is effective, empathetic, and capable of addressing complex individual needs. It is also made necessary by Title IX, federal regulations, state guidance and University of Akron policy.

### CARE Team Reports

Year	Reports	Individuals Involved
2015-2016	92	125
2016-2017	148	193
2017-2018	190	278

### Title IX Reports (Involving Students)

Year	Reports	Individuals Involved
2015-2016	111	347
2016-2017	120	357
2017-2018	184	532

Since 2015 there has been a 66% increase in the number of Title IX reports involving students received and a 107% increase in the number of CARE team reports received by the Dean of Students Office. The increase reflects growing awareness of students in need of support and the teams dedicated to offering assistance.

### Crisis Assessment Referral and Evaluation (CARE) Team

Following a report to the CARE team, a member of the Dean of Students office staff reaches out, offers support, and the opportunity to meet with the student who was referred. The outreach continues until the students is verified safe. The CARE team meets weekly to discuss each report and actions taken to ensure wrap-around services have been provided. In addition to providing personalized student support, the CARE team also serves the University as the behavioral response and threat assessment team to ensure harm is prevented when evident. The CARE team is coordinated by the Dean of Students. Members include representatives from: University of Akron Police, Academic Affairs, Counseling and Testing Center, Student Conduct and Community Standards, Residence Life and Housing, Vice President of Student Affairs, Zip Assist, and Adult Focus. The CARE team is provided legal advice and counsel by the Office of General Counsel. In April 2018 the Dean of Students Office staff expanded with the appointment of a Case Manager to assist with individualized support. The position is designed to assist the CARE team and students who have been referred multiple times following multiple separate incidents.

### CARE Team Critical Partners

- Zip Assist (Help-A-Zip)
- Counseling and Testing Center

Together CARE and Help-A-Zip provide two related but distinct services for students in need. CARE provides triage support for students in urgent crisis or imminent danger. Help-A-Zip provides early

warnings, allowing for integrated support leading to retention. By necessity, the work of these teams are integrated to ensure support regardless to which service the incident was first reported.

**CARE Team - Users of Services**

- Services are provided on a referral basis to students from across the University as identified by family, friends, faculty and staff as an imminent risk to self or others.
- This past year 278 individuals were impacted by CARE referrals (212 directly/primary involvement and 66 witness/tertiary involvement).
- A student referred to the CARE team may require as little as 30 minutes of work by the Dean of Students (to verify their safety and arrange for a counseling referral) or as much as 40 hours of ongoing and integrated support provided by multiple members of the CARE team.

**CARE Team - Performance Metrics**

Actions taken following CARE team referrals are reported monthly by the Dean of Students as metrics.

Common CARE Team Interventions	2015-2016	2016-2017	2017-2018
Student Verified Safe / Health and Welfare Check	23	81	75
Educational Conference with Student	20	54	59
Integrated Academic Support With Faculty or Dean	0	13	45
Referred to Counseling	32	38	44
Ongoing Individualized and Personalized Support	0	29	34
Hospitalization	11	25	29

- Additional less frequent interventions include: late withdrawals, no-contact directive, parental notification, UAPD arrest, drug or alcohol rehabilitation, and referrals to University offices or services for additional action or specialized care.
- The total number of interventions has increased 270% during the past three academic years (from 109 to 404) as expected and proportional to the increasing number of CARE reports.
- Any one CARE report may result in multiple interventions which are based on the individual needs of the students. These interventions vary widely and are dependent on the specific nature of each incident.

**CARE Team - Assessment**

Increased reporting requiring additional student services required the addition of a Case Manager position, added in April 2018. The position provides triage support to students and threat assessment. This creates additional capacity to serve students with significant disruptive behavior/frequent referrals.

The increases in CARE reports reflect:

- increased awareness of students experiencing personal crisis; and,
- the continued trust of the University community that the CARE team helps students.

**Deputy Title IX Coordinator for Students**

Following the report of gender-based misconduct The Dean of Students and Deputy Title IX Coordinator for Students reaches out to the complainant and requests a meeting to discuss support and ensure the complainant is aware of and understands all available options to stop/prevent misconduct and to provide remedy. When complainants respond the coordinator discusses: safety planning, University safety advisories, privacy protections, personalized support and formal complaints/investigations. Support is made available and is not dependent on the participation in or outcome of a formal investigation. The support is provided varies widely and is dependent on student need.

**Deputy Title IX Critical Partner**

- Rape Crisis Center (RCC) of Summit and Medina Counties (provide confidential support independent of the University of Akron)

In addition to critical partners the Deputy Title IX Coordinator for Students also serves with the other members of the Title IX team as identified in Appendix A the revised University of Akron Protocol for

responding to gender base misconduct.

#### **Deputy Title IX - Users of Services**

In 2017-2018 there were a 184 incidents reported to the Deputy Title IX Coordinator for Students directly impacting 537 individuals. Of those individuals, 446 were University of Akron students, faculty or staff. From the 184 incidents:

- 205 complainants were identified (181 students, 18 not affiliated, and 6 staff)
- 180 respondents (99 students, 60 not affiliated, 13 faculty, 8 staff, and 5 student organizations)
- 147 witnesses (102 students, 21 staff, 16 faculty, and 8 not affiliated)

Services are provided to respondents upon their request, in addition to the services and outreach provided to complainants.

#### **Deputy Title IX - Performance Metrics**

Two metrics are used in comparison to identify progress of the key performance analysis: 1) increasing number of Title IX reports each year and 2) prevalence of misconduct which could be reported by students.

##### **Title IX Reports (Involving Students)**

Year	Reports	Individuals Involved
2015-2016	111	347
2016-2017	120	357
2017-2018	184	532

##### **Prevalence of Misconduct**

Reported in 2018 Climate Survey	N	Percent
Sexual Harassment	438	13%
Stalking	267	8%
Intimate Partner Violence	182	5%
Non-consensual Sexual Contact	317	9%
Non-consensual Sexual Intercourse	107	3%

In February 2018, University of Akron students were invited to participate in a campus climate survey to provide a better understanding of their experiences related to sexual misconduct. Of the 20,595 students enrolled at the time, 3510 (17%) completed the survey. From the 3510 respondents, 753 (21%) indicated they had experienced gender-based misconduct. The prevalence of sexual misconduct indicated by the climate survey would suggest many students have chosen not to report misconduct. Until such time as the number of reports approaches the prevalence of misconduct, any increase in the number of reports reflects a positive trend (increased awareness and trust in the services provided).

#### **Deputy Title IX - Assessment**

The ever changing and challenging case law, guidance, and regulatory actions by federal and state government requires annual training of all members of the Title IX team.

#### **Sexual Assault and Violence Education (SAVE) Team**

The vision of the SAVE team is: Through education and outreach to end sexual violence at The University of Akron. SAVE is coordinated by the Dean of Students but is made of University partners, students, faculty and staff from Akron and Wayne Campuses of the University. The SAVE team is comprised of multiple teams which coordinate projects: assessment, awareness campaign, leadership, new student education, and sexual assault awareness month.

##### **SAVE Critical Partners**

- RCC (provides educational and outreach services for University of Akron students)
- One Eighty (Rape Crisis Center in Wayne County – provides outreach services for Wayne Campus)
- Women’s Studies (provides financial and logistical planning for campus wide programs)
- Defined Lines (Student organization that developed a bystander intervention program)
- Coalition Against Sexual Assault (CASA) (organizes prevention programs and activities)

In addition to the critical partners the membership of the SAVE, faculty, students and staff from across campus are essential to sustaining the initiative.

### **SAVE Team - Users of Services**

The SAVE team is designed to reach as many students as possible with prevention programs and activities, and has adopted a strategy of targeting new students to ensure the best possible saturation of messaging. Specific programs that reached large groups of students included: Think About It (online training) - 3125 students, New Student Orientation (SC9 Workshop) - 2900 students, Sexual Assault Awareness Month Programs - 1316 students, and Akron Experience Course Presentations - 1100 students.

### **SAVE Team - Performance Metrics**

The Dean of Students Office and SAVE team also coordinate participation in the Ohio Department of Higher Education (ODHE) Changing Campus Culture Initiative. For the third consecutive year the University of Akron was recognized by the initiative to prevent sexual assault on college campuses. The five criteria (metrics) include: using data to guide action, empower community to prevent and respond to sexual violence through evidence-based training, communicate a culture of shared respect and responsibility, develop a comprehensive response protocol, and adopt a survivor-center response. A detailed report outlining SAVE and University programs and initiatives recognized by ODHE is included as Appendix B.

### **SAVE Team - Assessment**

The SAVE team continues as a highly engaged and interactive team. Faculty and students have played a smaller role in 2017-2018 than in prior years; however, the group remains enthusiastic and engaged in meaningful activities. Sustaining momentum and enthusiasm within this group of volunteers remains a challenge, and one that to this date has continued to be met by dedicated professionals.

### **Resources**

The Dean of Students Office has sufficient resources to meet the two essential functions: CARE team and Deputy Title IX Coordinator. After assessing the consistent trend of more CARE and Title IX cases, an additional position was created and a Case Manager was hired in April 2018. Prior to the creation of this position, when the growing case load required additional attention, less time was able to be dedicated to the administration of the SAVE team, associated outreach initiatives, and gender-based misconduct prevention programs.

### **Personnel**

There are four staff in the Dean of Students Office, each with a unique position. The Dean of Students reports to and is supervised by the Vice President of Student Affairs.

#### **Dean of Students Office Staff**

Dean of Students	Michael Strong	Supervise staff and coordinate students services associated with office. Serve the University as Dean of Students and Deputy Title IX Coordinator for Students
Assistant to the Dean of Students	Denise Montanari	Assist Dean of Students, respond to incidents of gender-based misconduct. Assist with leading the SAVE Team.
Case Manager	Allison Franco	Assist Dean of Students, respond to students experiencing personal crisis, are in imminent danger/harm, or have been referred for support. Assist with leading the CARE team.
Coordinator for Student Success Administration	Barbara Ferrell	Provide administrative support to the Dean of Students office staff. Provide hospitality to students seeking services.

The Dean of Students also services as liaison to the University for RCC staff. The formal Memorandum of Understanding that outlines the University and RCC commitments is attached as Appendix C. The MOU explains RCC positions and services provided to the University community. Services are provided in the Student Recreation and Wellness Center Suite 246 and in the Dean of Students Office.

## Financials

In the summer preceding the 2017-2018 academic year, the Dean of Students was provided an operating budget and the (200600) account was designated to the Dean of Students Office. All of the budgeted expenses remained constant from prior years. However, 2017-2018 was the first year that the expenses were drawn from a single account dedicated specifically to the office.

### Compensation

	Description	Budget	Expenses	Balance
5100	Administration	114,530.28	114,592.48	(62.20)
5200	Full Time Staff	26,763.74	25,552.14	211.60
5600	Fringe Benefits	49,089.38	49,089.38	0.00
	<b>Total Compensation</b>	<b>190,383.40</b>	<b>190,234.00</b>	<b>149.40</b>

### Other Expenses

	Description	Budget	Expenses	Balance
5400	Student Assistants	5,035.00	1,536.28	3,498.72
5700	Supplies and Services	42,000.00	42,815.28	(815.28)
6300	Communications	0	356.00	(356.00)
7000	Travel and Hospitality	3,500.00	90.00	3,410.00
7040	Hospitality	0.00	23.98	(23.98)
	<b>Total Expenses</b>	<b>50,535.00</b>	<b>44,821.54</b>	<b>5,713.46</b>

The largest single expenditure of \$40,500.00 and accounting for 90% of the operating expenses the online training about sexual assault prevention called "Think About It." The training is provided to new students prior to the start of each semester.

### Equipment and Technology

The Dean of Students office uses five computers, seven phone-lines and one Xerox copier/printer to operate. The majority of the computers were purchased in 2009.

### Space

In January of 2016 the Dean of Students Office moved into the Student Union 152. The suite includes a storage room, a conference room, reception, six offices and one student meeting room. Two of the offices are reserved for representatives of the RCC. One room was converted to a student meeting room to ensure a safe place for students and staff to meet and discuss personal matters.

### Future Plans

Plans include maintaining essential services to students (CARE Team and Deputy Title IX Coordinator for Students) and working to prevent additional harm through prevention programs and initiatives (SAVE Team). Current assessment indicates additional students may also need support who are not yet aware of their challenges or resources available to them for support.

### Potential changes

The need for more training and institutional awareness about student experiences requiring support. The flexibility of the staff, additional training, and increased efficiencies must be realized to meet increased demand associated with increased institutional awareness.

The responsibility of the Dean of Students Office will remain focused on three critical categories. In addition, administrative projects may continue to evolve and the Dean of Students office will continue to play a role: notifying the University following a student death, assisting in withdrawals for extraordinary circumstances, and assisting students with transfer paperwork.

### Trends

The regulatory climate, law, and politics related to sexual assault, sexual harassment, suicide, and threat assessment continue to evolve. The ever changing and challenging environment requires flexibility and annual training to ensure preparedness to assist students in need.



This Protocol describes how The University of Akron responds to reports of gender-based misconduct involving students. It also:

- Provides guidance for students who have been discriminated against;
- Outlines The University of Akron disciplinary response to formal complaints of discrimination;
- Identifies who is able to help and where to turn to for support.

When gender-based misconduct occurs, the University will take appropriate steps to end the discrimination/harassment, prevent its recurrence and remedy the discriminatory effect on the complainant and others, as appropriate.

