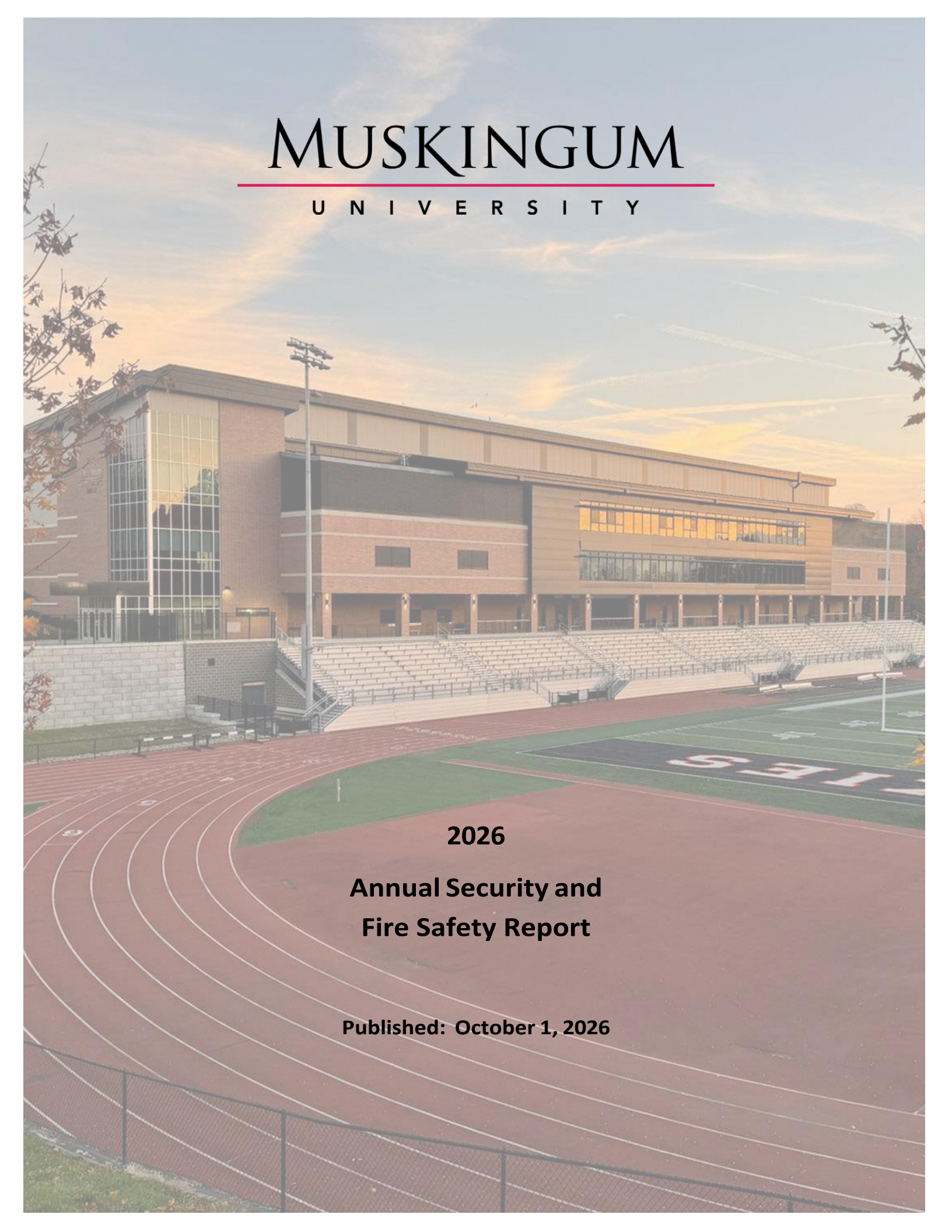


A wide-angle photograph of a large, modern stadium at sunset. The stadium has a multi-story brick and wood-paneled facade with large glass windows. In front of the stadium are tiered bleachers and a red running track with white lane markings. The sky is a mix of orange, yellow, and blue. The word "MUSKINGUM" is printed in large, black, serif capital letters at the top of the image.

MUSKINGUM

U N I V E R S I T Y

2026

**Annual Security and
Fire Safety Report**

Published: October 1, 2026

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WELCOME

Dear Muskingum Community,

A safe and secure environment on the Muskingum University campus is important to students, faculty, staff, parents, and our neighboring community. Muskingum's primary focus is the education of students in a way that both enriches their lives and supports the demands of the work force, in the immediate region and beyond. Muskingum serves a continuum of learners, ranging from middle-school students enrolled in the College Credit Plus program through adults pursuing degree completion and graduate degrees. Education for any of these learners can only take place in an environment where each student and employee feels safe and secure. Muskingum University recognizes this and employs a number of security measures to protect the members of its community.

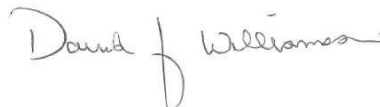
The Village of New Concord, which is home to Muskingum University, offers a small-town, neighborly experience. Although the area has a relatively low crime rate, prevention remains a high priority. Muskingum University prioritizes the safety of its students and employees. The Muskingum University Police Department is a professionally trained and supervised police force, which works closely with New Concord and other regional law enforcement agencies. In addition, the Student Life Office closely screens and trains its residential live-in staff. Students and employees share equally in the responsibility of making the Muskingum University campus a safe place to study, work, and live.

In your role of supporting campus safety, we hope you will review this Annual Security and Fire Safety Report to support your knowledge of Muskingum's safety policies, practices, and procedures.

Sincerely,



Holly L. Gleason
Associate Vice President
Human Relations & Risk Management



David Williamson
Chief of Police
Muskingum University Police Department



PREPARATION OF THE ANNUAL SECURITY AND FIRE SAFETY REPORT

The federal Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (or the Clery Act) requires institutions of higher education, such as Muskingum University, to prepare, publish, and distribute an Annual Security and Fire Safety Report (“ASFSR”) by October 1 each year. The ASFSR shares information for the prior calendar year.

This ASFSR contains information from January 1, 2025 through December 31, 2025.

This ASFSR ensures that the Muskingum community has access to accurate campus safety information, including or regarding:

- three years’ worth of Clery Act crimes committed on Muskingum University’s Clery reportable geography,
- three years’ worth of on-campus residence fire statistics,
- campus and fire safety policies and procedures, and
- crime and fire safety prevention programs.

The ASFSR serves several purposes. First, it creates transparency and enables our community members to be better informed about and involved in their own safety. Second, it provides information to potential community members so they may make more informed decisions about their education and employment.

The Clery Act provides protection from retaliation to students, staff, and faculty members who report Clery crimes or who exercise any other rights under the Clery Act.

To fulfill Muskingum University’s Clery Act requirements, the Muskingum University Police Department (“MUPD”), the Office of Human Relations and Risk Management, and the Student Experience Division work closely to develop and implement appropriate policies, programs, and procedures and to prepare this ASFSR. Statistics in this report were requested from various Campus Security Authorities (CSAs), including the New Concord Police Department. Questions or concerns may be sent by email to Muskingum University Police Chief David Williamson by emailing safety@muskingum.edu.

EMERGENCY CONTACTS

Emergency (dispatch)	911
Muskingum University Police Department	740-826-8155
New Concord Police Department	740-826-7616
New Concord Fire Department	740-291-9086
Muskingum County Sheriff’s Office	740-455-7134
Ohio State Highway Patrol	740-453-0541

ABOUT THE MUSKINGUM UNIVERSITY POLICE DEPARTMENT

Muskingum University provides full-time police protection to the campus 24/7. The MUPD is comprised of four sworn police officers and a police chief, who is also a sworn law enforcement officer for the University. MUPD is empowered to use investigative authority on reasonable suspicion of a crime, to search and arrest as authorized by law, and to use reasonable and necessary force to enforce law and protect property on all university property. Their oath of office is a personal commitment to the rule of law and constitutional limitations of police authority.

The MUPD performs the same duties and has the same authority as other police departments in Ohio. They evaluate all reported crimes and conduct investigations to determine the party responsible. They enforce laws, including underage drinking, use of controlled substances, weapons, and all other incidents requiring police assistance. They are responsible for all police services on University-owned property.

Under a Memorandum of Understanding, the MUPD works cooperatively with the New Concord Police Department, which does have arrest authority on campus. Although no formal MOU exists, the MUPD also works collaboratively with the Muskingum County Sheriff's Office, and other law enforcement agencies in an effort to provide a safe and secure university community. The Muskingum County Sheriff's Office, the Ohio State Highway Patrol, and federal law enforcement agencies with appropriate jurisdiction have authority to make arrests on University property.

MUPD officers are regularly scheduled for and attend updated training sessions in Muskingum County, Ohio Peace Officers Training Academy, and sessions conducted by the FBI and State Highway Patrol. Each officer is qualified in CPR as the University's first responders. On an as-needed basis, the MUPD may hire unarmed security officers to assist with general safety protocols and enforcing campus regulations. Unarmed security officers do not have the authority to make arrests.

Muskingum University officially recognizes one student organization at an off-campus location, which is owned by the student organization. The University is also aware that students who choose to live off campus may reside together with other students who participate in the same athletic team or other recognized organization. These private living arrangements are not facilitated by the University, nor are the off-campus locations where these students live recognized by Muskingum University. Muskingum does not use local law enforcement agencies to monitor or record criminal activity in those locations. However, those locations are within the jurisdiction of local law enforcement agencies, who will respond to those locations when a crime is reported to have occurred.



NON-DISCRIMINATION STATEMENT

Muskingum University's non-discrimination statement may be found in the footer of its website and at <https://www.muskingum.edu/non-discrimination-statement>. The following is the university's non-discrimination statement:

Muskingum University does not discriminate in its employment or educational programs or activities based on age, ancestry, color, disability, genetic information, gender identity or expression, military or veteran status, national origin, political affiliation, pregnancy, race, religion, sex, sexual orientation, or socioeconomic status.

The following individuals have been designated to receive and respond to reports of discrimination:

Holly Gleason

Associate Vice President for Human Relations and Risk Management
Title IX Coordinator
Muskingum University
260 Stadium Drive
New Concord, OH 43762
Montgomery Hall – 15
740-826-8116
discrimination@muskingum.edu or titleix@muskingum.edu

Gretchen Combs

Executive Director of Disability Resources Services
Muskingum University
260 Stadium Drive
New Concord, OH 43762
Walter Hall - 22
740-826-8140
gcombs@muskingum.edu

Inquiries may also be directed to the U.S. Department of Education, Office for Civil Rights, 1350 Euclid Avenue, Suite 325, Cleveland, OH 44115-1812, 1-800-877-8339 or OCR.Cleveland@ed.gov



REPORTING CRIMES AND OTHER EMERGENCIES

To ensure an appropriate response that protects the safety of individuals and the Muskingum community, it is vital that students, employees, guests, and other community members immediately report crimes, suspicious activity, and other emergency situations to University Police. Reports should be made, regardless of whether the incident occurred on or off Muskingum's campus.

- For emergencies, call 911.
- For non-emergencies or if you can't call 911:
 - speak directly to a Muskingum University Police Officer;
 - use an emergency call box;
 - call University Police at 740-826-8155;
 - visit the University Police Department, located in the Police House across from the Anne C. Steele Rec Center and Quad Center.
- For crimes that occur off campus, call 911 for an emergency or call the New Concord Police Department at 740-826-7616.

Prompt reporting of criminal activity and other emergencies will ensure that police can follow up as appropriate, which may include issuing a Clery Crime Alert, or timely warning.

Under Ohio law, persons who have knowledge of a felony (a victim of or witness to) are required to report the crime to the police (Ohio Revised Code § 2921.22). Failure to report a crime may itself be a crime.

The university strongly encourages crime victims to report all criminal activity to the police. The MUPD has a much better chance of solving crimes when they are reported promptly and accurately. Criminal behavior may also be reported to the following:

Title	Name	Email	Phone
Chief of Police	Dave Williamson	davew@muskingum.edu	740-826-8110
VP for the Student Experience	Shelley Amstutz-Szalay	sszalay@muskingum.edu	740-826-8224
Assoc. VP for Human Relations & Risk Mgmt./Title IX Coordinator	Holly Gleason	hgleason@muskingum.edu	740-826-8116
Assoc. Director of Community Standards	Tom Snider	tsnider@muskingum.edu	740-826-8098
Student Life Office			740-826-8080
President's Office		president@muskingum.edu	740-826-8115

Victims or witnesses may report Clery crimes and other emergencies to the Chaplain and Counselors who are appropriately credentialed and employed by Muskingum University to serve in those roles. Muskingum does not have a formal policy that encourages the Chaplain and Counselors to inform the person they are counseling on how to report crimes, and any incident reported solely to the Chaplain or Counselors is not subject to Clery Act compliance review, including potential inclusion in the Crime Log or the ASFSR or prompting a Timely Warning or Emergency Notification, unless and until the reporter chooses to report the incident to MUPD or other Campus Security Authority.

In responding to calls, MUPD will investigate, make arrests when necessary, prepare incident reports, and submit copies to the Student Life Office, as well as to other campus departments that may be affected. Reports are forwarded to law enforcement agencies off campus on an as-needed basis.

The University makes every effort to provide privacy to those who report crimes. However, MUPD may not be able to hold all reports of crime privately. Police reports become public records under state law when they are forwarded to outside police departments or courts for prosecution purposes, the University will take all steps to comply with FERPA to maintain the privacy of education records.

Even if a person does not wish to pursue action through the criminal justice system or within the University disciplinary system, they are encouraged to report the incident. Anonymous reports are accepted and help the University to compile accurate records on the number and type of incidents occurring on campus. Anonymous reports are counted and disclosed in the ASFSR, included in the Crime Log, and analyzed for Timely Warning Notifications, if appropriate. Making an anonymous report also allows the University to consider appropriate prevention and response plans independent of a victim's involvement. In some circumstances, the University Police Department may not be able to assure confidentiality and will inform the reporting person in those cases.

Ways to Enhance Personal Safety on Campus

Members of the campus community are encouraged to take simple precautions for their own safety and the security of their belongings.

- Never prop doors open, especially fire doors and doors in residence halls, even for a short time.
- Do not hold a locked door open for strangers after normal business hours.
- Avoid working or studying alone in a building at night.
- Stay in well-lit areas, walk at midpoint between curbs and buildings and away from alleys and bushes. MUPD will provide an escort to students walking from main campus to the residence halls at night if requested.
- Walk with someone whenever possible; i.e. use the buddy system.
- If a purse or wallet is snatched, do not fight back. Turn it over rather than risk personal injury and report the incident immediately.
- Do not place purses, cell phones, laptops, TVs, or other valuables near windows.
- Keep an inventory of valuable possessions. An engraving instrument is available, without cost, at the MUPD office.

- Keep doors locked, even if away for only a few moments, and especially at night.
- Do not mark key chains with name, address, or license number. Lost keys can lead to theft.
- Students who bring cars to campus must register them each year and park them in an assigned area. Vehicles should be locked and valuables stowed and locked in the trunk.

Employee Safety

- When working late, make sure doors are locked.
- Keep purses and other personal belongings in a locked cabinet or drawer. Never leave it on or under a desk.
- Avoid using stairs in remote areas of a building.
- Never prop doors open, especially fire doors, even for a short time.
- Do not hold a locked door open for strangers after normal business hours.

Campus Security Authorities

In addition to MUPD Officers, deans, coaches, residence life staff, advisors to student clubs, organizations, and Greek organizations, and other campus officials having “significant responsibility for student and campus activities,” have been identified by law as “Campus Security Authorities” who must report annual campus crime statistics to MUPD. Professional and pastoral counselors acting in those capacities are exempt from this reporting requirement; however, they are encouraged to advise their client/patient/congregant that there is an option to report confidentially.

Crime Victims

Ohio law gives a victim of any of the crimes listed below a variety of specific rights before, during, and after a trial or juvenile proceeding. In the event of murder, these rights are afforded to a member of the victim’s family.

- Any felony offense (i.e., murder, rape, kidnapping, felonious assault, vehicular assault)
- Aggravated menacing
- Assault
- Domestic violence
- Intimidation of crime victim or witness
- Menacing
- Menacing by stalking
- Negligent homicide
- Vehicular homicide
- Aggravated vehicular homicide
- Sexual Imposition



Victims of crime may experience physical, emotional, and economic hardships long after the date of the criminal act. Available support can be found on the Ohio Attorney General’s website at: <https://www.ohioattorneygeneral.gov/victim>. See Appendix I for other resources.

SECURITY OF, ACCESS TO, AND MAINTENANCE OF MUSKINGUM FACILITIES

Physical Plant personnel maintain the University's grounds and buildings with concern for safety and security. They regularly inspect campus facilities, promptly making repairs affecting safety and security, and responding immediately to reports of potential safety and security hazards such as broken windows or locks. Report any observed, unsafe conditions to Physical Plant by submitting a work order at:

<https://www.muskingum.edu/administration/physical-plant/work-order-request> or calling MUPD at 740-826-8155.

Muskingum University students and employees have access to academic, recreational, and administrative campus facilities.

Muskingum has both single sex and coed residence halls. Each hall follows a guest visitation policy. The Residence Life staff includes a Director, Associate Director, Assistant Director, Area Coordinator, Graduate Assistant for Residence Life, Head Resident Assistants, and Resident Assistants. All Residence Life staff, except the Director, live in the residence halls, and professional student life staff rotate being on call 24 hours per day. All residence life staff members are trained in enforcing security policies, as well as crisis management and counseling/referral skills.

Access to residence halls is limited to students and their guests, with entry by University employees on an as-needed basis and following strict key control procedures. The exterior doors of each residence hall are locked 24 hours a day, unless the facility houses a dining hall, and keycard access is required for entry at the main entry door. Most residence halls are staffed with a desk receptionist from 8:00 p.m. until midnight through the week and until 2:00 a.m. on Fridays and Saturdays. Resident Assistants perform rounds 3 times during the week and 4 times during the weekend.

Access to the Bullock Health and Wellness Complex and the Steele Recreation Center are controlled by keycard access after 5:00 p.m. Other non-residential buildings are locked during the academic year between the hours of 10:00 p.m. and 6:00 a.m. on weekdays. They are unlocked by 8:00 a.m. During summer months, non-residential buildings are locked between 5:00 p.m. and 7:00 a.m. Physical Plant assigns keys to employees in accordance with the Key Policy found in the Employee Handbook. Likewise, the After Hours Access to Non-Residential Buildings Policy, in the Employee Handbook, establishes that after-hours access to non-residential buildings is limited to certain employees or upon approval of the Senior Leader assigned to that employee's area and the Chief of University Police. University Police Officers actively and regularly patrol campus grounds throughout their shifts.

Emergency call boxes are available in several locations on campus. See Appendix II for a diagram of the emergency call box locations. Likewise, 10 non-residential buildings each have a MARKS radio available, and designated staff are trained on the specific locations and operation of the radios to enable more immediate communication with the county dispatcher and local law enforcement agencies.

Fire and storm exit instruction signs are placed in buildings throughout campus. Employees and students should familiarize themselves with the instructions on those signs.

CLERY GEOGRAPHY

The Clery Act requires institutions to disclose Clery crime statistics on where the crimes occur. These geographic categories of property designations are known as "Clery Geography". The Clery Act requires colleges and universities to report certain crimes that occur on campus, on public property within or immediately adjacent to campus, and in or on certain non-campus buildings or property that the institution owns or controls. Additionally, if an institution has multiple campuses, it must disclose statistics for each campus.

On-Campus

- Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
- Any building or property that is within or reasonably contiguous to the area identified in the above paragraph of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

Non-Campus

- Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
- Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property

- All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to an accessible from the campus.

EMERGENCY MANAGEMENT AND EVACUATIONS

Muskingum University provides a safe educational environment for the entire campus community. MUPD works closely in conjunction with the New Concord Police Department, the New Concord Fire Department, the Muskingum County Sheriff's Office, and the Muskingum County Emergency Management System to prepare for emergency situations that may arise on campus.

The Muskingum University Emergency Action Plan is attached as Appendix III to this ASFSR and is a guide to provide faculty, staff, and students with an emergency and crisis management system when responding to a major disaster or disturbance to the campus. All personnel designated to carry out specific responsibilities are trained to know and understand the university's policies and procedures.

The Emergency Action Plan is designed to effectively coordinate the use of university and community resources to protect life and property both during and immediately following a major crisis or disturbance to the campus. The plan shall be placed into operation whenever an emergency affecting the University cannot be controlled using daily operating procedures.

All faculty and staff members are informed of the Emergency Action Plan during onboarding. Emergency evacuation route maps are also posted in each building displaying the closet exit.

Emergency Alert Notification System

Muskingum University's Emergency Alert Notification System is called META (Muskingum Emergency Text Alert). The University strongly encourages all faculty, staff, and students to sign up to receive free META notifications via text and/or email. Information on how to sign up for META is provided in all new employee onboarding sessions, as part of Muskie Preview, in Fall Faculty Conference, during the first week of classes, and via email during the first week of classes. Information remains available at all times on the Muskingum University Police Department website.

META will be tested at the beginning of each semester and may be tested, either announced or unannounced, at other times and in the discretion of the University. The test will be documented, along with the description of the exercise, the date, the time, and whether the notification was announced or unannounced.

Timely Warnings

Muskingum University issues Timely Warnings to alert the campus community about Clery-reportable crimes that pose a serious or continuing threat to students, employees, and others. The intent of a Timely Warning is to enable individuals to protect themselves and to prevent similar crimes from occurring.

A Timely Warning will be issued when a Clery Act crime has been reported to a campus security authority, Muskingum University Police, or local law enforcement; the crime occurred within the University's Clery geography; and the University determines that the crime represents a serious or continuing threat to the campus community. Timely Warnings are not required to be sent if Clery-reportable crimes are disclosed to Muskingum University counselors or the Chaplain.

The decision to issue a Timely Warning is made by the Muskingum University Chief of Police, or designee, who will consult with the Vice President for the Student Experience, Title IX Coordinator, or other University officials as appropriate. In deciding whether to issue a Timely Warning, the nature of the crime, timing, location, whether the suspect is still at large, and other relevant factors that have been reported or are known will be considered.

A Timely Warning will not disclose the names or other identifying information of victims, but will include, at a minimum:

- the nature of the crime;

- the date, time, and general location of the incident;
- available information about the suspect information (if appropriate and it does not compromise an investigation);
- safety information and recommended precautions; and
- a statement that the University is working with law enforcement, if applicable.

The MU Chief of Police will determine the best method of communicating a Timely Warning, which may include the University email system, alert notifications sent via META, the University website or portal; campus-wide postings or digital signage; or other methods as deemed appropriate.

The MUPD maintains a record of all Timely Warnings, including the date, time, and content of the warning; the method(s) of distribution; and the determination of the threat assessment. These records are kept in accordance with federal retention requirements.

Emergency Notifications

Muskingum University issues Emergency Notifications upon confirmation of a significant emergency or dangerous situation occurring on campus that involves an immediate threat to the health or safety of students, employees, or visitors. The goal of an Emergency Notification is to provide prompt, accurate, and actionable information so individuals can take protective action. The MU Chief of Police, Associate Vice President for Human Relations & Risk Management, and Executive Director of Strategic Marketing and Communications have authority and access to issue an Emergency Notification.

An Emergency Notification will be issued when a significant emergency or dangerous situation is confirmed by University Police or appropriate University officials; the emergency poses an immediate threat to health or safety of the campus community; and issuing a notification would not compromise efforts to contain the emergency or otherwise mitigate the threat.

The decision to issue an Emergency Notification is made by the MU Chief of Police, or designee, who is responsible for confirming an emergency and initiating the Emergency Notification process. The Chief of Police may consult with the President's Office, Student Affairs, Physical Plant, or other campus offices, or other law enforcement or emergency management agencies, depending on the nature of the emergency. The MU Chief of Police will also confirm that there is a significant emergency by any available means, which may include physical observation, notification from other law enforcement or government agencies, and other relevant factors.

Each Emergency Notification will, to the extent available, include: (1) the type of emergency; (2) the location of the emergency; (3) guidance on immediate, protective actions; and (4) information on where to receive updates. Follow-up messages will be sent, as needed, to provide additional information or to communicate that the emergency event is concluded.

The MU Chief of Police will determine the best method of communicating an Emergency Notification, which may include an alert notification sent via META, the University email system, the University website or portal, campus-wide postings or digital signage, or other methods as deemed appropriate. The University will use methods reasonably calculated to

reach the entire campus community or the specific segment at risk, depending on the nature and scope of the emergency.

In most cases, Emergency Notifications will be issued to the entire campus community; however, the MU Chief of Police, in consultation with the administrators referenced above, may determine that a more focused notification is sufficient. The type of emergency, potential for harm/injury, the longevity of the emergency, and other relevant factors will be considered.

Timely Warnings are distinct from Emergency Notifications, which are issued immediately upon confirmation of a significant emergency or dangerous situation involving an immediate threat to health or safety, regardless of crime classification. When both criteria are met, the University may issue both an Emergency Notification and a Timely Warning, or a single notification that meets the requirements of both.

The MUPD maintains a record of all Timely Warnings and Emergency Notifications, including the nature, date, time, and content of the warning; the method(s) of distribution; and the determination of the threat assessment. These records are kept in accordance with federal retention requirements.

Missing Student Policy

Anyone with reason to believe that a Muskingum University student, whether they reside on campus or not, is missing should notify the University immediately. Notification may be made to the Student Life Office by calling 740-826-8080 during regular business hours or by calling MUPD at 740-826-8155 at any time.

In determining where a student lives and to gather more information about the student's possible whereabouts, MUPD may consult Student Life personnel, staff in the athletic department, faculty, any other employee, and any other student, friend, or employer of the student. All available resources will be contacted in an effort to determine if the student has been attending classes, labs, work, and/or other meetings.

If the missing student resides on campus, MUPD will secure authorization from the Student Life Office to conduct a welfare entry into the student's room. If the student lives off campus, MUPD will collaborate with the police department with jurisdiction for assistance.

If the student is located, MUPD or Student Life will assess the student's state of health and intention of returning to the campus. When and where appropriate, a referral will be made to Counseling Services or other appropriate resources based on the individual circumstances. If the missing student is not located, the following notifications will be made:

- (1) If the student has a designated contact person, by notifying that contact person within 24 hours that the student is missing.
- (2) If the missing student is under the age of 18 and is not an emancipated individual, the Student Life Office or MUPD will notify the parents or legal guardian immediately after the police department has determined that the student has been missing for more than 24 hours.

