



**Campus Safety & Security Report**

**Calendar Year 2022**

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January 1, 2022 to December 31, 2022

**Report Released: 09/30/2023**

Office of Institutional Effectiveness  
Union Institute & University  
2090 Florence Avenue  
Cincinnati, Ohio 45206  
Phone: 1-800-861-6400 EXT. 1138

## *Safety and Security Report January 1, 2022 – December 31, 2022*

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**Statement of Disclosure**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, codified at 20 USC 1092(f) as part of the Higher Education Act of 1965, (known as the Clery Act) is a federal law that requires colleges and universities to provide information about specific types of crimes covered under the Clery Act occurring during the previous calendar year. The Office of Institutional Research prepares the Campus Safety & Security Report each September, using information provided by the university's centers of any Clery Act incidents reported to designated campus officials and/or local law enforcement agencies. The report can be found on the university's main web page. Print copies of the report may be obtained by contacting the Office of Institutional Research; prospective employees may request a copy of the report from the Human Resources department. Readers will see from the report that UI&U centers and surrounding areas are safe places to work, study, and visit—there were no or very few incidents in 2022 at university facilities.

Definitions used for this report:

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

This report is only as comprehensive as the information provided—it is important that students, faculty, staff, and visitors inform the university about any criminal incidents that have occurred. University policies on facilities' access and use, sexual assault, reporting criminal incidents, drug and alcohol use, and timely warnings to the university community (attached to this report), may also be found in the *University Catalog* at <http://myunion.edu/academics/catalog>; or (for policies specific to employees) on the university's employee intranet. University policies related to safety and security are reviewed regularly. Most of the policies attached to this report were reviewed in 2017-2020, as part of the university's efforts to maintain policy statements that are appropriately aligned with federal and state regulations.

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

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Phone: 1-800-861-6400 EXT. 1138

## Safety and Security Report January 1, 2022 – December 31, 2022

### Campus Crime Report 2022

*Reporting Year: January 1, 2022 to December 31, 2022*

Union Institute & University (UI&U) is committed to providing a safe, secure, and crime-free environment for students, employees, and visitors. The institution monitors and follows up on any reported crimes. Security awareness is important: students, faculty, and staff are encouraged to accept responsibility for their own safety and for the safety of other members of Union Institute & University's community. The tables below provide information about Clery Act criminal incidents reported as occurring at Union Institute & University locations in 2022 and in the two preceding years. As can be seen from the reports, UI&U provides its students, employees, and guests with a safe and secure environment in which to study and work.

Some background information that may be helpful:

- In July of 2021 UI&U officially moved its Cincinnati center (Headquarters) to 2090 Florence Avenue, Cincinnati, OH 45206. This move was less than 2.0 miles from the previous headquarters building located at 440 East McMillan Street, Cincinnati, OH 45206.
- All UI&U centers occupy leased space. University centers in Ohio, California, and Florida occupy facilities that house other tenants.
- Security personnel at Union Institute & University facilities are engaged by the owner of the facility in which the university leases space and do not have law enforcement authority. The university has no written agreements with local law enforcement agencies to provide campus security.
- Criminal incidents at off-campus locations (e.g. academic residencies at hotels) may be included in this report, but only if the incident involved a UI&U student, employee, or visitor participating in a UI&U event and if that event occurred at a location "controlled by" the university, such as an incident at a hotel or conference center during the course of an academic residency. Incidents occurring at off-campus course sites not controlled by the university (such as course sites at police stations) are not included in this report.

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

| <b>January 1, 2022 – December 31, 2022</b>  |                              |                            |                            |                            |                                   |                            |
|---|------------------------------|----------------------------|----------------------------|----------------------------|-----------------------------------|----------------------------|
| <b>Includes incidents on campus, off campus, and on public property surrounding UI&amp;U facilities</b> |                              |                            |                            |                            |                                   |                            |
|   | <b>Liquor Law Violations</b> |                            | <b>Drug Law Violations</b> |                            | <b>Illegal Weapons Possession</b> |                            |
|   | <b>Arrests</b>               | <b>Disciplinary Action</b> | <b>Arrests</b>             | <b>Disciplinary Action</b> | <b>Arrests</b>                    | <b>Disciplinary Action</b> |
| Main Campus, Cincinnati, OH   | 0                            | 0                          | 0                          | 0                          | 0                                 | 0                          |
| Los Angeles Center, CA  | 0                            | 0                          | 0                          | 0                          | 0                                 | 0                          |
| Hollywood, Florida Center, FL (formerly North Miami Beach Center)                                       | 0                            | 0                          | 0                          | 0                          | 0                                 | 0                          |
| Sacramento Center, CA   | 0                            | 0                          | 0                          | 0                          | 0                                 | 0                          |

**Safety and Security Report January 1, 2022 – December 31, 2022**

| <b>January 1, 2021 – December 31, 2021</b><br><b>Includes incidents on campus, off campus, and on public property surrounding UI&amp;U facilities</b> |                       |                     |                     |                     |                            |                     |
|---|-----------------------|---------------------|---------------------|---------------------|----------------------------|---------------------|
|   | Liquor Law Violations |                     | Drug Law Violations |                     | Illegal Weapons Possession |                     |
|   | Arrests               | Disciplinary Action | Arrests             | Disciplinary Action | Arrests                    | Disciplinary Action |
| Main Campus, Cincinnati, OH   | 0                     | 0                   | 0                   | 0                   | 0                          | 0                   |
| Los Angeles Center, CA  | 0                     | 0                   | 0                   | 0                   | 0                          | 0                   |
| Hollywood, Florida Center, FL (formerly North Miami Beach Center)   | 0                     | 0                   | 0                   | 0                   | 0                          | 0                   |
| Sacramento Center, CA   | 0                     | 0                   | 0                   | 0                   | 0                          | 0                   |

| <b>January 1, 2020 – December 31, 2020</b><br><b>Includes incidents on campus, off campus, and on public property surrounding UI&amp;U facilities</b> |                       |                     |                     |                     |                            |                     |
|---|-----------------------|---------------------|---------------------|---------------------|----------------------------|---------------------|
|   | Liquor Law Violations |                     | Drug Law Violations |                     | Illegal Weapons Possession |                     |
|   | Arrests               | Disciplinary Action | Arrests             | Disciplinary Action | Arrests                    | Disciplinary Action |
| Main Campus, Cincinnati, OH   | 0                     | 0                   | 0                   | 0                   | 0                          | 0                   |
| Los Angeles Center, CA  | 0                     | 0                   | 0                   | 0                   | 0                          | 0                   |
| Hollywood, Florida Center, FL (formerly North Miami Beach Center)   | 0                     | 0                   | 0                   | 0                   | 0                          | 0                   |
| Sacramento Center, CA   | 0                     | 0                   | 0                   | 0                   | 0                          | 0                   |

## Safety and Security Report January 1, 2022 – December 31, 2022

### **Criminal Incidents**

The criminal offenses reported in the following tables are listed using categories established by the Federal Bureau of Investigation's hierarchy of crimes<sup>1</sup> as established in the annual report of criminal incidents to the U.S. Department of Education. Reported Clery Act crimes occurring on public property immediately adjacent to a UI&U center and off-campus (i.e. at a university course location or university-sponsored event) are included in the data reported for the center to which the off-campus location is connected. None of the incidents reported in any of the three years covered by this report were identified as hate (bias-motivated) crimes. Brief descriptions of reported incidents are included.

| <b>Criminal Offenses at Union Institute &amp; University Locations<br/>January 1, 2022 – December 31, 2022</b> |                   |                    |                |                   |
|--|-------------------|--------------------|----------------|-------------------|
|  | Cincinnati Campus | Los Angeles Center | Florida Center | Sacramento Center |
| Murder and Non-negligent homicide  | 0                 | 0                  | 0              | 0                 |
| Negligent manslaughter   | 0                 | 0                  | 0              | 0                 |
| Forcible sex offenses  | 0                 | 0                  | 0              | 0                 |
| Domestic violence  | 0                 | 0                  | 0              | 0                 |
| Dating violence  | 0                 | 0                  | 0              | 0                 |
| Stalking   | 0                 | 0                  | 0              | 0                 |
| Non-forcible sex offenses  | 0                 | 0                  | 0              | 0                 |
| Robbery or Theft   | 0                 | 1                  | 0              | 0                 |
| Aggravated Assault   | 0                 | 0                  | 0              | 0                 |
| Burglary   | 0                 | 0                  | 0              | 0                 |
| Motor Vehicle Theft  | 0                 | 0                  | 0              | 0                 |
| Arson  | 0                 | 0                  | 0              | 0                 |
| <b>Criminal Offenses at Union Institute &amp; University Locations<br/>January 1, 2021 – December 31, 2021</b> |                   |                    |                |                   |
|  | Cincinnati Campus | Los Angeles Center | Florida Center | Sacramento Center |
| Murder and Non-negligent homicide  | 0                 | 0                  | 0              | 0                 |
| Negligent manslaughter   | 0                 | 0                  | 0              | 0                 |
| Forcible sex offenses  | 0                 | 0                  | 0              | 0                 |
| Domestic violence  | 0                 | 0                  | 0              | 0                 |
| Dating violence  | 0                 | 0                  | 0              | 0                 |
| Stalking   | 0                 | 0                  | 0              | 0                 |
| Non-forcible sex offenses  | 0                 | 0                  | 0              | 0                 |
| Robbery or Theft   | 0                 | 0                  | 0              | 0                 |
| Aggravated Assault   | 0                 | 0                  | 0              | 1                 |
| Burglary   | 0                 | 0                  | 0              | 0                 |
| Motor Vehicle Theft  | 0                 | 2                  | 0              | 0                 |
| Arson  | 0                 | 0                  | 0              | 0                 |

<sup>1</sup> Contact the Office of Institutional Effectiveness for definitions. As noted, this report covers only those crimes delineated in the Clery Act—it does not include all possible types of criminal incidents.