## Policy and Procedural Definitions

### Consent, Incapacitation and Coercion

Consent is when a person agrees or gives permission to another person to engage in certain sexual acts.

- Consent is a knowing and voluntary verbal or non-verbal agreement between all parties to participate in each and every sexual act.
- Consent to one sexual act does not imply consent to other or all sexual acts.
- Conduct will be considered “non-consensual” if no clear consent, verbal or non-verbal, is given. The absence of “no” does not mean “yes.”
- A person has the right to change one’s mind at any time during the act. In other words, consent can be withdrawn at any point, as long as the person clearly informs the other party of the withdrawal.
- Taking drugs or consuming alcohol does not relieve the obligation to obtain consent.

#### Effective Consent

Effective consent can be given by words or actions so long as the words or actions create a mutual understanding between all parties regarding the conditions of the sexual activity. A helpful tool is to ask yourself: “Do all of us understand and agree regarding the who, what, when, where, why, and how this sexual activity will take place?”

#### Consent in Relationships

Current or past sexual relationships or current or past dating relationships are not sufficient grounds to constitute consent.

- Regardless of past experiences with other partners or a current partner, consent must be obtained.
- Consent can never be assumed, even in the context of a relationship. A person has the right to say “no” and has the right to change their mind at any time for whatever reason.

#### Incapacitation – Cannot Give Consent (No Matter What They Might Say)

Incapacitation can occur in several ways. For example, when a person is severely intoxicated due to use of alcohol or drugs. They may be unconscious or severely impaired.

A helpful tool is to ask yourself: “Do all of us understand and agree regarding the who, what, when, where, why, and how this sexual activity will take place?”

A person may also be incapacitated if that person is physically or mentally disabled.

#### Coercion

The use of force, threat of force, deception or when a person is beaten, threatened, isolated, or intimidated.

When a person affirmatively demonstrates that (1) they do not want to have sex, (2) they want to stop any sort of the sexual acts, or (3) they do not want to go any further, the other party must stop completely. Continued pressure after that point can be coercive. A person is not required to physically or otherwise resist an aggressor.

### Reporting Protocol Definitions

#### The Parties

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

#### Complainant

Complainant(s) are individuals who are eligible to file a formal complaint or to report a violation of this policy. Complainants also include any person who is reported to have experienced a violation of this policy in cases where a third party has made a report. Terms that may be commonly used to describe a complainant: survivor, victim, target, or reporting party.



**Respondent**

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

**Witness**

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

**Advisor**

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

**Campus Security Authority**

The Clery Act requires the University to designate University staff members who have significant responsibility for student or campus activities as Campus Security Authorities. At The University of Akron, Campus Security Authorities include: the Dean of Students and Deputy Title IX Coordinator for Students; most managerial staff in The Division of Student Affairs; Residence Life staff, including resident assistants; advisors to registered student organizations; the Director and Associate Directors of Athletics and athletic coaches.

**Report**

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

**Formal Complaint**

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

**Timely Warning – Safety Advisory**

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

Information regarding Timely Warnings and sexual misconduct and intimate partner violence are included in the Annual Security and Fire Safety Report/Crime Statistics at: <http://www.uakron.edu/safety/annual-safety-report/>.

**Title IX Coordinator**

Ms. Jolene Lane serves as Chief Diversity Officer, Vice President for Inclusion and Equity and Title IX Coordinator. As Title IX Coordinator she is responsible for overseeing the University’s Title IX process and coordinates the University’s efforts and responsibilities to ensure compliance with Title IX.

**Deputy Title IX Coordinators**

The Title IX Coordinator is assisted by Deputy Title IX Coordinators:



**Deputy Title IX Coordinator for Students**

Mr. Michael Strong serves as the Dean of Students and Deputy Title IX Coordinator for Students. Mr. Strong serves as the intake coordinator for all reports of gender-based misconduct involving students on the main campus. Mr. Strong meets with both complainants and respondents and may implement interim measures of support for both parties, when necessary to stop and prevent the effects of gender-based misconduct. Mr. Strong also refers formal complaints to the Office of Student Conduct and Community Standards. Mr. Strong can be reached at the Student Union, 152, The University of Akron, OH 44325-4612, (330) 972-6048 or [mstrong@uakron.edu](mailto:mstrong@uakron.edu).

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

Mr. Gordon Holly serves at Assistant Dean of Student Success and Deputy Title IX Coordinator for Wayne College. Mr. Holly meets with both complainants and respondents from the regional campuses, including Wayne College. Mr. Holly may implement interim measures of support for both parties, when necessary to stop and prevent the effects of gender-based misconduct. Mr. Holly also refers formal complaints to the Office of Student Conduct and Community Standards. Mr. Holly can be reached at Wayne College, Boyer HPE Building, E242, (330) 972-8740 or [gholly@uakron.edu](mailto:gholly@uakron.edu).

**Deputy Title IX Coordinator for Athletics**

Mrs. Mary Lu Gribshaw serves as the Senior Associate Athletics Director and Deputy Title IX Coordinator for Athletics. Mrs. Gribshaw coordinates support for student athlete complainants and respondents. Mrs. Gribshaw also coordinates response to reports and formal complaints within the Department of Athletics. Mrs. Gribshaw can be reached at James A. Rhodes Arena 183, The University of Akron, OH 44325-5201 (330) 972-7080 or [marylu@uakron.edu](mailto:marylu@uakron.edu).

**Title IX Investigators**

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

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

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

**University Staff Required to Report**

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

**Responsible Employees**

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

*Exemption*

Responsible employees are not required to report information disclosed at public awareness events (e.g., “Take Back the Night,” “candlelight vigils,” “survivor speak-outs,” or other public forums

or discussions in which students or employees do not intend to make a report of gender-based misconduct.) Information about the University reporting protocols for gender-based misconduct, community resources and support should be provided at such public awareness events. In the classroom, instructors should remind students that faculty are required to report gender-based misconduct.

**Confidential Employees (Not Required to Report)**

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

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

**Graduate Students who are Responsible Employees (Required to Report)**

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

- Teaching Assistants
- Graduate Assistants in administrative units

Most graduate students are not required to report.

**Undergraduate Students who are Responsible Employees (Required to Report)**

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

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

**Campus Security Authorities**

Campus Security Authorities are required to provide information regarding any report of a Title IX offense to UAPD to be included in the University’s Annual Report of Crime Statistics and, if appropriate, for issuing a safety advisory (timely warning) or other emergency notification. A victim’s name and other personally identifying information is not included in any safety alert or emergency notification.

**Statement of Shared Interests and Rights**

In a University investigation participants have legal and other rights, including the right to due process. A presumption of responsibility will not be made as the result of any report or formal complaint.

All University of Akron students including complainants and respondents are provided:

- Access and encouragement to seek guidance from a member of the University community or the Deputy Title IX Coordinator for Students.
- Access to counseling and/or support services through the University’s Counseling and Testing Center.
- The right to choose not to speak or choose not to respond to The University. Choosing not to respond does not absolve a student of responsibility for their actions.

All complainants and respondents are provided the following:

- The right to be notified of formal complaints made in which they are a complainant or a respondent.
- The right to be accompanied by an advisor of their choice to any related meeting or proceeding. The role of the advisor is only to be present to advise. Advisors will not be permitted to interject during the meeting or proceeding.



- The right to know the name of the reporter (and complainant if different from the reporter) and information regarding the nature of the allegation(s).
- The right to participate in an investigation which they are a complainant or a respondent.
- The opportunity to provide a written statement, to submit relevant information/evidence, and to identify relevant witnesses.
- The right to timely access to information being considered in the investigation process.
- The right to reasonable accommodations during meetings and or proceedings.

**Prohibited Behaviors Gender-Based Misconduct (Policy Violations)**

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

**Sexual Misconduct**

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

**Sexual Assault**

Sexual assault is any sexual act directed against another person, without their consent, including instances where the person is incapable of giving consent. Examples include:

**Rape**

Any non-consensual sexual intercourse, defined as any sexual penetration however slight, with any body part or object by any person upon any person without consent.

**Fondling**

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

**Statutory Rape**

Non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Incest**

Non-forcible sexual intercourse between persons who are related to each other within the degrees where marriage is prohibited by law.

**Sexual Exploitation**

Sexual exploitation is taking non-consensual, unjust or abusive sexual advantage of another. Examples include non-consensual video or audio recording of sexual activity, going beyond the boundaries of consent (such as knowingly allowing another to secretly watch otherwise consensual sexual activity) and engaging in non-consensual voyeurism.

**Indecent Exposure**

Indecent exposure is the exposure of the private or intimate parts of the body in a lewd manner in public or in private when the respondent(s) may be readily observed.

**Intimate Partner Violence/Interpersonal Violence**

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

**Dating Violence**

Dating Violence is an act of violence committed by a person who is or has been in a social relationship of an intimate or romantic nature with the victim. Examples include threatened physical violence, intimidation or force that causes a reasonable person to fear harm to self or others.

The existence of such a relationship shall be determined based on consideration of the following factors:

- Length of the relationship.
- Type of relationship.
- Frequency of interaction between the persons involved in the relationship.

**Domestic Violence**

Domestic Violence is an act of violence committed by a current or former spouse or intimate partner

of the victim or a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner or person similarly situated, or by a parent with whom the victim shares a child in common.

**Stalking**

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

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

**Battery**

Battery is intentionally, or negligently, causing physical contact or bodily harm to another person. When this action is taken because of a person's sex or gender the crime is also prohibited by this policy.

**Sexual Harassment**

Sexual Harassment is unwelcome sex or gender based verbal or physical conduct that unreasonably interferes with a student's work or educational experience or creates an intimidating, hostile or offensive working, educational or residential environment. Sexual harassment includes sex or gender based conduct that is sufficiently severe or pervasive such that it unreasonably interferes with, denies, or limits a student's ability to participate in or benefit from the University's educational programs and activities. The more severe the conduct, the less need there is to show a repetitive series of incidents to demonstrate a hostile environment. In fact, a single severe incident may be sufficient to create a hostile environment. Sexual Harassment exists when:

**Quid Pro Quo**

There are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct and submission to such conduct is made explicitly or implicitly a term or condition of a student's employment or academic status.

The submission or rejection of such conduct is used as the basis for employment or academic decisions.

**Hostile Environment**

There is verbal or physical sexual conduct that is sufficiently severe or persistent that it unreasonably interferes with a student's work performance or creates an intimidating, hostile or offensive work, educational or campus residential environment.

**Gender-Based Discrimination**

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

**Retaliation**

Retaliation, including vengeful harassment, against any individual who reports, makes a formal complaint, pursues legal action, participates in an investigation or is a witness in any investigation of gender-based misconduct is strictly prohibited. Retaliation is prohibited by Title IX. Like sexual misconduct, intimate partner violence, interpersonal violence and sexual harassment, and gender-based discrimination, retaliation is a violation of this policy.

**Procedures to Address Retaliation**

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



Those who engage in retaliation will face University disciplinary action up to and including suspension or dismissal. Formal complaints of retaliation should be reported to the Deputy Title IX Coordinator for Students. At the Akron Campus reports are submitted to Mr. Strong, Deputy Title IX Coordinator for Students, and those that occur at any of the regional campus locations, including those at the Wayne Campus, are submitted to Mr. Gordon Holly, Deputy Title IX Coordinator for Wayne College.

## Reporting Options

### Personally Reporting

#### Reporting To Deputy Title IX Coordinator

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

Reports may be submitted to a Deputy Title IX Coordinator from:

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

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

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

#### Limited Amnesty

While the University does not condone underage drinking, drug use, or violation of other University rules/policies, it considers reporting sexual misconduct and intimate partner violence to be of paramount importance. To encourage such reporting and adjudication of sexual misconduct and intimate partner violence, The University of Akron extends limited amnesty to complainants, respondents, witnesses. The University will generally not seek to hold the student responsible for a violation of the law (e.g., underage drinking) or Code of Student Conduct during the period immediately surrounding the sexual misconduct or intimate partner violence.

#### Confidential Reporting Options

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

- The Rape Crisis Center of Medina and Summit Counties, Student Recreation and Wellness Center, 246, (330) 972-6328.
- The University of Akron Counseling & Testing Center, Simmons Hall, 306, (330) 972-7082.
- The University of Akron, Wayne College, Counseling and Accessibility Services, Wayne College and Boyer HPE Building, B112, Wayne College, Orrville OH (330) 972-8767.
- The University of Akron Health Services, Student Recreation and Wellness Center, 260, (330) 972-7808.
- Off-campus with clergy, counselors, physicians, and Sexual Assault Nurse Examiners (SANE).

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

#### Anonymous Reporting

Anonymous reports will be accepted by The University of Akron.

Options for Anonymous reporting are available at [http://www.uakron.edu/safety/report-a-problem/anonymous-reporting\\_dot](http://www.uakron.edu/safety/report-a-problem/anonymous-reporting_dot). The University's options for investigating or resolving anonymous reports may be limited because of the unique challenges presented, including the following:

- The University is not able to provide support or services to a complainant that has not been identified.
- The University is not may not be able to hold a student or employee responsible for an alleged violation of this policy because a respondent has a right to know the name of the reporter (or

complainant if different from the reporter) as well as information regarding the nature of the formal complaint.