- (3) Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, informing the local law enforcement agency that has jurisdiction in the area within 24 hours that the student is missing.
- (4) To the family within 24 hours of receiving the initial report to determine if family members are aware of the student's whereabouts. If the student resides off-campus, the family members will be encouraged to file a missing persons report with the local police department with jurisdiction at their residence.
- (5) MUPD will also notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing

In investigating the missing student, MUPD will immediately start an investigation and retain status as the primary investigative unit, if the student resides on campus. MUPD will follow the guidance published by the Ohio Attorney General's Office on missing persons. If the student resides off- campus, MUPD will assist the police department with jurisdiction in any way possible. Upon closure of the missing persons investigation, all parties previously notified will be contacted.

All students have the option to confidentially identify an individual to be contacted by the MUPD or the Student Life Office in the event they are determined to be missing for more than 24 hours. If a student has identified such an individual, the department will notify that individual no later than 24 hours after the student is determined to be missing. Students who wish to identify a confidential contact who could be notified in case they are missing, can do so through the MUPD, which has an ongoing data program for that purpose. Only MUPD Officers and authorized campus administrators may have access to this information; this information may also be shared with other law enforcement personnel in furtherance of a missing persons investigation.

Firearms Policy

The possession of weapons, whether carried openly or concealed, on the University's campus by employees, students, or any other person is prohibited, unless the carrier is a member of the MUPD and on active duty.

VAWA REQUIREMENTS

See Appendix IV for a description of the educational programs and campaigns that promote the awareness of dating violence, domestic violence, sexual assault, and stalking.

Sexual misconduct ranges from verbal/physical harassment to rape, and includes stalking, dating violence, and domestic violence, as well. The Title IX Policy, which is attached as Appendix V, includes more details of policy, reporting, and educational programs available to students and employees. The University will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to victims, both within the institution and in the community.

Survivors of sexual assault, domestic violence, dating violence, and/or stalking are strongly encouraged to report. They may seek assistance from campus authorities to make a report to law enforcement, or they may decline to notify policy.

Reporting to MUPD, other law enforcement, or other campus authorities does not require filing criminal charges, but it does allow all support systems to be put in place for the survivor. Reporting is best done as soon as possible after the incident but may be done at any time. Survivors can make their report to any campus authority, including, but not limited to, Muskingum University Police, local police, Student Life, advisors to recognized student organizations, and athletic coaches. Survivors will be referred to the Title IX Coordinator to assist with obtaining medical support and information regarding available campus, legal, and off-campus support resources, including counseling and support services. Reports may be made via direct, in-person reporting, by phone, by email, or by submitting an online reporting form.



Survivors who choose to notify police should be aware of the importance of the immediacy of reporting the incident and the importance of preserving physical evidence, both at the scene and on the person, and electronic evidence. Preserving evidence may assist in proving that the alleged criminal offense occurred, may be helpful in obtaining a protection order, and otherwise support a successful prosecution, if the survivor chooses to proceed with criminal charges.

Survivors of physical harm caused by sexual assault, domestic violence, dating violence, or stalking may want to seek medical help as soon as possible after the incident. Survivors may visit a health care facility of their choice for collection of evidence and treatment. For survivors of sexual assault, Genesis Hospital in Zanesville offers a Sexual Assault Nurse Exam at no cost. A SANE exam can be obtained 24/7 through the Genesis Emergency Department, and the survivor is not required to disclose their name if they choose not to. The exam may be completed anonymously. Should a survivor of sexual assault seek medical treatment, the treatment provider must notify the appropriate police department. Survivors are not required to criminally prosecute the case or file a police report unless the sexual assault survivor is a minor.

If a survivor chooses to report the incident days, weeks, or even months after the assault, important support systems are still available and can be arranged. However, criminal investigations can be much more difficult as time passes.

When reports of dating violence, domestic violence, stalking, or sexual assault are received, the University will provide the employee or student with a written explanation of the student's or employee's rights and options, including information about reporting, confidentiality, victim services, accommodations and protective measures, and disciplinary proceedings.

Upon written request, the University will disclose to the alleged victim of a crime of violence or a

non-forcible sex offense the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of the crime. If the alleged victim is deceased as a result of the crime or offense, the victim's next of kin shall be treated as the alleged victim for purposes of this statement.

For purposes of this statement, "crime of violence" is defined in accordance with 18 U.S.C. § 16:

- (a) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or
- (b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

Sex Offender Registry and Access to Information

The Federal Campus Sex Crimes Prevention Act went into effect on October 28, 2002. The law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders, already required to register in a State, to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteer's services, or is a student.

Ohio Attorney General has a statewide notification on the office's website. The site contains a searchable database for sex offender information across the State of Ohio and allows individuals to request email alerts whenever a published sex offender registers within the selected radius of the individual's address. Posting of this information is the responsibility of the Sheriff or designee of the particular county. The notification database is available at:
<https://www.icrimewatch.net/index.php?AgencyID=55149&disc=>.

Date Rape Drugs

Be aware that date rape drugs can be placed in any drink, not just alcohol. Effects may range from a feeling of well-being and short-term memory loss to an apparent aphrodisiac and intoxication effect. Serious adverse effects can occur, such as seizures, insomnia, anxiety, nausea, dizziness, hallucinations, coma, and even death. Some common side effects of these drugs include a drunken appearance, drowsiness, light-headedness, staggering, confusion, muscle relaxation, and amnesia that lasts up to 24 hours.



Those who suspect that they or someone they know has been drugged and/or assaulted should go to a safe place and call the MUPD or the local police department (if off campus). They should also go to the Student Health Center (if on campus) or a local hospital's emergency room for immediate treatment of any injuries, drug testing, treatment for sexually transmitted infections, and other applicable testing/examination.

CRIME PREVENTION AND SAFETY AWARENESS PROGRAMS

A variety of campus organizations, including Student Life, Counseling Service, Student Health Center, University Police, and Title IX plan programs for the entire campus community on safety-related matters.

Employee Programming: As part of the new employee on-boarding experience, all employees are provided information both electronically and in person on how to sign up for META. New employees are also educated, in person, about Title IX, anti-hazing, and campus safety. These trainings are typically conducted by the Title IX Coordinator and an MUPD Officer. Each year, the Title IX Coordinator delivers education to faculty during the Fall Faculty Conference about Title IX and anti-hazing. In-person sessions



on Title IX and anti-hazing are offered to other faculty and staff, typically during the fall semester, though the University may complete training by use of videos created by a vendor. Relevant campus safety updates are typically provided during campus meetings. Other training opportunities are available upon request.

Student Programming: A variety of learning opportunities are available to students to keep them informed about campus safety and well-being.

Muskie Preview and Welcome Weekend – covers drug and alcohol policies and sanctions, emergency management plans, and information about sexual assault, stalking, domestic violence, and dating violence with all incoming students

In the Muskingum Experience first-year orientation class, Student Life personnel visit during one class session to discuss anti-hazing and bystander intervention. The Title IX Coordinator follows up in a different class session by providing information about Title IX topics and discussing scenarios that allow students to exhibit their knowledge about bystander intervention. In addition, first-year students complete one video training session on sexual violence prevention and a second video training session on anti-hazing. Student athletes, regardless of class, typically complete video training specifically designed to comply with the NCAA policy against sexual violence, though the video may be replaced with an in-person session led by the Title IX Coordinator.

Resident Assistants participate in intensive in-person training sessions active shooter response, severe weather response, fire response, power outage response, emergency procedure training, and policy and procedure review. This is required each semester. In addition, the Title IX Coordinator meets each semester with Resident Assistants to discuss how they can recognize potential Title IX violations, how to react and what steps to take upon receipt of a report, and what happens when the Title IX Coordinator receives a report. These sessions are interactive and also

respond to individualized questions or concerns raised by the RAs. RAs provide individual outreach to residents for emergency response protocols when an alert is issued. RAs also provide floor programming of their choice, which often includes topics related to safety and wellness to residents.

The Student Life Office offers in person training to students on active shooter response, severe weather response, fire response, power outage response, emergency response training, and policy and procedure reviews.

The Student Health center offers pop up education opportunities on the Quad, in the Library, and in other areas frequented by students, offering them educational materials about drug and alcohol responsible use, consent, kindness, safe sex, cancer awareness, the dangers of drugs, alcohol, and vaping, healthy relationships, stress management, and other similar topics. The Student Health Center also maintains a free condom dispenser program to encourage safe sex for students.

Throughout the year, various posters are hung in bathroom stalls in the residence halls and non-residential buildings educating students about various forms of sexual misconduct. Each year, a large poster is installed in each bathroom across campus, which contains information about Title IX, including reporting options, and pictures and contact information for the Title IX Coordinator and deputy Title IX Coordinators.



ANTI-HAZING PROGRAM

Muskingum University complies with the Stop Campus Hazing Act and Collin's Law in Ohio. A copy of the University's Anti-Hazing Policy and its statistical data are attached in the Appendices.

Muskingum takes a proactive approach to educate its students, faculty, and staff to prevent, recognize, and report hazing. Student Life staff teach first year and transfer students about anti-hazing and bystander training during the first-year experience class. All athletes receive anti-hazing training, along with the sexual violence prevention training required by NCAA policy. The training for athletes may be conducted in person if a trainer is invited to a live session by the coach, or a video assignment is made. Returning students are offered anti-hazing training on an annual basis. Greek organizations receive training on anti-hazing through additional programming provided by the Student Engagement Office.

New administrators and staff receive anti-hazing training as part of their in-person onboarding session. All new and returning faculty are educated about anti-hazing as part of the Fall Faculty Conference, and all returning employees receive mandatory, annual training as part of the Ignite and Impact Summit hosted by Staff Council. Individualized sessions are also provided to groups who request them.

CAMPUS SECURITY AND FIRE SAFETY

The Higher Education Opportunity Act requires all United States academic institutions to produce an annual fire safety report outlining fire safety practices, standards, and all fire-related on-campus statistics that occur in residence halls. The following public disclosure report details all information required by this law as it relates to Muskingum University.

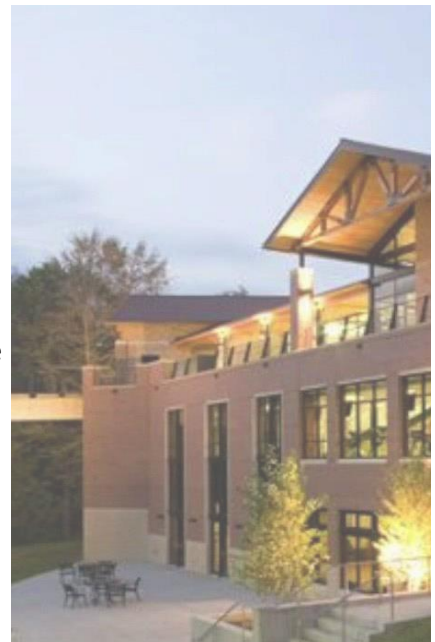
Fire Safety Improvements and Upgrades

Physical Plant contracts a private fire safety inspector to evaluate the fire alarm systems each year. Any upgrades, repairs, or revisions are made after evaluating the contractor's recommendations. There are no current plans for future improvements in fire safety. A chart of current Student Housing Fire Safety Systems is attached as Appendix VI.

Student Housing Fire Drills

Fire drills are conducted at least twice per semester for all student housing facilities. Fire drills consist of mandatory, supervised evacuations of a building for a potential fire. The fire drill is conducted with MUPD, the Student Life Office, Physical Plant, and the New Concord Fire Department.

Evacuation route maps are posted on each floor of the residence halls displaying the closest exit. Fire drills are discussed with students at first year seminar classes and during student orientation. Students who fail to leave the building within the designated time frame during a fire drill are documented and referred to the conduct officer in Student Life.



Students with Disabilities

Students with disabilities are assigned to residence hall rooms according to their specific needs as determined by Student Accessibility Services, in collaboration with Physical Plant, Student Life, and, as needed, other campus administrators.

Reporting a Fire

To ensure the safety of all residents, students reporting a fire should contact MUPD or 911. If the fire is no longer a potential danger, they should contact the Area Coordinator for the building, or a Student Life Professional, who is required to report the incident to the MUPD Officer on duty.

Fire Safety Regulations for Residential Facilities

Fire safety regulations for residential facilities include:

- Smoking is not permitted in any residential facility. These facilities include all areas of the residential complex including residence halls, University-owned houses that are assigned to fraternities, sororities, other programs, or groups of students, townhouses, other university apartments, the Walter Chess Center, and the adjacent bridge. Smoking is not permitted in the common areas (bathrooms, hallways, lounges, stairwells, etc.) of any residential facility. Smoking shall also be prohibited within twenty-five feet of all residential building entrances, exits, air intakes, and operable windows.
- Possession of any open heating element, open flames, or ignition points (heaters, burners, hot plates, sandwich presses, George Foreman grills, toaster ovens, halogen lamps, candles, incense, potpourri pots, etc.) or any unapproved appliances (no air conditioners, microwaves [other than micro-fridge units], televisions, or reception systems requiring wiring outside the room, etc.) is prohibited. However, residents can use the following small food appliances: small coffee pot, popcorn air popper, and under-counter refrigerator up to 33 inches tall or 3.2 cubic feet in size.
- Cooking outside of a designated area is prohibited, including exceeding the provisions that students may only cook popcorn (not requiring oil or flat plate popper), hot beverages, or reheating already prepared food in a micro-fridge unit.
- Possession of extension cords or multi-outlet adapters is prohibited (surge protector strip plugs are permitted to help protect equipment and reduce malfunctions).
- Possession of any propane grill or tank inside or outside of any residence hall, fraternity, sorority, social club house, program house, townhouse, or university apartment is prohibited.

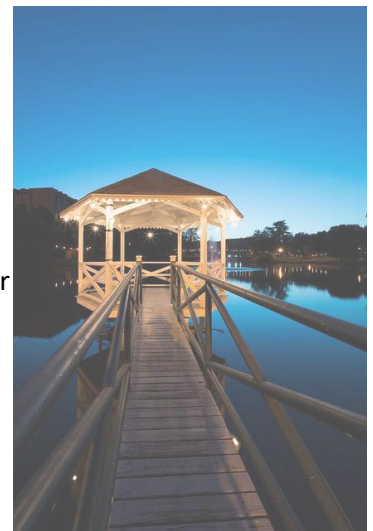
Smoking Policy

Muskingum University prohibits smoking within twenty-five feet of all building entrances, exits, air intakes, and operable windows.

Student Housing Evacuation Procedures

The Student Life policy on fire safety states any fire, of whatever origin or size, must be reported by calling 911 or MUPD in order to ensure the safety of all residents.

The Student Life policy on evacuation from student housing facilities is provided in the student handbook and is discussed with the students when they move into the facility.



A health and safety inspection is conducted by the Student Life Office once per month to ensure all residential students are abiding by all residence life policies, including fire and safety regulations.

In case of a fire alarm sounding, the evacuation procedures are as follows:

- Secure your room (window and door).
- Immediately leave the area.
- Leave everything behind.
- Exit the building in an orderly fashion.
- Do not use elevators.
- Walk and do not run.
- Keep calm.
- Move away from the entrances and building once outside to allow emergency personnel unimpeded access to the building.
- Do not re-enter the building until advised to do so by university staff.



Precautions to take in case of a fire:

- Become familiar with the nearest exits and emergency routes from your room and hall.
- Have a backup route in mind in case your direct route is blocked.
- Practice your escape route.
- Check to see if your door is hot or has smoke around it before exiting your room. If so, go to the window and yell for help so firefighters can evacuate you.
- Shut your door tightly when you leave.
- Exit the building and follow the directions of emergency personnel or university staff.
- If you are the first to discover the fire, pull the nearest alarm as you exit the building and yell “fire” as you leave.
- Thick smoke may make it difficult to see so stay low to the floor.
- If you are aware of a student with a disability in the building, alert emergency personnel as soon as they arrive.
- Do not remain in close proximity to the building. Remain in designated locations until the building is cleared for re-entry by emergency personnel or university staff.
- If you are able to use a fire extinguisher in your hall without endangering yourself, please do so. However, your safety is our first concern. Do not attempt to extinguish a fire if your personal safety becomes threatened.

Fire Log

MUPD maintains a fire log that records any fire that occurred in an on-campus student housing facility and includes information such as the nature, date, time, and general location of the fire.

The log also includes all other fires that have occurred on-campus. Fire log entries shall be recorded within two business days of the receipt of information.

The fire log for the most recent 60-day period shall be open to public inspection during normal business hours (8:00 a.m. – 5:00 p.m. Monday through Friday). Any portion of the log older than 60 days will be available within two business days for public inspection.

APPENDIX I

RESOURCES FOR CRIME VICTIMS

Ohio Attorney General's Office

- Services for Victims: <https://www.ohioattorneygeneral.gov/victim>
- Crime Victim Bill of Rights: <https://www.ohioattorneygeneral.gov/Files/Publications-Files/Publications-for-Victims/Crime-Victims-Bill-of-Rights.aspx>
- Missing Persons Palm Card: <https://www.ohioattorneygeneral.gov/Files/Publications-Files/Publications-for-Law-Enforcement/Missing-Persons-Palm-Card-PDF.aspx>

On Campus Resources

- Online reporting forms (not for emergency use)
 - www.muskingum.edu/reporting
- Muskingum University Police Department
 - 740-826-8155
 - safety@muskingum.edu
- Title IX Office
 - 740-826-8116 or 740-825-6155
 - titleix@muskingum.edu
 - <https://www.muskingum.edu/titleix>
- Chaplain
 - 740-826-6159
 - derekw@muskingum.edu
- Counseling Services
 - <https://www.muskingum.edu/counseling>
- Student Health Center
 - 740-826-8150
 - sdickson@muskingum.edu or sscott@muskingum.edu
- Student Life
 - 740-826-8080

Local Victim Advocacy Resources

- Haven of Hope
 - 740-439-7233
 - <https://havenofhope.org/>
- Transitions (domestic violence)
 - 740-454-3213
 - <https://www.transitionszv.com/>

Local Mental Health and Drug & Alcohol Resources

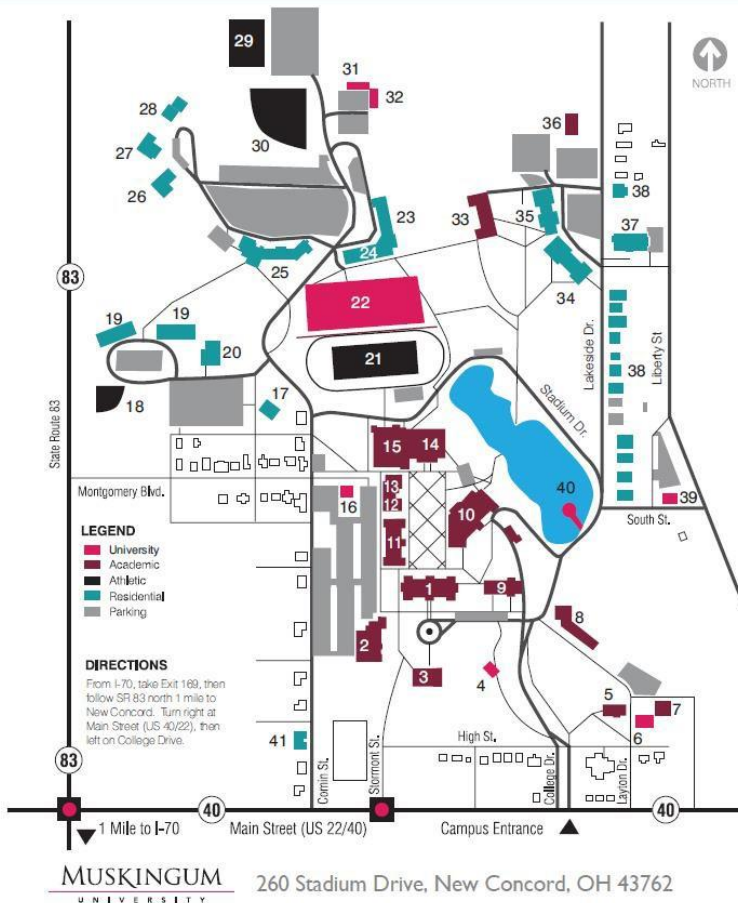
- Muskingum Valley Health Centers
 - 716 Adair Ave., Zanesville, OH 43701 - (740) 891-9000
 - 1230 & 1330 Clark St., Cambridge, OH 43725 - (740) 421-9530
 - <https://www.mvhccares.org/>
 - Accepts Medicaid, sliding fee scale
- Allwell Behavioral Health Services
 - 2845 Bell St., Zanesville, OH 43701 - (740) 454-9766
 - 2500 John Glenn Highway, Cambridge, OH 43725 - (740) 439-4428
 - <http://allwell.org/>
 - Accepts Medicaid, sliding fee scale
- Mid- Ohio Behavioral Health
 - 930 Bethesda Dr., Building 4, Zanesville, OH 43701 - (740) 569-5737
 - 2090 North Ave. Cambridge, OH 43725 - (740) 201-2522
 - <http://midohiobh.com/>
 - Accepts Medicaid
- Cedar Ridge Behavioral Health Solutions
 - (Alcohol & Substance)
 - 841 Steubenville Ave., Cambridge, OH 43725
 - 441 Putnam Ave., Zanesville, OH 43701
 - 855-692-7247
 - <https://www.crbhs.org/>
- Muskingum Behavioral Health
 - (Alcohol & Substance)
 - 1127 West Main St. Zanesville, OH 43701
 - (740) 454-1266
 - <https://www.muskingumbehavioralhealth.com/>

National Hotlines

- Call 988 – suicide prevention hotline
- Text 741741 – 24/7 mental health hotline
- National Domestic Violence Hotline
 - 1-800-799-7233
 - www.thehotline.org
- National Sexual Assault Hotline
 - 1-800-656-4673
 - <https://rainn.org/help-and-healing/hotline/>
 - Text HOPE to 64673
- Stalking Assessment
 - <https://www.stalkingawareness.org/sharp/>
- The Trevor Project
 - <https://www.thetrevorproject.org>

APPENDIX II

CLERY GEOGRAPHY



Muskingum Campus Map

- | | |
|--|-------------------------------|
| 1. Montgomery Hall | 25. Thomas Hall |
| 2. Caldwell Hall | 26. Circle 220 |
| 3. Roberta A. Smith University Library | 27. Circle 240 |
| 4. Columbarium | 28. Circle 260 |
| 5. Paul Hall | 29. North Athletic Turf Field |
| 6. Palmer Art Gallery | 30. Mose Morehead Field |
| 7. Neptune Center | 31. Mailroom |
| 8. Walter Hall | 32. Physical Plant |
| 9. Brown Chapel | 33. Chess Center |
| 10. Boyd Science Center | 34. Patton Hall |
| 11. Cambridge Hall | 35. Kelly Hall |
| 12. Bookstore | 36. MOT House |
| 13. Quad Center | 37. Finney Hall |
| 14. John Glenn Gym | 38. Lakeside Houses |
| 15. Anne C. Steele Recreation Center | 39. Student Health Center |
| 16. University Police | 40. Spoonholder |
| 17. Stadium 150 | 41. Lexington Arms |
| 18. Donna J. Newberry Field | |
| 19. Student Townhouses | |
| 20. Stadium Heights | |
| 21. Edgar A. Sherman Field | |
| 22. Henry D. Bullock Health & Wellness Complex | |
| 23. Moore Hall | |
| 24. Memorial Hall | |



APPENDIX III

EMERGENCY ACTION PLAN

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INTRODUCTION

Muskingum University is committed to maintaining a healthy and safe campus environment for all members of the campus community. Crises, emergencies, and other disasters that threaten the health and safety of our community may occur in a variety of ways and with a varying degree of predictability and severity. Given the fluid nature of emergency situations, Muskingum University students, faculty, and staff should be familiar with the information in these Guidelines so they may report and respond promptly and appropriately to emergency situations.

The University will consider the nature, scope, and duration of the incident to determine an appropriate response.

Being knowledgeable and remaining calm will help you to successfully navigate an emergency situation. These Guidelines provide essential information to assist the campus community in reacting to various emergencies. It is a quick reference to inform you what steps to take should an emergency situation arise.

REPORTING AN EMERGENCY SITUATION

In an emergency situation, you should call University Police immediately at (740) 826-8155 or call 911.

If you call 911, the Muskingum County Dispatch system will communicate with University Police and the New Concord Police Department.

EMERGENCY PHONE NUMBERS

- Muskingum University Police – (740) 826-8155
- New Concord Police Department – 911 or (740) 452-3637 and press 1 when prompted
- New Concord Fire Department and EMS – 911 or (740) 291-9086

NOTE: If you cannot reach Muskingum University Police, call 911, as there may be times that a University Police Officer is unable to answer the phone.

GENERAL INFORMATION ABOUT REPORTING

- Do your best to remain calm and tell the officer or dispatcher the following information:
 - Your name.
 - Your phone number where you can be reached.
 - Your location.
 - The nature of the emergency.
 - An assessment of medical needs.
 - Any circumstances that may help or impede first responders.

- Example: “Hi, my name is Jane Doe, and my phone number is 555-555-5555. I am at Muskingum University near the lake on campus and a power line fell. I saw a person fall on the ground, and the wire is touching the ground. I can’t tell if the person is breathing or not, but I don’t see them moving.”
- Answer the dispatcher’s questions and/or follow their directions. Tell the dispatcher if you are unable to do something they have asked you to do – either because it is unsafe or you don’t feel comfortable doing so.
- Advise others in the area that you have contacted 911 or emergency personnel.
- The dispatcher will contact appropriate first responders and/or other University administrators, as necessary.
- Follow instructions when first responders arrive. You could be asked to stay on scene to make a statement.

GENERAL EMERGENCY COMMUNICATIONS and RESOURCES

Sharing timely and accurate communication with the campus community during an emergency is essential for proper response and mitigation of the emergency. Depending on the nature of the situation, the timing and method of communication may vary. Any individual or combination of the following communications could be used to alert the campus community to an emergency situation:

Audible Alarms

In the event of an emergency that would require the evacuation of a building, the building’s fire alarm may be activated.