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| Criminal Offenses at Union Institute & University Locations<br>January 1, 2020 – December 31, 2020 |                      |                       |                   |                      |
|--|----------------------|-----------------------|-------------------|----------------------|
|  | Cincinnati<br>Campus | Los Angeles<br>Center | Florida<br>Center | Sacramento<br>Center |
| Murder and Non-negligent homicide  | 0                    | 0                     | 0                 | 0                    |
| Negligent manslaughter   | 0                    | 0                     | 0                 | 0                    |
| Forcible sex offenses  | 0                    | 0                     | 0                 | 0                    |
| Domestic violence  | 0                    | 0                     | 0                 | 0                    |
| Dating violence  | 0                    | 0                     | 0                 | 0                    |
| Stalking   | 0                    | 0                     | 0                 | 0                    |
| Non-forcible sex offenses  | 0                    | 0                     | 0                 | 0                    |
| Robbery or Theft   | 0                    | 0                     | 0                 | 0                    |
| Aggravated Assault   | 0                    | 0                     | 0                 | 0                    |
| Burglary   | 0                    | 0                     | 0                 | 0                    |
| Motor Vehicle Theft  | 0                    | 0                     | 0                 | 0                    |
| Arson  | 0                    | 0                     | 0                 | 0                    |

### **Unfounded Crimes**

If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is "unfounded". Only sworn or commissioned law enforcement personnel may categorize a crime as "unfounded." There were no crimes occurring in 2021 or in previous years at any Union Institute & University center, off-campus venue, or public property adjacent to any center that were determined to be false or baseless following investigation by law enforcement authorities.

### **Registered Sex Offenders**

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

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

### **Applicable Policy Statements**

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

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

**INSTITUTIONAL AND ACADEMIC POLICIES**

**Policies Governing Student Conduct**

Effective July 1, 2015

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

This contextual framework for student conduct is derived from Union Institute & University's mission, vision, and values. Not only is it meant to provide general expectations of students, it also is the foundation for several specific institutional policies and procedures governing student behavior and interactions.

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

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

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

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

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

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

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

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



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

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

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

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

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

- A UI&U instructor and/or administrator has the right and the responsibility to remove a student or other participant from a course, seminar, or other university-sponsored learning activity, whether in-person or online, if that person's behavior becomes disruptive or poses a danger to others.
- The university has the right and the responsibility to take disciplinary measures in response to student misconduct, independent of any action that might or might not be taken by law enforcement.
- Any UI&U student or employee has the right and the responsibility to contact university authorities or local law enforcement in the event of illegal behavior occurring on university property and/or during university-sponsored activities occurring off campus. (See policy below: Crimes Covered Under the Clery Act.) Any incident involving emergency or threatening situations requires calling 911 and the possible issuance of emergency notifications and/or timely warnings.

Following removal, the student may seek reinstatement in accordance with the applicable university policy.

### **Readmission After Dismissal for Unsatisfactory Academic Progress or Conduct**

A student dismissed from the university due to unsatisfactory academic progress may not enroll in any UI&U program or courses for a period of one year. Students who want to return to the university must reapply and be accepted after a program director's or program chair's review on a case-by-case basis.

A student dismissed for reasons of poor conduct has the right to review and appeal this decision as outlined by the applicable university policy. Ordinarily such dismissal is permanent; however, the program director, dean, or program chair will review requests for readmission on a case-by-case basis.

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

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

The following are offenses/crimes as defined by the Clery Act. Violations must be reported to university officials and possibly to local law enforcement and must be included in the university's annual security report:

- Drug law violations. *Drug laws vary by state. Generally speaking, use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs must be reported. Sale, transfer or possession of controlled substances must be reported.*
- Liquor law violations. *Liquor laws vary by state. Generally speaking, sale, transfer or possession of alcohol must be reported, unless served by the university at a university-sponsored event.*
- Illegal weapons possession. *The definition of illegal weapons and illegal weapon possession varies by state. Generally speaking, possession of a weapon at a university facility or at a university-sponsored event off-campus must be reported. Weapons are not permitted on any university property, with the exception of students and instructors who are sworn law enforcement officers and are required to carry a weapon when off duty.*
- Murder and non-negligent homicide. *The willful and non-negligent killing of one human being by another must be reported.*
- Negligent manslaughter. *The killing of another person through gross negligence must be reported.*
- Forcible sex offenses. *Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent must be reported (includes forcible rape, forcible sodomy, forcible sexual assault with an object, and forcible fondling).*
- Non-forcible sex offenses. *Unlawful, non-forcible sexual intercourse must be reported (includes statutory rape and incest).*
- Robbery. *Taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear must be reported.*
- Aggravated assault. *Any unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury must be reported. Aggravated assault may be accompanied by the use of a weapon or by means likely to produce death or great bodily harm.*
- Burglary. *Unlawful entry of a structure to commit a felony or a theft must be reported.*
- Motor vehicle theft. *The theft or attempted theft of a motor vehicle must be reported (does not include thefts from autos).*
- Arson. *Willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc. must be reported.*
- Hate crimes. *Any of the above offenses and any incidents of larceny, theft, simple assault, intimidation or destruction, damage, vandalism of property that were motivated by bias.*

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

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

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

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

While it is impossible to anticipate every possible type of disruptive behavior, Union Institute & University has developed the following institutional policies and procedures covering specific types of student behavior:<sup>2</sup>

- Academic Integrity Policy. This policy covers issues of plagiarism and cheating, personal relationships between students and instructors, delineating procedures to be followed when violations of academic integrity occur.
- Americans with Disabilities Act (ADA) policies and procedures, including a complaint process.
- Email Use Policy.
- Family Educational Rights and Privacy Act.
- Institutional Review Board Policies and procedures. This policy covers issues related to research with human subjects.
- Intellectual Property Policy.
- Sexual Misconduct Policy.

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<sup>2</sup> Institutional policies listed may be revised or added to at any time and may be supplemented by program-specific policies.

## ***Safety and Security Report January 1, 2022 – December 31, 2022***

- Student Complaints and Appeals Policy and Procedure. This policy applies to student complaints and appeals not specifically covered by other policies and includes procedures for filing informal and formal complaints.
- Student Use of Alcohol and Controlled Substances.
- Tampering with Educational Records.
- Technology Resources Acceptable Use Policy.
- Use of University Facilities Policies and Procedures. This policy incorporates a range of behaviors considered by the university to be inappropriate and/or illegal when occurring at university facilities and at off-campus university-sponsored events.

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

Effective August 31, 2009

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

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

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

*This policy statement is specific to Union Institute & University students. It has been adapted from the policy for employees as published on the university's employee intranet under human resources policies.*

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

## ***Safety and Security Report January 1, 2022 – December 31, 2022***

UI&U encourages students who have problems with alcohol or use of controlled substances to make use of available internal and external resources to help control or resolve their problems. UI&U supports rehabilitative efforts and will assist if requested to do so.

If a student has a medical condition or a substance addiction and has reason to believe the condition may impair attendance or performance, they are expected to notify their student success coach, program chair or dean. However, students should be aware that providing information about a medical condition or substance addiction for the first time during a disciplinary proceeding will not negate the disciplinary action from continuing.

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

If the student's use of a controlled substance is related to a condition that qualifies as a disability under the Americans with Disabilities Act (ADA), they may also apply for accommodation to the university's ADA compliance officer, in accordance with published procedures. Requests for ADA accommodation and/or rehabilitation assistance do not preclude any disciplinary action for violations of this or any other university policy.