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

### Reporting Requirements of Responsible Employees

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

Students at the Wayne College Campus should report to the Wayne College Campus Police at (330) 684-8910.

### Third Party Reports

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

### How to Submit a Report

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

- Deputy Title IX Coordinator for Students – Michael Strong [mstrong@uakron.edu](mailto:mstrong@uakron.edu) (330) 972-6048.
- Deputy Title IX Coordinator for Wayne College – Gordon Holly [gholly@uakron.edu](mailto:gholly@uakron.edu) (330) 972-8740 (if the alleged conduct is related to a regional campus, including Wayne College).
- Title IX Coordinator – Jolene Lane [jolenealane@uakron.edu](mailto:jolenealane@uakron.edu) (330) 972-7522.

Another easy and effective way to report Title IX violation is through The University of Akron's online reporting system at: [www.uakron.edu/title-ix/online](http://www.uakron.edu/title-ix/online). All online reports are transmitted electronically to the Title IX Coordinator and Deputy Title IX Coordinators

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

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

### When Police Receive a Report

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

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

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

Please note that a delay in reporting to police could weaken or result in a loss of evidence used to determine whether an individual is responsible for a criminal offense. In the State of Ohio individuals may have up to 20 years to file a sexual assault report with the police.



**When a Student is arrested for A Crime of Violence**

A student arrested for certain criminal offenses, including rape, sexual battery, gross sexual imposition and domestic violence, may be subject to a "1219" proceeding. "1219" refers to the section of Ohio law which provides for the suspension and dismissal of students arrested and convicted of crimes of violence that occur on or affecting University persons or property. The initiation of a "1219" proceeding against a student does not prohibit the University from investigating and taking University disciplinary action against the same student under the Code of Student Conduct for the same conduct that gave rise to the "1219" proceeding. Additional information about "1219" procedures appears at: <http://www.uakron.edu/studentconduct/1219.dot>.

**When a report is received**

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

**Outreach and Support from Deputy Title IX Coordinator for Students**

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

The Deputy Title IX Coordinator for Students provides the complainant with written notification of this policy and information about support services available to complainants.

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

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

Support or referral is available to respondents upon request.

To initiate support or report prohibited behaviors on the Akron campus, contact Mr. Michael Strong, who serves as the Deputy Title IX Coordinator for Students. Mr. Strong is available during regular business hours and serves as the intake coordinator for all reports of gender-based misconduct involving students. Mr. Strong can be reached at the Student Union, 152, The University of Akron, OH 44325-4612, (330) 972-6048 or [mstrong@uakron.edu](mailto:mstrong@uakron.edu).

To initiate support or report prohibited behaviors at a regional campus, including the Wayne College Campus, contact Mr. Gordon Holly who serves as the Deputy Title IX Coordinator for Wayne College. Mr. Holly is available during regular business hours and meets with students to discuss interim measures of support. Mr. Holly can be reached at Wayne College, Boyer HPE Building, E242, (330) 972-8740 or [gholly@uakron.edu](mailto:gholly@uakron.edu).

**Discuss - Safety Planning**

The Deputy Title IX Coordinator will assist the student with possible interim measures of support/protective measures such as:

- immediately attending to any medical needs. The Deputy Title IX Coordinator for Students can assist in arranging an advocate to accompany the student to the hospital, if requested by the student;
- contacting a support person such as a friend or parent, if desired;
- obtaining a University no contact directive or assist in referring the student for a court-issued restraining order or other lawful order of protection;
- a temporary safe space within the University residence halls;
- a new residence hall assignment so that the complainant and respondent do not share the same residence hall;
- changing class assignments so that the complainant and respondent do not share the same classes;
- changing of work locations or working conditions;
- transportation/parking options; and,

- discussing support such as safe escorts available through the University of Akron Police Department.

**Timely Warning Safety Advisory**

If a report of a sexual misconduct or intimate partner violence indicates there is an immediate threat to the health or safety of persons on campus or that an on-going serious or continuing threat to the campus community exists, a timely warning will be issued to the campus community. When possible, complainants will be advised if the Deputy Title IX Coordinator anticipates a timely warning may be issued.

**Privacy Protections**

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

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

**Personalize Support**

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

- Information about medical and psychological resources available;
- assistance in receiving academic support services including tutoring;
- requesting assistance from faculty in successfully completing academic coursework;
- filing an academic or financial appeal if his or her academic performance is adversely impacted;
- reporting criminal conduct to appropriate authorities;
- offering alternative housing arrangements.

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

**Counseling**

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

**On Campus Counseling Resources**

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

- The Rape Crisis Center of Medina and Summit Counties, Student Recreation and Wellness Center, 246, (330) 972-6328.
- The University of Akron Counseling & Testing Center, Simmons Hall, 306, (330) 972-7082.
- The University of Akron, Wayne College, Counseling and Accessibility Services, Wayne College and Boyer HPE Building, B112, Wayne College, Orville OH (330) 972-8767.

**Off Campus Counseling Resources**

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

- The Rape Crisis Center of Medina and Summit County at 877-906-7272.
- The National Sexual Assault Telephone hotline 800-656-HOPE (4673). This hotline, operated by RAINN, connects a caller with a local RAINN affiliate organization based on the first six digits of the caller's phone number.
- Ohio Sexual Violence Helpline at 1-844-OHIO-HELP (1-844-644-6435). This helpline is a confidential, statewide hotline dedicated to serving survivors of sexual assault and relationship violence.



#### Medical Treatment

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

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

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

#### Medical – Legal Evidence Collection

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

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

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

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

#### Legal Assistance

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

#### Financial Assistance

A student may be financially impacted by gender-based misconduct. Financial services may be available, and a Deputy Title IX Coordinator can assist with an application, through the following resources:

- Ohio Attorney General's Victims Compensation is available for "innocent victims of a violent crime." Individuals can obtain additional information and/or apply online through the Attorney General's website at: <http://www.ohioattorneygeneral.gov/VictimsCompensation.aspx>
- The University of Akron Student Emergency Financial Assistance program <http://www.uakron.edu/referral/emergency-financial-assistance>.

For information regarding The University of Akron's financial aid, please visit the financial aid website at: <http://www.uakron.edu/finaid/>.

#### Advocacy

The Deputy Title IX Coordinator will assist the complainant in contacting the Rape Crisis Center of Medina and Summit County, or other local agency, if they request assistance with a personal advocate.

### Formal Complaints and Discipline

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

A Deputy Title IX Coordinator will assist the complainant in determining:

- If the respondent is a University of Akron student, faculty member, or staff member;
- What, if any, University of Akron policies may have been violated;
- Which University investigation model (Equal Employment Opportunity/Affirmative Action or Student Conduct and Community Standards) is applicable;
- If criminal behavior is alleged, which police agency has jurisdiction;
- Reporting options to another college or university, if applicable.

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

#### Options for Investigation

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

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

If a complainant requests an investigation, a Deputy Title IX Coordinator for Students will assist the student by submitting a formal complaint to the appropriate University department or police agency.

#### When a Complainant Requests That an Incident Not Be Investigated

The University has an obligation to promptly take steps to investigate or otherwise determine what occurred and then to take appropriate steps to resolve formal complaints, to the extent feasible, when it knows or reasonably should know about possible gender-based misconduct, from any source, regardless of whether a complainant declines to participate in the process or a respondent withdraws from the University.

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

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

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

#### Evaluating Requests Not To Investigate

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

- Seriousness of the alleged violation (including whether the violation involved the use of a weapon, other illegal activity, illegal drug or intoxicant, multiple respondents, etc.).
- Whether there have been other formal complaints or reports made regarding the respondent (e.g., a history of arrests, a record of misconduct at The University of Akron or other institutions).
- Respondent's right to access the formal complaint or report including the complainant's identity.
- Applicability of any laws requiring disclosure.
- Availability of other information to verify the formal complaint.



- Whether the circumstances suggest there is an increased risk of the respondent(s) committing additional Title IX violations (e.g., a pattern of behavior).
- Whether the respondent has threatened the complainant or others.
- Safety of the reporter and/or complainant.
- Safety of the campus community.

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

#### **Requests for Confidentiality Limit the Ability of the University to Investigate**

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

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

### **Types of Investigations**

#### **University Investigations**

A Deputy Title IX Coordinator for Students will inform the complainant of their right to request an investigation through the Department of Student Conduct and Community Standards. If the respondent is someone other than a student (e.g., a University employee, vendor, contractor or subcontractor), the Deputy Coordinator for Students will inform the complainant of the right to have an investigation through The University of Akron Equal Employment Opportunity/Affirmative Action Office. If the respondent is a student at another college or university, the Deputy Coordinator will assist the complainant in reporting the alleged conduct to the respondent's school.

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

#### **Student Conduct Investigation**

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

#### **Equal Employment Opportunity and Affirmative Action Investigation**

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

#### **Police Investigations**

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

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

If a police report has already been filed, a Deputy Title IX Coordinator may assist the student in learning about the status of an investigation.



### Legal Options

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

### Available Interim Measures of Support, Protection, and Remedy

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

Students may, upon request, obtain interim support services from a Deputy Title IX Coordinator for Students, such as changing academic, residential, working, and transportation circumstances. The University will make such accommodations or provide such reasonable protective measures if they are reasonably available. A Deputy Title IX Coordinator for Students will exercise discretion and sensitivity about sharing the identity of the complainant when arranging for interim support services.

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

### No Contact Directives and Orders of Protection

The Deputy Title IX Coordinator for Students, the Rape Crisis Center of Medina and Summit County, as well as The University of Akron Police Department may assist the student in obtaining a "no contact" directive, an order of protection, or a restraining order.

#### University of Akron - No Contact Directive

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

No contact directives can be requested by complainants or respondents.

Any violation of a No Contact Directive should be reported immediately to a Deputy Title IX Coordinator for Students. A violation of a "No Contact Directive" may result in Code of Student Conduct charges or additional charges if a formal complaint has already been made.

#### Criminal – Temporary Protection Order

Upon request, a Deputy Title IX Coordinator, The University of Akron Police, or a Rape Crisis advocate may assist complainants in requesting protection or restraining orders.

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

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

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

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

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

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



#### **Civil Protection Order**

Upon request, a Deputy Title IX Coordinator, The University of Akron Police, or a Rape Crisis advocate may assist complainants in requesting protection or restraining orders.

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

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

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

### **Police Investigations**

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

#### **Concurrent Investigations**

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

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

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

### **Code of Student Conduct**

#### **Review and Investigation**

Title IX formal complaints involving complainant(s) and respondent(s) that are University of Akron students will be investigated by the Department of Student Conduct and Community Standards (SCCS).

The University will not mediate sexual misconduct, interpersonal violence or intimate partner violence formal complaints.

The purpose of the investigation is to ascertain whether sufficient information exists to support the formal complaint and specifically to determine if the respondent has violated the Code of Student Conduct or other University Rules; and if so, to determine what responses need to occur.

The investigation is conducted in good faith to provide a prompt, adequate, reliable, equitable, and impartial investigation of the formal complaint.

The University reserves the right to pursue disciplinary action if the University believes there is sufficient information to proceed without the participation of the reported complainant.

Prior to the resolution of a Title IX formal complaint, and to ensure compliance, the Title IX Coordinator will review any proposed resolution (finding and sanctions, if any).

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

### Notice and Due Process

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

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

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

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

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

The investigator will prepare a written report of the findings of the investigation. The complainant and the respondent will both be provided with a copy of the final investigative report. Both parties will be given timely and equal access to information that will be used during any subsequent disciplinary meetings and/or hearings.

If the investigator determines that sufficient information exists to support the formal complaint and the respondent admits responsibility for violating university rules, the investigating officer shall issue a sanction or sanctions.

If the investigator finds there is not sufficient information to believe that a violation of the Code of Student Conduct occurred, no disciplinary action may be initiated. The failure of an investigator to find sufficient information for a violation of the Code of Student Conduct is not the same as filing a false report.

### Disciplinary Hearings

If the investigator determines that sufficient information exists to support a violation of the Code of Student Conduct, and the respondent does not admit responsibility, the case shall be referred to a university hearing board for resolution. The detailed procedures for the university hearing board appear in the Code of Student Conduct at: <http://www.uakron.edu/ogc/UniversityRules/pdf/41-01.pdf>.

The University will accommodate concerns for personal safety, well-being, and/or concerns regarding confrontation among the complainant(s), the respondent(s) and other witnesses by providing separate facilities, by using audio and or video-conference technology.

The complainant and the respondent will be informed in writing of the outcome of the hearing and their right to appeal.

### Disciplinary Sanctions

Student sanctions vary depending on the severity of the violation and are commensurate with the violation(s) found to have occurred. In cases where sexual misconduct is found to have occurred, the University will determine appropriate, enforceable sanctions and other measures reasonably calculated to stop the harassment and prevent its recurrence. More than one sanction may be imposed for any single violation. Individual circumstances, attitude, and prior conduct history are some of the factors that are considered when determining the sanction(s). Pursuant to Code of Student Conduct 3359-41-01(F)(c), sanctions include, but are not limited to the following:

- Deactivation - a student organization's loss of all privileges, including university recognition, for a specified period of time.
- Educational sanctions - other appropriate sanctions may be imposed, including but not limited to workshops, work assignments, essays, service to the university, residence hall actions up to and including cancellation of contract, or other related discretionary sanctions.
- Fine - monetary charge assigned for a violation in accordance with the schedule approved by the board of trustees.