E-Mail System and Website

In many instances, you will receive a campus-wide email. Additionally, there may be instructions, status reports, or other information posted on the Muskingum website. Email and website updates are how the University shares information beyond the immediate message posted via META.

META

Muskingum strongly encourages all members of the University community to enroll in META, which is its emergency notification system. META is used to communicate an immediate emergency and important follow up information. Users who subscribe to META should enroll for SMS messaging and may also choose to receive an email message through META.

To enroll in META, go to <https://muskingum.omnilert.net>. New users should click the “Sign Up” link in the top, right corner of the page to enroll. Existing users can use the “User Log In.” ***Be sure to validate your account too!***

Personal Contact

In certain circumstances, you may receive instructions from the Student Life Office, Physical Plant/Facilities staff, and/or other campus administrators.

Muskingum County Emergency Management Agency

The Muskingum County EMA is a valuable resource and community partner to Muskingum University. Students, faculty, and staff may choose to sign up for emergency alerts that are issued by the Muskingum County EMA by visiting their website at <https://www.muskingumcountyoh.gov/Agencies/EMA-LEPC/>, which provides more information about the alert system and specific geographic and other options for alerts.

EVACUATION

Different emergencies may require different evacuation strategies. At times, the response strategy is to “shelter in place,” and in other circumstances, you can go about your regular business as much as possible. You will be instructed where to go and what to do if an evacuation or shelter in place order is issued.

In some instances, communication may not be possible, and you may need to assess the situation, your own safety, and the options to best protect yourself. The unpredictable nature of emergency situations requires quick action and clear thinking to avoid injury. Make the best decision you can to remain safe and avoid putting yourself into a more harmful situation.

WHEN TO EVACUATE¹

- Anytime you hear the fire alarm in your building.
- If you smell smoke or know an actual fire is burning.
- If a hazardous material has been released and you have a safe evacuation route away from danger.
- Any other situation where it is apparent that staying in place will put you in a potentially more harmful situation than leaving.
- When instructed to do so by Muskingum County Dispatcher (if you have called 911), Muskingum University Police, New Concord Police Department, first responders, authorized Physical Plant/Facilities personnel, or via META.

WHAT TO DO IF YOU MUST EVACUATE

- Carefully follow the instructions of emergency personnel or those sent via META.
- Remain calm.
- Close the door to your residence hall room or workspace as you leave.
- Leave quickly - do not try to gather materials on the way out.
- Keep talking to a minimum.
- Exit in a single file line, down the right side of the stairwells – do not take an elevator.
- No smoking.
- Alert first responders of any people still inside and who need assistance.

¹ Certain circumstances may prevent safe evacuation. If this happens, move away from the danger and find shelter in an area with a window to allow rescue. Signal your location to first responders.

Specific Building/Area Evacuation

Certain emergencies may affect a specific building or area of campus. In this case, people in those buildings/areas will be evacuated to a predetermined site. When appropriate, the following campus Evacuation Locations will be used; however, you should always follow the directions provided via first responders or META.

Building/Area	Primary Evacuation Shelter	Backup Evacuation Shelter
Any campus residence	Bullock Complex	Steele Center and John Glenn Gym
Any non-residential campus building	Steele Center and John Glenn Gym	Bullock Complex

Full Campus Evacuation

You will receive instructions via META and/or from law enforcement if a full, campus evacuation is required. Evacuation of the entire University will be handled in conjunction with the emergency procedures of the University, Muskingum County, the Village of New Concord, the East Muskingum Local School District, and surrounding community, as appropriate. In the unlikely event that a campus evacuation is necessary, you will be directed to leave the University in the following manner.

You will receive instructions via META and/or from law enforcement if a full, campus evacuation is required. Evacuation of the entire University will be handled in conjunction with the emergency procedures of the University, Muskingum County, the Village of New Concord, the East Muskingum Local School District, and surrounding community, as appropriate.

If you are instructed to evacuate campus and to take vehicles, we want to get as many cars off campus as possible, which means avoiding traffic congestion at intersections both on and off campus. We must also allow adequate access for first responders. Please offer to assist anyone near you who does not have access to a vehicle and follow the instructions below:

- **If police, fire, or ambulance vehicles approach. DO NOT block their travel – they must be able to respond to the emergency on campus.**
- Take your normal route to your vehicle unless you discover a dangerous situation along that route.
- Follow the plan below.
- Be alert that law enforcement may direct traffic in a different direction.

SHELTER IN PLACE

An incident may occur which dictates you remain inside a building during an emergency. A decision to shelter in place may or may not be obvious based on information known to you at the time. You may be instructed via META or from first responders or other University administrators to shelter in place. If those resources are not available, you may have to make

the decision on your own, based on what gives you the best chance of remaining safe and avoiding putting yourself in a more harmful situation.

WHEN TO SHELTER IN PLACE²

- During a hostage/barricade situation.
- Any other situation where it is apparent that leaving will put you in a potentially more harmful situation than staying in place.
- When instructed to shelter in place by the Muskingum County Dispatcher (if you have called 911), Muskingum University Police, New Concord Police, first responders, authorized Physical Plant/Facilities personnel, or via META.

WHAT TO DO IF YOU MUST SHELTER IN PLACE

- Stay where you are.
- Secure doors and windows: lock, secure, and/or barricade doors and windows in your immediate space.
- Close blinds or curtains: if possible, close any blinds or curtains to prevent anyone from seeing inside.
- Turn off lights: this can help make your location less noticeable.
- Silence electronic devices: turn your phone on silent mode and silence other devices that may make noise.
- Stay quiet: minimize noise and movement to avoid drawing attention to your location.
- Stay away from doors and windows: position yourself away from potential entry points.
- Follow official instructions: pay attention to any META alerts, emails, or other announcements from campus authorities.
- Do not open the door unless instructed by a known first responder or campus official.
- Stay informed: monitor official campus communication channels for updates and further instructions.
- Call for help if needed: if you or someone with you requires immediate medical attention, call 911.
- Remain in place: stay sheltered until you receive an "all clear" message from authorized personnel.

MEDICAL EMERGENCY

WHAT YOU SHOULD DO

- Call Muskingum University Police Department at (740) 826-8155 or 911
- Give the officer or dispatcher the following information:
 - Your name
 - The location of the injured/ill person(s)
 - Type of injury or illness

² These situations require you to stay put initially. Emergency personnel will direct you as to when it is safe to evacuate.

- Approximate age of victim(s)
- Is the victim conscious?
- Is the victim breathing?
- Is the victim bleeding?
- Any known medical condition of the victim(s)
- Give a call back phone number in case there is a need for more information.
- Check the area for any potential dangers before you approach the injured/ill person.
- Do not move the person.
- You should not provide medical care, unless you are trained to do so, or you are following the directions of a Muskingum County Dispatcher (and you feel comfortable doing so).
- Stay with the victim(s) and reassure them until help arrives.

WHAT WILL HAPPEN

- Depending on the situation, one of the following steps will occur:
 - University Police will request EMTs and/or other first responders as necessary.
 - Police will respond and assess the situation for further response. New Concord EMS will be notified if necessary.
- Police officers will provide first aid if needed, according to their training, until EMS arrives.

GENERAL FIRST AID TIPS

If trained, provide appropriate first aid:

- Keep the person calm and comfortable until first responders arrive.
- If bodily fluids are present, avoid contact and notify Physical Plant when you are able.
- For **bleeding**, apply direct pressure with a clean cloth.
- For **burns**, apply cool water for 20 minutes or until first responders arrive.
- For **choking**, perform the Heimlich maneuver if the person is conscious.
- For an **allergic reaction**, if the person has an EpiPen and is unable to self-administer, assist them if you are trained to do so.
- For **heat-related illness**, move the person to a cool place and provide water if conscious. Apply a cool, wet cloth to the skin. You may apply ice packs or crushed ice to their neck, armpits, and groin.

Seizures

- Clear the area around the person to prevent injury.
- Do not restrain the person or put anything in their mouth.
- After the seizure, turn the person on their side.

AED Use

- You should use an automated external defibrillator (AED) when someone is experiencing sudden cardiac arrest (SCA).
- If someone collapses and is unresponsive, call emergency services and start CPR.

- After about two minutes of CPR, attach the AED pads to the person's chest and follow the device's instructions.
- AEDs are most effective when used with CPR. The sooner the heartbeat is restored, the better the chance of preventing permanent brain and organ damage.
- AEDs are not for heart attacks. A heart attack is caused by a blockage in an artery that cuts off blood supply to the heart. An AED can sense the heart's rhythm and will not shock someone having a heart attack.
- AEDs are located: Steele Center Atrium; 4th floor Cambridge Hall; Bullock Complex; Chess Center; North Turf; 1 mobile unit with University Police; 2 mobile units with Athletic Trainers.

After the Medical Emergency

- Respect the privacy of the person who needed care - do not discuss the person's condition with anyone except emergency responders.
- Consider seeking support from campus counseling services if the event was traumatic.

PANDEMIC

In the event that a pandemic is declared by federal, state, or local government authorities, Muskingum will follow the health and safety guidance issued by the government to prevent or reduce the spread of illness.

In determining its response, the University will consider all health and safety guidance and the best interests of the students, faculty, and staff. In considering these matters, the University may transition to online methods of instruction, close the residence halls, and/or close other campus buildings.

WHAT YOU SHOULD DO

If a pandemic is identified, be sure to take general precautions for good health and avoid transmitting infection to others, such as:

- Cover your nose and mouth when coughing or sneezing.
- Avoid touching your eyes, nose, or mouth which are transmission points for germs.
- Wash your hands with soap and water often and thoroughly. You may also use alcohol-based sanitizers.
- Wash your hands before you eat.
- Don't go to class if you are ill.
- If you get sick, go home if possible. Students are encouraged to seek medical care from the Student Health Center at (740) 826-8150 or askanurse@muskingum.edu. Employees should contact their supervisor if they are unable to report to work.

WHAT WILL HAPPEN

- University administration will monitor the pandemic situation and remain in contact with federal, state, and local health officials. The information will be evaluated on an ongoing basis to determine how University operations might be affected.

- Should information and/or directives from government officials warrant action on the part of the University, the University Health & Safety Team will convene and enact measures designed to both protect the health and safety of the campus community and maintain academic programs and administrative operations to the greatest extent possible.
- University officials will determine appropriate measures to ensure the safety of the campus community. Actions might include, but are not limited to:
 - Information campaign to encourage proper hygiene techniques, general pandemic prevention, and identification awareness.
 - Modifying workplace and classroom practices such as:
 - Reducing or eliminating face-to-face meetings and encouraging virtual classes and meetings.
 - Staggering breaks.
 - Encouraging or establishing flexible work hours and telecommuting.
 - Reducing maximum room capacities.
 - Encouraging or establishing methods to maintain academic operations by electronic means rather than in classrooms.
 - Cancel or postpone campus activities, meetings, and events.
 - Determine critical operations and enact measures to maintain those operations.
 - Close residence halls.
 - Close the University.
- A pandemic may evolve quickly: the University will communicate on an ongoing basis in order to mitigate the effects, adjust operations, and ensure the safety of the campus community.

FIRE

WHAT YOU SHOULD DO

- If you smell or see smoke or fire, begin evacuation by pulling an alarm station.
- Call 911 or the Muskingum University Police Department at (740) 826-8155.
 - Tell the dispatcher your name.
 - Give the dispatcher the exact location of the fire and any other information you may have about the fire.
- Do not attempt to fight the fire yourself unless you have been trained in the use of firefighting equipment and it is safe to do so.
- Evacuate the building, closing doors behind you to contain the fire.
 - Exit via stairwells only. Stay in a single-file line to the right side of the staircase so emergency personnel are able to get up the staircase.
 - DO NOT attempt to use elevators.
- Exit quickly and do not gather materials as you exit.

- Assist people who are unable to exit or direct first responders to them.
- Do not let the fire or heavy smoke come between you and an exit.
- If you get caught in heavy smoke, take short breaths, and stay low to the ground by crouching down or crawling.
- If the fire or smoke keeps you from exiting the building, go to a room far away from the fire, shut the door, open or break open a window and signal for help.
- Once outside, move away from the building and don't go back into the building until you are allowed to do so by emergency personnel.

WHAT WILL HAPPEN

- University Police or the 911 dispatcher will notify the appropriate fire department(s) and other first responders.
- Muskingum University Police will respond and coordinate with the fire personnel.
- Once the actual fire or fire alarm situation is resolved, Muskingum University Police or the fire personnel will provide clearance to re-enter the building or will give other instructions.

HAZARDOUS MATERIALS INCIDENT

WHAT YOU SHOULD DO

- Call Muskingum University Police at (740) 826-8155 or 911.
 - Be sure to provide the exact location of the hazardous material spill/release.
 - If possible give the source, character, amount, and extent of the material spill/release.
 - Notify the officer or Muskingum County dispatcher of injuries associated with the incident.
- In a classroom setting, follow instructions from your faculty member, if present.
- Avoid contact: do not touch, inhale, or ingest the spilled substance.
- Prevent spread: if you are trained to do so, contain the spill using available materials to prevent it from spreading further.
- Turn off open flames and open hoods in the area.
- Move away from the spill site to a safe distance.
- Keep others from entering the affected area.
- Stay a safe distance from the material that has been spilled or released and wait for police officers, firefighters, or other emergency responders to arrive.
- Seek medical attention: if exposed to the chemical, seek immediate medical help.

WHAT WILL HAPPEN

- First responders will contain the scene and tend to any injured persons.

- University Police will notify the Chemical Hygiene Officer.
- First responders will communicate initial findings to pertinent personnel as needed.
- First responders may notify the county EMA or other government agencies if additional help is needed or if notification is required.
- Evacuation, containment, and cleanup will be conducted as directed by the fire department representative or agency incident commander.

BOMB THREAT

If you receive a bomb threat by phone, listen carefully and write down everything that is said, starting with the exact time of the call.

WHAT YOU SHOULD DO

- Keep the caller talking as long as possible and ask the following:
 - Ask for the caller's name.
 - Where is the bomb located?
 - When will the bomb go off?
 - What type of bomb is it?
 - What does the bomb look like?
 - Why was the bomb planted?
- Determine any characteristics or identifiers for the caller, including their emotional state.
- Listen for background noises; i.e., other voices, traffic, airplanes, trains, machinery, music.
- Call 911 immediately after finishing the call or University Police at (740) 826-8155.
 - Give the dispatcher your name, phone extension, and room number.
 - Tell the dispatcher that you received a bomb threat and give a basic description of the nature of the call.
 - If safe to do so, stay in the area so that you can meet with the responding officer(s).

WHAT WILL HAPPEN

- The dispatcher will notify Muskingum University Police and any other emergency responders.
- Law enforcement and first responders will decide on an appropriate course of action, based on known information.
- After speaking with the person who took the call, University officials and emergency responders will decide what further action should be taken, including possible evacuation.

SUSPICIOUS PACKAGE/OBJECT

WHAT YOU SHOULD DO

- If you see or become aware of a suspicious object or receive a suspicious letter or parcel, do not handle it or allow anyone to go near it.
- Call University Police at 740-826-8155.
 - Tell the officer your name, phone extension, and room number.
 - Tell the officer why you think the object is suspicious.

WHAT WILL HAPPEN

- The officer will request assistance from other law enforcement agencies, as appropriate.
- Responding officers will meet with the caller to gather information.
- University Police will confer and decide on an appropriate course of action, based on known information.

SUSPICIOUS PERSON/BEHAVIOR

Maintaining a safe campus is a community effort, in which members have a responsibility to be aware of and inform others when something or somebody seems suspicious.

WHAT YOU SHOULD DO

- Generally, you should not engage a person who is acting suspiciously. However, if others are around, and you feel comfortable doing so, you might approach the person and ask “can I help you?” If this person legitimately needs help, they will appreciate the offer. If not, then they will know that they have been noticed, which may prevent potential criminal activity.
- To report suspicious behavior, call Muskingum University Police at 740-826-8155 as soon as you have some basic information. Be ready to give the officer the following information:
 - Your name, current location, and phone number where you can be reached
 - A physical description of the suspicious person
 - A description of the suspicious behavior
 - Where the person was last seen and direction of travel

WHAT WILL HAPPEN

- On campus, Muskingum University Police will respond, which may include looking for the suspicious person and speaking with you more.
- Off campus, Muskingum University Police will consult with the law enforcement agency that has jurisdiction before responding. This may include looking for the suspicious person and speaking with you more.
- Muskingum University Police will determine whether to initiate any other emergency response.

CRIMINAL INCIDENT

WHAT YOU SHOULD DO

- When it is safe for you to do so, report any crime *in progress* on campus to University Police at (740) 826-8155 or by calling 911.
 - Tell the officer or Muskingum County dispatcher your name, your location, and a phone number where you can be reached.
 - Give a description of what is taking place.
 - Give a thorough description of any suspect(s); physical description, clothing, vehicle information, and direction of travel.
 - Describe any injuries, if known, and the extent of those injuries.
 - Give the dispatcher a phone number where you can be reached in case more information is needed.
 - If you have been a victim of a crime or witness to a crime, follow the same steps above.
- To report *routine or non-emergency incidents*, call Muskingum University Police at (740) 826-8155.

WHAT WILL HAPPEN

- On campus, Muskingum University Police, and possibly other law enforcement agencies, will respond to the incident, take appropriate immediate action to ensure safety, render any assistance needed, and gather report information.
- If this occurs off campus, police officers from the agency with jurisdiction will respond to the incident, take appropriate immediate action to ensure safety, render any assistance needed and gather report information.
- Other first responders and/or Muskingum University personnel will be notified as necessary.
- You will likely be asked to give a statement, both verbally and in writing to the police.

INCLEMENT WEATHER

Before the start of winter weather each fall, the Vice President for Finance and Operations will send the following campus-wide communication:

As we look to our first taste of winter weather in our region, I would like to share the criteria used to determine campus closings or delays.

- The University *shall be* closed if the Muskingum County Sheriff's Office issues a Level 3 emergency level for Muskingum County or actual temperatures or wind chill temperatures are -20°F. Only essential personnel will report for work on campus (or remain if the closure occurs during the workday). Faculty should follow guidance issued

by the Provost. All other employees should consult with their supervisor about remote work expectations.

- The University *may* close or delay if the Muskingum County Sheriff's Office issues a Level 2 emergency level for Muskingum County or actual temperatures or wind chill temperatures are -10° or lower. After consulting with the Senior Director of Facilities and Physical Plant and the Chief of University Police, considering whether other area colleges and universities are altering schedules or closing, and any other relevant factor(s), I will make this determination.
- Decisions will be made by 5:30 am, or as soon as possible based on the timing of a weather event, and communicated through several means, including:
 - Muskingum.edu (alert bar)
 - [META](#)
 - Social Media
 - Campus email
 - Notification will also be sent to local television and radio stations

Things to do:

1. Those who have not signed up for [META](#) should do so.
2. Prior to the weather event, supervisors should communicate to their employees what their remote work expectations are, and employees should be prepared to work remotely.
3. Faculty should follow guidance from the Provost's Office.

For inclement weather that does not result in a cancellation or delay, refer to relevant sections of University policies and consult/notify your supervisor as needed. For more information about Muskingum County's Emergency Levels, please

visit: <https://www.ohiomuskingumsheriff.org/Resources/Snow-Emergency-Levels/>

TORNADO

A tornado warning is an alert from the National Weather Service stating that a tornado has been sighted. In case of a tornado warning, the Muskingum County Emergency Management Agency will issue a warning through its [emergency alert system](#). The Village of New Concord has a tornado warning siren, which is tested on Wednesdays at 12:00 p.m. Muskingum University Police Department and Physical Plant regularly monitor weather information and will receive the same National Weather Service Information.

WHAT YOU SHOULD DO

- If you are inside any campus building,
 - Move to the basement or ground floor center hall of the building you are in, closing office or residence hall doors as you leave.
 - Take the stairs instead of elevators.

- Stay away from windows and doors with glass panes.
- Sit or crouch in an interior hallway or room so you are able to cover your head.
- Avoid large rooms, such as the indoor track, gymnasiums, or other large rooms on campus.
- Do not leave the tornado safety area until released by emergency personnel.
- If you are outside,
 - Seek shelter in a campus building if possible.
 - If you can't get to a building, seek shelter in a low-lying area, like a ditch, lay flat on your stomach if possible, and cover your head.
- If you are in a vehicle,
 - Seek shelter in a building if possible.
 - If you can't get to a building, abandon your vehicle and seek shelter in a low-lying area, like a ditch, lay flat on your stomach if possible, and cover your head.

Be prepared: review information on the National Weather Service's website at:
<https://www.weather.gov/safety/tornado-during>.

WHAT WILL HAPPEN

- University police officers will monitor conditions on campus, as well as the information provided by the National Weather Service and local authorities.
- A META notification will be issued in the event that the National Weather Service issues a tornado *warning*.
- Once the tornado threat has passed, building occupants will be notified via META.

POWER OUTAGE

The campus sometimes experiences power outages. Typically, power is restored to campus within a few hours; however, there is potential that a power outage may extend for longer periods of time.

WHAT YOU SHOULD DO

- Remain calm and stay where you are.
- Assist others who are not familiar with your area.
- Call Muskingum University Police at (740) 826-8155.
 - Tell the officer your name and location.
 - Tell the officer what areas are affected by the power outage.
 - Tell the officer how long the power has been out.

- Give the officer a call back number in case more information is needed.
- Evacuate only if instructed to do so via META or by first responders or other University administrators.
- See “Elevator Emergency” section if you become stuck in an elevator during a power outage.

WHAT WILL HAPPEN

- University Police will work with Physical Plant personnel to respond and determine the extent of the outage.
- Resident Assistants, Area Coordinators, and other Student Life staff will communicate about the dining hall and other campus operations.
- The Director of Athletics or Head Coaches will communicate about any modifications to athletic practice or competition schedules.
- Responders will check elevators to determine if anyone is stranded because of the outage.
- The University will seek assistance from outside entities as needed.
- If the power outage is extended, it may be necessary to send students home. Plans to close residence halls, if necessary, will be communicated to students by Student Life personnel.

ELEVATOR EMERGENCY

WHAT TO DO

- Use the elevator phone or your cell phone to call Muskingum University Police at (740) 826-8155.
- If the elevator you are in has no phone or it does not work, push the “emergency” or “bell” button until you hear acknowledgement that help is on the way.
- First responders will attempt to speak to those in the elevator to determine exactly where the elevator is, how many people are in the elevator, and if there is anyone in distress.
- Do not attempt to exit the elevator through a hatch or to pry open the doors.
- If the elevator doors open, and the elevator is between floors, do not try to exit, unless a first responder has instructed you to do so. This is a particularly dangerous situation, as the elevator could move, endangering your life.

WHAT WILL HAPPEN

- University Police will coordinate with Physical Plant personnel.
- Physical Plant personnel and/or first responders will respond to the call and allow safe exit from the elevator.

FLOOD OR WATER DAMAGE

WHAT YOU SHOULD DO

- If you can see the source of a leak and are able to turn off the water safely, please do so to prevent further damage (i.e., unstop a drain or turn off a faucet or valve).
- Depending on the severity of the issue, call Physical Plant at (740) 826-8160 or Muskingum University Police at (740) 826-8155.
- Get out of the area if you feel your safety is at risk, especially if the flooding is near electrical equipment.

WHAT WILL HAPPEN

- Muskingum University Police and/or Physical Plant personnel will respond.
- Responding personnel will identify the source and stop the water intrusion as soon as possible.
- Areas that are affected by immediate flooding or areas that may have been damaged by water intrusion may be evacuated for a period of time.
- Necessary repairs and cleanup will be initiated.
- University personnel will advise those affected when they can re-enter the space.

ACTIVE SHOOTER

Response to an active shooter on campus requires a survival mindset for those who are directly impacted. This mindset entails:

- Awareness: be aware of what is happening around you, use all of your senses.
- Preparation: ask yourself “what if” questions. Prepare yourself to do whatever it takes to survive.
- Rehearsal: Mentally and physically practice your plan so you can build confidence and react quickly.
- Unless you are in the immediate vicinity of an active shooter event in which you need to make an immediate decision of how to respond, you should follow the instructions provided via META.

WHAT YOU SHOULD DO

- Firearms are prohibited on all campus property, if you observe an individual with a weapon on campus or if you observe somebody shooting on campus, **call 911 immediately**. Answer the Muskingum County dispatcher’s questions to the best of your ability while maintaining your own safety.
- Don’t go to your vehicle – traffic congestion prevents law enforcement from gaining the access they need and increases risk of danger to you and others.
- **FIGURE OUT.**

- What action gives you the best chance to survive - running, hiding, calling for help, or some other response?
- Quickly evaluate and act.
- **ALERT.**
 - When you are safe enough to do so, immediately call 911 - don't assume someone else already has called.
 - Tell the Muskingum County dispatcher all the information you know.
- **LOCKDOWN.**
 - If you can't get out safely, find a place to hide.
 - Look for a place that offers some protection, is well hidden, and offers options for movement.
 - If you must Lockdown, do what you can to stay unnoticed and keep the shooter out.
 - Lock the door and/or barricade the door with heavy objects if possible.
 - Turn off the lights.
 - Keep quiet.
 - Put cell phones on silent – in the silence, even a vibration may be audible – likewise the light from a cell phone screen may be visible.
- **INFORM.**
 - If you can, communicate the shooter's whereabouts.
 - Make sure to use real time information.
 - Remember who, what, when, and where when you communicate the information.
 - Who- the persons clothing, skin color, hair color, are they wearing a mask
 - What- what are they using: a long gun, handgun, knife
 - When- is it happening now
 - Where- exact location and what direction they are moving in
 - Any information that can be passed on to responding officers is critical.
- **COUNTER.**
 - If there are other people with you, try to plan together what you will do if the shooter enters your area.
 - If a shooter enters your space, assume their intentions are lethal.
 - Use anything you have with you and in the room as weapons.
 - As soon as the shooter enters, yell loudly and throw things at them, aiming for the face.
 - Rush at the shooter and act as a team to overcome them.
 - Total commitment is critical; don't give up until you have won!