### **Standards and Consequences**

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

### **Definitions**

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

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

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

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

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

## **Student Complaints and Appeals**

Revised July 1, 2018

### **Policy Statement**

It is the policy of Union Institute & University to ensure that students have recourse to due process with regard to situations and decisions with which they disagree or where they believe they have been unfairly treated. Union Institute & University is committed to consistent and fair consideration of student complaints and appeals through processes that ensure that all parties involved in a dispute are given due consideration.

### **Applicability of this Policy and Procedure**

This policy and procedure applies to the following persons:

- Students enrolled in a Union Institute & University program.
- Formerly registered students in those programs who have withdrawn or who were administratively withdrawn or dismissed. A former student's complaint must be initiated within 30 days of the last day of their official registration.

This policy and procedure **do not apply** to the following persons:

- Applicants for admission to a Union Institute & University academic program.
- Formerly registered students who did not initiate the policy and procedure within 30 days of their last day of official registration.
- Students or former students who have initiated any legal action related to the appeal or complaint. If legal action is initiated after a complaint has been filed, UI&U will immediately terminate the complaint investigation process.
- University employees who are not students.

The Online Student Concern Form is available on <https://campusweb.myunion.edu/ICS/eForms/Feedback.inz>.

Students may also contact the VPAA with a complaint at [VPAA@myunion.edu](mailto:VPAA@myunion.edu).

Areas where a student may initiate a complaint and, if necessary, a formal appeal, are cited below. Most of these issues should be resolved at the program level, but a formal appeal to the VPAA will be considered if they are not resolved at that level. Typical reasons for a student complaint or appeal include but are not limited to:

- Course grades. (Students may appeal a grade for a single assignment within a course with the instructor but may not invoke the appeal process with the VPAA.)



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- Non-responsive instructors or staff.
- Instructors who do not provide substantive feedback or whose feedback or criticisms are not constructive.
- Situations where the student perceives that an instructor or administrator has treated the student differently than other students.

This policy and procedure **do not apply** to some circumstances, including but not limited to the following:

- Student requests for waiver of published program policies. A student should request a waiver from the program chair (undergraduate students) or program director/dean (graduate students). The student may initiate the appeal process only if their request for a waiver is denied.
- Grades for single course assignments (e.g., quizzes, tests, papers). However, if the assignment in question is a major one that impacts the overall course grade (e.g., capstone, thesis, dissertation), then the student may appeal the course grade (see above).
- Decisions regarding violation of university policies on academic integrity. (See Academic Integrity Policy and Procedure.)
- Student complaints or grievances related to sexual or other discriminatory harassment. (See Sexual Misconduct Policy.)
- Student complaints or grievances related to American with Disabilities Act issues. (See ADA Grievance Policy and Procedure.)
- Financial aid director's decision to institute financial aid probation or termination. (See Student Financial Aid policy.)
- Decisions made by the UI&U Institutional Review Board. (By federal regulation, decisions made by a registered institutional review board may not be overridden by any other party.)

### **Definitions**

**Appeal:** If a student is dissatisfied with attempts to resolve their complaint informally, the student may file a formal appeal. A formal appeal may be instituted for any administrative or academic issue or decision not specifically excluded from this policy. All formal appeals must be submitted to the provost/vice president of academic affairs (VPAA).

**Complainant:** A student making an informal complaint or filing a formal appeal.

**Complaint:** A complaint as defined under this policy is an initial written allegation by a student that there has been an arbitrary or unfair application of a policy of the university, or a policy of the student's academic program. Complaints may be administrative or academic.

- An academic complaint is one that involves an academic decision and/or application of academic policy.
- An administrative complaint is one that involves a non-academic decision and/or application of administrative policy.

If a student is dissatisfied with the resolution proposed at the program/departmental level, they may decide to file a formal appeal.

**Involved Parties/Parties:** The complainant and the person or persons against whom a complaint or appeal has been made.

**Resolution:** The outcome of a complaint or formal appeal.

### **Complaint and Appeal Records**

A record of every student complaint will be maintained in the applicable department or program office. Records of student complaints and appeals related to academic issues may also be placed in the student's academic record. By federal regulation, records of **official** student complaints must also be maintained in the President's Office. At UI&U, it has been determined that only student appeals submitted to the VPAA (i.e., appeals that reach the institutional level of the process) will be considered as official complaints.

### **Confidentiality**

UI&U will maintain confidentiality of student complaints and appeals within the guidelines of the Family Educational Rights and Privacy Act (FERPA). Only the involved party/parties and university representatives involved in the review and resolution of a complaint or appeal will have access to information related to an ongoing complaint or appeal. Once the complaint or appeal has been resolved, this information will be placed in the student's file.

Students who are considering filing a formal appeal or who have filed a formal appeal are expected to use discretion in discussing the issue with other students or with employees, keeping in mind that there are other parties involved. Depending on the nature of the issue under appeal, other involved parties could be damaged by a student's public allegations. If a student is found to have discussed or publicized their pending or ongoing appeal in such a way as to potentially affect the outcome, the VPAA may immediately halt the appeal process and deny the appeal.

### **Procedural Guidelines: Complaints and Appeals**

UI&U expects that every complaint should begin with a sincere attempt at an informal resolution. It is expected that most conflicts will be resolved informally. Attempts at informal resolutions should be initiated by the student as soon as possible after the incident or action of concern, but should be initiated within at least 30 days to allow a timely and appropriate resolution. A formal appeal will not be considered unless such an attempt has been made. Students are advised to retain all documentation related to informal complaints and formal appeals. Documentation may include letters, emails, faxed messages, and notes of telephone conversations.

As noted above, the complaint and appeal procedure does not apply to situations where a student or former student has instituted legal proceedings. If at any stage of an informal complaint or formal appeal process the university becomes aware that a student has instituted legal proceedings, the process of complaint discussion, review, and resolution will be immediately halted, and all documentation of the process will be forwarded to the President's Office.

### **Complaint/Resolution Procedure—Departmental/Program Level**

A student may initiate a complaint through a letter or email. Verbal communication of a concern is not a complaint under the terms of this policy. In the written communication, the student must specifically identify that he or she is submitting a complaint within the terms of this policy. Written complaints must be submitted to the individual in authority of the unit involved in the complaint (e.g., program chair [for undergraduates] or the dean or director [for graduate students] of an administrative unit), and must be submitted by the student within 30 days of the



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incident or action of concern to the student. To avoid possible delays, written complaints should not be submitted to executive directors, faculty or support staff, assistant or associate deans, or assistant or associate directors. Any such employee who receives a written complaint from a student must immediately forward it to their departmental or program head. Similarly, written complaints submitted to the VPAA or president will immediately be referred to the appropriate program chair (for undergraduates) or dean or director (for graduate students). Upon receipt of written complaint, the program chair (for undergraduates) or dean or director (for graduate students) will provide a copy of this policy and procedure to the student filing the complaint.

If the complaint is about an academic issue and the program has an academic appeals policy and procedure, the program chair, dean, or director will invoke that policy, supplanting this policy's departmental/program level procedure. If there is no program-level academic appeals policy and procedure, then the program chair, dean, or director will follow the procedure outlined herein.

For complaints regarding academic issues or decisions where there is no written appeals policy, and for complaints regarding non-academic issues or decisions, the program chair (for undergraduates) or dean or director (for graduate students), in consultation with all involved parties, will evaluate the situation and propose a resolution. Proposed resolutions may range from denial of the student's complaint to reversal of the initial action or decision. At the conclusion of the process, the program chair, dean, or director will prepare a written report that will include: the student's written complaint, description of the complaint review process (interactions with involved parties), and the program chair, dean, or director's proposed resolution. The program chair, dean, or director will provide this report to the student and other involved parties, placing a copy of the report in the student's record. The program chair's, or dean's/director's report will be submitted within 30 days of receipt of the initial complaint; if additional time is needed to conduct a review, the program chair, dean, or director must notify all involved parties. The student will be invited to respond to the report by filing a formal appeal in the event that they disagree with the resolution. (See Appeal and Resolution – Institutional Level section below.) The invitation will include a 30-day deadline for submission of a formal appeal. If the student does not respond within the 30-day deadline, the complaint will be considered to have been resolved.

*Note: In the event that the student's complaint is against the program chair (for undergraduates) or dean or director (for graduate students), the student may submit the written complaint directly to the VPAA. In such cases, the VPAA will follow the informal resolution procedure outlined above. If the complaint is against the director of a non-academic unit not within the academic affairs division of the university, the VPAA may forward the complaint to the executive responsible for the unit, who will, again, follow the procedure for informal resolution outlined above.*

### ***Appeal and Resolution – Institutional Level***

If the student is not satisfied with the resolution proposed by the program chair (undergraduate level) or dean or director (graduate level), the student may choose to submit an appeal to the VPAA. An appeal will not be considered unless there has been a documented complaint/informal resolution process. Students should be aware that an appeal should not be undertaken lightly or frivolously. Every appeal must include a compelling argument from the student, beyond simple dissatisfaction with a situation or proposed resolution. Appeals must be submitted within 30 days of the conclusion of the departmental/program-level complaint resolution process.