- Formal reprimand - a notice in writing to the student that the student is violating or has violated university regulations and that future violations will result in further charges and sanctions.
- Loss of privileges - denial of specified privileges for a designated period of time.
- Probation - probation is imposed for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any university regulation(s) during the probationary period. Students shall not be considered to be in good standing with the university until the probationary period has ended. Probation may affect a student's ability to participate in athletics, serve in a leadership capacity in a student organization or act as a representative of the University of Akron.
- Revocation of an academic degree.
- Revocation of admission (for violations that occur prior to the student's first class attendance.)
- Restitution - compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- University suspension - separation of the student from the University for a specified period of time, after which the student is eligible to return. Conditions for readmission may be required.
- University dismissal - permanent separation of the student from the University.

### Appeal Process

Both the complainant and respondent have the right to appeal and the procedures following an appeal are defined in the Code of Student Conduct. Both parties will be given the opportunity to participate equally in the appeal process. The grounds for appeal are to determine whether there was a misapplication or misinterpretation of the rule alleged to have been violated; to determine whether the hearing was conducted in violation of procedural requirements set forth in the Code of Student Conduct, and whether these violation(s) could have affected the outcome of the hearing; to determine whether (based solely upon a review of the original hearing record) there was a reasonable basis for the hearing board's or conduct administrator's conclusion that a violation of the Code of Student Conduct had been proven by the applicable standard of the evidence; to determine whether the sanctions imposed were grossly disproportionate to the violations of the Code of Student Conduct for which the appellant(s) was found responsible; or to consider new evidence unavailable to the appellant(s) at the time of the hearing, which is sufficient to alter a decision. Notice of the outcome of the appeal will be provided to the complainant and respondent.

### Interim Measures

During any stage of the investigation, if the investigator reasonably suspects that a student's continued presence on campus disrupts the good order and discipline of the university or poses a threat to the student's own physical or emotional safety or to that of others, the investigator will notify the University of Akron Police Department, a Deputy Title IX Coordinator for Students, the Title IX Coordinator and the President. If the President, or designee, determines that such a threat exists, this individual may suspend the student immediately, pending the hearing. This interim suspension does not replace the regular conduct process.

Interim suspensions may prohibit the student from all or part of University property and activities or permit the student to remain only under specified conditions (e.g., no-contact directives). See the Code of Student for the detailed procedures regarding interim suspensions: <http://www.uakron.edu/ogc/UniversityRules/pdf/41-01.pdf>.

## Equal Employment Opportunity and Affirmative Action

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

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

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

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

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

## Related Considerations

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

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

### When a Minor is Involved

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

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

### University Records

#### Records Retention

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

#### FERPA

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

- Name of the student found responsible (but not the identity of the complainant);
- The applicable section of the Code of Student Conduct found to have been violated;
- Sanctions imposed because of the disciplinary proceedings.

#### Protecting Directory Information

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

### Jurisdiction

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

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



### Standard of Review

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

### Timeline

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

#### University Investigation

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

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

The timeline may also be affected by the availability of witnesses, holidays, winter recess or spring break periods and summer or winter terms, and the parties' requests for continuances. Reasonable requests for extensions of time will not be denied and will be available equally to each party. Other factors may also affect the typical timeline.

#### Police Investigation

In the State of Ohio individuals may have over 20 years to file a sexual assault report with the police.

### Code of Student Conduct

The policies, procedures, and sanctions outlined in the Code of Student Conduct apply to all violations of the Code of Student Conduct. The Code of Student Conduct can be found at: <http://www.uakron.edu/ogc/UniversityRules/pdf/41-01.pdf>.

Additional information about the Code of Student Conduct or its implementation is available in the Department of Student Conduct and Community Standards, Simmons Hall 302 or online at [www.uakron.edu/studentconduct](http://www.uakron.edu/studentconduct).

### Affirmative Action

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

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

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

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

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

### **False Reports**

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

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

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

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

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

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

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

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

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

## **Law Title IX**

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

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

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

Additional information about Title IX is available at <https://www2.ed.gov/about/offices/list/ocr/index.html>.

### **First Amendment**

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



### Clery Act

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

- Publish and distribute an annual campus security report (available at [www.uakron.edu/safety](http://www.uakron.edu/safety));
- Maintain a public log of all reported crimes;
- Issue timely warnings ("Safety Advisory") of crimes that represent a threat to the safety of students or employees; and
- Keep statistics of crime that occur on campus, in institutional residential facilities, in non-campus buildings or on public property adjacent to campus.

### Violence Against Women Act

The Violence Against Women Reauthorization Act of 2013 ("VAWA") amended the Clery Act. VAWA requires institutions to compile statistics for incidents of dating violence, domestic violence, sexual assault, and stalking and to include certain policies, procedures and programs pertaining to these incidents in their annual security reports.

Additional Information about VAWA is available at [www.justice.gov/ovw](http://www.justice.gov/ovw).

### Ohio Law

#### Ohio Criminal Offenses

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

#### Sex Offenses

There is currently no definition of "Sexual Assault" in the Ohio Revised Code.

#### Ohio Revised Code 2907.02 – Rape

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

- For the purpose of preventing resistance, the offender substantially impairs the other person's judgment or control by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception.
- The other person is less than thirteen years of age, whether or not the offender knows the age of the other person.
- The other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age.
- No person shall engage in sexual conduct with another when the offender purposely compels the other person to submit by force or threat of force.

#### Ohio Revised Code 2907.03 – Sexual Battery

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

- The offender knowingly coerces the other person to submit by any means that would prevent resistance by a person of ordinary resolution.
- The offender knows that the other person's ability to appraise the nature of or control the other person's own conduct is substantially impaired.
- The offender knows that the other person submits because the other person is unaware that the act is being committed.
- The offender knows that the other person submits because the other person mistakenly identifies the offender as the other person's spouse.
- The offender is the other person's natural or adoptive parent, or a stepparent, or guardian, custodian, or person in loco parentis of the other person.
- The other person is in custody of law or a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the other person.



- The offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, the other person is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school.
- The other person is a minor, the offender is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the other person is enrolled in or attends that institution.
- The other person is a minor, and the offender is the other person's athletic or other type of coach, is the other person's instructor, is the leader of a scouting troop of which the other person is a member, or is a person with temporary or occasional disciplinary control over the other person.
- The offender is a mental health professional, the other person is a mental health client or patient of the offender, and the offender induces the other person to submit by falsely representing to the other person that the sexual conduct is necessary for mental health treatment purposes.
- The other person is confined in a detention facility, and the offender is an employee of that detention facility.
- The other person is a minor, the offender is a cleric, and the other person is a member of, or attends, the church or congregation served by the cleric.
- The other person is a minor, the offender is a peace officer, and the offender is more than two years older than the other person.

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

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

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

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

- The offender purposely compels the other person, or one of the other persons, to submit by force or threat of force.
- For the purpose of preventing resistance, the offender substantially impairs the judgment or control of the other person or of one of the other persons by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception.
- The offender knows that the judgment or control of the other person or of one of the other persons is substantially impaired as a result of the influence of any drug or intoxicant administered to the other person with the other person's consent for the purpose of any kind of medical or dental examination, treatment, or surgery.
- The other person, or one of the other persons, is less than thirteen years of age, whether or not the offender knows the age of that person.
- The ability of the other person to resist or consent or the ability of one of the other persons to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the ability to resist or consent of the other person or of one of the other persons is substantially impaired because of a mental or physical condition or because of advanced age.

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

**Ohio Revised Code 2907.06 – Sexual Imposition**

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



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

### **Domestic Violence**

#### **Ohio Revised Code 2919.25 – Domestic Violence**

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

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

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

### **Dating Violence**

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

#### **Ohio Revised Code 2903.11 – Felonious Assault**

(A) No person shall knowingly do either of the following:

- Cause serious physical harm to another or to another's unborn;
- Cause or attempt to cause physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance.

(B) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall knowingly do any of the following:

- Engage in sexual conduct with another person without disclosing that knowledge to the other person prior to engaging in the sexual conduct;
- Engage in sexual conduct with a person whom the offender knows or has reasonable cause to believe lacks the mental capacity to appreciate the significance of the knowledge that the offender has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome;
- Engage in sexual conduct with a person under eighteen years of age who is not the spouse of the offender.

### **Stalking**

#### **Ohio Revised Code 2903.211 – Menacing by Stalking**

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

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

- Violate division (A)(1) of this section:
- Urge or incite another to commit a violation of division (A)(1) of this section.
- No person, with a sexual motivation, shall violate division (A)(1) or (2) of this section.

#### **Additional**

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

- Ohio Revised Code 2903.12 – Aggravated Assault
- Ohio Revised Code 2903.13 – Assault
- Ohio Revised Code 2903.14 – Negligent Assault
- Ohio Revised Code 2905.01 – Kidnapping
- Ohio Revised Code 2905.02 – Abduction
- Ohio Revised Code 2905.03 – Unlawful Restraint
- Ohio Revised Code 2917.11 – Disorderly Conduct
- Ohio Revised Code 2903.21 – Aggravated Menacing
- Ohio Revised Code 2903.22 – Menacing
- Ohio Revised Code 2917.21 – Telecommunications Harassment
- Ohio Revised Code 2151.421 describes the responsibility to report child abuse or neglect which may become apparent when working with students under the age of eighteen.

## **Education and Prevention**

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

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

The SAVE team, Office of Student Success, in collaboration with the Title IX Coordinator, creates, supports, and evaluates educational and support programs aimed at the eradication of Title IX violations involving the University of Akron. To support these programs, the Deputy Coordinator for Students at Akron's main campus coordinates campus-wide Title IX violation education, awareness, and prevention programs.

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

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

Additional information about these University educational opportunities is available at:

- [www.uakron.edu/sexual-respect](http://www.uakron.edu/sexual-respect)
- [www.uakron.edu/save-team](http://www.uakron.edu/save-team)



### Campus Orientation Programs

The University of Akron requires all incoming students to complete an online education program entitled *Think About It*, through the education technology company Everfi. Additionally, new incoming students are invited to attend and participate in *New Roo Weekend*, where they can access prevention and awareness programming, even if not required to take it. Incoming students are also encouraged to take the *Akron Experience Course* which features Title IX education and prevention training embedded in its content.

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

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

Revised March 29, 2018

## **The University of Akron Non-discrimination Statement**

The University of Akron does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity, age, national or ethnic origin, disability, military status, genetic information, or status as a veteran in its programs and activities. The University does not tolerate discrimination, sexual harassment, or retaliation on these bases and takes steps to ensure that students, employees, and third parties are not subject to a hostile environment in University programs or activities.

The University responds promptly and effectively to allegations of discrimination, sexual harassment, and retaliation. It promptly conducts investigations and takes appropriate action, including disciplinary action, against individuals found to have violated its policies, as well as provides appropriate remedies to complainants and the campus community. The University takes immediate action to end a hostile environment if one has been created, prevent its recurrence, and remedy the effects of any hostile environment on affected members of the campus community.

## **Contacts**

Jolene Lane serves as Chief Diversity Officer, Vice President for Equity and Inclusion and Title IX Coordinator. As Title IX Coordinator she is responsible for overseeing the University's Title IX process and coordinates the University's efforts and responsibilities to ensure compliance with Title IX. Ms. Lane can be reached at Buchtel Hall, 209, The University of Akron, OH 44325-6237, (330) 972-7522 or [jolenealane@uakron.edu](mailto:jolenealane@uakron.edu).

Michael Strong serves as the Dean of Students and Deputy Title IX Coordinator for Students. Mr. Strong serves as the intake coordinator for all reports of gender-based discrimination involving students on the main campus. Mr. Strong meets with both complainants and respondents and may implement interim measures of support for both parties, when necessary to stop and prevent the effects of gender-based discrimination. Mr. Strong also refers complaints to the Office of Student Conduct and Community Standards. Mr. Strong can be reached at the Student Union, 152, The University of Akron, OH 44325-4612, (330) 972-6048 or [mstrong@uakron.edu](mailto:mstrong@uakron.edu).

Michelle Smith serves as the intake coordinator for all reports of gender-based discrimination involving employees and third-parties. Ms. Smith meets with both complainants and respondents and may implement interim measures of support for both parties, when necessary to stop and prevent the effects of gender-based discrimination. Ms. Smith refers complaints to the Equal Employment Opportunity and Affirmative Action Office and she can be reached at The Administrative Services Building, The University of Akron, Akron, OH, 44325-4733, (330) 972-5146 or [msmith5@uakron.edu](mailto:msmith5@uakron.edu).

Mary Lu Gribschaw serves as the Senior Associate Athletics Director and Deputy Title IX Coordinator for Athletics. Ms. Gribschaw coordinates support for student athlete complainants and respondents. Ms. Gribschaw also coordinates response to reports and complaints within the Department of Athletics. Ms. Gribschaw can be reached at James A. Rhodes Arena 183, The University of Akron, OH 44325-5201 (330) 972-7080 or [marylu@uakron.edu](mailto:marylu@uakron.edu).

Gordon Holly serves as Assistant Dean of Student Success and Deputy Title IX Coordinator for Wayne College. Mr. Holly meets with both complainants and respondents from the University regional campuses, including Wayne College. Mr. Holly may implement interim measures of support for complainants and respondents, when necessary to stop and prevent the effects of gender-based discrimination. Mr. Holly also refers complaints to the Office of Student Conduct and Community Standards. Mr. Holly can be reached at Wayne College, Boyer HPE Building, E242, (330) 972-8740 or [gholly@uakron.edu](mailto:gholly@uakron.edu).