- If you disarm the shooter, do not pick up the gun. Put it in a trash can and leave the room with that trash can. Responding Law Enforcement will know what to do when they get to you.
- Stick to your plan to take out the shooter; others will follow when you act.
- Everyone in the space must get into a survival mindset and commit to working together to survive.
- Remaining calm in the face of fear will help keep you and others focused on the best chance for survival.
- **EVACUATE.**
 - Can you safely get to a safer location?
 - If yes, do so immediately and without waiting for others to validate your decision.
 - Leave your belongings behind.

WHAT WILL HAPPEN

- The Muskingum County dispatcher will notify all first responders in the area.
- The University will issue an alert via META. **Please follow all directions provided in the META alert.**
- The first responding officers will respond to locate the suspect and stop the shooting as quickly as possible.
- Police officers may be dressed in regular patrol uniforms or may be wearing tactical uniforms consisting of external bulletproof vests, helmets, boots, and dark clothing.
- Police officers may be carrying a shield and be armed with rifles, shotguns, and/or handguns. They may also use tear gas or pepper spray. Regardless of how they appear, remain calm, do not be afraid of them, and follow their instructions carefully.
- The first police officers to arrive will not stop to aid injured persons.
- If you encounter a first responder, put down anything you are carrying and keep your hands visible to the police at all times.
- Rescue teams will follow the first officers into secured areas to provide aid to those who are injured.
- The University will provide updates via META as more information becomes available.

MEDIA RELATIONS

The Office of Strategic Marketing and Communications has primary responsibility for releasing information to the media.

Major incidents and emergencies may draw interest from local or national media. It is of paramount importance that only accurate, factual information is released. Incorrect or incomplete information can hinder the response of the University and/or first responders. In addition, it could be detrimental to the University, its employees, and students.

Refer all media inquiries to the Executive Director of Strategic Marketing and Communications, at 740-826-8134 and press 1 or at comms@muskingum.edu.

Please do not call University Police for communications updates during an emergency. Their resources are needed to respond to the emergency.

APPENDIX IV

VAWA EDUCATIONAL PLAN

Information about the offenses of sexual assault, stalking, domestic violence, and dating violence are provided throughout the year at Muskingum. The Title IX Office works closely with University Police, Residence Life, the Student Health Center, Chaplain, Counseling Center, Athletics, and the Student Alliance to Prevent Sexual Violence to provide a variety of learning opportunities. Before students return to campus, large informational posters to raise awareness about sexual harassment, sexual assault, domestic and dating violence, stalking, and retaliation are posted in every bathroom on campus. The posters also contain contact information for the Title IX Coordinator and information on how to make a report.

Informational fliers are posted in bathroom stalls throughout the year, including information about consent for sexual activity, healthy relationships, sexual harassment, pregnant/parenting students, stalking, and other forms of sexual misconduct. This information is shared by the Student Alliance to Prevent Sexual Violence through its social media platforms.

For new employees: Information about anti-hazing, sexual assault, stalking, domestic violence, and dating violence is provided during in-person onboarding. The Title IX Coordinator, or designee, provides this information in a small setting that allows for participant contributions and questions. The session is designed to raise awareness, encourage prevention, and explain reporting/response protocols.

For new students: Information about sexual assault, stalking, domestic violence, and dating violence is provided during Muskie Preview. More in-depth information is provided by the Title IX Coordinator, or designee, during the Muskingum Experience course that all first-year students are required to take. In-person training, as well as video training, is provided to all students in the MUXP course. These courses cover awareness, encourage prevention, and explain reporting/response protocols.

For returning students: All student athletes are required to receive training in compliance with the NCAA Policy against Sexual Violence. Video training is made available to all athletes; however, coaches have the option to request in-person training with the Title IX Coordinator, or designee. Both video and in-person sessions cover awareness, prevention, and response regarding sexual assault, dating violence, domestic violence, and stalking. Returning students who are not athletes are offered video training that also covers the above topics.

Video training is offered to graduate and adult learners, who mostly participate in virtual classrooms as part of their academic programs. Except for the Master of Occupational Therapy program, who visit campus several times per year, all graduate and adult learners participate in remote learning.

During the month of October, the Title IX Office distributes a series of informational emails about domestic violence. In addition to the emails, posters are hung in every bathroom encouraging healthy relationship behaviors. The Office hosts Pinwheel Day on the Quad to raise awareness about domestic and dating violence. The Office typically hosts one other event in October to share information about dating/domestic violence with the campus community.

Throughout the year, the Student Health Center offers education from the One Love curriculum, with multiple athletic teams hosting One Love games. The Student Health Center and Counseling Center host pop up opportunities to raise awareness about consent and other safe sex practices. Student groups also host educational programming through the Muskie Planning Board and Brewed Awakenings.

The Title IX Office also hosts multiple events on the Quad and in other locations on campus that are visible and engaging. Additional education is provided in response to a careful assessment of behaviors being reported on campus. Depending on any specific areas of concern, the Title IX Office can redirect its educational efforts to address identified behaviors across campus.

APPENDIX V

TITLE IX POLICY

TITLE IX¹

Policy and Procedures

Responsible Office: Equity, Compliance, and Risk Management

Responsible Administrator: Director of Equity, Compliance, and Risk Management

Effective Date: August 14, 2020

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100. Preamble

Muskingum University ("the University") is committed to maintaining an inclusive community that respects human dignity and is free from discrimination, harassment, and retaliation. Behaviors that constitute sexual harassment unreasonably interfere with the academic and professional experiences of those individuals who are impacted by the behavior.

Consistent with this commitment, the University complies with Title IX of the Education Amendments of 1972 ("Title IX"), which prohibits discrimination on the basis of sex in education programs and activities, the Jeanne Clery Disclosure of Campus Security Policy

¹ Portions of this policy have been informed by or utilize the ATIXA 2020 One Policy, Two Procedures Model. "Use and adaptation of this model with citation to ATIXA is permitted through a limited license to Muskingum University. All other rights reserved. ©2020. ATIXA."

and Campus Crime Statistics Act (“Clery Act”), as amended by relevant provisions of the Violence Against Women Reauthorization Act of 2013 (“VAWA”), and the Campus Sexual Violence Elimination Act (the “Campus SaVE Act”).

Gender-based and sexual misconduct on the University's campus or in other settings related to the University's educational or employment activities is a form of sex discrimination that is unlawful, unethical, and prohibited by the University.

101. Scope and Application

Muskingum University expressly prohibits sexual harassment, as defined by Title IX and this Policy. Conduct that would violate this Policy is unlawful, unethical, and prohibited by the University.

Romantic, intimate, or sexual relationships between faculty/staff (who are not student employees) and students are prohibited. When such relationships exist between employees, the University will ensure that neither employee is in a position of supervisory or evaluative authority over the other employee. The University's policy on [Consensual, Romantic, or Sexual Relationships](#) may be found in the Employee Handbook.

Other forms of conduct may not meet the definition of sexual harassment for purposes of Title IX and this Policy. However, that conduct may still be defined as sexual harassment under other laws or University policies. The Title IX Coordinator will review all reports as described in Section 109 and advise as to which policy(ies) may apply.

This Policy applies to all acts of sexual harassment, as defined in Section 106, regardless of the individual's sex, gender, gender expression, and/or sexual orientation.

The Policy is not intended to inhibit or prohibit educational content or discussions that include controversial or sensitive subject matters protected by academic freedom, which is defined in the University's Faculty Handbook.

102. Notice of Non-Discrimination

The University's official non-discrimination statement may be viewed at www.muskingum.edu/non-discrimination-statement. The following individual has been designated to receive and respond reports of discrimination:

Holly Gleason

Director of Equity, Compliance, and Risk Management

Muskingum University

10 College Drive, P.O. Box 1837

New Concord, OH 43762

Montgomery Hall – 16

740-826-8116

titleix@muskingum.edu or discrimination@muskingum.edu

Inquiries may also be directed to the U.S. Department of Education, Office for Civil Rights, 1350 Euclid Avenue, Suite 325, Cleveland, OH 44115-1812, 1-800-877-8339 or OCR.Cleveland@ed.gov

103. Privacy and Confidentiality

When disclosing information about sexual harassment and/or retaliation to a University employee, all community members should be aware of how their information may be shared, as well as the identity of confidential resources under state law. More information about who can receive reports and how they treat information received is available in Section 108 of this Policy.

Except for the confidential resources identified in Section 108, no other employee may promise or maintain confidentiality, though they are expected to maintain privacy.

The University recognizes that privacy is very important. Any action taken in response to a report or formal complaint shall be conducted with as much privacy and discretion as possible, without compromising the thoroughness and fairness of any investigation and resolution process. The University reserves the right to determine which of its employees have a legitimate educational interest² in being informed about reports. Often, the determination is based on a person's individualized needs and the coordination of supportive measures.

Any person involved in a report is expected to treat the process and the parties, witnesses, and administrators involved with respect and to maintain the privacy of the individuals involved.

Generally, the University will not notify parents/guardians of any reported sexual harassment. However, the University may contact parents/guardians where there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

104. Title IX Coordinator

A. Designation

A University employee shall be designated as the Title IX Coordinator at all times. The Director of Equity, Compliance, and Risk Management has been designated as Muskingum's Title IX Coordinator. In the event the Director of Equity, Compliance, and Risk Management is unavailable or unable to fulfill the obligations of Title IX Coordinator, an interim Title IX Coordinator shall be designated by the University until a permanent appointment may be made.

B. Responsibilities

The Title IX Coordinator has primary responsibility for developing, modifying, and implementing written procedures to respond to reports of violations of this Policy in compliance with all applicable federal and state laws, including regulatory guidance. In addition to addressing the matters under this Policy that may result in disparate treatment, the Title IX Coordinator assesses campus climate, evaluates equity in the University's operations, and provides notice to the University if operations result in disparate impact. In assessing for disparate impact, the Title IX Coordinator should utilize a civil rights investigative model to determine facts for presentation to the University President or other University

² See *generally* Family Educational Rights and Privacy Act (FERPA), 34 CFR Part 99.

personnel. The Title IX Coordinator manages the Title IX Team with respect to their Title IX duties.

C. Training and Resources

The University will appropriately train the Title IX Coordinator in all areas over which the Title IX Coordinator has responsibility and will ensure that the Title IX Coordinator possesses comprehensive knowledge in all areas of the Title IX Coordinator's responsibilities. Likewise, the University will ensure that the Title IX Coordinator has adequate resources to effectively carry out those responsibilities.

D. Autonomy, Bias, and Conflict of Interest

The Title IX Coordinator acts with independence and authority, free from bias and conflicts of interest. As such, University officials may not interfere with the Title IX Coordinator's participation in complaint investigations or the Title IX Coordinator's monitoring of the University's efforts to comply with and carry out its responsibilities under Title IX and other applicable law. The Title IX Coordinator will screen any individual selected to serve on the Title IX Team for bias and will provide training to ensure that the Title IX Team is not biased for or against any specific party or for or against complainants and/or respondents, generally.

E. Reports Involving the Title IX Coordinator

Reports that the Title IX Coordinator is biased, has a conflict of interest, or has engaged in sexual harassment or retaliation under this Policy, should be made to the President of the University at 740-826-8115 or president@muskingum.edu.

F. Contact Information. Questions, concerns, or reports about Title IX or this Title IX Policy may be directed to either:

Director of Equity, Compliance, and Risk Management

Holly L. Gleason
Muskingum University
10 College Drive, P.O. Box 1837
Montgomery Hall - 16
New Concord, OH 43762
Telephone: (740) 826-8116
Email: titleix@muskingum.edu

or

U.S. Department of Education Office for Civil Rights

Cleveland Office
1350 Euclid Avenue, Suite 325
Cleveland, OH 44115
Telephone: (216) 522-4970
Facsimile: (216) 522-2573
Email: OCR.Cleveland@ed.gov

G. Deputy Title IX Coordinators.

The Title IX Coordinator may designate one or more Deputy Title IX Coordinators, who shall report to the Title IX Coordinator for Title IX responsibilities, and who

shall have such responsibilities as the University may establish. However, at all times, the Title IX Coordinator shall have the overall responsibility for ensuring that the University meets its Title IX obligations. Contact information for all Deputy Title IX Coordinators is available at: <https://www.muskingum.edu/titleix/what-title-ix>

H. Recordkeeping.

The Title IX Coordinator will maintain the following records for a period of at least seven (7) years:

1. Each sexual harassment report received;
2. Investigatory files, including any determination regarding responsibility, and including any audio or audiovisual recording or transcript required under federal regulation;
3. Any disciplinary sanctions imposed upon the respondent;
4. Any remedies provided to the complainant;
5. Any appeal and the result therefrom;
6. Any informal resolution and the result therefrom;
7. All materials, which will be publicly available on its website, used to train the Title IX Coordinator or any member of the Title IX Team;
8. Any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
 - a. The basis for all conclusions that the response was not deliberately indifferent;
 - b. Any measures designed to restore or preserve equal access to Muskingum's education program or activity; and
 - c. If no supportive measures were provided to the complainant, documentation showing the reasons why such a response was not clearly unreasonable in light of the known circumstances.

105. Definitions

The Title IX Coordinator will provide adequate information and training regarding the following defined terms.

- A. Advisor** – a person, either chosen by a party or appointed by the Title IX Coordinator, who accompanies the party to meetings related to the resolution process, advises the party on the process, and who must conduct cross-examination for the party if a hearing is held.
- B. Complainant** – an individual who is alleged to be the victim of conduct that could constitute sexual harassment or retaliation under this Policy. An individual will be deemed a “complainant” when either the individual or a third party reports sexual harassment, even if the complainant does not choose to file a formal complaint. In the event that the Title IX Coordinator signs a formal complaint, the Title IX Coordinator does not become a complainant or a party to the grievance process. Any use of “complainant” in this Policy implies that there may be multiple complainants.

- C. **Formal complaint** - a written or electronic document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the University investigate the allegation of sexual harassment. A Formal Complaint must include the complainant's physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint. Emails or online reporting forms that meet the above requirements will be a formal complaint. The Title IX Coordinator will verify whether a complainant intended to make a formal complaint and, if so, ensure it is filed correctly.
- D. **Day** – a business day in which Muskingum is in normal operation. Any day designated as a paid holiday for employees or any day on which the University announces a campus closure is not counted as a “day” for purposes of this Policy.
- E. **Education program or activity** – locations, events, or circumstances where the University exercises substantial control over both the respondent and the context in which the sexual harassment or retaliation occurs. This includes any building owned or controlled by the University or a student organization that is officially recognized by the University.
- F. **Final determination** – following a finding that conduct did occur, a final determination is a conclusion by the preponderance of the evidence as to whether the conduct did or did not violate this Policy.
- G. **Formal grievance process** - the process described in this Policy to respond to formal complaints and in compliance with Title IX regulations (34 CFR §106.45).
- H. **Informal report** – any notification of sexual harassment and/or retaliation that is received by the University that is not a formal complaint.
- I. **Parties** – includes the complaint and respondent, collectively.
- J. **Remedies** – post-finding actions directed to the complainant and/or the community as mechanisms to address safety, prevent reoccurrence, and restore access to Muskingum's educational program.
- K. **Reporter** – any individual who is neither a complainant nor respondent and who reports sexual harassment and/or retaliation under this Policy.
- L. **Resolution process** – as used in this Policy, “resolution process” includes all available options for resolving an informal report or a formal complaint.
- M. **Respondent** – an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or retaliation under this Policy. Any reference to “respondent” in this Policy, implies that there may be multiple respondents.
- N. **Resolution** – the result of an informal or formal grievance process.
- O. **Sanction(s)** – any consequence imposed by the University on a respondent who is found to have violated this Policy.
- P. **Sexual harassment** – for purposes of this Policy, sexual harassment is a general term, which includes sexual harassment, sexual assault, domestic violence, dating violence, and stalking. More specific information is contained in Section 106 of this Policy.

- Q. Title IX Coordinator** – is defined in Section 104 of this Policy.
- R. Title IX Team** – In addition to the Title IX Coordinator, the Title IX Team includes any University employee who serves as a Deputy Title IX Coordinator, Investigator, Adjudicator, Appellate Officer, or advisor. These individuals will be appointed by the Title IX Coordinator and may be trained to perform more than one role, though not at the same time or with respect to the same report.

106. What is Sexual Harassment?

For purposes of Title IX, the term “sexual harassment” includes several distinct types of behavior; all of which result in unlawful discrimination. Individuals should report any conduct that they believe is sexual harassment. The Title IX Coordinator will review the report to evaluate whether the conduct should be addressed under the University’s Title IX Policy or a different University policy. As appropriate, the definitions below include any such acts that occur through electronic means.

- A. Sexual harassment** is actual or attempted conduct on the basis of sex that satisfies one or more of the following:

1. Quid Pro Quo Sexual Harassment

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

2. Hostile Environment

unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Muskingum’s education program or activity.

3. Sexual assault means “an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.”³ “Sex offense” means “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”⁴ The term “sexual act” includes the following:

- a. Rape** - the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the victim’s age or because of the victim’s temporary or permanent mental or physical incapacity.⁵ This definition excludes statutory rape.
- b. Sodomy** – oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the victim’s age or

³ 20 U.S.C. 1092(f)(6)(A)(v).

⁴ Criminal Justice Information Services Division Uniform Crime Reporting Program, 2019.2 National Incident-Based Reporting System User Manual 39-40 (2020) <https://www.fbi.gov/file-repository/ucr/ucr-2019-1-nibrs-user-manual.pdf/view>. All definitions contained in this resource use binary, gendered terminology. Recognizing that Title IX protections apply to individuals who do not identify as a binary gender, definitions have been modified for purposes of this Policy. *Dodds v. U.S. Dept. of Education*, 845 F.3d 217 (6th Cir. Dec.16, 2016).

⁵ *Id.*

because of the victim's temporary or permanent mental or physical incapacity.⁶

- c. **Sexual Assault with an Object** - to use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the victim's age or because of the victim's temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.⁷
 - d. **Fondling** - the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of the victim's age or because of the victim's temporary or permanent mental or physical incapacity.⁸
 - e. **Incest** - non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.⁹
 - f. **Statutory rape** - non-forcible sexual intercourse with a person who is under the statutory age of consent.¹⁰
- 4. **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 a 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.¹¹
 - 5. **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 state of Ohio, 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 Ohio.
 - 6. **Stalking** means engaging in a course of conduct on the basis of sex and directed at a specific person that would cause a reasonable person to

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* See also R.C. 3101.01(A); marriage is prohibited if the individuals are "not nearer of kin than second cousins".

¹⁰ *Id.* See also R.C. 2907.04(A); establishing the 16 years of age as the age of consent.

¹¹ 34 U.S.C. 12291(a)(10)

fear for their safety or the safety of others or suffer substantial emotional distress.¹²

- a. **Course of conduct** means two or more acts in which the respondent directly, indirectly, or through third parties and by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about the complainant or interferes with the complainant's property.
- b. **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the complainant.
- c. **Substantial emotional distress** means significant mental suffering or anguish that may, but is not required to, require medical or other professional treatment or counseling.

B. Consent

Consent to any form of sexual activity must be clear, willing, cohesive, and ongoing for each participant and for each specific sexual act throughout any sexual encounter.

1. Clear

Consent must be expressed affirmatively, either by a verbal statement or through mutually understandable conduct that plainly manifests affirmative consent. Consent cannot be inferred from the absence of a "no." Consent cannot be implied from silence, passivity, or lack of active resistance. Although active resistance will be viewed as a clear demonstration of non-consent, a complainant is not obligated to actively resist.

2. Willing

The person giving consent must give consent to sexual activity on a voluntary basis. Affirmative expressions of consent, if obtained through force, coercion and/or pressure, do not constitute consent.

- a. **Force** is the use or threat of physical violence or intimidation to overcome a person's freedom of will to choose whether to engage in or continue sexual activity.
- b. **Coercion** is the use of express or implied threats of reprisal or other intimidating behavior that puts a person in immediate fear of the consequences to compel that person to engage in or continue sexual activity against their will. Coercion can include a wide range of behaviors, and examples include, but are not limited, threatening to "out" someone based on sexual orientation or gender identity, threatening to reveal private information, or threatening to harm oneself if the other party does not engage in the sexual activity.
- c. **Pressure** is the use of unreasonable statements or actions to compel another person to engage in or continue sexual activity against that person's will. In determining whether a respondent

¹² 34 U.S.C. 12291(a)(8)

used pressure to obtain consent, the totality of the circumstances will be considered using both a subjective and objective standard of reasonableness. For example, repeated requests to engage in sexual activity after a complainant has declined to participate may be considered pressure when the requests are unreasonable from both a subjective and objective standard.

3. On-going

Obtaining or giving consent is not a one-time or static event; instead, consent is a developing process throughout an entire sexual experience. Consent to a specific sexual activity does not imply consent to other forms of sexual activity, nor does past consent imply consent to continued or future sexual activity. The existence of a current or prior dating or sexual relationship does not create an inference of consent. Even in a relationship, there must be mutual consent to engage in sexual activity. Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with any other person.

Consent can be withdrawn at any time through clear words or mutually understandable actions. Once consent is withdrawn, all sexual activity must stop immediately. After stopping the sexual activity, the parties may have a conversation about continuing the sexual activity; however, any subsequent consent to resume sexual activity must also be clear, voluntary, on-going, and cohesive.

4. Cohesive

A person who is incapacitated cannot consent to sexual activity. A person is incapacitated if they are asleep, unconscious, intermittently conscious, unaware that sexual activity is occurring, or lack the physical and/or mental ability to make informed, rational judgments about whether to engage in sexual activity.

A person may be incapacitated as a result of consuming alcohol, rape drugs, or other drugs. A person may also be incapacitated as a result of a temporary or permanent physical or mental health condition.

Where consumption of alcohol, rape drugs, or other drugs is involved, incapacitation is a state beyond intoxication, inebriation, impairment in judgment, or "drunkenness." Because the impact of alcohol, rape drugs, or other drugs varies from person to person, evaluating whether an individual is incapacitated, and therefore unable to give consent, requires an assessment, based on all of the circumstances, of whether the consumption of alcohol, rape drugs, or other drugs has rendered the individual physically or mentally incapable of:

- making decisions about the potential consequences of sexual contact;
- appraising the nature of one's own conduct;
- communicating consent to sexual contact; and
- communicating unwillingness to engage in sexual contact.

Other factors that may impact a person's level of impairment and may assist in determining whether the person was incapacitated include slurred or incomprehensible speech, unsteady gait, difficulty walking or clumsiness, combativeness, emotional volatility, vomiting, incontinence, poor judgment, or difficulty concentrating. A person's level of impairment may change over a period of time based on a variety of subjective factors, including the amount of substance intake, speed of intake, body mass, and metabolism.

Where it is shown that a respondent engaged in sexual activity with the complainant and either knew or reasonably should have known that the complainant was incapacitated, the respondent will have engaged in sexual assault, as prohibited by this Policy. In assessing whether the respondent reasonably should have known that the complainant was incapacitated, an objective reasonableness standard will be applied.

C. Respondent's Impairment

When a report of sexual harassment is investigated, the respondent's knowledge will be viewed from the perspective of a sober, reasonable person under the same circumstances. Unlike incapacitation, the respondent's impairment does not diminish the responsibility to obtain consent prior to engaging in sexual activity.

D. Retaliation

Taking or attempting adverse action against a person or group because that person or group made a good faith report of sexual harassment and/or retaliation or participated in any part of the resolution process. Retaliation can be committed by any individual or group of individuals, not just the respondent or complainant. Retaliation can take many forms, including threats, intimidation, bullying, harassment, physical harm, emotional abuse, damage to or theft of property, and exclusion from a position, association, or event, among others.

Retaliation against the parties by the University may be inferred if:

1. the University, with the purpose of interfering with any right or privilege secured by Title IX, charges a party with separate policy violations that do not involve sexual harassment but arise out of the same facts as reported sexual harassment;
2. the University fails to maintain as confidential the identity of complainants, respondents, and witnesses, except as may be permitted by FERPA, required by law, or as necessary to carry out a Title IX proceeding; or
3. based solely on a finding that the respondent found responsible, the University charges the respondent with making a materially false statement in bad faith as part of the formal grievance process. Any such charges that are made in good faith and based on the totality of the circumstances are not retaliatory.

The exercise of rights protected under the First Amendment does not constitute retaliation. Although the first amendment does not apply at a private institution,

such as Muskingum University, the University does not prevent parties from discussing their experiences. Parties are cautioned that they are to respect the privacy of others and that certain forms of expression may constitute sexual harassment or retaliation.

107. Training, Prevention, and Awareness Programs

A. Training for the University community

The University provides training to students and employees to ensure they understand this Policy and procedures and the topics and issues related to maintaining an education and employment environment free from harassment and discrimination.

The University is committed to the prevention of sexual harassment through regular and ongoing education and awareness programs. Incoming students and new employees receive primary programming regarding awareness, prevention, and responsive actions as part of their orientation. Returning students and current employees are offered ongoing training and related education. All athletic staff and student athletes are required to take training as required by NCAA policy.

Specifically, the University's sexual violence and prevention program will:

1. Clearly identify the resources, both on and off campus, who can provide resources such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance.
2. Provide all incoming students and new employees with:
 - a statement that the University prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking;
 - the definition of domestic violence, dating violence, sexual assault, and stalking in the State of Ohio;
 - the definition of consent, in reference to sexual activity, in the State of Ohio;
 - safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against another person;
 - information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks; and
 - the information described in 20 U.S.C. 1092(f)(8)(B)(ii) through (vii).
3. Provide all students and employees with ongoing prevention and awareness campaigns, which includes:
 - a statement that the University prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking;

- the definition of domestic violence, dating violence, sexual assault, and stalking in the State of Ohio;
- the definition of consent, in reference to sexual activity, in the State of Ohio;
- safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual;
- information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks; and
- the information described in 20 U.S.C. 1092(f)(8)(B) (ii) through (vii).

B. Title IX Team

The Title IX Team will receive annual training regarding issues relating to sexual harassment, investigations, and hearings, including specific instruction on their areas of responsibility and the University's policies and procedures. Materials used to train the Title IX Team will be posted to the University's website at www.muskingum.edu/titleix.

C. Employees

In addition to the training specified in Section 107(A), all employees will be trained regarding their obligations to report sexual harassment to the Title IX Coordinator.

Employees who wish to provide instruction on sexual harassment should consult the Title IX Coordinator regarding any training or educational opportunities either sought by or offered to any member of the University community. This does not include areas of instruction covered by faculty as part of their curriculum.