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Appeals are submitted to the VPAA in writing. An appeal must include:

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

The student's appeal must be in the form of a letter (electronic letter is acceptable), clearly marked "Formal Appeal," and it must be dated and signed by the student. An appeal may be submitted as an email, but the signed document must be submitted as an email attachment. Students choosing to submit appeal documents as email attachments should insert "Formal Appeal" in the email subject line.

Upon receipt of the appeal, the VPAA will notify the program chair, dean, or director responsible for the initial review of the student's complaint and will conduct a brief review of the materials provided by the student and the program chair, or dean or director. The VPAA will then constitute a UI&U Grievance Review Committee (GRC). The preliminary review and formation of the GRC will typically be concluded within 20 working days of receipt of the initial appeal; the VPAA will notify the student if the initial review will take longer than 20 days. At the conclusion of the preliminary review, the VPAA may refuse to accept the appeal. If an appeal is not accepted, the VPAA will notify the student in writing, citing the reasons for the decision. An appeal may be refused for a number of reasons, including, but not limited to, the following:

- The issue being appealed is not covered by this policy and procedure (see above).
- The appeal appears to be motivated by a desire to punish or retaliate, rather than by a desire to resolve the situation.

A student whose appeal is not accepted may resubmit the appeal to the VPAA with additional documentation or information. If the appeal is not accepted after the second submission, the student may not appeal again.

### ***Appeal Review and Resolution***

If the VPAA accepts the student's appeal, it will be considered by the GRC. The GRC will review all documentation related to the appeal, including the student's written appeal, the program chair's or dean/director's report on the program/departmental-level complaint review/resolution process, and the student's initial complaint. During the review, members of the GRC will have no direct contact with any of the involved parties: any requests for additional information or clarification will be made through the VPAA, who may consult with any or all involved parties and/or the responsible program chair, dean, director, or vice president, advising the GRC of the results of those consultations. At the conclusion of the review, the VPAA will determine a resolution and prepare a written report that will include: information related to the initial complaint and resolution; the student's written appeal; a description of the review process (such as interactions with involved parties); and a recommendation for resolution. The VPAA will provide this report to the student and other involved parties, placing a copy of the report in the student's record. The VPAA's report will be submitted within 40 days of receipt of the initial complaint; if additional time is needed to conduct a review, the VPAA must notify all involved parties. The VPAA's decision is final; no further appeal will be considered.

### ***Institutional Student Complaint Log***

As noted above, under the provisions of the federal Higher Opportunity Employment Act, colleges and universities are required to maintain a log of student complaints and grievances. At the conclusion of the formal institutional review of the student's complaint (i.e., the level

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requiring GRC review), the VPAA will enter this summary into the log, including the following information:

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

### **Student Immunization / Vaccination Policy**

Effective July 1, 2014, as Revised

#### **Policy**

Union Institute & University does not require that students or employees be immunized against any communicable diseases. UI&U students living outside the U.S. may be required to provide proof of immunization in order to qualify for temporary visas.

There are, at present, no federal or state regulations requiring immunization of adult citizens (i.e., individuals age 18 or older), although the National Immunization Program recommends certain vaccinations for adults. An overview of regulations in those states where UI&U operates academic centers follows. State regulations apply only to the locations where UI&U operates permanent academic centers.

#### **Ohio**

The Ohio Revised Code (ORC) Section 1713.55 states that an institution of higher education shall not permit a student to reside in on-campus housing unless the student discloses whether they have been vaccinated against meningococcal disease and hepatitis B by submitting a meningitis and hepatitis B vaccination status statement. Because UI&U has no on-campus housing, this statute does not apply to UI&U.

#### **Florida**

Florida's Title 48, Chapter 1006, Section 1006.69 has a two-part requirement. The first requirement that colleges and universities obtain documentation of student vaccination does not apply to UI&U, as UI&U students do not reside in on-campus housing. The statute also requires that postsecondary educational institutions "provide detailed information concerning the risks associated with meningococcal meningitis and hepatitis B and the availability, effectiveness, and known contraindications of any required or recommended vaccine to every student ...who has been accepted for admission." This required information is included below.

#### **California**

Subject to certain exceptions, California Health and Safety Code Section 120390.5 requires first-time enrollees at California public universities who are 18 years of age or younger to provide proof of immunization against Hepatitis B as a condition of enrollment. This statute is not applicable to UI&U as it is a private institution.

#### **Information on Meningococcal Disease**

(Adapted from information provided by the Centers for Disease Control and Prevention)

Meningococcal disease is a serious illness caused by bacteria. It is the leading cause of bacterial meningitis in children two-18 years of age in the United States. Meningococcal bacteria can cause meningitis (inflammation of the lining of the brain and spinal cord) or sepsis (an

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infection of the bloodstream). Symptoms of meningitis include stiff neck, headache, fever, nausea, vomiting, confusion and drowsiness. Symptoms of sepsis include fever, shock and coma. Death from sepsis can occur within 12 hours of the beginning of the illness – meningococcal disease can be a rapid and overwhelming infectious disease. For these reasons, meningococcal infections that occur in childcare centers, elementary schools, high schools, and colleges often cause panic in the community. Every year about 2,600 people in the United States are infected with meningococcal disease. Ten to 15% of these people die, in spite of treatment with antibiotics. Of those who live, another 10% lose their arms or legs, become deaf, have problems with their nervous systems, become intellectually disabled or suffer seizures or strokes.

### **How do you catch a meningococcal infection?**

Usually meningococcal infection is acquired after intimate contact with an infected person. Intimate contact includes kissing, sharing toothbrushes or eating utensils, or frequently eating or sleeping in the same dwelling as an infected individual.

### **Who is at risk?**

Anyone can get meningococcal disease, but it is most common in infants less than one year of age and in people with certain medical conditions. College freshmen, particularly those who live in dormitories, have a slightly increased risk of getting meningococcal disease. The risk for meningococcal disease among non-freshman college students is similar to that for the general population; however, the vaccine is safe and effective and therefore can be provided to non-freshmen undergraduates who want to reduce their risk for meningococcal disease.

### **What can be done to decrease risk?**

The meningococcal vaccine can prevent four types of meningococcal disease. These include two of the three most common types in the United States. The meningococcal vaccine cannot prevent all types of the disease, but it does help to protect people who might become sick if they do not get the vaccine. The vaccine is available through your physician.

### **What about the vaccine?**

A vaccine, like any other medicine, is capable of causing serious problems, such as allergic reactions. You should not get the meningococcal vaccine if you have ever had a serious allergic reaction to a previous dose of the vaccine. Some people who get the vaccine may develop redness or pain where the shot was given, and a small percentage of people develop a fever. These symptoms usually last for one or two days. The risk of the meningococcal vaccine causing serious harm is extremely small. Getting meningococcal vaccine is safer than getting the disease. People who are mildly ill at the time the shot is scheduled and women who are pregnant can still get the vaccine. Those with moderate or severe illnesses should usually wait until they recover. Discuss the timing, risks, and benefits of vaccination with your health care provider. For more information about the meningococcal vaccine, access the Vaccine Information Sheet at the Centers for Disease Control and Prevention (CDC) website: <http://www.cdc.gov/vaccines/hcp/vis/vis-statements/mening.html>.

## **Sexual Misconduct Policy**

Effective June 8, 2015 / Updated January 1, 2021

### **Policy Statement**

Union Institute & University recognizes the human dignity of each individual of the university community and believes that each has a responsibility to promote respect and dignity for others.

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UI&U is committed to providing a learning and working environment in which students, faculty, and staff can thrive, and a culture that is welcoming, affirming, and free of fear. To this end, UI&U strives to foster an academic and work environment that is free from sexual/gender discrimination, sexual/gender harassment, and sexual assault. This policy outlines a process to stop, remedy, and prevent all forms of sexual misconduct including acts of sexual violence, sexual/gender harassment, domestic violence, dating violence, stalking, and bullying, including cyberstalking and cyberbullying.

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

This policy outlines the rights and options of Complainant and Respondent in the reporting of sexual misconduct situations and ensures a fair and equitable process for all parties. This policy is not a substitution for law; some allegations might rise to actions that are criminal in nature. UI&U supports and encourages individuals to report criminal activity to appropriate law enforcement officials.

### **Definitions**

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

**Complainant:** An individual who is alleged to be a victim of conduct that could constitute sexual harassment.

**Confidential Reporter:** There are no confidential reporters at UI&U. All employees (including faculty) are mandatory reporters. Individuals outside the university who can be confidential reporters include licensed counselors, medical professionals, and ordained clergy.