Daniel Nicolas is the Director of Equal Employment Opportunity and Affirmative Action and he investigates all complaints of discrimination, including gender discrimination, involving University employees and third-parties. Mr. Nicolas can be reached at the Administrative Services Building 138B, The University of Akron, OH 44325-4709, (330) 972-6011 or [dnicolas@uakron.edu](mailto:dnicolas@uakron.edu).

The strength of the University's process and procedures is that these individuals work collaboratively to provide multiple levels of support along with various campus offices for both complainants and respondents, to respond promptly, and when necessary provide measures to stop and prevent the effects of gender-based discrimination.



# Summary Report of University of Akron Compliance with Ohio Department of Higher Education Changing Campus Culture Initiative.

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3. Did your campus administer a full campus climate survey or initiate method to collect comprehensive data on a meaningful scale between August 1, 2016 and May 30, 2018? .....	3
4. Please indicate the survey and/or vendor you used for your climate survey. ....	4
5. Please indicate the dates you administered the climate survey. ....	4
6. How did you disseminate your climate survey this past academic year? .....	4
7. What approach did you use to collect data from your campus community? .....	4
8. Do you feel your survey results are representative of your campus community? .....	4

### Recommendation Two - Empower community to prevent and respond to sexual violence through evidence-based training.

9. In the past academic year did you offer prevention training for the following (please check all that apply):	5
10. Did you use an online program as a prevention program this past academic year? .....	6
11. What is the total number of prevention programs offered and/or training offered to your campus community in the past academic year? Programs and/or training acknowledged in this section should be separate from the online program. ....	6
12. To what degree were the prevention programs and/or training offered informed by your last campus climate survey and/or ODHE benchmark results?.....	6
13. Did you attempt to measure outcomes and/or evaluate the effectiveness of the programs and/or training offered?.....	6
14. In general, to what degree did your evaluations(s) indicate the objectives were met? .....	7
15. In the past academic year did you offer response training for the following (please check all that apply):.....	7
16. Did you use an online program as a response training program this past academic year? .....	8
17. What is the total number of response programs offered to your campus community in the past academic year? Programs and/or training acknowledged in this section should be separate from the online program. ....	8
18. To what degree were the response trainings offered informed by your last campus climate survey results? .....	8
19. Did you attempt to measure outcomes and/or evaluate the effectiveness of the programs and/or training offered? .....	9
20. In general, to what degree did your evaluations(s) indicate the objectives were met? .....	9
21. Have you developed a comprehensive prevention plan for your campus?.....	9
22. Please identify all of the elements included as part of your comprehensive prevention plan from the list below. ....	10
23. What has prevented your campus from developing a comprehensive prevention plan? .....	10
24. Did you provide bystander intervention training to your campus community this past year? .....	10
25. If yes, which program are you currently offering? .....	11

**Recommendation Three - Communicate a culture of shared respect and responsibility.**

- 26. Did you implement a comprehensive awareness campaign that is prevalent through the entire academic year in 2016-2017? ..... 12
- 27. Is your campaign rooted in an impact model that defines the “what” (cause or movement) and the “when” (today or tomorrow)? ..... 12
- 28. How many different tactics did you use in your campaign? (Please check all that apply)..... 12
- 29. Did you share the campaign strategy with other key stakeholders to make sure they are also working from the same blueprint? ..... 13
- 30. Please identify all the themes featured in your awareness campaign this past academic year? ..... 13
- 31. Do you have an example that you would like to share? ..... 14

**Recommendation Four - Develop a comprehensive response policy.**

- 32. Does your campus have a set of protocols that includes (please check all that apply): ..... 15
- 33. If you checked no to any of the components listed above, what if any progress has been made since the last annual report to incorporate the missing items in your protocols? ..... 16
- 34. How often does your campus review your protocols and when was the last time they were reviewed? .... 16
- 35. When was the last time your protocols were reviewed?..... 16

**Recommendation Five - Adopt a survivor-centered response.**

- 36. Does your campus have a Memorandum of Understanding with a local rape crisis center or domestic violence shelter?..... 17
- 37. Please select all of the services which are included in your MOU. .... 17
- 38. Does your campus have a Memorandum of Understanding with local law enforcement?..... 18
- 39. Please select all of the components which are included in your MOU. .... 19
- 40. Does your campus provide access to confidential advisors? ..... 19
- 41. Are members of your campus community trained in trauma-informed response? ..... 19
- 42. Please indicate all groups in which individuals were trained in trauma-informed response this past academic year:..... 20
- 43. Are there any other survivor-centered efforts your campus implemented this past academic year that have not yet been identified in this report? ..... 20
- 44. What trends or issues related to the Changing Campus Culture initiative are you identifying as priorities for the coming academic year? ..... 21
- 45. Do you have requests for training and/or resources for the upcoming year to assist you with fully implementing the Changing Campus Culture initiative on your campus? Please be specific. .... 21



## Recommendation One – Use data to guide action.

Specifically, campuses are asked to administer an annual campus climate survey to inform prevention and response strategies, and to track trends over time.

### 1. Name of Reporting Campus

Response:

The University of Akron

### 2. Name of Person Completing Report

Response:

Name: Michael Strong

College/University: The University of Akron

Email Address: [mstrong@uakron.edu](mailto:mstrong@uakron.edu)

Phone Number: 330-972-6048

### 3. Did your campus administer a full campus climate survey or initiate method to collect comprehensive data on a meaningful scale between August 1, 2016 and May 30, 2018?

Response:

- Yes, my campus used the ODHE provided vendor services in the Spring 2018 semester.
- Yes, my campus used a different vendor or method between August 1, 2016 and May 30, 2018
- No, my campus did not collect climate survey data between August 1, 2016 and May 30, 2018

Additional Context:

The University of Akron conducted a campus climate survey in February 2018 yielding a sample of 3510 student responses. The full results of the climate survey will be made available in Fall 2018. The survey included the ODHE 13 benchmarking questions. The data was provided to ODHE in May.

The next campus assessment is scheduled as a focus groups during the 2018-2019 academic year.

---

*This page is for those who did not use the ODHE provided vendor services during the 2017-2018 academic year. This would include those campuses who used the previous vendor to administer the climate survey during the fall 2016 semester.*

---

4. Please indicate the survey and/or vendor you used for your climate survey.

Response: The University of Akron Sexual Assault and Violence Education (SAVE) Assessment team administered their own survey in 2018.

Additional Context:

The survey was based on the SAVE survey previously used at The University of Akron and included the 13 benchmarking questions for the ODHE. The survey is and results will be made publically available on the SAVE website during Fall 2018 Semester.

5. Please indicate the dates you administered the climate survey.

Response: February 5, 2018 to February 19, 2018

6. How did you disseminate your climate survey this past academic year?

Response:

- Online (survey monkey, qualtrics, etc.)
- Paper
- Focus Groups
- One or more methods were used
- Other

7. What approach did you use to collect data from your campus community?

Response:

- Census
- Sample

8. Do you feel your survey results are representative of your campus community?

Response: Yes

Additional Context:

Demographic analysis demonstrated the students who responded made a sample similar to the University community.



## Recommendation Two - Empower community to prevent and respond to sexual violence through evidence-based training.

Using feedback from the campus climate survey and/or other data sources to help select the most appropriate program, campuses should implement a comprehensive training program for their institution. Programs focused on bystander intervention are particularly encouraged.

---

*This recommendation asks campuses to empower campus law enforcement, students, faculty, and staff to prevent and respond to sexual violence through evidence-based training. Evidence-based is defined as training or program rooted in theory, data, or research. Programs or trainings may be offered in a variety of formats, but should aim to inform or education participants.*

*This section asks about prevention-based programs or training offered during the 2017-2018 academic year.*

---

9. In the past academic year did you offer prevention training for the following (please check all that apply):

Response:

- Incoming/new students
- Returning students
- Faculty
- Staff
- Campus law enforcement and/or Security (unsure)
- None of the above

Additional Context:

Incoming students receive the most training, including Think About It (Campus Clarity), New Roo Weekend (orientation), and Akron Experience Course programs. International students also receive specific training about sexual assault and violence prevention. Returning students receive programs through Sexual Assault Awareness Month, student leadership training, and ROTC. Student employees also received mandatory training from departments (such as RA training, OMD peer mentor training, SRWC training, and Choose Ohio First Peer Mentors). New faculty receive training as part of the new faculty orientation and through Human Resources with the Law Room program (Campus Clarity). New staff receive training through Human Resources with Law Room program (Campus Clarity). University of Akron Police participated in Summit County Prosecutor Sherri Bevan Walsh's 2<sup>nd</sup> Annual Responding to the Needs of Victims Conference and University of Akron Police participate in the Ohio Peace Officer Training Academy programs.

10. Did you use an online program as a prevention program this past academic year?

Response:

- Yes
- No

11. What is the total number of prevention programs offered and/or training offered to your campus community in the past academic year? Programs and/or training acknowledged in this section should be separate from the online program.

Response:

- None
- One
- 2-3
- 4-5
- 6 or more

Additional Context:

Programs include: LIFT Bro, Empower the Bystander, You Are UA (new student orientation), sexual harassment training (EEO/AA), SOuRCe (Student Leadership and Student Organization) training, Sexual Assault Awareness Month speakers, Take Back the Night, Walk of Heroes, etc.

12. To what degree were the prevention programs and/or training offered informed by your last campus climate survey and/or ODHE benchmark results?

Response:

- Not at all
- A little
- Mostly
- Completely

Additional Context:

Two examples: The focus groups with young men in Spring 2017 were used in the development of the prevention program for men titled LIFT Bro designed for male participants. The prior campus climate survey continues to focus the attention of our community on bystander intervention training identified through the program Empower the Bystander.

13. Did you attempt to measure outcomes and/or evaluate the effectiveness of the programs and/or training offered?

Response:

- Yes
- No



**Additional Context:**

An example of the evaluation of outcomes for prevention training was provided by graduate student Zach Gerdes to the SAVE team during March when he reported on the very effective presentation with the University of Akron Football team. Also the student organization Defined Lines completed an assessment of the bystander intervention program used in the Akron Experience Course.

14. In general, to what degree did your evaluations(s) indicate the objectives were met?

**Response:**

- 0 - Not at all
- 1
- 2 - Somewhat
- 3 - Somewhat
- 4
- 5 - Completely

**Additional Context:**

When the objectives were measured they were met and the instruments were well designed to demonstrate effectiveness. Not all programs and training included evaluation.

---

*This recommendation asks campuses to empower campus law enforcement, students, faculty, and staff to prevent and respond to sexual violence through evidence-based training. Evidence-based is defined as training or program rooted in theory, data, or research. Programs or trainings may be offered in a variety of formats, but should aim to inform or education participants.*

*This section asks about response focused programs and/or training offered during the 2017-2018 academic year. Response programs and/or training would include programs that inform participants about reporting and response procedures.*

---

15. In the past academic year did you offer response training for the following (please check all that apply):

**Response:**

- Incoming/new students
- Returning students
- Faculty
- Staff
- Campus law enforcement and/or Security (unsure)
- None of the above

**Additional Context:**

Incoming students receive the most training, including Think About It (Campus Clarity), New Roo Weekend (orientation), and Akron Experience Course programs. International students also receive specific training about sexual assault and violence prevention. Returning students receive programs through Sexual Assault Awareness Month, student leadership training, and ROTC. Student employees also received mandatory training from departments (such as RA training, OMD peer mentor training, SRWC training, and Choose Ohio First Peer Mentors). New faculty receive training as part of the new faculty orientation and through Human Resources with the Law Room program (Campus Clarity). New staff receive training through Human Resources with Law Room program (Campus Clarity). University of Akron Police participated in Summit County Prosecutor Sherri Bevan Walsh's 2nd Annual Responding to the Needs of Victims Conference and University of Akron Police participate in the Ohio Peace Officer Training Academy programs.

16. Did you use an online program as a response training program this past academic year?

Response:

- Yes
- No

17. What is the total number of response programs offered to your campus community in the past academic year? Programs and/or training acknowledged in this section should be separate from the online program.

Response:

- None
- One
- 2-3
- 4-5
- 6 or more

**Additional Context:**

Programs include: You Are UA (new student orientation), sexual harassment training (EEO/AA), SOuRCe (Student Leadership and Student Organization) Training, ROTC training, RA training, SRWC student staff training, Choose Ohio First Mentor training, etc.

18. To what degree were the response trainings offered informed by your last campus climate survey results?

Response:

- Not at all
- A little
- Mostly
- Completely

**Additional Context:**

There are multiple different trainings offered across campus. They are created by members of the SAVE team who receive frequent and multiple reminders of SAVE assessment team efforts to better understand sexual violence prevention and response at the University of Akron. These reminders include but are not limited to program outcome assessment, and campus climate assessment, to better understand specific aspects contributing to the overall campus climate. Each program is developed independently.

An example of a prevention training/program developed and updated based on outcome assessment includes review of the Empower the Bystander program completed by the SAVE New Student Education Team, Rape Crisis Center and the Defined Lines student organization. This review resulted in the development of additional content and doubling the program length for the Akron Experience Course being developed for the 2017-2018 academic year.