108. Reporting Sexual Harassment and/or Retaliation

A. Who Should Report?

Any individual may make a report under the Policy, and all individuals are encouraged to do so.

B. When Should the Report be Made?

Regardless of when or where the sexual harassment and/or retaliation occurred, individuals are encouraged to report sexual harassment and/or retaliation. Prompt reporting ensures that complainants can be connected with medical providers, counselors, criminal justice experts, and other campus resources to provide the support they need most. Prompt reporting also maximizes the University's ability to respond promptly and equitably.

C. Emergency/Urgent Matters

Individual safety is the University's first priority. Individuals are encouraged to report promptly to local law enforcement and/or seek medical care, even if they are not ready to make a report to the University. Receiving medical care and

reporting to law enforcement ensures that immediate medical and safety concerns are addressed, evidence is preserved, and investigations are not delayed.

If the University is aware of the incident, the University will help the individual get to a safe place and will provide transportation to a local hospital, coordination with law enforcement, and information about the University's resources and complaint processes.

More information about obtaining local medical care and law enforcement options is available at www.muskingum.edu/titleix.

D. Bystander Intervention and Amnesty

The University expects all of its community members to take reasonable and prudent actions to prevent or stop an act of sexual harassment. Taking action does not mean putting yourself in harm's way, but may include direct intervention, calling law enforcement, seeking assistance from a person in authority, or creating a distraction. Community members who choose to exercise this positive moral obligation will be supported by the University.

The University encourages reporting incidents of sexual harassment and/or retaliation and seeks to remove barriers to reporting. Students who have been drinking or using drugs at the time of the incident may be hesitant to report because of potential consequences under the Code of Student Conduct. Under the University's amnesty policy, any student who reports sexual harassment and/or retaliation, either as a complainant or a reporter, will not be subject to disciplinary action by the University for their own consumption of alcohol or drugs at or near the time of the incident, provided that any such consumption did not and does not place the health or safety of any person at risk. However, the University may utilize an educational process regarding alcohol or other drugs. The amnesty policy applies only to the University's Code of Student Conduct process.

E. Where/How to Report

Individuals should consider to whom and how they wish to make a report of sexual harassment and/or retaliation, as each of the following groups of people have different obligations upon receiving a report.

1. Title IX Coordinator/Deputy Title IX Coordinators

All members of the University community are encouraged to report directly to the Title IX Coordinator and are encouraged to bring a support person if they feel more comfortable doing so.

Reports made to the Title IX Coordinator or a Deputy Title IX Coordinator may be made at any time (including during non-business hours) by using the telephone number, email address, or mailing address, listed for the Title IX Coordinator (See Section 104).

Individuals who report information to the Title IX Coordinator or a Deputy Title IX Coordinator will receive assistance from that person. Each Deputy Title IX Coordinator will refer the report to the Title IX Coordinator as part of the University's commitment to consistent, sensitive, trauma-informed, and Title IX-compliant responses.

2. **Online Reporting Form (Anonymous)**

Individuals may submit a written report using the **Title IX Reporting Form** and have the option to remain anonymous. Anonymous reports may limit the University's ability to adequately respond to the report. Written reports should include as much information as possible. To the extent possible, the Title IX Coordinator will follow-up with all submitted reports.

3. **Law Enforcement**

Promptly reporting incidents of sexual harassment and/or retaliation may help protect others from future victimization, apprehend the alleged perpetrator, and maintain options regarding criminal prosecution. Members of the University community are encouraged to pursue criminal action for incidents of sexual harassment and/or retaliation when the incident may also constitute a crime under the laws of the jurisdiction where the incident occurred. In addition, the Ohio Revised Code (R.C. 2921.22) requires anyone with knowledge that a felony is being or has been committed to report the information to law enforcement authorities.

Reports of incidents should be made to the law enforcement agency with jurisdiction where the incident occurred. If the incident occurred off-campus, the University's Police Department ("University Police") and/or the Title IX Coordinator can help identify the appropriate law enforcement agency. University Police will work closely with other law enforcement agencies; for incidents that occur on campus, University Police works closely with the Muskingum County Sheriff's Office.

Reports may be made to University Police 24 hours per day, seven days per week.

University Police

Muskingum University
104 Montgomery Boulevard
New Concord, OH 43762
(740) 826-8155
(740) 826-6110 (fax)

Under Ohio law, the reporting individual may request that their identity be kept confidential in law enforcement records; however, because University Police are employees of the University, information about the report, including personally identifiable information, will be shared with the Title IX Coordinator. **Filing a police report does not obligate the complainant or reporter to participate in criminal or campus proceedings.**

In the event the University enters into a memorandum of understanding ("MOU") with any local law enforcement agency ("LLEA") to address issues arising in connection with the investigation of matters arising under the Policy, the MOU must require the LLEA to comply with the Family Educational Right to Privacy Act ("FERPA"). Further, the MOU must permit the University to meet its obligations under Title IX and the Policy.

4. University employees

Except for the confidential resources identified in Section 108(E)(5) of this Policy, **all faculty, coaches, staff, administrators, and resident assistants have a responsibility for student welfare and are required to promptly report any acts of sexual harassment and/or retaliation of which they become aware to the Title IX Coordinator.**

Information shared with an employee is considered private, but not confidential. Therefore, all known information, including the names of the parties and any details of the alleged sexual harassment and/or retaliation must be communicated promptly to the Title IX Coordinator by the employee.

Before an individual reveals information that they may wish to keep confidential, an employee shall make an effort to ensure that the individual understands:

- a. The employee is required to report all information shared with the Title IX Coordinator.
- b. If the individual wishes to maintain confidentiality, they should talk with one of the confidential resources identified in Section 108(E)(5) of this Policy.

Questions about employee reporting responsibilities or this Title IX Policy should be directed to the University's Title IX Coordinator.

Failure to inform the University's Title IX Coordinator of any reports or failure to do so in a prompt manner may result in disciplinary action up to and including termination.

5. Confidential Resources

Students who do not want details of their report to be shared with the Title IX Coordinator may contact the on-campus mental health counselors, campus health service providers, or the University Chaplain. For employees of the University, the Employee Assistance Program serves as a confidential resource.

Confidential resources are subject to separate, professional confidentiality obligations that generally prohibit release of information, without an individual's express consent, unless otherwise required by law.

If a person discloses sexual harassment to a confidential resource, that confidential resource will not disclose to University officials any identifying information about the person subject to the misconduct or the person alleged to have committed the misconduct. The confidential resource is encouraged, but not required, to provide the Title IX Coordinator with limited non-identifying information about the incident to permit the University to determine if the incident should be reported among the crime statistics the University is required to report under federal or state laws.

Ordinarily, reports made to a University confidential resource will not be shared with law enforcement or any state agency. However, there are limited exceptions to a confidential resource's legal ability to keep a report of sexual harassment confidential. For example, Ohio law requires medical personnel and clergy to report abuse of minors (under the age of 18) (R.C. 2151.011, et seq.; 2921.14; 2151.421). Further, if someone discloses to a confidential resource information suggesting that they or someone else presents an imminent threat or danger to harm themselves or others, confidentiality cannot be maintained.

Additionally, the Ohio Revised Code (R.C. 2921.22) requires anyone with knowledge that a felony has been or is being committed to report the information to law enforcement authorities. Certain medical personnel, counsellors, clergy, and attorneys are exempt from the requirement to make such reports (R.C. 2921.22(G)), but typically, the hospital will report to the state and the police in the town where a rape or sexual assault occurred any data or information concerning cases of rape where the survivor seeks medical treatment.

All contact information for confidential resources is available at www.muskingum.edu/titleix.

6. Off-Campus Resources and Support

Off-campus organizations can provide resources in response to a report of sexual harassment, including counseling, crisis intervention, and medical services. A list of off-campus resources is included on the University's website. In most instances, off-campus resources may not have an obligation to report any information about the report to the Title IX Coordinator.

109. University Review of a Report of Sexual Harassment and/or Retaliation

A. Promptness

The University will act promptly once it has received an informal report or a formal complaint. Formal complaints generally take longer to resolve than informal reports and will be resolved within a reasonable time, though the University uses best efforts to resolve formal complaints within 90 days. There are exceptions and extenuating circumstances that may extend the time it takes to complete the formal grievance process. The University will avoid all undue delays within its control and will provide written notice to the parties of any delay, including the cause of the delay and how much additional time may be needed as a result of the delay.

When law enforcement is involved, the University's cooperation with law enforcement agencies may require the University to temporarily suspend its own investigation while the law enforcement agency gathers evidence and initiates charges. The University will promptly resume its own investigation as soon as it is notified by the local law enforcement agency that it may proceed. The University's obligation to notify the respondent, in writing, of delay may be suspended if an involved law enforcement agency directs the University to keep information about the criminal investigation confidential.

When a report is received near or after the end of an academic term, the University will make reasonable attempts to conclude the resolution process immediately after the end of the term or during the summer, as needed. Time may be extended in the discretion of the Title IX Coordinator, who will consider the totality of the circumstances, including the parties' wishes, the living arrangements of both parties and witnesses, the parties' ability to communicate in a private manner while away from the University, and the parties' ability to communicate with advisors in a meaningful manner.

B. Informal Reports

Upon receipt of an informal report alleging sexual harassment and/or retaliation, the Title IX Coordinator will contact the complainant promptly, unless the details contained in an anonymous report make it impossible to identify the complainant.

When meeting with the complainant, the Title IX Coordinator will explain that the respondent will not receive notice that an informal report has been received. The Title IX Coordinator will discuss the availability of supportive measures, with or without the filing of a formal complaint, and consider the complainant's wishes with respect to them. Supportive measures are discussed more fully in Section 117 of this Policy.

The Title IX Coordinator will explain the process for filing a formal complaint and provide the appropriate documentation if the complainant elects to initiate the formal grievance process. Before converting the initial report to a formal complaint, the Title IX Coordinator may gather facts sufficient to determine if the University has jurisdiction, as described in Section 109, to proceed under the formal grievance process. If the University would not have jurisdiction to proceed under this Policy, the Title IX Coordinator may discuss with the complainant and evaluate whether any other policies may apply.

The Title IX Coordinator will also explain that a complainant may seek resolution by receiving supportive measures, by utilizing the University's formal grievance process, by filing a civil lawsuit, and/or by pursuing criminal action.

The formal grievance process may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus. Likewise, the complainant may choose to take no action on the informal report. The complainant may convert their informal report to a formal complaint at a later time.

C. Formal Complaints

Formal complaints may be filed by the complainant or signed by the Title IX Coordinator. Formal complaints signed by the Title IX Coordinator are explained in Section 109(C)(2) of this Policy.

Upon receipt of a formal complaint filed by the complainant, the Title IX Coordinator will contact the complainant promptly and discuss the availability of supportive measures, with or without the filing of a formal complaint, and consider the complainant's wishes with respect to them. Supportive measures are discussed more fully in Section 117 of this Policy.

The Title IX Coordinator will gather any additional facts necessary to determine whether this Policy or any other University policy may apply.

The Title IX Coordinator will also explain that the respondent will receive notice that a formal complaint has been received.

1. Jurisdiction

Title IX limits the people, places, and timeframe in which an institution of higher education may utilize the formal grievance process. The Title IX Coordinator may need to conduct a limited inquiry to determine if the University has jurisdiction to proceed with the formal grievance process.

- a. The facts, as reported, must state sufficient evidence to support a claim of sexual harassment and/or retaliation. If, through the course of investigation, it is determined that the facts are no longer sufficient to support a claim under this Policy, the formal complaint will be dismissed.
- b. This policy applies to the University's employment or education programs and activities (defined in Section 105). This includes sexual harassment and/or retaliation that occurs through electronic means.
- c. The respondent must be a member of the University's community. The University community includes, without limitation, faculty, staff, administrators, students, organizations, guests, contractors, vendors, and visitors.

A person does not become a "student" until the person has attended the first class, either in person or online. A person does not become an "employee," which includes faculty, staff, and administrators, until the individual has completed all required pre-employment paperwork and has started to perform work on behalf of the University.

If the respondent is unknown to the complainant or is not a member of the University's community, the Title IX Coordinator will assist the complainant to identify appropriate campus and local resources.

Should a respondent separate from the University as either a student or employee while the formal grievance process is pending, the University will stop the process and dismiss the formal complaint. The University will provide, or continue to provide, supportive measures to the complainant. Student respondents who separate from the University during the pendency of the formal grievance process will be denied admission should they reapply, and employees who separate from employment will not be eligible for rehiring. If asked, the Human Resources Office will inform potential employers that the employee is not eligible for rehire.

If the respondent is a graduating student and the formal grievance process is not completed before graduation, the Title IX Coordinator may place a hold on graduation and/or release of official transcripts until the matter is fully resolved, including any appeal.

- d. The complainant must be participating or attempting to participate in the University's education program or activity.
- e. The sexual harassment and/or retaliation must have occurred within the United States and either on campus, on property owned or controlled by the University, at a University-sponsored event, and/or on property owned or controlled by the University's recognized student organizations.

Formal complaints that do not meet all of the following jurisdictional requirements will be dismissed. In the event that a formal complaint is dismissed due to lack of jurisdiction, the University shall not initiate the formal grievance process but will work with the complainant to determine if other policies may apply and to provide supportive measures. In the event that the Title IX Coordinator dismisses any formal complaint, the University will send prompt written notice of the dismissal and the rationale for doing so to both parties simultaneously.

2. Formal complaint signed by the Title IX Coordinator

The Title IX Coordinator may sign a formal complaint against a respondent after considering all of the following:

- a. whether the University has jurisdiction to proceed with the formal grievance process under Section 109(C)(1) of this Policy.
- b. whether a compelling risk to health and/or safety requires the University to protect the community through the formal grievance process. This factor may be determined based on either of the following:
 - i. the results of a violence risk assessment as described in Section 109(C)(5) of this Policy.
 - ii. sufficient evidence to indicate a pattern of sexual harassment, predatory conduct, threats, abuse of minors, use of weapons, and/or use of violence.
- c. Whether the complainant has requested anonymity or to not participate and the effect of that request on the University's ability to pursue the formal grievance process fairly and effectively. Although complainants may request to remain anonymous or to not participate in the formal grievance process, the Title IX Coordinator has a duty to ensure the safety of the campus and to comply with federal and state law.

3. Notice to Respondent

The Title IX Coordinator will provide notice to the respondent of a formal complaint when the Title IX Coordinator determines that the University has jurisdiction and will move forward with the formal grievance process, or if the respondent's participation is required to make a determination regarding jurisdiction. The Title IX Coordinator will contact the respondent by email, text message, or phone and advise the respondent that a formal complaint has been made, the nature of the allegations, and the next steps

in the process. The Title IX Coordinator will inform the respondent of their right to an advisor and will discuss supportive measures and retaliation with the respondent.

4. Dismissal or Withdrawal of Formal Complaint

At any time, the complainant may request the withdrawal of a formal complaint. In that situation, the formal grievance process will stop immediately, with appropriate notice provided to the respondent. A complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

In the event that a formal complaint is withdrawn or dismissed, the Title IX Coordinator will discuss with the complainant whether any other policy applies and will offer supportive measures. The Title IX Coordinator may also offer referrals to any outside resources that may assist the complainant.

If the dismissal or withdrawal occurs after the respondent has received notice of the report, the Title IX Coordinator will notify the respondent of the dismissal or withdrawal. Appeal rights as to dismissal are described in Section 116 of this Policy.

5. Violence Risk Assessment

In assessing reports, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted. The results of a VRA may be considered as a factor in making the following determinations:

- Emergency removal of a respondent on the basis of immediate threat to physical health/safety;
- Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able complainant;
- Proper posturing of the investigation as an incident, pattern, and/or climate issue;
- To help identify potential predatory conduct;
- To help assess/identify grooming behaviors;
- Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;
- Whether to communicate with a transfer university about a respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether a Clery Act Timely Warning /no-contact order, and/or persona-non-grata order is needed.

Threat assessment is the process of evaluating the actionability of violence by one person against another person or group following

the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or other Behavioral Assessment and Intervention Team (BAIT) team members.

Where a VRA is required by the Title IX Coordinator, a respondent who refuses to cooperate may be charged with failure to comply under the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

6. Emergency Removal

In the event that there is an immediate threat to the physical health or safety of any individual, the Title IX Coordinator, in consultation with relevant campus administrators, may remove a respondent from the University's education program and activities immediately. The Title IX Coordinator will use the least restrictive emergency actions possible to remove the threat. If the Title IX Coordinator is unavailable, a Student Affairs official, human resources manager, and/or University police officer may provide the notice of removal to the respondent on behalf of the Title IX Coordinator.

The Title IX Coordinator will schedule an administrative meeting with the respondent within 3 days of the emergency removal to determine if the removal should be continued, modified, or reversed. This is not a meeting to determine the merits of the informal report or formal complaint. Prior to the meeting, the Title IX Coordinator will conduct an individualized safety and risk analysis, which may include consideration of the facts contained in the informal report or formal complaint, whether other similar or severe allegations have been made against the respondent, and consultation with the BAIT team. The Title IX Coordinator will provide to the respondent a written notice explaining the rationale for the emergency removal and may require the respondent participate in a VRA prior to the meeting.

At the meeting, the respondent may bring an advisor of their choosing. The Title IX Coordinator will consider the results of any VRA that has been conducted in the interim, as well as any information the respondent may provide. At the conclusion of the meeting, the Title IX Coordinator will either extend, modify, or reverse the removal.

The University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined

by the Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to take a leave of absence while still participating in the formal grievance process, allowing a student to withdraw or take grades of incomplete without financial penalty, and/or suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics. Alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the respondent. The Title IX Coordinator will select the appropriate restrictions and establish the duration of time for which they apply.

Violation of an emergency removal under this Policy will be grounds for discipline, which may include expulsion or termination. There is no appeal process for emergency removals.

D. Notification to Law Enforcement

In the event that an informal report or formal complaint alleges sexual assault or another act that would be considered a felony offense under Ohio law, the Title IX Coordinator will notify University Police of the report. Local law enforcement officials, usually from the Muskingum County Sheriff's Office, will meet with the complainant to provide information about sexual assault exams and the criminal justice process. ***Meeting with law enforcement does not create an obligation to pursue criminal action***; it is an opportunity to hear about additional options available to a complainant. If the complainant decides to pursue law enforcement action, the University will cooperate with law enforcement agencies to the extent allowed by law.

E. Timely Warnings

Individuals who report acts of sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, the University must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community. Timely warnings will never include a complainant's name or identifying information but will provide sufficient information for community members to make safety decisions in light of the potential danger.

F. Counterclaims

A respondent may file a counter claim if it is made in good faith. Any formal counterclaim filed by a respondent will be reviewed by the Title IX Coordinator, using the same process for review of a formal complaint. Any counterclaim that is made with retaliatory intent will not be permitted and will result in a charge for retaliation.

Counterclaims determined to have been reported in good faith will be processed using the same procedures established in this Policy. The Title IX Coordinator will determine whether the counterclaim should be investigated and/or resolved at the same time as the underlying formal complaint or subsequent thereto.

G. False Allegations

The University strongly encourages the good faith reporting of sexual harassment. Good faith reporting occurs when a reporter or complainant, or a respondent making a counterclaim, has a factual basis to support the report. Intentionally making a false and/or malicious accusation under this Policy, through an informal report, formal complaint, or counterclaim, is a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a finding of responsibility.

110. Advisors

The parties may each have an advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their advisor, as long as the advisor is eligible and available.¹³

A. Selecting an Advisor

1. Initial Selection

The advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose advisors from inside or outside of the University community.

The Title IX Coordinator will also offer to assign a trained advisor for any party if the party so chooses. If the parties choose an advisor from the pool available from the University, the advisor will be trained by the University and be familiar with the University's resolution process.

If the parties choose an advisor from outside the pool of those identified by the University, the advisor may not have been trained by the University and may not be familiar with University policies and procedures. Several resources are identified on the University's website if a party needs assistance finding an advisor from outside of the University community.

Prior to a hearing, the parties may choose not to have an advisor. However, the parties must each have an advisor aligned with their interests for any hearing conducted under the formal grievance process.

The University cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not or cannot afford an attorney, the University is not obligated to provide an attorney.

2. Changing Advisors

¹³ "Available" means the party cannot insist on an advisor who simply doesn't have inclination, time, or availability. Also, the advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions. Nor may the advisor be a witness.

A party may elect to change advisors during the process and is not obligated to use the same advisor throughout. Any change in advisor must be communicated to the Title IX Coordinator and/or the investigator as early as practicable.

The University will require that the party sign a new consent form, as stated in Section 110(D)(2). Parties are expected to inform the Title IX Coordinator of the identity of their hearing advisor at least two (2) business days before any meeting, interview, or hearing.

B. Advisor's Role in Meetings and Interviews

The parties may be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including any meeting with the Title IX Coordinator and interviews. advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. advisors may not speak for the party and may not provide evidence on the party's behalf.

C. Advisors in Hearings

Each party must be available to answer questions posed by the other party's advisor. Unless mutually agreed upon, as stated in Section 113(B) of this Policy, witnesses must be available to answer questions posed by the parties' advisors. The parties are not permitted to directly question each other or any witness. If a party does not have an advisor for a hearing, the University will appoint an advisor for the limited purpose of conducting any questioning of the other party and witnesses.

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

D. University Expectations of an Advisor

1. Advisor Rights and Obligations

The Title IX Coordinator will send correspondence to the parties' advisors informing them of their rights and obligations under this Policy. Any advisor may request a meeting with the Title IX Coordinator in advance of any interview or meeting to clarify or understand the University's Policy.

2. Correspondence to Parties

After communicating with the advisor as stated in Section 110(D)(1), all other correspondence and notices will be communicated directly with the parties. The University suggests, but does not require, that parties forward the University's communications to their advisors. In the alternative, a party may sign a consent form authorizing the University to share information directly with the advisor. Once the consent form is signed, the advisor will receive a copy of all correspondence sent to the party.

3. Privacy of Records

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the University. The University will restrict the role of any advisor who does not abide by the University's privacy expectations.

4. Scheduling

The Title IX Coordinator will attempt to accommodate all schedules; however, advisors are expected to adjust their schedule in order to attend any meetings, interviews, or hearings. The Title IX Coordinator will attempt to accommodate an advisor's timely request to reschedule, so long as rescheduling does not cause an unreasonable delay. In the alternative, the Title IX Coordinator has discretion to allow attendance by phone, video conferencing, or other similar technology as may be convenient and available.

5. Conduct

- a. All advisors, whether attorneys or not, are required to abide by the same rules.
- b. Advisors may not disrupt meetings, interviews, or hearings to advise the parties. Advisors may consult with their advisees in writing or by asking for a brief recess.
- c. Advisors may not address University officials in a meeting or interview unless invited to participate.
- d. The advisor may not make a presentation or represent their advisee during any meeting, interview, or hearing and may not speak on behalf of the advisee to the investigator(s) or Hearing Officer, except to conduct questioning during a hearing.
- e. Advisors who do not conduct themselves in accordance with this Policy will be given one warning. Continued disruption or non-compliance may result in the conclusion of the meeting or interview, removal of the advisor, or other appropriate measures as identified by the Title IX Coordinator or Investigator to stop the conduct. The Title IX Coordinator will determine how to address the advisor's non-compliance and future role.

111. Negotiated Resolution

The Title IX regulations adopted by the U.S. Department of Education discuss the concept of informal resolution. To avoid confusion in terminology, the University refers to "informal resolution" as "negotiated resolution." The University recognizes that parties may find value in resolving formal complaints through mutual agreement. Negotiated resolution options are designed to eliminate the conduct at issue, prevent its recurrence, and remedy its effects in a manner that meets the expressed preference of the complainant and the safety and welfare of the campus community.

Any party who wishes to engage in negotiated resolution should contact the Title IX Coordinator for review and approval of the request. In assessing whether Informal

Resolution is appropriate, the Title IX Coordinator may look to the following factors:

- The parties' amenability to negotiated resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Results of a violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of any individual selected to facilitate mediation or restorative justice efforts;
- Complaint complexity;
- Emotional investment/capability of the parties;
- Rationality of the parties;
- Goals of the parties; and
- Adequate resources to invest in negotiating a resolution (i.e., time, staff, etc.)

In the event the Title IX Coordinator believes that negotiated resolution may be appropriate and prior to implementing negotiated resolution, the University will provide the parties with written notice of the reported sexual harassment and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the University.

The University will provide information about the negotiated resolution process and obtain voluntary, written confirmation that all parties wish to resolve the matter through negotiated resolution before proceeding. The University will not threaten, coerce, or pressure any party into participating in a negotiated resolution.

Negotiated resolution may occur before, during, or after an investigation, and the parties are not required to pursue a negotiated resolution before pursuing a hearing. Any party participating in the negotiated resolution process can withdraw their participation at any time and either begin or resume the investigation and/or hearing process. Likewise, the University may determine that the report should be withdrawn from the negotiated resolution process and referred for investigation or hearing. If the parties are unable to agree on a voluntary resolution, the matter will be referred by the Title IX Coordinator or designee for investigation.

Statements made during the negotiated resolution process may not be submitted to or considered in an investigation or by the hearing board.

Some options for negotiated resolution may include any of the following, either alone or combined:

- mediation;
- restorative justice;
- respondent may accept responsibility;
- respondent may admit the facts but deny responsibility;
- continuing or modifying supportive measures;

- conducting targeted or broad-based educational programming or training for relevant individuals or groups;
- community service options;
- permanent no-contact orders (the University only issues mutual no-contact orders);
- providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred;
- communication with the respondent by the Title IX Coordinator and/or a Student Affairs official;
- modifying or ceasing participation in certain campus activities; and/or
- any other remedy that can be tailored to the involved individuals to achieve the goals of the Policy.

Negotiated resolution will be concluded within a reasonable time after receipt of the report. If the parties reach a negotiated resolution, the Title IX Coordinator will document all terms of the agreement, obtain signatures from both parties, and maintain records of any resolution that is reached.

Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Because the outcomes of negotiated resolutions have been mutually developed and agreed upon, an appeal of the process and its resolution are not appealable.

112. Investigation

A. Selection of Investigators

The Title IX Coordinator will determine the most effective method of investigating a report of a violation of the Policy. The Title IX Coordinator may conduct investigations or designate investigators of the Title IX Coordinator's choosing to conduct a prompt, thorough, fair, and impartial investigation.