**Consensual Relationships:** The university discourages consensual sexual or amorous relationships where there is an institutional power difference between the parties involved, for example between a supervisor and a subordinate employee, or between a student and anyone having a grading, advisory, or supervisory authority over that student. Relationships that occur in the context of educational evaluation or employment supervision present serious concerns about the validity of consent and existence of welcomeness. The disparity of power in these relationships makes them susceptible to exploitation. The university requires relationships of this type be disclosed using the disclosure form, which is then submitted to Human Resources. Such a disclosure may require changes in the evaluative and grading relationship (i.e., an independent third party assumes the duties of evaluating or grading and in the event of an employee relationship, a change in reporting relationship).



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**Cyberbullying/Cyberharassment:** Cyberbullying or Cyberharassment is the willful and repeated use of cell phones, computers, and other electronic communication devices to harass or threaten others on account of sex or gender, gender identity, or sexual orientation.

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

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

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

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

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

**Investigation:** The process of determining facts in response to a report. An investigation may be part of a formal or informal resolution process. An investigation will be directed by the Title IX coordinator.

**Mandatory Reporter:** Also known as "responsible employee." All faculty and staff members at UI&U are mandatory reporters and are required to notify the Title IX coordinator or one of the deputy Title IX coordinators if they become aware of a potential violation of the sexual misconduct policy. In the state of Ohio, instances that are potentially felonies must be reported to the local civil authorities. The Title IX coordinator will notify the local civil authorities in such instances. UI&U cannot guarantee confidentiality regarding reporting but will limit information to those who have a need to know. Mandatory reporting is not contingent on whether or not there is an arrest or formal charge by law enforcement.

**Notice:** Notice of a possible violation of this sexual misconduct policy may be given by anyone, whether it be the complainant or another person, including the Title IX coordinator. As defined by federal regulations from the U.S. Department of Education, "actual knowledge" to the university occurs when notice of sexual harassment or allegations of sexual harassment are made to the university's Title IX coordinator or any official of the university who has authority to institute corrective measures on behalf of the university. All staff and faculty at the university are mandatory reporters, but not all mandatory reporters have authority to institute corrective measures on behalf of the university. For the purposes of this sexual misconduct policy, those

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having authority to institute corrective measures are the Title IX coordinator, the deputy Title IX coordinators, and President's Cabinet. The university wants to know about any possible violations of this sexual misconduct policy and so encourages reporting such possible violations.

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

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

**Report:** Notice of an alleged violation of the university's sexual misconduct policy.

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

**Sexual Assault:** Sexual assault as defined by federal law means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Examples of forcible sex offense include rape, sodomy, sexual assault with an object, and fondling. Examples of non-forcible sex offense include incest and statutory rape.

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

**Sexual Exploitation:** Sexual exploitation means taking sexual advantage of someone without her or his consent. Behaviors constituting sexual exploitation include but are not limited to:

- Video or audio recordings of sexual activity without consent of the person(s) involved;
- Physically observing people engaged in sexual activity without the consent of the person(s) involved;
- Knowingly transmitting a sexually transmitted disease to someone;
- Exposing one's genitals to someone without the other person's consent;
- Sharing sexually oriented images with a third party without the consent of the person(s) involved
- Using sexually oriented images to coerce someone to act against that person's will;
- Creation, possession, or dissemination of child pornography

**Sexual Harassment:** As defined by federal regulations from the U.S. Department of Education, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- **Quid pro quo sexual harassment** (the Latin term for "this for that") - An employee of the university conditioning the provision of an aid, benefit, or service of the university on an individual's participation in unwelcome sexual conduct.

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- **Hostile environment sexual harassment** - Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity. Included within sexual harassment are sexual assault, dating violence, and stalking.

**Sexual Misconduct:** Sexual misconduct means non-consensual sexual contact, non-consensual sexual intercourse, sexual assault, or other non-consensual physical sexual conduct perpetrated against another. Sexual intercourse includes any oral, anal, or vaginal penetration, to any degree, with any object. Sexual contact is any sexual touching, with any object, by any person upon another. Sexual touching includes touching of any erogenous areas such as a person's genitals, breasts, or buttocks. Sexual misconduct may also include sexual exhibitionism, peeping or other voyeurism, prostitution or solicitation of prostitution, or going beyond the scope of consent, e.g., by allowing others to view consensual sex or the non-consensual photographing or video or audio taping of sexual activity or distribution of recorded sexual activity.

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

### **The Importance of Consent**

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

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

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

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

### **Retaliation**

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



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### **Rights of Complainant**

- To be treated with respect before, during, and after the reporting process, investigation, and resolution of a potential violation of the sexual misconduct policy.
- To be informed of the university's process regarding sexual misconduct and possible outcomes.
- To receive substantive communication and, when warranted, procedural developments regarding an investigation.
  - Note that the alleged conduct may also be criminal in nature, and the complainants have the right to report such conduct to the appropriate law enforcement agency. The university will provide assistance in the filing of such a complaint if requested. A criminal report does not preclude university disciplinary action. Likewise, the university may pursue a disciplinary action against a respondent regardless of whether a criminal complaint is filed.
- Complainants are strongly encouraged to seek counseling and support. Help with accessing appropriate resources is available through the Office of Student Success (students) or Human Resources (employees). Additional resources are listed under the Help and Resources section of this policy.
- An advisor of the complainant's choice may accompany them to any meeting with the investigator. Should the case go to a hearing, the complainant will be required to have an advisor, who can be but need not be a lawyer. If the complainant does not have an advisor, the university will provide one. In the event of a hearing, the advisor may directly question the respondent, but the complainant cannot. In the hearing, the respondent's advisor may directly question the complainant, but the respondent cannot.
- To have an educational environment that is free of discrimination and to prevent the recurrence of a hostile environment and, if appropriate, remedy the effects of the alleged harassment to the reporting party.

### **Rights of Respondent**

- To be treated with respect before, during, and after the reporting process, investigation, and resolution of a potential violation of the sexual misconduct policy.
- To be informed of the university's process regarding sexual misconduct and possible outcomes.
- To receive substantive communication and, when warranted, procedural developments regarding an investigation.
  - Note that the alleged conduct may also be criminal in nature, and the respondents have the right to report such conduct to the appropriate law enforcement agency. The university will provide assistance in the filing of such a complaint if requested. A criminal report does not preclude university disciplinary action. Likewise, the university may pursue a disciplinary action against a respondent regardless of whether or not a criminal report is filed.
- Respondents are strongly encouraged to seek counseling and support. Help with accessing appropriate resources is available through the Office of Student Support Services (students) or Human Resources (employees). Additional resources are listed under the Help and Resources section of this policy.
- An advisor of the respondent's choice may accompany them to any meeting with the investigator. Should the case go to a hearing, the respondent will be required to have an

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advisor, who can be but need not be a lawyer. If the respondent does not have an advisor, the university will provide one. In the event of a hearing, the advisor may directly question the complaint, but the respondent cannot. In the hearing, the complainant's advisor may directly question the respondent, but the complainant cannot.

- Respondents can expect a presumption of innocence throughout the investigation process unless and until they are found responsible for a violation of this policy.

### **Prevention**

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

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

### **Reporting a Violation**

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

The university cannot guarantee complete confidentiality when reports of possible Title IX violations are received. All employees of the university are mandatory reporters and must report possible Title IX violations of which they are aware to the Title IX coordinator or one of the deputy Title IX coordinators. If a case is investigated, the sharing of details of the investigation will be limited to the complainant and the respondent, their advisors, the investigator, and university personnel involved in the Title IX process. If the case goes to a hearing, those present will include the complainant and the respondent, their advisors, witnesses, and the three-person hearing board. Confidentiality is also affected when the safety of members of the university community (including the complainant) or when the university is required by law to disclose the information, or when issues of equity require disclosure. The university encourages complainants to report violations that might be subject to criminal action to appropriate law enforcement officials. As necessary and as required by the laws of the locality, the university

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reserves the right to initiate a report, to serve as complainant, and to initiate conduct proceedings without a formal report by the person who would typically be the complainant. All participants (including the complainant, respondent, witnesses, advisors, investigators and others) involved in any part of the reporting, investigative, resolution, or appeals process are expected to respect the confidentiality of the proceedings and circumstances giving rise to the report.

### ***Coverage Under Title IX***

For a formal complaint to be processed under Title IX, the incident alleged in the complaint must meet the following conditions:

- 1) It must meet the definition of sexual harassment as defined above, which reflects 34 CFR § 106.30 in the U.S. Department of Education's regulations.
- 2) It must have occurred within the scope of one of the university's education programs or activities.
- 3) It must have occurred against a person in the United States.

It may be that while the incident alleged in the complaint is not covered under Title IX, it may be a violation of the Policies Governing Student Conduct, or a violation of terms and expectation of other university policies.

