



# MercyCollege of Ohio

## **Mercy College of Ohio, Youngstown Location 2019 ANNUAL SECURITY REPORT**

### **Introduction**

This report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended. It provides students and employees of Mercy College of Ohio, Youngstown Location (“College”) with information on: the College’s security arrangements, policies and procedures; programs that provide education on such things as drug and alcohol abuse, awareness of various kinds of sex offenses, and the prevention of crime generally; and procedures the College will take to notify the campus community in the event of an emergency. Its purpose is to provide students and employees with information that will help them make informed decisions relating to their own safety and the safety of others.

### **Policy for Preparing the Annual Report**

This report is prepared by the Dean/COO, Youngstown Location in cooperation with local law enforcement authorities and includes information provided by them as well as by the College’s campus security authorities and various other elements of the College. Each year an e-mail notification is made to all enrolled students and employees that provides the website link to access this report. Prospective students and employees are also notified of the report’s availability. Hard copies of the report may also be obtained at no cost by contacting Dr. Patricia McAllen, Dean/COO of Mercy College, Youngstown Location, 1044 Belmont Avenue, Youngstown, OH 44504, 330-480-1880.

The College is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and staff. As a member of the campus community, you can feel safe and comfortable knowing that security procedures are in place that represent best practices in the field and are constantly tested and re-evaluated for their effectiveness.

## **General Safety and Security Policies**

### **Campus Security Personnel & Relationship with Local Law Enforcement**

The Mercy Health Youngstown Police Department is responsible for campus safety at the College.

The Mercy Health Youngstown Police Department (“MHYPD”) provides the security, crime prevention, and premises access functions on the College’s campus 24 hours a day, seven days a week. Officers monitor and patrol the entire St. Elizabeth Hospital campus, which includes Mercy College of Ohio’s Youngstown location. They have the authority to ask persons for identification and determine whether individuals have lawful business on the institution’s property. They also have the authority to issue parking citations and make arrests when criminal behavior occurs.

The College has Memoranda of Understanding (MOU) with the following law enforcement agencies: Howland Police Department, Canfield Police Department, Boardman Police Department, Warren Police Department, Youngstown Police Department, Mahoning County Sheriff's Department, and Trumbull County Sheriff's Department. All MOUs include protocol agreement for emergency response, notification of crimes involving Mercy College students and employees, and the investigation of crimes.

### **Campus Security Authorities**

The College has designated certain officials to serve as campus security authorities. Reports of criminal activity can be made to these officials. They in turn will ensure that the crimes are reported for collection as part of the College’s annual report of crime statistics. The campus security authorities to whom the College would prefer that crimes be reported are listed below.

- Dean/COO of Mercy College Youngstown Location at 330-480-1880
- VPSA/Dean of Students at 419-251-1512

### **Reporting a Crime or Emergency**

The College encourages accurate and prompt reporting of all criminal actions, emergencies, or other incidents occurring on campus, on other property owned by the College, or on nearby public property to the appropriate administrator and appropriate police agencies. Such a report is encouraged even when the victim of a crime elects not to make a report or is unable to do so.

Community members, students, faculty, and guests are encouraged to report all crimes and public safety-related incidents to MHYPD in a timely manner. For emergencies, dial 911. In addition, you may also contact one of the campus security authorities mentioned in the prior section of this report.

### **Confidential Reporting**

The College will protect the confidentiality of victims. Only those with a need to know the identity for purposes of investigating the crime, assisting the victim or disciplining the perpetrator will know the victim’s identity.

Pursuant to the College’s Title IX, Violence Against Women and Campus SaVE Policy, when an employee who is not a confidential resource becomes aware of alleged misconduct under that policy (including, but not limited to, dating violence, domestic violence, sexual assault, and stalking), the employee is responsible for reporting that information, including the status of the parties if known, to the Title IX Coordinator. A victim of other types of crimes (e.g., aggravated assault, burglary, etc.) who does not

want to pursue action within the College disciplinary system or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. Upon the victim's request, a report of the details of the incident can be filed with the College without revealing the victim's identity. Such a confidential report complies with the victim's wishes, but still helps the College take appropriate steps to ensure the future safety of the victim and others. With such information, the College can keep an accurate record of the number of incidents involving members of the campus community, determine where a pattern of crime may be developing and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the College.

The College encourages its professional counselors, if and when they deem it appropriate, to inform the person they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual report of crime statistics. The College does not have pastoral counselors.

**Security of and Access to Campus Facilities**

College facilities are open during normal business hours. During non-business hours, access is controlled by key-card ID badge. Elevator access is limited to business hours only. Facilities are patrolled by Mercy Health Youngstown Police Department. Students and employees are asked to be alert and to not circumvent practices and procedures that are meant to preserve their safety and that of others:

- Do not prop doors open or allow strangers into campus buildings that have been secured
- Do not lend keys or access cards to non-students and do not leave them unattended
- Do not give access codes to anyone who does not belong to the campus community

**Security Considerations in the Maintenance of Facilities**

During the year, facility safety concerns can be forwarded to campus police, the Vice-President of Student Affairs/Dean of Students, and/or the Dean/COO, Youngstown. MHYPD regularly checks the campus to ensure safety features are in working order. Students are also regularly surveyed for feedback on campus safety features.