Any investigator used by the University, whether internal or external, will be impartial and free from any conflict of interest. Investigators must be able to produce evidence of annual training specific to investigating sexual harassment.

Investigators do not function as advocates or support persons for complainants or respondents. Investigators may, however, identify issues of concern and refer the parties to the Title IX Coordinator for assistance in obtaining resources.

B. Investigative Process

The Title IX Coordinator will send notice to both the complainant and respondent that an investigation has been initiated. The notice will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),

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

Complainants and respondents may choose to participate or may decline to participate in the process. However, even if a complainant or respondent declines to participate, the University may continue to investigate the matter, proceed to a hearing, and issue corrective action and/or sanctions as appropriate and based on available information.

The University will afford both the complainant and respondent a full and fair opportunity to be heard, including the opportunity to identify witnesses and other evidence. The parties may choose to provide a written statement, and other supporting materials regarding the matter under review. However, it is the responsibility of the University, not the complainant or respondent, to gather the relevant evidence to the extent reasonably available. The investigator will provide timely updates to the complainant, respondent, and Title IX Coordinator, as appropriate or requested, about the timing and status of the investigation.

In conducting an investigation, the investigator may meet separately with the complainant (if participating), respondent, reporter (if applicable), and other pertinent witnesses. All parties and witnesses are expected to provide truthful information in any proceeding under this Policy.

The Title IX Coordinator, may amend the potential charges as part of the investigative process if additional information is disclosed that would suggest the existence of additional or more serious policy violations. At the conclusion of the process, the complainant and respondent are entitled to equal and timely access to all exculpatory and inculpatory information that was considered in the investigation.

The investigator and the Title IX Coordinator have discretion to consolidate multiple reports against a respondent into one investigation and resolution if the evidence related to each incident would be relevant in reaching a determination on the other incident.

C. Role and Participation of Witnesses in the Investigation

Witnesses, as distinguished from the parties, who are students or employees of the University are expected to cooperate with and participate in the University's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant disciplinary action. Witnesses from outside the University community are encouraged to cooperate with University investigations and to share what they know about a complaint.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) or Title IX Coordinator determine that timeliness or efficiency dictate a need for remote interviewing. The University will take appropriate steps to reasonably ensure the security/privacy of remote interviews. The interviewer has discretion to record any interview conducted and will advise the party or witness of the interviewer's intent to record. The recording shall be used to aid the interviewer in the preparation of the initial and final investigative reports. Any interview that is recorded by the interviewer will be destroyed following completion of the Final Investigation Report.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under University policy.

D. Evidence

Any and all evidence received by the investigator will be shared with the other party, except as noted below.

1. Relevant Evidence

The investigator will only consider relevant evidence, which is evidence that makes a consequential fact more likely or less likely. The investigator will determine the relevance of any proffered information. In general, the investigator will consider direct observations and reasonable inferences from facts, but not statements of personal opinion or statements as to any party's general reputation for any character trait, including honesty or chastity.

Witnesses must have observed the acts in question or have information relevant to the incident; they cannot participate solely to speak about an individual's character. The investigator may also consider physical evidence, communications between the parties, and other information either offered by a party or discovered independently by the investigator.

2. Medical and/or Counseling Records

In general, a party's medical and counseling records are confidential and not accessible to the investigator unless a party voluntarily chooses to share those records with the investigator. Any records shared with the investigator will become part of the investigative file and will be available for review by either party. The investigator may consult an expert to evaluate the relevance of any medical or counseling records.

3. Evidence of Prior Sexual History or Pattern Evidence

The complainant or respondent's character or reputation with respect to other sexual activity is never relevant and will not be considered as evidence. However, prior sexual history may be considered under the following circumstances:

- a. Where there was a prior or ongoing relationship between the complainant and respondent and the respondent asserts that consent was sought and given, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. However, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent.
- b. Where there is evidence of a pattern or conduct similar in nature by the respondent, either before or after the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant to the investigator or Hearing Board's determination of responsibility and/or assignment of a sanction. The determination of relevance will be based on an assessment of whether the prior or subsequent incident was substantially similar to the present allegation or the information indicates a pattern of behavior and substantial conformity with that pattern by the respondent.
- c. In addition, other conduct by either party may, under limited circumstances, be relevant to establish intent, motive, absence of mistake, to explain an injury or physical finding, or another ground deemed probative by the investigator.

If either party wishes to bring forth information concerning the other party's sexual history, other acts, or pattern evidence in the hearing, such information must be brought to the attention of the investigator during the investigation. Where the investigator intends to consider evidence of prior sexual history as part of the investigation, the investigator will provide written notice to the parties and allow them the opportunity to challenge its inclusion. The investigator may consult with the Title IX Coordinator in

making the determination of relevance. Relevant evidence of prior sexual history must be based on direct information, not rumor, hearsay, speculation, or conjecture.

E. Preliminary Investigation Report

Once an investigation is complete, the investigator will prepare a written Preliminary Investigation Report, which will include a summary of the facts collected through the investigation, but no findings. The Preliminary Investigation Report shall include a summary of all exculpatory and inculpatory evidence, including summaries of all interviews and refer to or attach all information reviewed by the investigator, including, but not limited to, photographs, physical and medical evidence (as available), and communications between the parties.

The investigator shall submit the Preliminary Investigation Report to the Title IX Coordinator for review. The Title IX Coordinator may suggest additional clarification, the gathering of additional evidence, or other changes as appropriate.

After consultation with the Title IX Coordinator, the investigator will serve the Preliminary Investigation Report upon the complainant and respondent using the Notice provisions established in Section 118 of this Policy.

Both parties will have equal and timely access to review all information gathered in the investigation. Witness statements may be reviewed, but neither party will have direct access to witnesses for further discussion. Both the complainant and respondent will have the opportunity to submit comments, feedback, any proposed corrections, and any additional information, including the identity of additional witnesses or evidence for the investigator to pursue. Comments must be received within ten (10) days after the date of service. Any party who does not comment during the ten (10) day review period will be deemed to have accepted the Preliminary Investigation Report.

F. Final Investigation Report

Following the receipt of any proposed corrections, or after the ten (10) day review period has lapsed without comment, the investigator will conduct any additional investigation as appropriate, consult with the Title IX Coordinator, and prepare a written Final Investigation Report that includes summaries of all interviews and refers to or attaches all other evidence collected by the investigator, including, but not limited to, photographs, physical and medical evidence (as available), and communications between the parties.

The Title IX Coordinator will review the Final Investigation Report and send copies of it to the complainant, respondent, and Hearing Board, allowing sufficient time for a thorough review.

Where the Title IX Coordinator serves as the investigator, the Vice President for Finance and Operations will assume responsibility for the oversight of the investigation, including review of the preliminary and final investigation reports.

113. Hearings

A. Hearing Board

The composition of the panel shall be determined by the Title IX Coordinator. Each Hearing Board will be comprised of three persons drawn from a pool of trained individuals from within the University community and may consist of faculty, staff, and/or external individuals. The Title IX Coordinator will designate one of the members as the Chairperson of the Hearing Board. The Title IX Coordinator or designee will be available prior to and during the hearing to provide guidance to the Hearing Board on the University's policy. At no time will the Title IX Coordinator offer an opinion as to the facts or potential outcome. No University students shall serve on a Hearing Board.

The complainant and/or respondent may submit a written request to the Title IX Coordinator asking that a member of the Hearing Board be removed if the complainant or respondent believes there are reasonable, articulable grounds of actual bias, conflict of interest, or any other inability to be fair and impartial. Absent extenuating circumstances, the written request must be received by the Title IX Coordinator within three calendar (3) days following the date of service of the Notice of Hearing and must identify the grounds for the requested removal. The Title IX Coordinator has discretion to determine any such request.

If the Title IX Coordinator removes a member of the Hearing Board in response to a request from the complainant or respondent, the Title IX Coordinator will issue an updated Notice of Hearing identifying the new board member(s). The complainant and the respondent will have the opportunity to review the request in accordance with this section, and the process will repeat until a three-person panel is formed.

The parties may waive the opportunity for hearing before a three-person board and opt for a single Hearing Officer, who will be selected by the Title IX Coordinator.

Any person selected as a Hearing Officer will have had no prior involvement with the investigation. Individuals who have served as the Title IX Coordinator/Deputy Title IX Coordinator or Investigator in a specific report may not be designated as a Hearing Officer. Likewise, no advisor may serve as a Hearing Officer regarding the same report.

B. Pre-Hearing Process

The Title IX Coordinator will serve a written Notice of Hearing to the complainant, respondent, and Hearing Board, including the Final Investigation Report using the notification process described in Section 118 of this Policy. The Notice of Hearing will identify the date, time, and place of the hearing and identify the persons serving on the Hearing Board. The Notice of Hearing will be sent at least ten (10) calendar days prior to the hearing date.

As soon as possible after issuing the Notice of Hearing, the Title IX Coordinator will arrange separate meetings for each party and their advisors, as well as the Hearing Board, to discuss the hearing process and answer any procedural questions.

The Title IX Coordinator will attempt to accommodate all schedules when scheduling the hearing. However, parties, advisors, and Hearing Board members are expected to prioritize the hearing and reschedule other commitments if possible. Requests to reschedule a hearing must be made in writing and must be

made for academic, health-related, or other good cause, as determined by the Title IX Coordinator. The Title IX Coordinator has discretion to grant or deny such request.

Unless a witness has been excused from the hearing as stated herein, the Title IX Coordinator will notify witnesses of the hearing date and time and require their attendance. Witnesses who are required to attend but do not will be subject to disciplinary action. The Investigator will also be required to attend.

The Hearing Board may also convene a pre-hearing meeting(s) with the parties and/or their advisors for the purpose of sharing questions or topics that should be reviewed prior to the hearing. This will allow the Hearing Board to rule on contested issues ahead of time and avoid improper evidentiary introduction in the hearing, and to provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the advisors from asking a question for the first time at the hearing or from asking for a reconsideration based on any new information or testimony offered at the hearing. The Hearing Board must document and share with each party the rationale for their decisions.

The Hearing Board, **only** with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present, if their testimony can be adequately summarized by the Investigator in the investigation report or during the hearing.

The pre-hearing meeting will also allow the Hearing Board to consider any issues regarding relevancy of any evidence included in the Final Investigation Report.

The Hearing Board may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Title IX Coordinator will attend each pre-hearing meeting, and the Hearing Board may consult with the University's legal counsel as needed. Pre-hearing meetings will not be recorded.

In hearings involving more than one respondent or in which two (2) or more complainants have accused the same respondent of substantially similar conduct, the University will process the allegations jointly. If there is a compelling reason to do so, the Title IX Coordinator may permit the investigation and/or hearing to be conducted separately.

C. The Hearing

1. Recording Hearings

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

The Hearing Board, the parties, their advisors, and appropriate administrators of the University will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

Except for the University's recording of the hearing, no other person may record audio and/or video of any portion of any meeting, interview, hearing, or other interaction regarding a pending Title IX report. The Title IX Coordinator may require that all electronic devices be left in a secure location outside of the hearing room.

2. Participants

Participants at the hearing will include the Hearing Board, the investigator(s), the Title IX Coordinator, the parties (or three (3) organizational representatives when an organization is the respondent), advisors to the parties, any called witnesses, anyone selected to facilitate logistical or operational matters pertaining to the hearing, and anyone providing authorized accommodations or assistive services.

Both parties have the opportunity to appear in person before the Hearing Board on the date and time designated on the Hearing Notice. The complainant and respondent may, but are not required to be, present at the hearing at the same time. However, they will have the opportunity to hear the other party's statement by audio or video means. If either party does not attend the hearing, the hearing will proceed in their absence.

3. Introductions and Explanation of Procedure

The Hearing Board will explain the procedures and introduce the participants. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by the Title IX Coordinator or an administrative hearing facilitator appointed by the Title IX Coordinator. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

4. Presentation of Evidence

The Investigator(s) will present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Hearing Board and the parties, through their advisors. Neither the parties nor the Hearing Board should ask the Investigator their opinion on credibility, recommended findings, or determinations. Investigators will refrain from answering questions or discussing those topics. If such information is introduced, the Chair will direct that it be disregarded.

Following the investigator, the complainant will present a statement and be subject to questioning by the Hearing Board and the respondent, through the respondent's advisor. The Hearing Board has discretion to call any other witnesses and parties in the order of its choice.

All questions are subject to a relevance determination by the Hearing Board. The advisor, who will remain seated during questioning, will pose

the proposed question orally, unless electronic or written means have been approved by the Hearing Board as an accommodation. electronically, or in writing. The Hearing Board will determine whether the question will be permitted, disallowed, or rephrased and direct the party or witness to answer, or not. The Hearing Board will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Hearing Board will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Hearing Board has final say on all questions and determinations of relevance. The Hearing Board may consult with legal counsel on any questions of admissibility. The Hearing Board may ask advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the advisors on relevance once the Hearing Board has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Hearing Board member at the hearing, the Hearing Board will refer that matter to the Title IX Coordinator and/or preserve them for appeal. If bias is not in issue at the hearing, the Hearing Board should not permit irrelevant questions that probe for bias.

If a party chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Hearing Board may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. If the parties have determined that a witness did not need to appear at the hearing, the witness's statement will be considered by the Hearing Board. Otherwise, all witnesses will be subject to cross-examination, the same as the parties.

If the party does not answer select cross-examination questions, only statements related to those questions will be removed from consideration. the cross-examination questions they refuse to answer cannot be relied upon. However, if the statements of the party who is refusing to submit to cross-examination or refuses to attend the hearing are the subject of the allegation itself (e.g., the case is about verbal harassment or a quid pro quo offer), then those statements are not precluded from admission. Similarly, statements can be relied upon when questions are posed by the Hearing Board, as distinguished from questions posed by advisors through cross-examination.

The Hearing Board may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

If charges of policy violations other than sexual harassment are considered at the same hearing, the Hearing Board may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their advisors, and may

draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

D. Deliberation, Decision-making, and Standard of Proof

The Hearing Board's purpose during hearing is to adjudicate responsibility, which will include making determinations of credibility. The Hearing Board has authority to make determinations on all allegations of sexual harassment and/or retaliation, as well as any additional alleged policy violations that occurred in concert with the sexual harassment and/or retaliation, even if those collateral allegations do not specifically fall within this Policy. The Hearing Board shall not consider the respondent's previous disciplinary record, if any, in making its determination regarding responsibility.

At the conclusion of the hearing, the Hearing Board will deliberate in closed session to determine whether the respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence standard will be used. The Title IX Coordinator may be consulted regarding procedural matters.

The Hearing Board will make a determination of responsibility, based on the preponderance of the evidence, immediately following deliberations and announce a verbal decision. In joint hearings, separate determinations of responsibility will be made for each respondent with respect to each alleged policy violation. Following the hearing, the Hearing Board will prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, explaining its rationale, identifying the evidence used in support of its determination and the evidence not relied upon in its determination, and determining credibility.

This deliberation statement must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension for good cause. If an extension is granted, the Title IX Coordinator will notify the parties in writing.

At the conclusion of the hearing, if the respondent is found responsible for violating any University policy, the Title IX Coordinator will inform both parties that they may submit a written impact statement to the Title IX Coordinator for consideration during the sanctioning phase. The Hearing Board will not determine sanctions or remedies in the event a respondent is found responsible.

If the respondent is found not responsible, the Title IX Coordinator will schedule a meeting to discuss any continuing needs of the both parties in regard to supportive measures and long-term remedies.

114. Sanctions

In the event the respondent is found responsible, the Title IX Coordinator will take any submitted written impact statement and consult with either the Human Resources Manager or either the Assistant Dean of Students or Associate Vice President for Student Affairs regarding sanctions.

A. Sanctioning Factors

The University will consider the following factors regarding sanctions:

- The nature, severity of, and circumstances surrounding the violation(s)
- The respondent's disciplinary history
- previous allegations or allegations involving similar conduct
- the need for sanctions/responsive actions to bring an end to the sexual harassment and/or retaliation
- the need for sanctions/responsive actions to prevent the future recurrence of sexual harassment and/or retaliation
- the need to remedy the effects of the sexual harassment and/or retaliation on the Complainant and the community
- the impact on the parties
- any other information deemed relevant by the Title IX Coordinator in consultation with the Human Resources Manager or Student Affairs official.

B. Student Sanctions

The following are the usual sanctions that may be imposed upon students or organizations individually or in combination:

- *Warning:* A formal statement that the conduct was unacceptable and a warning that further violation of any University policy, procedure, or directive will result in more severe sanctions.
- *Required Counseling:* A mandate to meet with and engage in either University-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Probation:* A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension:* Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at the University.
- *Expulsion:* Permanent termination of student status and revocation of rights to be on campus for any reason or to attend University-sponsored events.
- *Withholding Diploma:* The University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- *Revocation of Degree:* The University reserves the right to revoke a degree

previously awarded from the University for fraud, misrepresentation, and/or other violation of University policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.

- *Organizational Sanctions:* Deactivation, loss of recognition, loss of some or all privileges (including University registration) for a specified period of time.
- *Other Actions:* In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

C. Employee Sanctions

Sanctions for an employee who has engaged in harassment and/or retaliation include:

- *Warning – Verbal or Written*
- *Performance Improvement Plan/Management Process*
- *Enhanced supervision, observation, or review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Reassignment*
- *Delay of tenure track progress*
- *Assignment to new supervisor*
- *Restriction of stipends, research, and/or professional development resources*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions/responsive actions, the University may assign any other responsive actions as deemed appropriate.

D. Timing of Sanctions

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

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

E. Notice of Outcome

The Title IX Coordinator will incorporate the deliberation statement and the sanction into a Notice of Outcome document. The Title IX Coordinator will send the Notice of Outcome to the parties, simultaneously, within five (5) business days of receiving the deliberation statement using the notification process in this Policy.

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

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the University is permitted to share such information under state or federal law; any sanctions issued which the University is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to the University's educational or employment program or activity, to the extent the University is permitted to share such information under state or federal law.

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

F. Compliance with Sanctions

All respondents are expected to comply with the assigned sanctions within the timeframe specified in the Notice of Outcome. Failure to abide by the sanction(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s), including suspension, expulsion, and/or termination from the University.

115. Remedies

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the sexual harassment and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties

- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found. When no policy violation is found, the Title IX Coordinator will address any remedies owed by the University to the respondent to ensure no effective denial of educational access. The University will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the University's ability to provide these services.

116. Appeals

Any party may file a Request for Appeal in writing to the Title IX Coordinator within 5 days of delivery of the Notice of Outcome. The Title IX Coordinator will assign a single Appeal Officer, who had no other interaction with the report and forward the Request for Appeal to the Appeal Officer to determine if the request meets the grounds for appeal. This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

A. Grounds for Appeal

Appeals are limited to the following grounds:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
3. The Title IX Coordinator, Investigator(s), and/or Hearing Board had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter; or
4. The Title IX Coordinator's decision to dismiss a formal complaint may be appealed immediately by either party using the process. If a party believes a formal complaint should have been dismissed but it was not, either party may appeal the Title IX Coordinator's decision to retain jurisdiction at the conclusion of the formal grievance process.

B. Determination on Request to Appeal

1. If the appeal is not timely or does not state a ground for appeal, the Title IX Coordinator will notify the parties of the Appeal Officer's determination using the notice provisions of this Policy. This decision is final, and there will be no further appeal.
2. If the appeal is accepted, the Title IX Coordinator will notify the parties of the Appeal Officer's determination using the notice provisions of this Policy and provide information regarding the next step of the process.

C. Substantive Appeal

The appealing party will submit any written argument and relevant evidence to the Appeal Officer within three (3) days after delivery of the notification accepting

appeal. That information will be shared with the non-appealing party for written response within three (3) days. The Appeal Officer will collect any additional information needed from parties, witnesses, investigators, and/or the Hearing Board as necessary. These individuals will be given three (3) days to provide the additional information requested. Upon receipt of all written responses, the Appeal Officer will review the documents and render a decision within seven (7) business days.

In considering the substantive grounds of the appeal, the Appeal Officer shall abide by the following:

- Decisions on appeal are to be deferential to the original decision.
- An appeal is not a full rehearing of the allegations. The scope is limited to a review of the written documentation, record of the original hearing, and/or pertinent documentation regarding the specific grounds for appeal.
- An Appeal Officer may not substitute their judgment for that of the original Hearing Board merely because they disagree with the finding and/or sanction(s).
- The Appeal Officer may consult with the Title IX Coordinator on questions of procedure, if needed. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Hearing Board for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator.
- In rare cases where a procedural error cannot be cured by the original Hearing Board (as in cases of bias), the appeal may order a new hearing with a new Hearing Board.
- All appeals are final. If a matter is remanded, the decision will be final, unless the remand included an entirely new hearing. A decision from a new hearing may be appealed.
- In cases in which the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

D. Notice of Appeal Outcome

The Appeal Officer will prepare a written Notice of Appeal Outcome, which will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law. The Appeal Officer will not conduct a new hearing. Possible outcomes for appeal are identified below:

1. Regarding an alleged procedural irregularity that affected the outcome of the matter, the Appeal Officer may find:
 - a. that there was no procedural irregularity that affected the outcome of the matter and deny the appeal.

- b. that there was procedural irregularity that affected the outcome of the matter and grant the appeal.
- 2. Regarding 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, the Appeal Officer may find:
 - a. that the new evidence was reasonably available at the time of the determination of responsibility/dismissal or that the new evidence would not affect the outcome of the matter and deny the appeal.
 - b. that the new evidence was not reasonably available at the time of the determination of responsibility/dismissal or that the new evidence would have affected the outcome of the matter, and the appeal is granted.
- 3. Regarding an allegation that the Title IX Coordinator, investigator(s), and/or Hearing Board had a conflict of interest or bias for or against complainants or respondents generally or the specific complainant or respondent that affected the outcome of the matter, the Appeal Officer may find:
 - a. that the identified individual(s) did not have a conflict or bias as alleged and deny the appeal.
 - b. that the identified individual(s) did have a conflict or bias as alleged and grant the appeal.
- 4. Regarding the Title IX Coordinator's decision regarding the dismissal of or failure to dismiss a formal complaint, the appeal officer may find:
 - a. That the Title IX Coordinator's decision was correct and deny the appeal.
 - b. That the Title IX Coordinator's decision was incorrect and grant the appeal. The matter will be remanded with instructions to either dismiss the formal complaint or proceed with the formal grievance process, as appropriate.

D. Sanctions Status During Appeal

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be continued or reinstated for either or both parties.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures, under Section 109(C)(6) of this Policy, will apply within 48 hours of implementation.

If the sanction included separation from the University, the University may place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal.

117. Supportive Measures

Upon receipt of a report of sexual harassment and/or retaliation, the University will implement supportive measures, as may be reasonable and appropriate for the individuals

involved and for the University community. The University will determine the necessity and scope of any supportive measures based on the individualized needs of the parties. Supportive measures and campus resources are always available to support a complainant regardless of the course of action chosen or the complainant's level of participation in University proceedings.

When implementing supportive measures, consistent with available information to support the reasonableness of the request, the University will seek to minimize the burden on the individuals seeking support. The Title IX Coordinator will collaborate with relevant campus administrators in imposing and coordinating supportive measures, which may be kept in place until the end of any resolution and/or until further notice from the University.

Even when a complainant or respondent does not specifically request supportive measures, the University may choose to implement a supportive measure at its discretion to ensure the safety of any individual or the University community. Supportive measures may be modified by the University as circumstances change or new information is available.

The University offers a range of supportive measures, including, but not limited to:

- separation of or modification to academic, employment, extra-curricular, and/or living situations;
- academic accommodations or modifications, including access to tutoring, rescheduling of exams or assignments, and the ability to drop a course without penalty;
- assistance setting up initial appointments for counseling and/or medical services;
- providing an escort;
- assistance in evaluating implications for financial aid, immigration or visa status;
- assistance in obtaining a civil order of protection; and
- other supportive measures tailored to the involved parties.

The University will maintain the party's privacy in providing supportive measures under this Policy, to the extent practicable. Documentation of supportive measures shall be maintained in the Title IX Coordinator's records.

118. Miscellaneous Provisions

A. Notice to Parties

When notice is required to be sent to parties, the University will send notice to the individual's University-issued email address or other email address on file. The University may send notice to the individual's mailing address on record, or may send notice via personal delivery. Personal delivery will be effectuated when the person receives the notice. Email and mail notification are effective when they are sent. The Title IX Coordinator will note the method of delivery for each notice sent.

B. Disabilities Accommodations in the Resolution Process

The University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access

to the University's resolution process.

Anyone needing such accommodations or support should contact the Title IX Coordinator. The Title IX Coordinator will collaborate with the Disability Resource Office or the Human Resources Manager, as appropriate, to review the request and determine reasonable accommodations with the requestor.

C. Revision of this Policy and Procedures

This Policy and procedures supersede any previous policy(ies) addressing sexual harassment, retaliation, or any other form of gender-based or sexual misconduct under Title IX. This policy will be reviewed annually, or as needed, by the Title IX Coordinator. The University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules.

This Policy will be construed to comply with the most recent statutory modifications, regulatory changes, and binding court decisions.

D. Limited English Proficiency or Hearing Impaired

The University will take reasonable steps to make this Policy, any supporting documentation, and the procedures used herein, available and accessible to those who may have limited English proficiency or who are hearing impaired.

APPENDIX VI

ANTI-HAZING POLICY

Responsible Office:	Student Affairs
Responsible Administrator:	Associate Vice-President for Student Affairs
Effective Date:	1/1/2022

100. Preamble

Muskingum University (the “University”) recognizes that membership in co-curricular activities can develop and enhance the experiential learning experiences of students. In accordance with Ohio state law and the University’s guiding principles to respect individual health, safety, and dignity, the University prohibits any form of hazing by groups, organizations, or individuals, regardless of whether consent is given for the activity. Decisive action will be taken to prevent and respond to hazing.

This policy is incorporated by reference into both the Student Code of Conduct and the Employee Handbook.