### **Contacts:**

#### **Title IX Coordinator**

Dr. Thomas Frederick  
Vice President for Academic Affairs  
2090 Florence Avenue  
Cincinnati, OH 45206  
(954) 284-2116  
[thomas.frederick@myunion.edu](mailto:thomas.frederick@myunion.edu)

#### **Deputy Title IX Coordinators**

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

Dr. Jennifer Raymond  
Dean, Doctor of Philosophy in Interdisciplinary Studies  
2090 Florence Avenue  
Cincinnati, OH 45206  
800-861-6400 ext. 1019  
[jennifer.raymond@myunion.edu](mailto:jennifer.raymond@myunion.edu)

Sarah Wallis  
Director of Academic Grants and Projects

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2090 Florence Avenue  
Cincinnati, OH 45206  
800-861-6400 ext. 1197  
[sarah.wallis@myunion.edu](mailto:sarah.wallis@myunion.edu)

### **Resolution Process**

The Title IX coordinator is responsible for investigating reports of violations of this sexual misconduct policy, including the possible utilization of external investigators and deputy Title IX coordinators. Upon receipt of a report of sexual misconduct, the Title IX coordinator will conduct an initial assessment of the report and any supporting documentation to determine the appropriate course of action. This course of action may include:

1. A determination that the alleged incident is not covered under Title IX.
2. A determination that the alleged incident does not rise to the level of a violation covered under this policy.
3. An informal resolution approach.
4. The initiation of a formal investigation.

The university will seek action consistent with the complainant's request where possible. Any individual seeking informal resolutions or mediation should discuss these options with the Title IX coordinator. Informal resolution or mediation is not an option for any allegation of sexual assault or violence. Interim, immediate measures may be taken during the course of the informal resolution process and/or investigation to ensure the safety and well-being of the complainant and/or the university at large. These measures will be imposed in a way that balances rights of the complainant and the rights of the respondent.

### ***Supportive Measures***

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

Individuals with reports of sexual misconduct also have the right to file a formal complaint with the U.S. Department of Education:

U.S. Department of Education, Office for Civil Rights (OCR)  
Lyndon Baines Johnson Department of Education Bldg.  
400 Maryland Avenue, SW  
Washington, DC 20202-1100 or by visiting <http://www.ed.gov/ocr> or calling 800.421.3481.

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### ***Informal Resolution Process***

Where appropriate, it is hoped that resolution of any complaint not involving sexual assault or violence will begin with a sincere attempt at informal resolution. Individuals are encouraged to discuss their concerns with the Title IX coordinator and if the complainant agrees, concerns will be resolved through interactive discussion between the parties and if appropriate, a remedies-based resolution. Informal resolution or mediation is not an option for any allegation of sexual assault or violence.

Remedies-based resolution is a non-disciplinary approach designed to eliminate a hostile environment without initiating a potential disciplinary action against a respondent. Resolution measures may include, but are not limited to, a no-contact order between the parties, adjustments in class schedules, and/or adjustments in group work within classes. All involved parties will be notified in writing by the Title IX coordinator of the allegation and the suggested resolutions within 14 days of the parties agreeing to an informal resolution.

### ***Formal Resolution Process***

If the complainant does not believe that a satisfactory resolution has been reached at the informal resolution stage, or the complainant prefers to skip the informal resolution process, the formal resolution process will involve the steps below.

1. Report
  - a. Complainant should submit a written report to the Title IX coordinator. Any supporting documentation and evidence should be referenced in the written report. If the complainant prefers, the complainant can give a verbal statement by phone or in person to the Title IX coordinator.
2. Investigation
  - a. The Title IX coordinator (or another investigator designated by the Title IX coordinator) will begin a formal investigation. The investigation will include interviews with the complainant, the respondent, and any applicable witnesses, as well as review of any applicable documentation or physical evidence.
  - b. Should a complaint be filed against the Title IX coordinator, a deputy Title IX coordinator will work with the vice president for human resources (VPHR) and will coordinate the investigation as appropriate.
  - c. The university prohibits any intentional false reports of incidents. Such intentional false reporting is a violation of the Policies Governing Student Conduct and Employee Workplace standards policy.
  - d. The complainant, respondent, and, if applicable, their advisors, will have access to all evidence collected during the investigation upon request. When requested, the evidence will be provided electronically.
  - e. The Title IX coordinator (or another investigator designated by the Title IX coordinator) will conduct a thorough and impartial investigation. Every attempt will be made to deliver a draft report to the complainant, respondent, and, if applicable, their advisors, within 60 days of the initiation of the report. The complexity of some cases and/or unforeseen circumstances may cause the process to exceed 60 days. The university seeks to balance the needs for timely resolution and a thorough and impartial investigation. If the draft report will take

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longer than 60 days, the Title IX coordinator will send written notice to the complainant, respondent, and, if applicable, their advisors.

- f. At the conclusion of the investigation, the Title IX coordinator will provide all collected evidence to the complainant, respondent, and, if applicable, their advisors. The evidence will be provided electronically. The parties will have 10 business days to submit a written response on the collected evidence if they choose to do so. The Title IX coordinator will consider any responses to the evidence prior to completion of the investigation report.
  - g. The Title IX coordinator will then draft the investigation report and send it to the complainant, the respondent, and, if applicable, their advisors. The complainant and the respondent will have 10 business days to review the draft of the investigation report and submit a written response on the draft of the investigation report to the Title IX coordinator if they choose to do so. The investigation report will include the names of the complainant, respondent, details from the investigation, a timeline of significant events, and a conclusion about what evidence there is for determining whether the respondent is or is not responsible for having violated the sexual misconduct policy. The Title IX coordinator will consider any responses to the draft of the investigation report, making any changes to the investigation report as the Title IX coordinator considers needed based on those responses. The Title IX coordinator will include those responses verbatim with the final investigation report. The Title IX coordinator will then send the final version of the investigation report to the complainant, respondent, and, if applicable, their advisors.
  - h. The Title IX coordinator will then select a hearing board who schedules a live hearing.
3. Hearing
- a. A hearing board composed of three officials representing the university is formed. The hearing board reviews the investigation report. One of the members of the hearing board will be named the chair.
  - b. The hearing will consist of the complainant, the respondent, their advisors, and any witnesses. While advisors are not required for the investigation portion of the process, they are required for the live hearing. If the complainant or respondent do not have an advisor prior to the hearing, the university will provide an advisor. Advisors are allowed to ask questions directly of the complainant or respondent. Neither the complainant nor the respondent may ask questions of each other directly.
  - c. While the hearing must be live, it does not need to be such that all participants are located in a single room. In fact, due to the distributed nature of the university and its students and employees, it is most likely that the hearing will be conducted via teleconferencing technology. The complainant and the respondent will not be in the same room unless both the complainant and the respondent prefer to be in the same room.
  - d. The hearing must be recorded.



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- e. The chair of the hearing board will determine whether or not any particular question asked by an advisor is relevant. If the chair determines that a question is not relevant, the chair must explain why the question is not relevant.
  - f. If a complainant, respondent, or witness does not submit to cross-examination at the hearing, then the hearing board cannot consider any statements made by that person as evidence in reaching their decision.
  - g. Structure of the hearing
    - i. The chair of the hearing board states the ground rules for the hearing, logistics for technology, etc.
    - ii. The complainant and the respondent may make a verbal statement to the hearing board if they wish.
    - iii. The complainant's advisor provides an opening statement.
    - iv. The respondent's advisor provides an opening statement.
    - v. The complainant's advisor provides evidence and cross-examines witnesses and the respondent as they choose.
    - vi. Then the respondent's advisor provides evidence and cross-examines witnesses and the respondent as they choose.
    - vii. The chair of the hearing board announces next steps in the process.
    - viii. The hearing concludes.
4. Decision
- a. The hearing board meets to decide if the respondent is responsible for a violation of the sexual misconduct policy. A decision is reached when at least two of the three hearing board members agree as to whether or not the responding party is responsible. The hearing board will use a "preponderance of the evidence" standard and evaluate available information from the perspective of a reasonable person in the reporting party's position and in consideration of the context of the behavior.
  - b. When the hearing board reaches a conclusion, they give a written decision to the Title IX coordinator within seven business days.
  - c. The written decision will include the following:
    - i. Identification of the allegations potentially constituting violations of the sexual misconduct policy.
    - ii. A description of the procedural steps taken from the receipt of the formal complaint through the determination. Those procedural steps will include any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held.
    - iii. Findings of fact supporting the determination.
    - iv. Conclusions regarding the application of the sexual misconduct policy to the facts.
    - v. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility.