19. Did you attempt to measure outcomes and/or evaluate the effectiveness of the programs and/or training offered?

Response:

- Yes
- No

**Additional Context:**

An example of the evaluation of outcomes for prevention training was provided by Mike Strong to the SAVE team during March when he reported on the effectiveness of presentation provided to RA's during the fall semester in which they learned about reporting and supporting survivors of sexual violence.

20. In general, to what degree did your evaluations(s) indicate the objectives were met?

Response:

- 0 - Not at all
- 1
- 2 - Somewhat
- 3 - Somewhat
- 4
- 5 - Completely

**Additional Context:**

When the objectives were measured they were met and the instruments were well designed to demonstrate effectiveness. Not all programs and training included evaluation.

21. Have you developed a comprehensive prevention plan for your campus?

Response:

- Yes
- No



---

*The components listed below were included in the materials presented at the Prevention Regional workshops during May and June 2016. This information was also reviewed in a webinar hosted by ODHE in September 2016. Prevention Plan development workshops will be offered in May and June 2018 throughout the state.*

---

22. Please identify all of the elements included as part of your comprehensive prevention plan from the list below.

Response:

- A coordinated team approach
- Utilizes multiple formats
- Built upon the social ecological model (individual, relationship, community, and society)
- Focuses on one or more levels of prevention (i.e. primary, secondary, tertiary)
- Based on set goals, outcomes and a timeline
- Rooted in an awareness theme or associated brand, and
- is evaluated for effectiveness

Additional Context:

A coordinated approach is demonstrated by the prevention plan being developed by the SAVE team gathered from individuals across campus. The plan includes multiple formats such as live programs, training and the chAAArge awareness campaigns. The plan is built upon the social ecological model which is explicitly referenced in the plan. The plan focuses on primary secondary and tertiary prevention which are explicitly referenced in the plan. The plan is rooted in the chAAArge campaign and specifically the need to raise awareness make adjustments to develop advocacy. The plan has been evaluated for inclusion of learning objectives and has artifacts that have been identified to allow for easy tracking/measurement of implementation. The plan was developed for a five year implementation cycle beginning in 2017-2018. Some initiatives have already and will continue to be measured for effectiveness have been brought into the new prevention plan.

23. What has prevented your campus from developing a comprehensive prevention plan?

Response:

Not applicable - Plan is complete.

24. Did you provide bystander intervention training to your campus community this past year?

Response:

- Yes
- No

25. If yes, which program are you currently offering?

Response:

- Bringing in the Bystander
- Green Dot
- Step Up
- Program designed with a local rape crisis center or other community organization
- Other

Additional Context:

chAAArg is the Bystander Intervention model and University of Akron awareness campaign established by the SAVE team. The program is built around the impact model "what" (cause or movement) and "when" (today or tomorrow) and includes digital, environmental, print and interactive tools/instruction to achieve the desired goal to empower University of Akron students to take steps to prevent sexual violence. The plan was created by the SAVE team which includes members of the RCC and the student organization Defined Lines played a large role in the development of the campaign.

## Recommendation Three - Communicate a culture of shared respect and responsibility.

Campuses should utilize a widespread awareness and communication campaign in conjunction with trainings and other initiatives to help encourage a safer culture.

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*The questions in this section are based on the toolkit and materials presented at the Awareness Seminar hosted on March 15, 2017. The toolkit and materials can be accessed on the ODHE website: [www.ohiohighered.org/ccc/resources](http://www.ohiohighered.org/ccc/resources)*

---

26. Did you implement a comprehensive awareness campaign that is prevalent through the entire academic year in 2016-2017?

Response:

- Yes
- No

Additional Context:

The SAVE team implemented the chAAArge awareness campaign throughout 2017-2018. Examples of initiatives include the "Make Your Move" poster, the presentations given during the Akron Experience Course and the video produced by Institutional Communications and Marketing.

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*If you need clarification about the components of the questions below please reference the Awareness Seminar toolkit at [www.ohiohighered.org/ccc/resources](http://www.ohiohighered.org/ccc/resources).*

---

27. Is your campaign rooted in an impact model that defines the "what" (cause or movement) and the "when" (today or tomorrow)?

Response:

- Yes
- No

28. How many different tactics did you use in your campaign? (Please check all that apply)

Response:

- Digital (ex. Social media, screens, radio, video)
- Environmental (ex. Banners, bus wraps, campus installations)
- Print (ex. Posters, table tents, flyers, ads in campus publications)
- Tools (ex. Student and non-student trainings, advocacy programs, hotlines)



**Additional Context:**

The campaigns have been most fully realized through tools and programs designed to reach out to students individually. A video was produced and disseminated to campus to comply with the digital category. The Make Your Move poster was developed to comply with the print category and the same Make Your Move poster was adapted for display on electronic bulletin boards across campus to comply with the digital category.

29. Did you share the campaign strategy with other key stakeholders to make sure they are also working from the same blueprint?

Response:

- Yes
- No

**Additional Context:**

The campaigns were designed by or with the Rape Crisis Center, Coalition Against Sexual Assault (student organization), the SAVE team, Define Lines (student organization).

30. Please identify all the themes featured in your awareness campaign this past academic year?

Response:

- Access to resources (on & off campus)
- Bystander intervention
- Consent
- General respect
- Healthy Relationships
- Intimate Partner Violence
- Policy & Procedures
- Campus resources
- Sexual Misconduct Myths
- Social Norms
- Stalking
- Community population specific messaging (ex. Athletes, fraternities/sororities, LGBTQI, etc.)
- Other (please specify)

**Additional Context:**

The presentations are often done by the Rape Crisis Center providing immediate access to on and off campus resources, Bystander intervention in the core message that is communicated through the programming and messaging includes becoming aware of the impact of sexual violence within our community, making personal adjustments necessary to ready oneself to intervene, becoming an advocate by taking action to prevent harm. A secondary theme is that reporting an incidence of sexual violence provides support to those impacted by the violence – explaining the reporting procedures as well as available resources. Consent is discussed in associated trainings. The messaging online “Sexual Respect Page” and programs model respect and explicitly explains students have the ability to control their environment. Rape myths,

recognizing the myths and understanding the connection between the thoughts and misconduct/criminal acts are discussed in the consciousness raising exercises that are part of the bystander intervention program. Training for new students specifically outlines stalking, dating violence, sexual assault as required by the Violence Against Women Act. The University of Akron participates in the NCAA required training for student athletes and coaches/staff who work in athletics.

31. Do you have an example that you would like to share?

Choose File:

File to be submitted includes PowerPoint used for Akron Experience Course and the Make Your Move Poster.

## Recommendation Four - Develop a comprehensive response policy.

Campuses are encouraged to engage a variety of stakeholders in developing and adopting a comprehensive policy to address sexual violence on campus. This comprehensive policy will be both survivor-centered and respect the rights of the accused.

---

*A toolkit, including the comprehensive protocol list below, was provided to all campuses at the regional response workshops in July and August 2016. This toolkit can be accessed on the ODHE website: [www.ohiohighered.org/ccr/resources](http://www.ohiohighered.org/ccr/resources).*

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### 32. Does your campus have a set of protocols that includes (please check all that apply):

#### Response

- Public affirmative statement explaining the college/University's responsibility to provide a safe and nondiscriminatory environment for all students and its intolerance of anything that would compromised that responsibility.
- A single comprehensive policy to address all forms of Sex Discrimination that: Addresses jurisdiction, including when students and employees are considered students and employees respectively, and when they are not;
- Covers incidents of gender-based violence that involve campus students and faculty whether or not the crime is committed on or off campus;
- How the policy intersects with others (i.e. you have separate policies when a student is respondent and if an employee is respondent), including policies related to tenured faculty;
- Description of a prompt, fair, and equitable investigation and disciplinary adjudication process.
- Specific protocols that outline definitions of: prescribed conduct, the process involved in investigation and disciplinary action phases after a complaint has been received, duties of the campus to protect complainants, potential sanctions, and other relevant information to ensure a fair and equitable process.
- Operational definitions of gender-based violence including sexual assault, rape, sexual harassment, stalking, intimate partner violence (dating/relationship and domestic violence). Consent, coercion, and incapacitation should also be defined.
- Clear guidance to the entire campus community on how to identify gender-based violence and how to report it to the Title IX Coordinator.
- A statement that conveys a culture where reporting is encouraged and there is transparency about what happens after a report is received.
- An official statement prohibiting retaliation against individuals who report incidents under Title IX.
- A statement that informs survivors that they have the right and how to make a complaints to local law enforcements if criminal justice action is desired.
- Time frames for major stages of the complaint process.
- Information about confidentiality.
- How the campus will respond if the complainant or respondent is a minor.
- Roles and responsibilities of all responders.



**Additional Context:**

**The University of Akron revised the reporting protocols for Gender Based Misconduct in March of 2018 and the protocols were sent to the Office of Civil Rights for review prior to dissemination.**

33. If you checked no to any of the components listed above, what if any progress has been made since the last annual report to incorporate the missing items in your protocols?

**Response:**

**Not applicable**

34. How often does your campus review your protocols and when was the last time they were reviewed?

**Response:**

- Annually**
- Every 2 years**
- Every 3 years**
- My campus does not have a set schedule to review our protocols.**
- Other (please specify)**

**Response:**

**The University of Akron reporting protocols were revised for content and compliance with the Office of Civil Rights and will implement new protocols upon approval necessary for resolution of a Title IX complaint.**

35. When was the last time your protocols were reviewed?

**Response:**

**March 30, 2018**

## Recommendation Five - Adopt a survivor-centered response.

By developing a response centered on survivors' needs, such as providing confidential advisors, campuses can strengthen student trust in campus systems and processes.

### 36. Does your campus have a Memorandum of Understanding with a local rape crisis center or domestic violence shelter?

Response: Yes

#### Additional Context:

Since 2014 the University of Akron has had a MOU with the RCC of Summit and Medina Counties. The current MOU outlines the agreement for 3 years and provides for programs and outreach as well as access to 24-hour hotline and advocacy services for students. The University is proud of the relationship which has brought a total of 7 RCC staff to campus to serve the needs of our students through education, outreach and advocacy.

### 37. Please select all of the services which are included in your MOU.

Response:

- On-campus office hours for confidential advising
- Programmatic collaboration and facilitation
- Training for campus community members
- Access to off-campus services and support
- Support or involvement in the development of protocols
- Support for survivors throughout the reporting and resolution process
- Participation in the campus gender-based violence task force
- Other: Outcome Assessment

#### Additional Context - From the MOU – RCC agrees to:

Provide full-time staff ("RCC Staff") to be present at the University during normal business hours, or as scheduled, during evenings and weekends, when University classes are in session.

- a) Provide a Campus Services Manager. The Campus Services Manager will participate as a representative to the University's Sexual Assault and Violence Education Team and coordinates the RCC services on campus.
- b) Provide two Campus Focus Education and Outreach Advocates.
- c) Provide three Campus Direct Services Advocates.
- d) Provide a Campus Volunteer and Intern Coordinator.

Provide twenty-four hour crisis intervention services available to University students and employees, including: twenty-four hour anonymous hotline; on-scene response as requested by The University of Akron Police Department ("UAPD"); accompaniment of victims to hospital for evidence collection; and, follow-up interaction with the victim through the justice system, a student conduct proceeding, or an Equal Employment and Affirmative Action investigation, if requested by the victim.

Provide anonymous/confidential support, education and crisis intervention to any students or employees, upon request by the individual.

Provide students and employees who have been sexual assault victims with information about the appropriate University offices from which to seek assistance or file a report, including but not limited to UAPD, local law enforcement, Deputy Title IX Coordinator(s) or the Counseling and Testing Center.

Meet as necessary with University Title IX coordinators to share information concerning: victims' needs and RCC services provided, including trends in services provided; suggestions for additional services that RCC or the University can provide; and, the effectiveness of the University's sexual assault education and prevention programs.

Meet as necessary with the Counseling and Testing Center to share information concerning victims' needs and RCC services provided, in order to coordinate services for victims of, and those affected by sexual assault and sexual violence, and to ensure effective and appropriate services to the campus community.

Upon request by the University, provide training to University health care and student affairs employees, individuals involved in student conduct proceedings, and campus law enforcement concerning: incidence and prevalence of sexual assault; myths about sexual assault; physical and emotional effects of sexual assault on victims; and, methods for interviewing and communicating with victims of sexual assault. Upon request by the University, track and provide attendance and assessment data for the training to the University.

Upon request by the University, assist the University with the development and implementation of educational programming and training. Additional campus training shall be coordinated by RCC through the Title IX coordinators. Upon request by the University, track and provide attendance and assessment data for training to the University.

Conduct outcome surveys to assess the effectiveness of RCC services provided to students and employees and, upon request by the University, provide copies of the results of those surveys to the University.

### 38. Does your campus have a Memorandum of Understanding with local law enforcement?

Response: Yes



39. Please select all of the components which are included in your MOU.

Response:

- Establishes a formal relationship
- Clear guidance on when to refer a case to local law enforcement
- Clear guidance on when law enforcement should reach out to the campus
- Procedures for information sharing
- Procedures for confidentiality
- Acknowledges a temporary stay in the Title IX investigation to account for a law enforcement fact finding process and that the Title IX investigation will immediately resume once notification is received that the investigation is complete.
- Participation in the campus gender-based violence task force
- Other: provisions for victim support and sharing of data related to annual campus safety report (Clery)

Additional Context:

The MOU was revised in March of 2018 and formalizes our agreement with the Akron Police Department. The University reporting protocols were revised at the same time and include language that acknowledges as an institution we may choose to temporarily stay an investigation as indicated. The items was not requested to be added by our the Akron Police Department for the MOU, its inclusion in the University of Akron reporting protocols allows, but does not require, the University of Akron to do so.