101. Prohibited Conduct

- (A)** This section applies to all University students, student organizations, student groups, and individuals, regardless of whether the conduct occurred on campus or off campus. The following conduct is prohibited:
- (1)** Recklessly participating in the hazing of another.
 - (2)** Recklessly participating in the hazing of another when the hazing includes coerced consumption of alcohol or drugs of abuse, resulting in serious physical harm to the other person.
 - (3)** Accepting or initiating any person into a group or organization if that person has not completed the educational program required under Section 103 of this Policy.
- (B)** This section applies to all faculty, administrators, staff, volunteers, and alumni who are acting in an official capacity, who advise or coach student organizations and/or student groups, or who have direct contact with students, regardless of whether the conduct occurred on campus or off campus. The following conduct is prohibited:
- (1)** Recklessly permitting the hazing of any other person associated with the University.
 - (2)** Recklessly permitting the hazing of any person associated with the University when the hazing includes coerced consumption of alcohol or drugs of abuse, resulting in serious physical harm to that person.
 - (3)** Failure to immediately report information of suspected or known hazing

through any of the resources identified in Section 106 of this Policy.

(C) Behavioral Concerns

As an aid to the campus community, the following illustrative, but not exhaustive, list of activities are deemed to violate this policy and may be illegal. If you are uncertain whether conduct would constitute hazing, you should not engage in the activity without consulting in advance with Student Affairs:

- (1) Corporal punishment of any kind, paddling in any form, shoving, striking another individual, or creating a fear of similar behavior;
- (2) Compelling physically demanding activity of any kind including, but not limited to, calisthenics, running, or other types of strenuous activity;
- (3) Compelling an individual to be shaved, branded, tattooed, pierced, etc.;
- (4) Compelling physical acts, such as walking backwards or confinement in a small space, which create the potential for physical or mental injury;
- (5) Compelling individuals to engage in sexual behaviors, sexual or racial harassment or slurs, or exhibitionism;
- (6) "Line-ups" in which new members are verbally harassed, intimidated, or abused;
- (7) Compelling an individual to engage in acts of personal servitude;
- (8) Compelling an individual to forego the opportunity for sufficient sleep, consumption of decent edible meals, or access to or use of personal hygiene;
- (9) Excluding an individual from social contact for prolonged periods of time;
- (10) Compelling individuals to consume alcohol or drugs or any other substances (e.g. undue amounts or odd preparations of food or drink);
- (11) Having substances thrown at, poured on, or otherwise applied to the body or any individual;
- (12) Compelling any individual to wear or carry unusual, uncomfortable, degrading/provocative or physically burdensome articles or apparel; or causing an individual to be indecently exposed or exposed to the elements (Note - The wearing of small pledge pins or small ribbons is allowed, however, any non-apparel items worn with the intent or effect of degradation, humiliation, or bringing undue attention to a new member is not permitted);
- (13) Compelling any individual to participate in pranks or scavenger hunts (Note—Scavenger Hunts may only be permitted upon prior written approval of the Dean of Students or his/her designee. Scavenger hunt items must be approved at least two weeks in advance and any lewd or inappropriate items will not be permitted. Furthermore, scavenger hunts will not be permissible at any time in the Residence Halls or Academic buildings or during academic hours);
- (14) Engaging in activities, which impair an individual's academic efforts by causing exhaustion, loss of sleep or reasonable study time, or by

preventing an individual from attending class (e.g., late night or early morning house duties); or

- (15) Transporting any individual against their will, abandoning any individual at distant locations, or conducting any “kidnap,” “ditch,” or “road trip” that may in any way endanger or compromise the health, safety, or comfort of any individual.

102. Definitions

- (A) **Hazing** means doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization or any act to continue or reinstate membership in or affiliation with any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person, including coercing another to consume alcohol or a drug of abuse, as defined in Ohio Revised Code Section 3719.011. See R.C. 2903.31(A).
- (B) A **group** is defined as a number of persons who are associated with the University and each other, but who have not registered, or are not required to register, as a student organization (e.g. athletic teams, musical or theatre ensembles, academic, or administrative units).
- (C) An **organization** is defined as any number of persons who are associated with each other and who have registered with the University as a student organization under the Student Affairs Office policies for recognized student organization. An organization includes a national or international organization with which a fraternity or sorority is affiliated.
- (D) **Individuals** are defined as any student, faculty, administrator, staff, volunteer, or alumni who directly or indirectly partakes in prohibited conduct, as defined in this policy, by encouraging, witnessing, or condoning the act in any manner.
- (E) A person acts **recklessly** when, with heedless indifference to the consequences, the person disregards a substantial and unjustifiable risk that the person's conduct is likely to cause a certain result or is likely to be of a certain nature. A person is reckless with respect to circumstances when, with heedless indifference to the consequences, the person disregards a substantial and unjustifiable risk that such circumstances are likely to exist. Reckless conduct is more severe than negligent conduct but is not intentional conduct. See R.C. 2901.22.

The terms and concepts cited in this policy will be interpreted by University boards or officials in relation to acceptable and applicable community standards.

103. Education and Training

- (A) All newly admitted students must complete the anti-hazing training provided by the University. Completion of this training is a pre-requisite to joining any recognized student organization or group. To verify completion of the required

program and eligibility to join a student organization or group, students should contact the Student Affairs Office.

- (B) Faculty, administrators, staff, or volunteers who advise or coach student organizations and/or student groups and who have direct contact with students are required to complete anti-hazing training provided by the University.
- (C) All groups or organizations must conduct mandatory hazing training for any volunteer who has contact with students. The Office of Student Affairs will assist student groups/organizations to deliver their training requirements and maintain appropriate documentation of the delivery and completion of training.
- (D) In addition to the training above, Student Affairs and Athletics will annually co-sponsor at least one program on hazing prevention education to all members, currently enrolled students who may be prospective members, and anyone who is employed by or volunteers with student groups and organizations. The education may be provided in person, electronically, or both. Student Affairs will maintain a record of individuals who have completed the program and will share employee completions with the Human Resources Office.

104. Expectations of officers, advisors, and other group leaders

- (A) All membership-related activities must be approved by the president, chair, or leader of the group/organization and the advisor to the group/organization prior to the activity. The activity must not interfere with the rights and activities of others and will reflect the best interests of the members of the group/organization, as well as the University community as a whole.
- (B) The president, chair, or leader of each group or organization is responsible for informing all members, including but not limited to new members, associate members, initiated members, or affiliates, of the group/organization of this policy. The University recommends that this policy be read and distributed to each member of the organization during the first meeting of each semester.
- (C) The president, chair, or leader of each group/organization is responsible for informing guests and alumni members of this policy and is additionally responsible for controlling the actions of guests and alumni members relative to this policy.

105. Reporting Hazing

- (A) Any individual with firsthand knowledge of the planning or actual occurrence of a hazing activity is responsible for promptly reporting that knowledge through one of the methods stated in Section 106(D) of this policy.

(B) Any member of the University community who is aware of immediate physical danger to a student or others must call University police at 740-826-8155 or dial 911.

(C) The following individuals or groups of individuals are “mandatory reporters” who must immediately report knowledge of hazing as stated in Section 106 of this policy.

(1) any full-time or part-time employee of the University (including student employees and graduate assistants); or

(2) any volunteer or alumni acting in an official capacity who advises or coaches student organizations and/or student groups and who has direct contact with students.

Employees who are subject to separate, professional confidentiality obligations that generally prohibit release of information, without an individual's express consent or unless otherwise required by law are exempt from this provision.

(D) The following resources are designated to receive reports of hazing:

(1) Dean of Students' office at 740-826-8080;

(2) University Police at 740-826-8155;

(3) Anonymous, online reports may be made through the [University's reporting page](#).

(4) Assistant Vice President of Human Relations and Risk Management at 740-826-8116; or

(5) In the event of an emergency, please contact University Police at 740-826-8155 or dial 911.

Making an intentionally false accusation of hazing is prohibited and subject to corrective or restorative action as enumerated in the Code of Student Conduct or other University policies.

Reports made pursuant to this Policy do not supersede or replace other reporting obligations. For instance, if the reported hazing activity also includes sexual misconduct, a Title IX report must be made, and the Title IX Policy will take precedence over any procedural aspects of this Anti-Hazing Policy.

106. Enforcement Procedures

(A) Immediately upon receipt of a hazing report, the Office of Student Affairs will notify the law enforcement agency where the victim of the hazing resides or where the hazing is occurring or has occurred.

- (B) The Office of Student Affairs will coordinate all investigations into reports of hazing and may coordinate with or delegate to other University officials, who have appropriate training, certain aspects of the investigation or other enforcement procedures. The University will complete a prompt investigation within a reasonable time after the report has been received.

When law enforcement is involved, the University's cooperation with law enforcement agencies may require the University to temporarily suspend its own investigation while the law enforcement agency gathers evidence and initiates charges. The University will promptly resume its own investigation as soon as it is notified by the local law enforcement agency that it may proceed.

- (C) The Office of Student Affairs will assess the need for interim measures for groups or individuals, such as interim suspension or interim suspension of current group/organization activities. In the event of an interim suspension, all group/organizational operations will cease, and groups/organizations may be required to vacate a designated housing area on campus.
- (D) The University may charge an individual, group, or organization with a violation of this Hazing Policy via the Student Code of Conduct and/or other University rules, regulations, or policies. At the point when a formal conduct charge is made against a group/organization, the national or oversight organization, if any, shall be notified by the University.
- (E) The University will follow the Code of Student Conduct to resolve hazing charges made against students and the Employee Handbook to address hazing charges made against faculty, administrators, staff, or volunteers. A conviction for hazing under R.C. 2903.31 will be deemed a per se policy violation and will result in sanctions as determined under Section 108 of this policy.
- (F) Officers of groups/organizations found responsible for violating hazing policies may be held individually, jointly, and severally responsible for the group/organization's actions and may be sanctioned as such.

107. Sanctions

- (A) Any individual, group, or organization found responsible for hazing under this policy will be subject to sanctions.
- (B) The University will consider the following factors regarding sanctions:
- the nature, severity of, and circumstances surrounding the violation(s);
 - the individual, group, or organization's disciplinary history;
 - previous allegations or allegations involving similar conduct;
 - the need for sanctions/responsive actions to bring an end to the hazing activity;
 - the need for sanctions/responsive actions to prevent the future recurrence of hazing activity;
 - the need to remedy the effects of the hazing on the victim of the hazing and the University community;

- the impact on those directly involved; and
 - any other information deemed relevant by the Office of Student Affairs or Human Resources Office.
- (C) Sanctions include the full range of sanctions included in the Code of Student Conduct for students and in the Employee Handbook for faculty, staff, and volunteers.
- (D) An individual, group, or organization may be subject to other outcomes in accordance with any external constituents or groups in which the student is involved, or their governing bodies. For instance, a national Greek organization may impose its own sanctions against the local chapter. The University has the right to take action regardless of the actions of the governing body

108. Publication of Instances

The University will maintain a report of all hazing allegations in compliance with Ohio law. The University will update the report on the first business day of January and August of each year and will post the updated report on the University's website. To maintain an individual's rights under the Family Educational Rights and Privacy Act of 1974 ("FERPA"), the University will not identify individuals by name but will identify the group/organization with which the individuals are affiliated.

109. Miscellaneous

- (A) In addition to University policy violations and criminal responsibility, those who engage in hazing may be subject to civil liability under Ohio Revised Code Section 2307.44.
- (B) This Policy supersedes any previous policy(ies) addressing hazing. This policy will be reviewed annually, or as needed, by the Office of Student Affairs. The University reserves the right to make changes to this policy as necessary, and once those changes are posted online, they are in effect. During the resolution process, minor modifications may be made to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. This Policy will be construed to comply with the most recent statutory or regulatory amendments and binding court decisions.

APPENDIX VII

STUDENT HOUSING FIRE SAFETY SYSTEMS

Student Housing Fire Safety Systems								
Name of Facility	Street Address	Number of Fire Drills Conducted in 2024	Sprinkler System	Fire Extinguisher	Fire Alarms	Smoke Detectors in Room Tied to Main FACP	Smoke Detectors in Room 120 Y Battery Backup	Smoke Detectors in Room 9Y Only
	101/103 Lakeside	2	No	Yes	No	No	Yes	Yes
	105/107 Lakeside	2	No	Yes	No	No	Yes	Yes
	109/111 Lakeside	2	No	Yes	No	No	Yes	Yes
Kappa Sigma	115/117 Lakeside	2	No	Yes	No	No	Yes	No
Delta House	125 Lakeside	2	No	Yes	No	No	Yes	No
MACE	127 Lakeside	2	No	Yes	No	No	No	Yes
Transfer Student	133 Lakeside	2	No	Yes	No	No	No	Yes
Phi Kappa Tau	135 Lakeside	2	No	Yes	No	No	Yes	No
RA	137 Lakeside	2	No	Yes	No	No	No	Yes
Phi Psi	141 Lakeside	2	No	Yes	No	No	No	Yes
Ulster	151 Lakeside	2	No	Yes	No	No	No	Yes
Finney Hall	147 Center St.	2	No	Yes	Yes	No	Yes	No
Kelley Hall	152 Lakeside	2	Yes	Yes	Yes	No	Yes	No
Memorial Hall	217 Stadium Dr.	2	Yes	Yes	Yes	No	Yes	Yes
Moore Hall	217 Stadium Dr.	2	No	Yes	Yes	No	Yes	No
Patton Hall	142 Lakeside Dr.	2	No	Yes	Yes	No	Yes	Yes
Stadium Heights	28 Stadium Dr.	2	No	Yes	Yes	No	Yes	No
Thomas Hall	220 Stadium Dr.	2	Yes	Yes	Yes	No	Yes	No
Townhouse A	Stadium Dr.	2	No	Yes	Yes	No	Yes	Yes
Townhouse B	Stadium Dr.	2	No	Yes	Yes	No	Yes	Yes

APPENDIX VIII

UNIVERSITY DRUG AND ALCOHOL POLICIES AND GENERAL INFORMATION ABOUT DRUG AND ALCOHOL LAWS AND PENALTIES

Employee Handbook – Section VI. B. – Policy on Alcohol and Illicit Drugs

1. Statement in Compliance with the Drug-Free Schools and Communities Act and Drug-Free Workplace Act

The University prohibits the unlawful possession, sale, use, or distribution of alcohol and/or illicit drugs, as defined herein, by students, employees, and other members of the University community in or on University property or as part of any activity sponsored or sanctioned by the University.

As an institution of higher education within the State of Ohio, Muskingum is committed to compliance with all applicable federal, state and local laws.

2. Definitions

The following terms, as defined, apply to this Policy:

- **Permitted Drug** – A prescribed drug or over the counter drug that has been legally obtained and is being used for the purposes and in the manner for which it was prescribed or manufactured, including prescribed controlled substances.
- **Illicit Drug** –
 - Any drug that may not be legally obtained or possessed under federal or Ohio law. Examples include, but are not limited to, marijuana, opiates, barbiturates, amphetamines, narcotics, and hallucinogens; or
 - Any permitted drug that has been illegally obtained or prescribed; is a drug not being used for prescribed purposes; or is not being used in accordance with the prescribed use; or
 - Any drug that is obtained without prescription that alone, or in conjunction with other prescription and non-prescription medications, results in impairment; or
 - Commonly used chemicals or substances that may cause impairment after prolonged exposure or ingestion. Examples include, but are not limited to adhesives and cleaning supplies.
- **Marijuana** – “Marijuana” means all parts of a plant of the genus cannabis, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound manufacture, salt, derivative, mixture or preparation of a plant of that type or of its seeds or resin.
- **Medical Marijuana** refers to cannabis or marijuana, including constituents of cannabis,

THC, and other cannabinoids, which is used as a physician-recommended form of medicine or herbal therapy. Medical Marijuana for certified medical use is limited to the following forms (i) oils, (ii) tinctures, (iii) plant material, (iv) edibles, (v) patches, and (vi) any other form approved by the Ohio State Board of Pharmacy pursuant to the Ohio Medical Marijuana Control Program (the “Program”).

- **Over the Counter Drugs** – Any drug that may be legally obtained without prescription.
- **University Property** - For the purpose of this Policy only, University Property includes all property owned, leased, or rented by the University, including motor vehicles and equipment.
- **Reasonable Cause** – Defined as, but not limited to, evidence that an employee is or was using alcohol, an illicit drug or marijuana drawn from specific, objective facts and reasonable inferences drawn from these facts in light of experience and training. These facts and inferences may be based on, but are not limited to, any of the following:
 - Observable phenomena, which may include: direct observation of (i) use, possession, or distribution of alcohol, an illicit drug, or marijuana; or (ii) the physical symptoms of being under the influence of alcohol, an illicit drug, or marijuana. Such symptoms include, but are not limited to: slurred speech, dilated pupils, odor of alcohol, odor of an illicit drug or marijuana, changes in affect, or dynamic mood swings;
 - Abnormal conduct, erratic or aberrant behavior, or deteriorating work performance that appear to be related to the use of alcohol, an illicit drug, or marijuana and does not appear to be attributable to other factors. Examples include, but are not limited to frequent absenteeism, excessive tardiness, or recurrent accidents. A single instance of abnormal conduct, erratic or aberrant behavior, or deteriorating work performance may be sufficient to create reasonable cause depending on the totality of the circumstances;
 - The identification of an employee as the focus on a criminal investigation into unauthorized possession, use, or trafficking of an illicit drug or marijuana;
 - A report, provided by a reliable and credible source, of any prohibited conduct regarding alcohol, an illicit drug, or marijuana;
 - Repeated or flagrant violations of the safety or work rules of the University that are determined by the employee’s supervisor to pose a substantial risk of physical injury or property damage; that appear to be related to the use of alcohol, an illicit drug, or marijuana; and that do not appear attributable to other factors.
- An **Employee** is any individual who has signed a letter of employment with the University, regardless whether that individual is employed full-time, part-time, seasonally, as a graduate assistant, or on a temporary or contract basis. For purposes of this Policy, “employee” also includes volunteers, who do not receive compensation in exchange for their services. Independent contractors are not employees of the University but may be required to abide by this Policy under the terms of their contract. When acting in the

course of their employment, students are considered “employees” under this Policy.

- **Possession** can be actual or constructive. Actual possession entails ownership or physical control, whereas constructive possession is defined as knowingly exercising dominion and control over an object, even though that object may not be within one’s immediate physical possession. Under this Policy, the “object” would be alcohol, illicit drugs, or marijuana.
- **Traffick** means to sell, offer to sell, prepare for shipment or delivery, ship, deliver, transport by any means, prepare for distribution, distribute, receive, procure, share, give, or manufacture any illicit drug. Any attempt to traffick illicit drugs will be treated the same as trafficking in illicit drugs.
- A **University-Supported Activity** is any activity that either (1) occurs on campus and is hosted by any office of Muskingum University or any employee, other than student employees, as a representative of the University, or (2) occurs off-campus and University funds are used to pay for any event expense.

3. Alcohol

Ohio law prohibits the consumption of beverage alcohol by any person who is under 21 years of age, and also prohibits individuals of legal age from selling or furnishing beverage alcohol to anyone not of legal age. All University students, faculty, staff, visitors, and guests are expected to obey the law and take responsibility for their own conduct. In addition to the Events with Alcohol Policy, the University maintains the following rules regarding alcohol:

- The consumption of alcohol or the possession of open containers of alcohol is prohibited in or on University property. However, the following exceptions apply:
 - Alcohol may be possessed and consumed as approved under the Events with Alcohol Policy;
 - Alcohol may be possessed and consumed as approved under the Policy on Alcohol Events (students); or
 - Employees who live in University-owned housing may possess and consume alcohol. The employee may not invite any student to possess or consume alcohol in or on the property, shall comply with all state and local laws, and shall maintain the property in a manner that reflects positively upon the University.
- Employees, visitors, and guests are prohibited from bringing alcohol to any University event that is open to the public.
 - Employees, guests, and visitors are prohibited from providing alcohol to individuals under the age of 21. Any employee, guest, or visitor found to be providing alcohol to minors will be subject to disciplinary action, and the matter will be referred to law enforcement.

- Employees, guests, and visitors shall not provide or host an environment in which individuals under the age of 21 are found to be in possession of or consuming alcohol or provided the opportunity to possess or consume alcohol.
- Employees, guests, and visitors who are 21 years of age or older are expected to act responsibly if they choose to consume alcohol at an event where alcohol is permitted. Behaviors that are disorderly, inappropriate, threatening, or a disruption to the community violate this Policy and may result in other policy violations. Intoxication will not justify or excuse a violation of this Policy or any other policy.
- Individual employees and employee groups are responsible for their conduct and the conduct of their guests and for promoting compliance with Ohio laws and this Policy.
- No employee may operate any motor vehicle while intoxicated or impaired including, but not limited to, automobiles owned, leased, or rented by the University and golf carts.

Consistent with the Events with Alcohol Policy, the University recommends that any employee or organization considering an event involving alcohol formulate and implement a program to increase alcohol awareness and prevent alcohol misuse for its members and guests.

Compliance with this Policy at off-campus University-supported events, including attendance at off-campus events where the employee represents or is attending on behalf of the University, is required. Off-campus impairment that reflects negatively on the University in any way may result in disciplinary action.

The University provides counseling services to members of the University community who believe they abuse or are dependent upon alcohol. Students may contact University Counseling by calling (740) 826-8091 or sending an email to counseling@muskingum.edu. Employees may use confidential counselors available through the Employee Assistance Program (EAP). The Human Resources Office can provide the contact information for EAP.

4. Illicit Drugs

Not only is it unlawful, but the presence, use, or abuse of illicit drugs on any University property is contrary to the intellectual and educational purposes for which the University exists. Possession of illicit drugs may be an indication that the employee is not constructively engaged in academic endeavors or the University's mission.

Students and their guests are expected to read and follow the Code of Student Conduct and the Student Handbook regarding their possession and use of illicit drugs.

The following acts constitute violations of this Policy if committed by a University employee, guest, or visitor:

- No employee, guest, or visitor may use illicit drugs on or in University property. Additionally, employees, including student employees, are prohibited from using illicit

drugs prior to, while participating in, or attending University-supported activities or prior to or while performing job duties.

- No employee, guest, or visitor may possess any illicit drug, or drug paraphernalia, on or in University Property or while attending or participating in any University-supported activity.
- No employee, guest, or visitor may traffick in illicit drugs.

5. Medical Marijuana

In September of 2016, the State of Ohio passed House Bill 523, known as the Ohio Medical Marijuana Control Program (the "Program"). The Program legalizes the limited use of marijuana for medical purposes. However, marijuana remains illegal under federal law, specifically, Schedule I of the Controlled Substances Act. Thus, in conjunction with the Federal Drug Free School Zone Act of 1988 and the Federal Drug Free Workplace Act of 1988, the University remains an institution of higher education dedicated to maintaining a drug-free learning and working environment.

Accordingly, medical marijuana is treated the same as an illicit drug in Section IV of this Policy even if a student or employee possesses a valid Ohio medical marijuana patient card. Students with questions regarding medical marijuana should contact the Student Affairs Office. Employees with questions regarding medical marijuana should contact the Human Resources Office.

In accordance with the Program, the University shall not consider out-of-state medical marijuana patient cards as valid until such time, if ever, that the Program officially recognizes the same.

6. Prescription Medication

If an employee is taking a legally obtained prescription medication, other than medical marijuana, that may result in impairment or impact the employee's ability to safely and competently perform the employee's job duties, the employee must contact the Human Resources Manager to determine whether a reasonable accommodation may be made. Student employees should contact their direct supervisor, who will contact the Human Resources Manager. As noted above, the term "illicit drugs" shall be construed to include drugs for which the employee or student does not have a valid prescription or has a valid prescription, but is not being used in accordance with the prescribed use.

7. Testing of Employees – Alcohol and Illicit Drugs

An employee, including a student employee, or applicant for employment may be required to submit to an alcohol and drug test under the following circumstances:

- Any applicant for employment is subject to pre-employment testing, at the discretion of the University. Such testing will be conducted within the parameters set forth herein;

- Where such testing is required by state or federal regulations ((e.g., for Department of Transportation requirements), the rules of any relevant athletic governing organization, or any employee's professional licensing or accrediting agency;
- Where the University has reasonable cause to believe the employee is using alcohol and/or illicit drugs in violation of this Policy;
- Where, following a violation of any University policy, an employee has been referred to drug or alcohol treatment by the University as a condition of continued employment, the employee shall be subject to random testing for one (1) year after the employee returns to work, at the discretion of the University. The employee will also be required to furnish the University with a copy of the treatment facility's prescribed after care program and proper verification of the employee's compliance with the aftercare program or revisions thereto;
- Randomly, pursuant to a program developed by the Office of Human Resources, which shall be designed to apply uniformly to all University employees, without exception. Under any such program, no employee may be tested more than twice in a rolling twelve (12) month period; or
- As determined appropriate by the University in accordance with applicable law.

8. Testing Procedures

- At the discretion of the University, an officer with the University Police Department may transport an individual to be tested to and from the testing facility.
- Alcohol and drug testing will be conducted through methods with proven reliability and in strict compliance with appropriate methodology. If an applicant or employee fails to pass the initial drug screening test, the original test sample will be further analyzed using the gas chromatography/mass spectrometry method (or a superior method if available at a competitive cost) before any action is taken.
- All body fluid collections for testing purposes shall be conducted by a physician or health care professional. Specimen containers shall be labeled with a number and the donor's signature and shall be closed with a tamper proof seal in the donor's presence.
- The specimen number and identifying information of the donor shall be entered on a chain of custody form and signed by the collecting technician in the presence of the donor, and the donor shall initial the proper line on the chain of custody form.
- The volume of each specimen shall be sufficient to permit for confirmation testing and/or independent testing (at the donor's cost).
- For specimens that produce a positive test result, the testing facility must retain and store for at least thirty (30) days, in a scientifically accepted manner designated to maintain the integrity of the specimen, a sufficient portion of each specimen so that independent testing can occur if requested. There is no requirement for the facility to retain specimens

that produce negative test results.

- All handlers and couriers of the specimen must complete entries and identify themselves on a proper chain of custody form.
- Testing will be done by a facility certified by the Federal Department of Health and Human Services.