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- vi. If the respondent is found responsible for having violated the sexual misconduct policy, the written decision will include any sanctions determined by the hearing board.
    - 1. Possible sanctions can include, but are not limited to, expulsion from the university, suspension, required counseling or training, or termination of employment.
  - vii. Any remedies designed to restore or preserve equal access to the university's education program or activity will be provided by the university to the complainant.
  - viii. The procedures and permissible bases for the complainant and respondent to appeal.
- d. The Title IX coordinator will send the completed written decision to the complainant and respondent within 10 business days of the conclusion of the hearing.

### 5. Appeals

#### a. Appeal Process

- i. The hearing board's written decision may be appealed by either party by filing a written appeal. A written appeal by either the complainant or the respondent would be addressed to the VPAA.
- ii. The appeal process is not intended to re-hear the same case and is limited to the specific grounds outlined below.
- iii. Any resolution or sanction will remain in force while an appeal is considered and a final decision is determined.
- iv. Each student/employee is limited to one appeal per case, and the decision of the appeal is final.
- v. For the appeal to be considered, the appellant must submit a written notice to the VPAA within 15 business days of receipt of the written decision. This written appeal must state the specific grounds for the appeal and should include any supporting documentation.
- vi. The Title IX coordinator will notify in writing the complainant and the respondent of any appeal, what the grounds for the appeal are within five business days of the date when the request for appeal was received by the VPAA.
- vii. The complainant and the respondent will be notified in writing of the appeals decision of the VPAA within 15 business days of when the Title IX coordinator sent notification of the appeal to the complainant and respondent.

#### b. Grounds for Appeal



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- i. Procedural irregularity that affected the outcome of the matter.
- ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter. This new information must be included with the request for appeal.
- iii. The Title IX coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
- iv. Dissatisfaction with a decision is not grounds for an appeal. Non-attendance or non-participation in the process is not considered new evidence or grounds for an appeal.

### **Help and Resources**

It is especially important for students or employees who have been sexually assaulted to seek immediate and appropriate medical treatment. This is not only important for the victim's health, but will be vital for gathering of necessary evidence for criminal investigations. Emergency medical services should be summoned as soon as possible for assault and violence incidents.

Often the impact of sexual assault or violence is invisible and victims of sexual assault or violence may need mental health counseling to assist them in dealing with the trauma.

### **University Resources**

#### **Human Resources**

Employees who need assistance in securing outside help or services should contact Human Resources at 800.861.6400.

#### **ADA Coordinator**

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

ADA Coordinator:

Dr. Crystal Powell

Associate Vice President for Institutional Effectiveness

2090 Florence Avenue

Cincinnati, OH 45206

Crystal.Powell@myunion.edu

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### ***National Resources***

#### Rape, Abuse and Incest National Network

The nation's largest anti-sexual assault organization, RAINN operates the National Sexual Assault Hotline, 800.656.HOPE, and carries out programs to prevent sexual assault. [www.rainn.org](http://www.rainn.org).

#### Center for Changing Our Campus Culture

The Center for Changing Our Campus Culture is a resource center supported by the U.S. Department of Justice's Office of Violence against Women. <http://changingourcampus.org/>.

- Then click on the Resources tab.

### ***Local/Regional Resources***

#### Cincinnati

- Police
  - 911 or 513.569.8600
- Women Helping Women
  - 24-Hour Hotline: 513.381.5610 or 877.889.5619
  - <http://www.womenhelpingwomen.org/>
- Ohio Alliance to End Sexual Violence
  - 888.886.8388
  - <http://www.oaesv.org/>

#### Los Angeles

- Police
  - 911 or 877.275.5273
- California Coalition Against Sexual Assault
  - 916.446.2520
  - [www.calcasa.org](http://www.calcasa.org)

#### Florida

- Police
  - 911 or [305.949.5500](http://305.949.5500)
- Florida Council Against Sexual Violence
  - 850.297.2000
  - [www.fcasv.org](http://www.fcasv.org)

## **Related Policies**

### ***For students: Policies Governing Student Conduct***

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

## **Use of University Facilities: Policies and Procedures**

Effective July 1, 2018, Revised January 1, 2021

### **Policy Statement**

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

### **Union Institute & University Facilities**

All UI&U-operated centers (including the national headquarters in Cincinnati), occupy leased space or suite(s) within a building having other tenants. As a general practice, students and employees have access to university facilities during normal business hours (typically 9 a.m. to 5 p.m., Monday through Friday). Some facilities may be open on evenings and/or weekends for classes and/or academic residencies. Hours of operation are posted at each location. Individuals having questions about access or use of a specific facility should contact the facilities director (Cincinnati center) or the responsible center administrator.

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

In addition to its permanent centers in Cincinnati, Ohio; Hollywood, Florida; Los Angeles and Sacramento, California, UI&U also offers classes and holds academic meetings at other locations: some master's and doctoral programs may hold academic residencies at hotels/conference centers. These off-campus locations are considered to be university facilities during the times they are in use by UI&U. The following use standards apply to all university-operated facilities, permanent and temporary:

- Individuals using a university-operated facility shall behave appropriately at all times—they shall not engage in any behavior that is threatening, dangerous or harmful to self or others, disruptive to the learning or work environment, or damaging to university property or property of others. (Appropriate conduct is specifically addressed in a number of other university policies, including but not limited to, the Student Conduct Policy, the Sexual Misconduct Policy, and Policy on Student Use of Alcohol and Controlled Substances.)
- Students and visitors at UI&U facilities are expected to cooperate with university personnel as they carry out their duties, and to abide by any location specific requirements regarding access (such as wearing employee or visitor badges, front-desk check in and out, etc.).
- Personal property is not covered under Union Institute & University's insurance policy. Personal vehicles should be locked, and personal property secured in offices, desks, or hotel rooms, as applicable.

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- No firearms or other weapons may be brought onto university property, with the exception of students or employees who are commissioned police officers and required to carry a weapon while on or off duty.
- Tampering with wiring, electrical equipment, sprinkler systems, fire extinguishers, fire alarms or any other safety equipment is prohibited.
- Smoking is not permitted inside any university facility or within 30 feet of any exterior door of a university facility. (Smoking rules at course locations and temporary off-campus facilities may vary.)

### **General Safety Suggestions**

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

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

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

### **The Upstanding Bystander**

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

### **Reporting Injuries**

If a student or other individual is injured while on campus or while participating in a university-sponsored activity off campus, the university strongly encourages the individual to report the injury to a university administrator at the event, who must then inform the chief financial officer (CFO). The individual may be asked to submit a completed UI&U Incident - Accident/Incident Report (Form 134), which can be obtained from Human Resources or downloaded from the UI&U employee intranet. Any injury that occurs to a UI&U employee while at a university facility or while conducting university business at any other location **must** be reported to Human Resources in Cincinnati, Ohio.

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### **Reporting Criminal Incidents**

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

#### *Primary CSAs*

Tom Frederick (Florida Academic Center)

800-486-7141 ext. 2116

Ami Bryant (Los Angeles Academic Center)

800-486-8328 ext. 1707

Prab Gill (Sacramento Academic Center)

800-486-7049 ext. 1511

Ray Bolin (Cincinnati Academic Center)

800-861-6400 ext. 1248

Any third-party security personnel located at an Academic Center

#### *Secondary CSAs*

Renee Cave, (Cincinnati Academic Center)

800-861-6400 ext. 1202

Dr. Jennifer Raymond (Deputy Title IX Coordinator)

800-861-6400 ext. 1019

Monique Skinner (Ph.D. Program Manager, Cincinnati Academic Center)

800-861-6400 ext. 1201

Sarah Wallis (Deputy Title IX Coordinator, Cincinnati Academic Center)

800-861-6400 ext. 1197

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

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

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

### **Annual Security Report**

By October 1 of each year, as required by federal law, the university publishes on the university's website a report of certain types of criminal incidents occurring at university facilities and their immediate environs in the previous calendar year. (The types of crimes reported are determined by federal regulations.) Notice of the location of the report is communicated via email to current students and current employees. The report is available to employees, students, prospective employees, and prospective students, any of whom may request a print version of the report, as directed in the report text.

### **Confidentiality**

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

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

### **Timely Warnings**

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

Each alert will include the following information.

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

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

See also:

Student Conduct Policy

Emergency Response Plan

## **Emergency Response Plan**

Effective July 1, 2018, Revised January 1, 2021

### **Emergency Preparedness**

Emergencies, injuries, accidents, and severe weather can occur without warning at any time. This emergency response plan outlines a framework for determining appropriate responses and includes contacts and protocols for a variety of emergency circumstances. In the event of that an emergency or crisis is confirmed at a Union Institute & University center, the designated university emergency response administrator at the affected center will activate the appropriate emergency plan to ensure the safety of students, faculty, staff, and visitors. In an emergency situation, all members of the UI&U community are expected to follow the directions of staff and or local authorities.