40. Does your campus provide access to confidential advisors?

Response: Yes

Additional Context:

The MOU with the RCC provides for confidential advisors to be present during all University proceedings, including support meetings and student conduct adjudication meetings. The services are provided by RCC advocates and available to all students, faculty, staff and residents of Summit County.

41. Are members of your campus community trained in trauma-informed response?

Response: Yes

Additional Context:

There are multiple opportunities offered to a variety of constituents throughout the year. The depth and breadth of training is matched with the responsibilities of those receiving training. Staff actively engaged in responding to reports of harassment and violence receive additional training while introductory messages are provided to faculty, students and staff who are likely to have fewer incidents or reports. Training opportunities that includes trauma informed response includes:

- FETI Training (ODHE summer 2016) was attended by Dean of Students Office and Student Conduct and Community Standards staff.
- Responding to the Needs of Victims training provided by Summit County Prosecutor Sherri Bevan Walsh was provided to local law enforcement, SAVE team members, Rape Crisis Center,

Dean of Students Office, Student Conduct and Community Standards and Academic Advising staff.

- Rape Crisis Center staff and volunteers complete and present 40 nationally certified training programs prior to serving on crisis hotline. Volunteers include university students, university faculty and RCC staff.
- Trauma informed report and support training was provided to students by Deputy Title IX Coordinator for Students Michael Strong including: ROTC, SOuRCe (Student Leadership and Student Organization) Training, CASA, Choose Ohio First Peer Mentors, Office of Multicultural Development Peer Mentors, Resident Assistants, Student Recreation and Wellness Center Student Leaders, International Students.
- Trauma Informed Policing - Ohio Peace Officer Training Academy training is completed by University of Akron Police Officers and includes trauma informed response to sexual violence.

42. Please indicate all groups in which individuals were trained in trauma-informed response this past academic year:

Response:

- Faculty
- Staff
- Administrators
- Coaches
- Campus Security and/or Law Enforcement
- Mental Health
- Confidential Advisors
- Health Center Staff
- Conduct Officers
- Residence Life Staff (non-RAs)
- RA
- Peer Educator
- Peer Advocates
- Orientation Leaders
- Other (please specify)

Parents of new students participating in the orientation program are provided an introduction to trauma informed response by Dean of Students and Deputy Title IX Coordinator Michael Strong.

43. Are there any other survivor-centered efforts your campus implemented this past academic year that have not yet been identified in this report?

Response:

The University of Akron signed an MOU with One Eighty the center for Wayne County associated with the Ohio Alliance to End Sexual Violence. The agreement will extend services to students through the agency who study at the Wayne Campus of The University of Akron.

44. What trends or issues related to the Changing Campus Culture initiative are you identifying as priorities for the coming academic year?

Response:

**Sustaining momentum established by the Sexual Assault and Violence Education (SAVE) team during personnel transitions and as necessitated through graduation/attrition of student leaders will continue to remain a priority for The University of Akron.**

45. Do you have requests for training and/or resources for the upcoming year to assist you with fully implementing the Changing Campus Culture initiative on your campus? Please be specific.

Response:

**Not at this time. The University of Akron would recommend continuing to provide grant funding opportunities for programs and support of professional development opportunities for University staff across the state participating in the initiative.**



1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent data collection procedures and the use of advanced analytical techniques to derive meaningful insights from the collected information.

3. The third part of the document focuses on the implementation of data-driven decision-making processes. It discusses how the organization can leverage the insights gained from data analysis to identify opportunities for improvement and to make strategic decisions that align with the organization's goals and objectives.

4. The final part of the document provides a summary of the key findings and recommendations. It reiterates the importance of a data-driven approach and offers practical suggestions for how the organization can continue to refine its data management and analysis practices to stay competitive in the market.

**Facility Use and Services Agreement  
Between  
The Rape Crisis Center of Medina and Summit Counties and  
The University of Akron**

WHEREAS The Rape Crisis Center of Medina and Summit Counties ("RCC"), a nonprofit organization serving sexual assault victims and co-survivors in Summit and Medina Counties, with principal offices at 974 East Market Street, Akron, OH 44305, seeks to have a physical presence and provide services at The University of Akron, an instrumentality and Ohio institution of higher education, with a principal place of business at 302 Buchtel Common, Akron, OH 44325 ("University"); and

WHEREAS the University has an available locations on its Akron campus and wishes RCC to provide services to the University on its campus; and

WHEREAS RCC's provision of services would be mutually beneficial to RCC and to the University, its students and employees:

NOW, THEREFORE, in consideration of the mutual premises contained herein, the sufficiency of which is acknowledged by both parties, RCC and University agree to the following.

**A. RCC Obligations and Responsibilities.**

RCC agrees to provide the following services and resources to the University:

1. Provide full-time staff ("RCC Staff") to be present at the University during normal business hours, or as scheduled, during evenings and weekends, when University classes are in session.
  - a. Provide a Campus Services Manager. The Campus Services Manager will participate as a representative to the University's Sexual Assault and Violence Education Team and coordinates the RCC services on campus.
  - b. Provide two Campus Focus Education and Outreach Advocates.
  - c. Provide three Campus Direct Services Advocates.
  - d. Provide a Campus Volunteer and Intern Coordinator.
2. Provide twenty-four hour crisis intervention services available to University students and employees, including: twenty-four hour anonymous hotline; on-scene response as requested by The University of Akron Police Department ("UAPD"); accompaniment of victims to hospital for evidence collection; and, follow-up interaction with the victim through the justice system, a student conduct proceeding, or an Equal Employment and Affirmative Action investigation, if requested by the victim.
3. Provide anonymous/confidential support, education and crisis intervention to any students or employees, upon request by the individual.

4. Provide students and employees who have been sexual assault victims with information about the appropriate University offices from which to seek assistance or file a report, including but not limited to UAPD, local law enforcement, Deputy Title IX Coordinator(s) or the Counseling and Testing Center.
5. Meet as necessary with University Title IX coordinators to share information concerning: victims' needs and RCC services provided, including trends in services provided; suggestions for additional services that RCC or the University can provide; and, the effectiveness of the University's sexual assault education and prevention programs.
6. Meet as necessary with the Counseling and Testing Center to share information concerning victims' needs and RCC services provided, in order to coordinate services for victims of, and those affected by sexual assault and sexual violence, and to ensure effective and appropriate services to the campus community.
7. Upon request by the University, provide training to University health care and student affairs employees, individuals involved in student conduct proceedings, and campus law enforcement concerning: incidence and prevalence of sexual assault; myths about sexual assault; physical and emotional effects of sexual assault on victims; and, methods for interviewing and communicating with victims of sexual assault. Upon request by the University, track and provide attendance and assessment data for the training to the University.
8. Upon request by the University, assist the University with the development and implementation of educational programming and training. Additional campus training shall be coordinated by RCC through the Title IX coordinators. Upon request by the University, track and provide attendance and assessment data for training to the University.
9. Conduct outcome surveys to assess the effectiveness of RCC services provided to students and employees and, upon request by the University, provide copies of the results of those surveys to the University.

**B. University Obligations and Responsibilities.**

University agrees to provide the following services and resources to RCC:

1. Office space, including telephone and internet access and general office supplies.
2. Up to ten parking passes for use of RCC staff.



3. Upon request by RCC, the RCC staff shall be issued a UANET ID. Use of the UANET ID shall be for the limited purposes of e-mail and calendar scheduling. At no time shall RCC staff represent their selves as an employees of the University. RCC staff shall not be provided access to any database that contains employee information or student education records.
4. Ability to reserve rooms on campus for training and education programming. Room reservations must be made consistent with University policies and protocols.
5. Upon request, and in the absence of a conflict of interest and consistent with its rules and policies, the University shall provide letter(s) and documentation to support its efforts to pursue grant funding opportunities.
6. University shall provide a letter of Value of Space on annual basis for the all the RCC office locations on University of Akron Campus.

**C. Insurance.**

RCC and University each agree to maintain insurance in amounts no less than \$1,000,000.00 per occurrence, and \$2,000,000.00 aggregate during the term of this Agreement. Each party shall provide Proof of Insurance to the other at the time of entering into this Agreement and shall name the other as an additional insured.

**D. Repairs and Alterations.**

RCC shall reasonably maintain the office space and all fixtures therein. All damage to the office and its fixtures, appurtenances and equipment caused by RCC from any cause of any kind whatsoever that is due to the negligence of RCC, its employees, agents, visitors, invitees, or licensees shall be repaired, restored, or replaced promptly by RCC at its sole cost and expense.

**E. Force Majeure.**

Neither party shall be responsible for any delay in performance that is caused by reason of "Force Majeure." "Force Majeure" shall mean fire, earthquake, flood, act of God, strikes, work stoppages or other labor disturbances, riots or civil commotions, litigation, terrorism, war or other act of any foreign nation, power of government or governmental agency or authority, or any other cause beyond the party's control.

**F. Obstructions and Right of Entry.**

RCC shall not obstruct any sidewalks, doors, passages, or ways of access to or through its office or on campus. University Police and other safety personnel reserve the right to enter the Office at any time during RCC's use of the Office.

**G. University Rules and Regulations.**

RCC shall comply with all University rules and policies while on University's campus. RCC shall observe the University calendar in the performance of its services under this Agreement.

**H. Indemnification.**

RCC shall indemnify and hold harmless University, its officers, employees and agents from and against any and all third party claims that arise from the acts or omissions of RCC in its performance of this Agreement. The University is a State of Ohio educational institution, created under Ohio Revised Code Chapter 3359. Its liability is governed by Ohio Revised Code Chapter 2743.

**I. Term and Termination.**

1. The initial term of this Agreement shall commence upon execution of this Agreement by the last signing party and shall continue through the initial term, December 31, 2019 ("Term.") This Agreement may be renewed for up to three (3) additional one year terms, subject to the availability of funding and the mutual agreement of the parties.
2. In the event that RCC loses funding for the RCC staff positions prior to the stated termination date of the initial Term or any renewal term, RCC shall, if feasible, give thirty (30) days advance written notice to University and this Agreement shall become null and void upon the expiration of the funding.
3. If either party breaches this Agreement, and fails to cure said breach within 14 days after receipt of written notice thereof, the non-breaching party may terminate this Agreement without penalty.
4. Upon termination of the Agreement, RCC agrees to return the office to University in the same condition as it was received, ordinary wear and tear excepted.

**J. Assignment.**

Neither party may assign this Agreement without the written consent of the other party.

**K. Discrimination.**

The parties to this Agreement shall comply with all applicable laws regarding equal opportunity and shall not discriminate against any person or group of persons on the basis of race, color, creed, sex, age, national origin, ancestry, religion, disability, or gender identity.

**L. Notices and Contact information.**

The University of Akron

RCC

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
E-Mail: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**M. Independent Contractor.**

It is expressly understood and agreed by the parties that RCC and its employees, in performing its obligations under this Agreement, shall be deemed an independent contractor and not an agent or employee of University. In furtherance of the foregoing and not in limitation thereof, RCC shall have no authorization to make any representation or enter into any contracts or other agreement without, in each instance, having obtained the prior written authorization of University.

**N. Governing Law.**

This Agreement shall be governed by the laws of the State of Ohio.

**O. Complete Agreement.**

It is expressly understood and agreed that neither University nor RCC make any representations or agreements outside the terms of the Agreement that broaden or conflict with any of the provisions contained herein. Any purported outside representations or agreements have no force or effect upon the rights or duties of either party. This Agreement may not be modified except through the mutual, written agreement of the parties.

Remainder of Page Intentionally Left Blank  
Signatures on Following Page 6



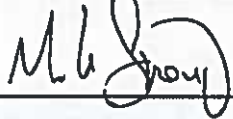
IN WITNESS WHEREOF, the parties, intending to be legally bound, have executed this Agreement this 20<sup>th</sup> day of December 2016.

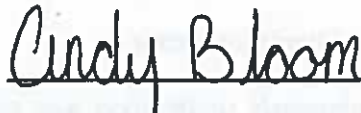
THE UNIVERSITY OF AKRON

RAPE CRISIS CENTER OF MEDINA AND SUMMIT COUNTIES

RECOMMENDED BY:

BY:

  
\_\_\_\_\_  
Date 12/14/16

  
\_\_\_\_\_  
Date 12/14/16

Michael Strong  
Dean of Students and  
Deputy Title IX Coordinator for Students

BY:

  
\_\_\_\_\_  
Date 12/20/16

Rex Ramsier  
~~Interim~~ Senior Vice President and Provost,

Reviewed and approved as to legal form and sufficiency.

  
\_\_\_\_\_  
Date 12.19.16

John J. Reilly  
Associate Vice President and  
Associate General Counsel

**MEMORANDUM OF UNDERSTANDING  
BETWEEN**

**OneEighty and**

**The University of Akron**

This Memorandum of Understanding ("MOU") is entered into by OneEighty, a provider of social services, including services for the survivors of sexual assault, with principal offices located at 104 Spink Street, Gault Liberty Center, Wooster, OH 44691, (hereinafter "OneEighty") and The University of Akron, on behalf of its Wayne College, with a principal office located at 1901 Smucker Road, Orrville, OH 44667 (hereinafter "Wayne College") The MOU formalizes the commitment of the parties to work together to provide trauma-informed services to students and employees of Wayne College who have been victims of sexual violence or harassment.