9. Test Results

- Any employee who, as a result of testing, is found to have illicit drugs or a detectable blood or breath alcohol level will be considered in violation of this Policy.
- The test result will be deemed positive if the employee engages in any of the following: failing to submit a sample, submitting an adulterated sample, submitting a sample from another individual, or diluting a sample.
- All records and information obtained by the University regarding alcohol and drug testing, requests for testing, the test results and treatment of employees for chemical dependency will be confidentially maintained by the University and will only be shared on a need to know basis for proper administration of this Policy.
- Any employee who wishes to challenge a positive result may have the sample retested at a facility of their choice, so long as the facility meets the standards set forth in Section VIII of this Policy, the employee pays for the test, and the employee authorizes the facility to release results directly to the University.

10. Disciplinary Process

In evaluating whether an individual has violated this Policy, the Employee Relations Specialists or the Vice President for the Student Experience will be asked to conduct an investigation, which may include receipt of drug/alcohol test results. Unless the individual admits to violating the Policy, the Human Resources Office will provide the investigative report to key administrators who will review the report and decide whether the individual is responsible for violating this Policy. "Key administrators" may include any supervisor in the employee's chain of command, the Assistant Vice President for Human Relations & Risk Management, the Vice-President for Finance & Operations, and the President.

If the individual has violated this Policy, the key administrators will determine an appropriate sanction after considering the totality of the circumstances, which include, but are not limited to, the severity of the violation, prior disciplinary records, any injury or property damage sustained as a result of the violation(s), and any other relevant factor as determined by the administrators.

Disciplinary action may include any consequence or combination of consequences that is appropriate for the situation, up to and including termination of employment.

Student employees who violate this Policy will be subject to disciplinary action in accordance with the Code of Student Conduct, and appropriate sanctions may include loss of their student employment.

11. Voluntary Disclosure

If an employee voluntarily acknowledges that the employee struggles with chemical abuse or dependency related to alcohol or illicit drugs and seeks assistance prior to violating any University policy, the University may, but is not obligated to, offer that employee counseling, support, and other assistance.

An employee who voluntarily elects or requests treatment under this section may be subject to random testing for one (1) year after the employee returns to work, at the discretion of the University. The employee will also be required to furnish the University with a copy of the treatment facility's prescribed after care program and proper verification of the employee's compliance with the aftercare program or revisions thereto.

12. Workers' Compensation

Any University employee who tests positive for the presence of alcohol or illicit drugs (including medical marijuana), or illegally used chemicals, or who refuses to take a drug or alcohol test by the University may be ineligible to receive Ohio workers' compensation and benefits, pursuant to Ohio law.

13. Drug Free Workplace and Grants Policy

All aspects of the above University Policy on Alcohol and Illicit Drugs apply to the Drug Free Workplace Act and Policy. All grantees who receive federal grant money, any individual applying for a federal grant, Pell Grant recipients or an individual or institution applying for any government or financial assistance must certify that the individual or individuals involved will not violate laws involving controlled substances "in conducting any activity with the grant." Certification statements are available in the Student Financial Services Office or with federal student aid applications.

14. Implementation

Under the Drug-Free Workplace Act and Drug Free Schools and Communities Act, all employees and students, by law, must abide by the terms of this Policy. Any covered individual convicted of a criminal drug statute violation which occurs in the University workplace as above defined, is required to notify the Human Resources Office or the Assistant Dean of Students of such criminal drug statute conviction. Where applicable, the University is required, by law, to notify certain federal funding agencies within 10 days after receiving such notice from an individual or otherwise receiving actual notice of the conviction. Since Muskingum University is a recipient of funding from the federal government, all employees and students are required by federal law to abide by this prohibition as a condition of employment. Refer to above Policy for policy statement and sanctions. For a list of locations offering programs, treatment, rehabilitation and counseling referral, please consult with the Office of Human Resources.

Employee Handbook – Section VI. R. Code of Expected Employee Conduct

Employees should be aware that the University is supportive but will not tolerate certain acts and behaviors that are unproductive or detrimental to Muskingum. These acts are usually basic acts of non-compliance or acts of misconduct and are handled through disciplinary action. Examples of events requiring disciplinary action include, but are not limited to the following: * * *

2. Acts of Misconduct

* * *

- Working under the influence of illegal drugs or alcohol

Student Handbook - Student Alcohol Policy -

<https://www.muskingum.edu/sites/default/files/media/Student%20Affairs/Student%20Handbook/Alcohol%20Policy.pdf>

Alcohol Policy Information

The Alcohol Policy is in direct compliance with the laws of the State of Ohio, Muskingum County, and the Village of New Concord, prohibiting possession or consumption of alcohol by persons under 21 years of age. Alcohol will only be allowed on campus in the areas designated in this policy. Students or groups who fail to comply with this policy will be subject to disciplinary action.

Muskingum University has based the Alcohol Policy on the recognition that:

- The majority of Muskingum University students cannot legally consume alcohol;
- A number of students who are of legal age to consume alcohol choose not to do so;
- Healthy alcohol consumption is one alcoholic drink per hour; and
- Alcohol abuse is a health concern on University campuses around the country.

Given these facts, the University acknowledges the desire of those students who are of legal age to consume alcohol responsibly while also ensuring the social life of the campus does not revolve around an activity in which a majority of the students cannot participate.

Muskingum University neither forbids nor encourages members of its community regarding drinking alcoholic beverages. However, the University discourages binge drinking or unhealthy consumption of alcohol as an irresponsible act. The decision to consume alcohol or not is a value judgment on the part of each individual.

Expectations

Under no circumstance is a person of legal age permitted to provide alcoholic beverages to an individual

under 21 years of age. Students and guests who are at least 21 years old are permitted to possess wine and malt beverages (beer, ale, hard lemonade, etc.). Students or guests are allowed to possess a maximum of six 12 oz. containers of malt beverage, or up to one 750ml bottle of wine on their person or in their control (room, backpack, car, etc.) for personal consumption. No liquor or other intoxicating liquid is permitted. For BYOB events, individuals may only bring the number of beers equal to the number of hours the event is being held. For example, for a four-hour event, an individual can bring four beers.

Constructive possession occurs when a student is in close proximity to prohibited items, and a student conduct conference could conclude that the prohibited items could have belonged to them. Accountability based on constructive possession often results when prohibited items are found in a residence and more than one person is present who could arguably be the owner of the prohibited items. This approach prevents students in violation from merely removing prohibited items from their personal possession upon confrontation by University officials. Practically speaking, as it relates to University students, constructive possession means that students should be aware of their surroundings and avoid situations where prohibited items may be present, even if the student does not actually intend to use or handle the prohibited items personally.

Students and guests are not permitted to drink alcoholic beverages in open or public spaces, including stairwells, porches, lawns, balconies, and/or residence hall hallways and lounges. Students who are at least 21 years old may not consume or possess alcohol in the residence of a student who is under the legal drinking age.

If a student club or organization is affiliated with a national group, it is the responsibility of the local chapter to comply with the rules and regulations of their national governing bodies. If Muskingum University policies are more stringent than the national policies, the local chapter is expected to abide by University policy.

Alcohol Risks

The safety risks resulting from the abuse of alcohol and other drugs are significant, especially for University age students. The leading cause of death for University age students is alcohol-related car crashes. The number one reason for hospital admissions for University-age students is alcohol-related injury and overdose. University-age students represent 25% of all automobile passenger fatalities. Higher blood alcohol levels for drivers and passengers result in a higher likelihood of permanent injury or death. In addition, the statistics measuring adult drowning, death by fire, and violent crime including sexual violence, are strongly related to the abuse of alcohol and other drugs.

The general health risks related to alcohol and other drug abuse may be immediate or build for some time. Some of the physical effects of alcohol or other drug abuse can include damage to the liver, heart and pancreas; malnutrition; sexual problems; high blood pressure; brain damage, and mental impairments (including negative effects on perception, information processing, learning, judgment, reaction time, sound processing and peripheral vision); increased risk of cancer, heart attack and stroke; and infections in general.

Alcohol is the drug of choice for many students who abuse drugs. Alcohol is a central nervous system depressant that slows down respiration. Alcohol abuse/dependence can ultimately rob a person of self-control which eventually can lead to broken relationships, loss of jobs, self-esteem, self-respect, and

even suicide. Alcohol problems can also lead to legal problems such as domestic violence and even criminal offenses and incarceration. Pregnant women who drink may produce a fetus with fetal alcohol syndrome or has defects of the heart or other organs.

University students who engage in alcohol/other drug abuse also report experiencing other unpleasant consequences and behaviors including hangovers, vomiting, injuries, blackouts, fights, missing classes, lower grades, damaging property, pulling fire alarms and other disciplinary problems which can result in suspension from school. Thus, alcohol/other drug abuse can contribute to academic failure and misconduct.

Alcohol Misconduct includes, but is not limited to:

Underage possession or constructive possession of alcohol - Students who are under the age of 21 cannot possess, distribute, or consume alcohol. Constructive possession occurs when multiple students are present in a space with a prohibited item that could reasonably belong to any of the students, but no student claims responsibility for the item.

Unauthorized possession of alcohol - Students and guests who are at least 21 years old are permitted to possess wine and malt beverages (beer, ale, hard lemonade, etc.). Students or guests are allowed to possess a maximum of six 12 oz. containers of malt beverage, or up to one 750ml bottle of wine on their person or in their control (room, backpack, car, etc.) for personal consumption. No liquor or other intoxicating substance is permitted.

Public consumption of alcohol - Students and guests who are at least 21 years old are not permitted to drink alcoholic beverages in open or public spaces, including stairwells, porches, lawns, balconies, and residence hall hallways and lounges.

Intoxication - Students who choose to consume alcohol are expected to do so in a responsible manner. Intoxication presents a threat to oneself and potentially others and is not permitted. Intoxication may be determined through various means, including field sobriety tests conducted by University Police, and physical signs of intoxication (slurring speech, alcoholic odor, etc.).

Providing alcohol to underage persons - Students who are over the age of 21 are not permitted to provide alcohol to an individual under 21 years of age. Providing alcohol to underage persons could occur constructively when, for example, a single of age student is present with multiple underage persons in the presence of multiple open containers of alcohol.

Driving under the influence- The University prohibits the operation of a motor vehicle while intoxicated or impaired. For purposes of this policy, "driving under the influence" is defined as a situation in which the operator of any motorized vehicle is determined by admission, by testing for blood alcohol content, or by commonly accepted behavioral observations (e.g., slurred speech, staggering, etc.), to be driving such vehicle after having consumed alcoholic beverages or ingested other drugs or legally controlled substances to a degree that has altered, inhibited or impaired the student's ability to think and/or act.

Drinking games- Drinking games of any kind are not permitted on campus, including those without alcohol present.

Common source- Students may not possess alcohol in a common source, including punch bowls, kegs,

and so on. If a clear possessor is not able to be determined, the students responsible for the space may be held accountable.

Consumption in an unauthorized location or at an unauthorized event- Students who are of legal age to consume alcohol may not consume or possess alcohol in the residence where all assigned occupants are under the legal drinking age, any public space unless expressly allowed, or at any event that prohibits alcohol.

Possession of alcohol paraphernalia- Students may not possess alcohol paraphernalia used to ingest alcohol at an increased rate, including funnels, beer bong, drinking game items, etc. Shot glasses, flasks, beer mugs, wine glasses, etc. are only permitted when they are empty and dry.

Alcohol displays- Students may not display alcohol containers, empty or full (beer can pyramids, liquor bottles, all or any part of cardboard cases, etc.).

Alcohol Policy Enforcement Outcomes

Violations of the Alcohol Policy may result in the following minimum action plans (disciplinary sanction(s)), or some combination of these sanction(s), or additional sanctions as determined by the Student Conduct Officer through the Student Code of Conduct process:

- Non-Disruptive Violations
 - o Written warning, probation or other status sanction
 - o Educational assignment and restorative component
- Disruptive or Repetitive Violation
 - o Restorative assignment
 - o Participation in substance abuse counseling assessment, follow-up substance abuse treatment plan inclusive of individual and/or group therapy as determined appropriate
 - o Parental contact letter detailing incident written by the student (if under 21)
 - o Minimum of one-semester conduct probation (may be suspension or deferred suspension based upon specific situation)

Organization and Event Violations

If an individual is not wearing a wristband at an event or is underage and caught drinking alcohol at a social event, that individual will face sanction(s) in accordance with the guidelines above as well as being prohibited from attending another event where alcohol is present for a minimum of 90 academic school year days.

Sanction(s) for a recognized student club, organization or group that is found to be responsible for hosting a registered event that violates the alcohol policy is minimally a period of social probation during which the organization or group may not have an event where alcohol is present on campus for a minimum of 3 months to be served immediately during the current or subsequent academic year. Sanctions for an unregistered event or for subsequent registered event offenses during a calendar year or while on probation may result in suspension or revocation of the group's charter and they may be prevented from hosting an event on campus for a minimum of six months to be served immediately during the current or subsequent academic year, as appropriate. Sanctions are to be served during months that are in the academic year and may be carried over to the following academic year. (For

example, a sanction of three months set in April will apply for 90 school days in April, May, August, and September.)

If the offense involves other violations of the Student Code of Conduct, additional action plans (disciplinary sanctions) may be imposed.

Student Handbook: Controlled Substance Policy –

<https://www.muskingum.edu/sites/default/files/media/Student%20Affairs/Student%20Handbook/Controlled%20Substance%20Policy.pdf>

Muskingum University is committed to encouraging compliance with all state and local laws. Muskingum University is opposed to the possession and use of hallucinogens, drugs, and narcotics by all members of the University community. In keeping with Ohio and federal laws which prohibit the use, possession, sale or offering for sale of narcotics and hallucinogens, including marijuana, and other drugs, Muskingum University will encourage and cooperate in the enforcement of these laws including possible prosecution of its students or employees by local law enforcement agencies.

Expectations

Students may not possess or use any controlled substances, including narcotics, hallucinogens, or any other drugs, including prescription drugs without a prescription. Smells or sounds related to the use of controlled substances are reasonable evidence to initiate a drug search or for use in a student code of conduct process. Students may not possess any drug paraphernalia, including constructive possession of paraphernalia.

Students may not sell, provide, or give controlled substances to any individuals. Due to the severity of the impact on the community, trafficking controlled substances is considered a serious violation of the Student Code of Conduct.

Students may not use or abuse any substance in a manner that alters one's mental state, including abuse or misuse of prescription drugs.

A major consequence of alcohol or other drug abuse may cause the development of an addiction. While almost anyone may develop an addiction, some students are more vulnerable than others due to inherited biological factors. In particular, students whose parents or grandparents had an alcohol or other drug problem may develop an addiction more quickly and easily than other students.

Alcohol or drug-addicted students often suffer from arrested development with the onset being at the age they began using. Alcohol or drug-addicted students may cease growing intellectually and emotionally and may never learn to cope with problems constructively, but attempt instead to avoid and compound problems by getting "high."

Muskingum University is committed to increasing awareness about alcohol/drug issues, to prevention strategies that discourage irresponsible and illegal use, and to providing ongoing support for those individuals who have decided not to use alcohol and illegal drugs.

Controlled Substances Misconduct includes, but is not limited to:

Possession, constructive possession, or use of controlled substances- Students may not possess or use

any controlled substances, including narcotics, hallucinogens, or any other drugs, including prescription drugs without a prescription. Smells or sounds related to use of controlled substances are reasonable evidence to initiate a drug search or for use in a student conduct process.

Possession or constructive possession of drug paraphernalia- Students may not possess any drug paraphernalia. Any item that is or has been used for use of drugs or masking use will be considered paraphernalia.

Trafficking controlled substances- Students may not sell, provide, or give controlled substances to any individuals. Due to the severity of the impact on the community, trafficking controlled substances is considered a serious violation of the Student Code of Conduct.

Inhaling or ingesting any mind-altering substance- Students may not use or abuse any substance in a manner that alters one's mental state, including abuse of prescription drugs.

Controlled Substance Policy Enforcement Outcomes

- Participation in substance abuse counseling assessment, follow-up substance abuse treatment plan inclusive of individual and/or group therapy as determined appropriate
- Restorative Assignment
- Parental contact letter detailing incident written by the student (if under 21)
- Educational assignment and reflective component
- Minimum of one semester of conduct probation (time-limited suspension may be sanctioned based upon the circumstances of the incident).

General Description of applicable legal sanctions under federal, Ohio, and New Concord law for the unlawful possession or distribution of illicit drugs and alcohol.

1) Federal law

Primary statutes

- **21 U.S.C. § 841 - Manufacture, distribution, or possession with intent to distribute;** prohibits manufacture/distribution/dispensing, with criminal penalties depend on the drug's schedule, amount/weight, and other aggravating factors, such as distribution to a minor, use of a dangerous weapon, or distribution resulting in serious bodily injury or death. Sentences range from several years to decades, along with substantial fines.

<https://www.law.cornell.edu/uscode/text/21/841>

- **21 U.S.C. § 844 - Simple possession;** simple possession is generally a misdemeanor punishable by up to 1 year imprisonment and a fine; penalties increase with prior convictions or other aggravating facts, such as possession near protected locations, like schools, or when other crimes are also committed at the same time.

<https://www.law.cornell.edu/uscode/text/21/844>

- Federal prosecution is most common when offenses cross state lines, involve federal property, interstate distribution, large quantities, organized distribution, or when federal task forces are involved. For small personal-possession cases, state/local prosecution is more typical.

2) Ohio state law

Primary statutes

- Ohio's statutes are known as the Ohio Revised Code (ORC)

Selected specifics — controlled substances: <https://codes.ohio.gov/ohio-revised-code/chapter-2925>

- **ORC § 2925.11 – Possession;** prohibits possession (actual and constructive) of illicit drugs. Penalties depend on the controlled substance involved and the quantity. Possession can be either a misdemeanor or a felony depending on the weight/amount of the drug.
- **ORC § 2925.03 – Trafficking/Distribution;** prohibits selling, offering to sell, preparing for shipment, or otherwise distributing controlled substances. Penalties are the felony level and vary based on the drug's schedule, amount, and other aggravating factors. Prison sentences range from 12 months to 11 years per offense, with fines of up to \$20,000. ORC §2925.03

Selected specifics — alcohol / minors: <https://codes.ohio.gov/ohio-revised-code/title-43>

- **ORC § 4301.69 - Underage possession/consumption;** prohibits an underage person (under 21) from knowingly purchasing, possessing, or consuming beer or intoxicating liquor in public or private places, unless a legal exception applies. First offenses are usually first-degree misdemeanors with up to 180 days in jail and a \$1,000 fine.
-

3) Village of New Concord

- **Underage alcohol prohibition / general offenses:** New Concord has local ordinance language prohibiting persons under 21 from ordering, attempting to purchase, possessing, or consuming beer or intoxicating liquor.
- **Nuisance party ordinance:** New Concord has an ordinance specifically addressing “**nuisance parties**” — gatherings where conduct results in disorderly behavior, underage drinking, noise, or property damage. The nuisance-party ordinance allows village authorities to cite hosts or property owners and can impose fines, abatement, and other local penalties.
- **Noise / public nuisance provisions:** New Concord’s noise ordinance and public nuisance rules allow local police to respond to loud parties or gatherings and issue municipal citations or orders. These local citations are separate from criminal drug/alcohol charges and can carry fines and administrative penalties.

APPENDIX IX

ANNUAL DISCLOSURE OF CRIME AND FIRE STATISTICS

Criminal Offenses				
Category	Venue	2023	2024	2025
Murder/Non-negligent manslaughter	On campus	0	0	0
	On campus Student Housing Facilities	0	0	0
	Non-Campus Property	0	0	0
	Public Property	0	0	0
Negligent Manslaughter	On campus	0	0	0
	On campus Student Housing Facilities	0	0	0
	Non-Campus Property	0	0	0
	Public Property	0	0	0
Rape	On campus	7	2	3
	On campus Student Housing Facilities	7	2	3
	Non-Campus Property	0	0	0
	Public Property	0	0	0
Fondling	On campus	1	3	0
	On campus Student Housing Facilities	1	2	0
	Non-Campus Property	0	0	0
	Public Property	0	0	0
Incest	On campus	0	0	0
	On campus Student Housing Facilities	0	0	0
	Non-Campus Property	0	0	0
	Public Property	0	0	0
Statutory Rape	On campus	0	0	0
	On campus Student Housing Facilities	0	0	0
	Non-Campus Property	0	0	0
	Public Property	0	0	0
Robbery	On campus	0	0	0
	On campus Student Housing Facilities	0	0	0
	Non-Campus Property	0	0	0
	Public Property	0	0	0
Aggravated Assault	On campus	0	0	0
	On campus Student Housing Facilities	0	0	0
	Non-Campus Property	0	0	0
	Public Property	0	0	0
Burglary	On campus	0	3	1
	On campus Student Housing Facilities	0	2	0
	Non-Campus Property	0	0	0
	Public Property	0	0	0
Motor Vehicle Theft	On campus	0	0	0
	On campus Student Housing Facilities	0	0	0
	Non-Campus Property	0	0	0
	Public Property	0	0	0
Arson	On campus	0	0	0
	On campus Student Housing Facilities	0	0	0
	Non-Campus Property	0	0	0
	Public Property	0	0	0

VAWA Offenses					
Category	Venue	2023	2024	2025	
Domestic Violence	On campus	1	1	0	
	On campus Student Housing Facilities	1	1	0	
	Non-Campus Property	0	0	0	
	Public Property	0	0	2	
Dating Violence	On campus	1	1	4	
	On campus Student Housing Facilities	1	1	3	
	Non-Campus Property	0	0	0	
	Public Property	0	0	0	
Stalking	On campus	4	5	10	
	On campus Student Housing Facilities	2	1	8	
	Non-Campus Property	0	0	0	
	Public Property	0	0	0	

Unfounded Crimes					
Category		2023	2024	2025	
Total Unfounded Crimes		0	0	0	

Arrests

Category	Venue	2023	2024	2025
Weapons: carrying, possessing, etc.	On campus	1	0	0
	On campus Student Housing Facilities	0	0	0
	Non-Campus Property	0	0	0
	Public Property	0	0	0
Drug abuse violations	On campus	2	0	0
	On campus Student Housing Facilities	2	0	0
	Non-Campus Property	0	0	0
	Public Property	0	0	1
Liquor law violations	On campus	3	3	2
	On campus Student Housing Facilities	3	1	0
	Non-Campus Property	0	0	0
	Public Property	1	0	3

Disciplinary Actions

Category	Venue	2023	2024	2025
Weapons: carrying, possessing, etc.	On campus	0	0	0
	On campus Student Housing Facilities	0	0	0
	Non-Campus Property	0	0	0
	Public Property	0	0	0
Drug abuse violations	On campus	8	7	14
	On campus Student Housing Facilities	7	6	14
	Non-Campus Property	0	0	0
	Public Property	0	0	0
Liquor law violations	On campus	9	23	15
	On campus Student Housing Facilities	8	23	15
	Non-Campus Property	0	0	0
	Public Property	0	0	0

Hate Crimes - 2023

The offenses listed below are reported crimes where the victim was intentionally selected because of their actual or perceived race, religion, sexual orientation, gender, gender identity, disability, ethnicity, or national origin.

[illegible]

Robbery	On campus	0	0	0	0	0	0	0	0
	On campus Student Housing Facilities	0	0	0	0	0	0	0	0
	Non-Campus Property	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0
Aggravated Assault	On campus	0	0	0	0	0	0	0	0
	On campus Student Housing Facilities	0	0	0	0	0	0	0	0
	Non-Campus Property	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0
Burglary	On campus	0	0	0	0	0	0	0	0
	On campus Student Housing Facilities	0	0	0	0	0	0	0	0
	Non-Campus Property	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0
Motor Vehicle Theft	On campus	0	0	0	0	0	0	0	0
	On campus Student Housing Facilities	0	0	0	0	0	0	0	0
	Non-Campus Property	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0
Arson	On campus	0	0	0	0	0	0	0	0
	On campus Student Housing Facilities	0	0	0	0	0	0	0	0
	Non-Campus Property	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0

Simple Assault	On campus	0	0	0	0	0	0	0	0	0
	On campus Student Housing Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus Property	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0
Larceny-Theft	On campus	0	0	0	0	0	0	0	0	0
	On campus Student Housing Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus Property	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0
Intimidation	On campus	0	0	0	0	0	0	0	0	0
	On campus Student Housing Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus Property	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	On campus	0	0	0	0	0	0	0	0	0
	On campus Student Housing Facilities	0	0	0	0	0	0	0	0	0
	Non-Campus Property	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0

Hazing Reports		
Category	Venue	2025
Hazing	On campus	5
	On campus Student Housing Facilities	1
	Non-Campus Property	1
	Public Property	0

Fire Statistics													
Name of Facility	Street Address	2023				2024				2025			
		Fires	Injuries	Deaths	Details	Fires	Injuries	Deaths	Details	Fires	Injuries	Deaths	Details
	101/103 Lakeside	0	0	0		0	0	0		0	0	0	
	105/107 Lakeside	0	0	0		0	0	0		0	0	0	
	109/111 Lakeside	0	0	0		0	0	0		0	0	0	
Kappa Sigma	115/117 Lakeside	0	0	0		0	0	0		0	0	0	
Delta House	125 Delta House	0	0	0		0	0	0		0	0	0	
MACE	127 Lakeside	0	0	0		0	0	0		0	0	0	
Transfer Student	133 Lakeside	0	0	0		0	0	0		0	0	0	
Phi Kappa Tau	135 Lakeside	0	0	0		0	0	0		0	0	0	
RA	137 Lakeside	0	0	0		0	0	0		0	0	0	
Phi Psi	141 Lakeside	0	0	0		0	0	0		0	0	0	
Ulster	151 Lakeside	0	0	0		0	0	0		0	0	0	
Finney Hall	147 Center St.	0	0	0		0	0	0		0	0	0	
Kelley Hall	152 Lakeside	0	0	0		0	0	0		0	0	0	
Memorial Hall	217 Stadium Dr.	0	0	0		0	0	0		0	0	0	
Moore Hall	217 Stadium Dr.	0	0	0		0	0	0		0	0	0	
Patton Hall	142 Lakeside Dr.	0	0	0		0	0	0		0	0	0	
Stadium Heights	28 Stadium Dr.	0	0	0		0	0	0		0	0	0	
Thomas Hall	220 Stadium Dr.	0	0	0		0	0	0		0	0	0	
Townhouse A	Stadium Dr.	0	0	0		0	0	0		0	0	0	
Townhouse B	Stadium Dr.	0	0	0		0	0	0		0	0	0	
Total		0	0	0		0	0	0		0	0	0	