### **Emergency Officials**

The following positions have been designated with responsibility for emergency assessment and notification at each UI&U location.

| <b>Location</b>                    | <b>Responsible Position<br/>&amp; Back-up</b> | <b>Contact (Phone<br/>Extension)</b> |
|------------------------------------|---|--------------------------------------|
| Cincinnati Center<br>513.861.6400  | Primary CSA                                   | 800-861-6400 ext. 1248               |
|                                    | Chief Financial Officer                       | 800-861-6400 ext. 1104               |
| Florida Center<br>305.653.7141     | Primary CSA                                   | 800-486-7141 ext. 2116               |
|                                    | Chief Financial Officer                       | 800-861-6400 ext. 1104               |
| Los Angeles Center<br>310.417.3500 | Primary CSA                                   | 800-486-8328 ext. 1707               |
|                                    | Chief Financial Officer                       | 800-861-6400 ext. 1104               |

### **General Emergency Procedures**

The key to surviving any emergency is to remain calm and carry out a plan of action appropriate to the emergency. Members of the UI&U community are encouraged to familiarize themselves with the layout of their center and all emergency procedures, so that they will know what to do in an emergency or crisis situation. Note also that some UI&U facilities, where the university leases space in buildings with other tenants, may have specific emergency response plans for the facility. When that is the case, it is the responsibility of the emergency official to ensure that those plans are communicated to employees and students. Every member of the university community has a role in making UI&U a safe environment. In a true emergency, act! The following general procedures are applicable to all Union Institute & University locations.

1. Dial 911, then
2. Contact on-campus emergency official.



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### **Non-Life-Threatening Emergencies**

1. Contact on-campus emergency official.

#### **Fire**

1. Sound the fire alarm.
2. Evacuate the building, alerting others as you leave, if it is possible to do so safely.
3. Call 911.
  - If there is smoke, keep low to the floor.
  - Go to the nearest exit or staircase. Do not use elevators.
  - If you are trapped, go to the nearest window and open it if possible, then shout and wave to attract attention.
  - Once you are outside, move to the designated assembly area away from the building to allow ready access by emergency personnel.
  - Call 911.

#### **Gas Leak/Hazardous Spill**

1. Cease all operations. Do not switch on lights or other electrical equipment.
2. Contact your center's emergency official.
3. Depending on the nature of the emergency, the official may call for evacuation or for shelter in place. (See Shelter in Place section below.)
4. If the emergency official calls for an evacuation, leave the building immediately, alerting others as you go:
  - Use the nearest exit or staircase. Do not use elevators.
  - Once you are outside, move to the designated assembly area away from the building to allow ready access by emergency personnel.
  - Call 911.

#### **Tornado/Hurricane/Severe Weather**

When tornado/severe weather sirens sound, take shelter in the lowest level of the building. The center emergency official should designate the in-building shelter area. Stay away from windows and doors. Remain in sheltered area until notified that it is safe to move. (See Shelter in Place section below.)

#### **Earthquake**

Evacuation is not recommended during an earthquake. In the event of an earthquake, take shelter away from windows – sit under a desk or table to avoid flying glass and other debris. Do not leave the building until the earthquake is over. Do not use matches, lighters, or other open flames, in the event of a gas leak. Do not use elevators or enter stairwells during the quake. Remain in the sheltered space until notified that it is safe to move.

#### **Critical Illness/ Injury**

1. Call 911. Give the address and the exact location of the victim in the building.
2. Remain at the scene to direct emergency personnel.
3. Do not attempt to move the victim unless absolutely necessary.
4. At the Cincinnati center, if the victim appears to be having a heart attack, contact campus emergency official so that defibrillators may be used.



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### **Bomb Threat**

If you see a suspicious object, DO NOT HANDLE IT. Clear the area and call 911.

If you receive a bomb threat call:

- Record all vital information provided (location, time device will go off, appearance of the device, size, name of caller or organization taking responsibility, etc.).
- If possible, note caller's accent (if any), gender, apparent age, any background noises, caller ID number.
- Call 911.

If you receive notice of a bomb threat from university officials:

- Evacuate the building, alerting others as you leave.
- Use the nearest safe exit or staircase. Do not use elevators.
- Once outside, move to the designated assembly area away from the building to allow ready access by emergency personnel.

If you are unable to evacuate:

- Take cover under a sturdy piece of furniture.
- Stay away from windows.

### **Hostile Individual/Intruder**

If you see or are notified of an individual actively causing deadly harm or threatening to cause deadly harm:

1. Do not sound the fire alarm!
2. Get away if you can, as fast as you can.
  - Don't run in a straight line—use buildings, trees, cars, as cover.
3. If you cannot safely leave, seek cover:
  - Lock or barricade yourself in a room.
  - Stay low, away from windows, using furniture for cover.
  - Be aware of alternate exits.
4. If unable to run or hide, consider playing dead if there are other victims around you.
5. Once you are in a safe location, call 911, providing as many details as possible regarding location, number of assailants, weapons, etc.
6. Stay hidden until police give the "all clear."
- 7.

### **Evacuation Assembly Areas**

UI&U has designated assembly areas at a safe distance from each university facility. Do not leave the assembly area—university officials need to be able to determine that all personnel have evacuated safely.

| <b>Center</b>      | <b>Evacuation Assembly Area</b>  |
|--------------------|--|
| Cincinnati Center  | Garage below Springhill Suites (directly across from the 500 Baldwin Building)         |
| Florida Center     | Parking lot  |
| Los Angeles Center | Green space at the intersection of Centinela and Sepulveda (north end of the property) |

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### **Shelter in Place**

In some circumstances, such as severe weather or circumstances where outdoor air becomes unsafe due to toxic or irritating substances, the university may issue a shelter-in-place warning, advising students, faculty, and staff to remain indoors. If a shelter-in-place warning is issued, remain inside the building. Stay away from windows and exterior doors. Remain in place until advised it is safe to leave. General guidelines for shelter-in-place locations:

- Make sure you have a telephone or other means of communication.
- Select a location on the interior of the building, away from windows, skylights, and exterior doors.
- For tornado or other severe storms, choose a ground level location. (If flooding is an issue, an upper-floor location is appropriate.)
- If the emergency involves unsafe air quality and there is time to do so safely, turn off ventilation system and/or close vents.

| <b>Shelter In Place - Tornadoes and Severe Storms</b> | <b>Location(s)</b>         |
|---|----------------------------|
| Cincinnati Center                                     | Restrooms or stairwells    |
| Florida Center  | Copy/work room & restrooms |
| Los Angeles Center                                    | Lobby area of UI&U suite   |

### **Emergency Assessment & Notification Procedure**

Upon receiving emergency notification of a potential emergency, the designated emergency official for the center will immediately and quickly assess the situation<sup>3</sup>. Once the emergency has been reasonably confirmed, the emergency official will, without delay and taking into account the safety of the community, determine the appropriate emergency notification method(s) and will initiate the emergency notification system. In most emergencies, notification will be made using email and the center's phone paging system. Emergency officials will not use the paging system if it is likely to compromise efforts to contain, respond to, or otherwise mitigate the emergency. The following are the emergency notification likely to be used for different types of emergencies.

- Severe weather: Building occupants will be notified by the emergency official via email and phone paging. Occupants will be advised where to take shelter within the building: ground floor for tornadoes and severe weather, upper floor if flooding is likely.
- Fire: Trigger fire alarm and evacuate immediately. (Anyone seeing a fire should trigger the alarm; do not wait for an emergency official to do so.)
- Gas leak/chemical spill: Building occupants will be notified by the emergency official via email and phone paging. They may be advised to evacuate or to shelter in place, depending on the nature and location of the incident.
- Bomb threat: Building occupants will be notified by the emergency official via email and phone paging. Notification will include the location of the alleged bomb, if known. Occupants will be advised to evacuate immediately and may be advised to avoid the area of the building where the bomb may be located.

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<sup>3</sup> All Union Institute & University centers occupy leased facilities having other tenants. Therefore, a decision to evacuate the building may also be made by building management.

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- Hostile individual/intruder: Building occupants will be notified by the emergency official via email and phone paging. Notification will include location of intruder. Occupants will be advised to evacuate immediately if they can do so safely or to take shelter inside the building.

If the emergency official determines that the situation is such that the community surrounding the university may also be in danger, they will contact local authorities to determine how the surrounding community should best be advised of the situation.

### **Testing Emergency Procedures**

To ensure the efficacy of these emergency procedures, UI&U will assess and evaluate each of them at least once a year by testing each system. System tests (drills) may be announced or unannounced. In addition, severe weather, fire, and other evacuation drills will be conducted at least once a year at every UI&U location. Students, faculty, and staff are expected to cooperate fully with these drills.

Once a drill has been completed, the emergency official will assess the effectiveness of the drill, making recommendations for changes to emergency procedures as indicated. The center emergency official is responsible for documenting each drill and drill assessment; copies of drill documentation should be forwarded to the university's CFO.