**A. Description of the Partner Agencies**

OneEighty is a nonprofit, community-based organization dedicated to the elimination of sexual violence in all its forms. OneEighty provides free, confidential services including a 24-hour hotline, therapeutic services, medical and legal advocacy, community education and training for professionals. Professional mental health and substance abuse counseling is also available and OneEighty accepts most insurances and victim compensation through the Ohio Attorney General's Office and has a sliding fee scale. Through direct services and education, OneEighty provides services to more than 400 individuals annually in the Victim Services Department. OneEighty provides empowerment-based services that focus on healing, support, and justice for victims of sexual assault.

Founded in 1870, and with 22,000 students and more than 300 associate, bachelor's, master's, doctorate and law degree programs, The University of Akron offers career-focused and experiential learning. The University of Akron brings together diverse disciplines in ways that provide students with life-long skills, internships and co-ops, opportunities for academic research, education abroad, on-campus student employment and service projects designed for diverse groups of learners, including full-time, part-time and online students, veterans, and adults returning to the classroom. Wayne College, a regional branch campus of The University of Akron, is an educational and cultural hub for Wayne County and the surrounding region. Student success is achieved through excellent teaching with an emphasis on individualized attention. We prepare our students for further educational pursuits, career success, and lifelong learning. Wayne College's 240-acre campus is located in, Orrville Ohio, a community of 8,400 located 55 miles south of Cleveland.

## **B. History of Previous Collaboration**

Wayne College and OneEighty have collaborated for more than a decade on programs to prevent sexual violence on campus. OneEighty has conducted several on-campus educational programs for students of Wayne College and has provided training for Wayne College's professional staff. This MOU builds on previous collaboration to provide services to victims and training to additional Wayne College officials, including numerous hours of educational presentations, collaboration with faculty, staff, and contract professionals, direct advocacy for students as necessary. Wayne College and OneEighty also have collaborated to create opportunities for students to volunteer at the OneEighty shelter or other OneEighty departments.

## **C. The Role of OneEighty**

Pursuant to this Memorandum of Understanding, OneEighty agrees to provide the following services:

- 1. Appoint a qualified Coordinator of Services, to serve as liaison in making services accessible to and appropriate for students and employees referred by Wayne College.**
- 2. Make 24-hour rape crisis hotline services available to students and employees of Wayne College.**
- 3. Provide confidential crisis intervention, counseling, information and referral, and accompaniment to medical and legal services as requested by Wayne College students and employees.**
- 4. Provide students and employees of Wayne College with information about the appropriate Wayne College offices from which to seek assistance or file a report, including but not limited to The University of Akron Police Department, local law enforcement and Wayne College Title IX coordinators. This information is the same information and service that is provided by Wayne College to its students and employees.**
- 5. Conduct victim satisfaction surveys or use other methods to assess the effectiveness of the services provided by OneEighty to Wayne College students and employees, and upon request by Wayne College, provide copies of the aggregate results of those surveys to Wayne College.**
- 6. Meet as necessary with University Title IX coordinators to share information concerning: victims' needs and One Eighty services provided, including trends in services provided; suggestions for additional services that RCC or the University can provide; and, the effectiveness of the University's sexual assault education and prevention program.**

7. Upon request by the Wayne College Office of Student Services, provide up to eight hours of training per year at no charge, to Wayne College's health care and student services staff, individuals involved in student conduct proceedings; and campus law enforcement concerning: the incidence and prevalence of sexual assault; myths about sexual assault; the physical and emotional effects of sexual assault on victims; the neurobiology of trauma; and, appropriate methods for interviewing and communicating with victims. OneEighty will provide to Wayne College a menu of trainings at the beginning of each semester. OneEighty will provide each training from the menu to Wayne College's students, faculty, or staff at a mutually agreed upon time, after receiving a request from Wayne College no less than five business days before the College's requested training date. Training provided to other Wayne College organizations shall not count toward the eight hours of free training provided through the Office of Student Services.
8. Upon request, OneEighty will design and deliver additional trainings and presentations to Wayne College's students, faculty, and staff for a fee. Because for-fee trainings and presentations require individualized research and preparations, Wayne College agrees to request for-fee trainings and presentations no less than 10 business days prior to the College's requested training or presentation date. OneEighty will include its fee structure in its training menu, which will be delivered to Wayne College at the beginning of each semester.
9. Upon request by Wayne College, assist Wayne College with the development and provision of prevention programming and training to faculty, students and school officials.
10. Upon request, OneEighty will provide free trainings to student groups/organizations, subject to availability and scheduling.

#### **D. The Role of The University of Akron Wayne College**

Pursuant to this Memorandum of Understanding, Wayne College agrees to perform the following functions:

1. At the beginning of each semester, designate a central point of contact for OneEighty staff to work with while facilitating referrals for confidential services.
2. Provide OneEighty staff with information concerning: on-campus resources available to student and employee victims of sexual violence or harassment; the University's protocol for responding to reports of sexual violence or sexual harassment; reporting procedures for victims who wish to file a report with law enforcement, including The University of Akron Police Department and/or other Wayne College officials; the Student Code of Conduct and disciplinary process; and, accommodations that Wayne College may be able to provide to victims of sexual violence or sexual harassment.



3. Provide printed and online materials about reporting options for Wayne College students and employees.
4. Provide to OneEighty with the on-line location of Wayne College's Clery Reports.
5. Inform OneEighty about the reporting obligations of Wayne College employees and identify those employees with whom students can speak confidentially and any limits or exceptions to that confidentiality.
6. Inform OneEighty about the school's prohibitions on retaliation, how allegations of retaliation can be reported and what protections are available for students and employees who experience retaliation. Coordinate opportunities for meetings between Wayne College's Title IX Coordinator, or designee, to meet with the Rape Crisis Coordinator of OneEighty.
7. Reasonably collaborate with OneEighty on prevention and other activities, including, engaging OneEighty each year to provide training (at no cost) at various events, to be mutually agreed to by the parties.
8. Provide OneEighty with a minimum of five business days' notice for no-cost trainings and presentations, and 10 business days' notice for fee-based trainings and presentations
9. Compensate OneEighty for designated services provided, consistent with this Agreement.

#### **E. Confidentiality**

OneEighty and Wayne College affirm the importance of providing students with options for confidential services and support. All services provided by OneEighty to students and employees of Wayne College will be kept confidential to the extent permitted by applicable law and except in the following circumstances:

1. If the student or employee wants information shared with Wayne College, campus or local law enforcement, OneEighty will obtain informed consent for release of the information. When releases of information are required, they will be written, informed, and reasonably time-limited.
2. OneEighty will provide Wayne College with aggregate data about incidents of sexual violence and other reportable offenses to help Wayne College identify patterns related to sexual violence. No personally identifying information will be provided. OneEighty will consult with victims regarding what information needs to be withheld to protect their identity.

3. If federal or state law requires disclosure because there is an imminent risk of harm to self or others, the Coordinator will determine: who will be notified; in what form; what information will be provided to the victim regarding this disclosure; and what steps will be taken to protect the victim from the imminent risk.
4. Confidentiality is governed by the state laws of Ohio as they apply to the respective professional who may be involved in the care and treatment of an individual. Confidentiality is also covered by any federal mandate as it applies to the reporting and subsequent action taken after an incident of assault.

#### **F. General Provisions:**

##### **1. Liability and Insurance.**

Consistent with the requirements and limitations of Ohio Revised Code Section 2743.02, each party shall be responsible for any claims, damage, loss or expense that arise from its own acts or omissions. OneEighty and Wayne College each agree to maintain insurance in amounts no less than \$1,000,000.00 per occurrence, and \$2,000,000.00 aggregate during the term of this Agreement. Each party shall provide Proof of Insurance to the other at the time of entering into this Agreement.

##### **2. University Rules and Regulations.**

OneEighty shall comply with all Wayne College rules and policies while on Wayne College's campus. OneEighty shall observe the Wayne College calendar in the performance of its services under this Agreement.

##### **3. Assignment.**

Neither party may assign this Agreement without the prior written consent of the other party.

##### **4. Discrimination.**

The parties to this Agreement shall comply with all applicable laws regarding equal opportunity and shall not discriminate against any person or group of persons based on race, color, creed, sex, age, national origin, ancestry, religion, disability, or gender identity.

##### **5. Conflict Resolution.**

In the event of any dispute, claim, question, or disagreement arising out of or relating to this Agreement or the breach thereof, the parties hereto shall use their best efforts to settle such disputes, claims, questions, or disagreement. To this effect, they shall consult and negotiate with each other, in good faith and, recognizing their mutual

interests, attempt to reach a just and equitable solution satisfactory to both parties. If they do not reach such solution within a period of thirty (30) days, either party may pursue all rights available to them at law or equity.

**6. Independent Contractor.**

It is expressly understood and agreed by the parties that OneEighty and its employees, in performing its obligations under this Agreement, shall be deemed an independent contractor and not an agent or employee of Wayne College or The University of Akron. In furtherance of the foregoing and not in limitation thereof, OneEighty shall have no authorization to make any representation or enter into any contracts or other agreement without, in each instance, having obtained Wayne College or The University of Akron.

**7. Governing Law.**

This Agreement shall be construed by and in accordance with Ohio law.

**8. Term and Termination.**

- a. The initial term of this Agreement shall commence upon execution of this Agreement by the last signing party and shall continue through the initial term, June 30, 2019 ("Term.")
- b. This Agreement may be renewed for up to three (3) additional one-year terms, subject to the availability of funding and the mutual agreement of the parties.
- c. If either party breaches this Agreement, and fails to cure said breach within thirty (30) days (consistent with Section F.5) after receipt of written notice thereof, the non-breaching party may terminate this Agreement without penalty.
- d. Either party may terminate this Agreement without cause upon ninety (90) days written notice to the other party.

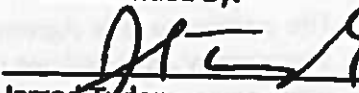
**OneEighty**

By:

\_\_\_\_\_  
Date


**The University of Akron**

Recommended By:

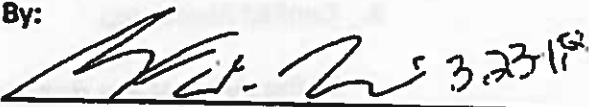
  
\_\_\_\_\_  
Jarrod Tudor  
Dean - Wayne College

3-20-18  
Date

OFFICE OF GENERAL COUNSEL  
THE UNIVERSITY OF AKRON  
Reviewed and Approved for  
Legal Form and Sufficiency

  
\_\_\_\_\_  
Date: 3-22-18

By:

  
\_\_\_\_\_  
Rex D. Ramsier  
Executive Vice President and  
Chief Administrative Officer

Date

Interests, attempt to reach a just and equitable solution satisfactory to both parties. If they do not reach such solution within a period of thirty (30) days, either party may pursue all rights available to them at law or equity.

**6. Independent Contractor.**

It is expressly understood and agreed by the parties that OneEighty and its employees, in performing its obligations under this Agreement, shall be deemed an independent contractor and not an agent or employee of Wayne College or The University of Akron. In furtherance of the foregoing and not in limitation thereof, OneEighty shall have no authorization to make any representation or enter into any contracts or other agreement without, in each instance, having obtained Wayne College or The University of Akron.

**7. Governing Law.**

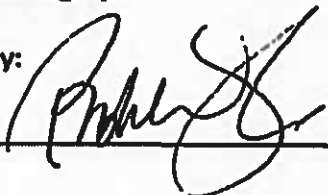
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- d. Either party may terminate this Agreement without cause upon ninety (90) days written notice to the other party.

OneEighty

By:

  
Date 3/27/18

The University of Akron

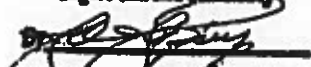
Recommended By:

\_\_\_\_\_  
Jarrod Tudor Date  
Dean – Wayne College

By:

\_\_\_\_\_  
Rex D. Ramsier Date  
Executive Vice President and  
Chief Administrative Officer

OFFICE OF GENERAL COUNSEL  
THE UNIVERSITY OF AKRON  
Reviewed and Approved for  
Legal Form and Sufficiency

  
Date 3-27-18



General change to each of the following... (mirrored text)

1. Introduction

It is hereby understood and agreed by the parties that the following... (mirrored text)

2. Definitions

The following definitions shall apply to the terms used in this Agreement... (mirrored text)

3. Purpose

The purpose of this Agreement is to establish the relationship between the parties... (mirrored text)

- 1. The parties have entered into this Agreement...
- 2. The parties have agreed to the following terms...
- 3. The parties have agreed to the following terms...
- 4. The parties have agreed to the following terms...

The Agreement is made this 1st day of January 2024

Witnessed by:

\_\_\_\_\_  
 Name: [Name]  
 Title: [Title]

\_\_\_\_\_  
 Name: [Name]  
 Title: [Title]

\_\_\_\_\_  
 Name: [Name]  
 Title: [Title]

\_\_\_\_\_  
 Name: [Name]  
 Title: [Title]