**Educational Programs Related to Security Awareness and Prevention of Criminal Activity**

The College seeks to enhance the security of its campus and the members of the campus community by periodically presenting educational programs to inform students and employees about campus security procedures and practices, to encourage students and employees to be responsible for their own security and the security of others and to inform them about the prevention of crimes. These programs are discussed below.

Mercy College offers variety of programs and services designed to make students, faculty, and staff aware of security on campus and reduce crime. Programs offered at include:

New Student Orientation	Police/security information distributed in orientation materials and college catalog	each semester
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Security Escorts	24/7 campus escort service	by request
ALICE training	Active shooter training	by request
Counseling	Appointments available for crime victims	by request
Electronic Alarm Systems	Can be used to alert campus security in case of an emergency	ongoing
Campus Telephones	Can be used to call 911 and/or campus security/police	ongoing
Personal Safety Seminars	Information provided on safety such as domestic violence, personal defense, etc.	ongoing
Annual Education update	Online training for faculty and staff, includes information on safety, security, and crime	annually
Counseling Website	Resources on personal safety	ongoing
Campus Safety and Security Website	Links to all College policies pertaining to safety and security	ongoing
Annual Professional Development opportunities	Midwest Safety Summit, RAVE Summit, TIX Summit at BGSU, Mercy College Professional Development Days, for example	annual

### **Monitoring Off Campus Locations of Recognized Student Organizations**

The College does not have any officially recognized student organizations with off campus locations and therefore does not monitor or record criminal conduct occurring at such locations.

### **Disclosure of the Outcome of a Crime of Violence or Non-Forcible Sex Offense**

Upon written request, the College will disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the College against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of the paragraph.

The previous paragraph does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the Violence Against Women Act both the accused and accuser in these cases are given the results without the need to make a written request.

## **Drug and Alcohol Policy**

The College is committed to creating and maintaining an environment that is free of alcohol abuse. The College prohibits the possession, use, and sale of alcohol on campus or as any part of the College's activities, unless it is done so in accordance with applicable College policies. The College also enforces the state's underage drinking laws.

The College also enforces federal and state drug laws. The possession, sale, manufacture or distribution of illegal drugs is prohibited on campus or as any part of the College's activities. Violators of the College's policies or federal and state laws regarding illegal drugs will be subject to disciplinary action and possibly criminal prosecution.

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

In compliance with the Drug Free Schools and Communities Act (DFSCA), the College has a drug and alcohol abuse and prevention program (DAAPP), which includes an annual notification to students and employees regarding certain drug/alcohol-related information (such legal sanctions for violations of applicable laws, health risks, etc.) and a biennial review of this program to evaluate its effectiveness and assess whether sanctions are being consistently enforced. The Division of Student Affairs is responsible for providing campus programming in support of an Alcohol and Drug Free environment. For more information on the College's DAAPP, see below.

- Drug and Alcohol Abuse Prevention webpage: <https://mercycollege.edu/student-affairs/student-success/counseling-wellness/drug-alcohol-abuse-prevention>
- Drug and Alcohol Abuse/Prevention Policy and Program: [https://assets.mercycollege.edu/uploads/documents/policy\\_502\\_drug\\_and\\_alcohol\\_abuse\\_201803\\_board\\_approved\\_tech\\_rev\\_219.pdf?mtime=20190219090757](https://assets.mercycollege.edu/uploads/documents/policy_502_drug_and_alcohol_abuse_201803_board_approved_tech_rev_219.pdf?mtime=20190219090757)
- Bon Secours Mercy Health Policy- Drug and Alcohol Free Workplace: [https://chpprod.service-now.com/sys\\_attachment.do?sys\\_id=318dba7f1b32bbc8867199bc1d4bcbf3](https://chpprod.service-now.com/sys_attachment.do?sys_id=318dba7f1b32bbc8867199bc1d4bcbf3)
- The Vice President of Student Affairs/Dean of Students is responsible for conducting a biennial review of the DAAPP. The most recent biennial review occurred in July 2019. The report is available upon request from the Dean of Students' office.

## **Policies, Procedures, and Programs Related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

Consistent with applicable laws, the College prohibits dating violence, domestic violence, sexual assault, and stalking. The College's policy used to address complaints of this nature, as well as the procedures for filing, investigating and resolving complaints, may be found at:

- Title IX, Violence Against Women and Campus SaVE Policy: [https://assets.mercycollege.edu/uploads/documents/policy\\_522\\_title\\_ix\\_violence\\_against\\_women\\_and\\_campus\\_save\\_sept\\_2018\\_bot.pdf?mtime=20180920074304](https://assets.mercycollege.edu/uploads/documents/policy_522_title_ix_violence_against_women_and_campus_save_sept_2018_bot.pdf?mtime=20180920074304)

The following sections of this report discuss the College’s educational programs to promote the awareness of dating violence, domestic violence, sexual assault and stalking; provides information concerning procedures students and employees should follow and the services available in the event they do become a victim of one of these offenses; and advises students and employees of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred.

**Primary Prevention and Awareness Program:**

The College conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees. The PPAP advises campus community members that the College prohibits the offenses of dating violence, domestic violence, sexual assault and stalking. They are also informed of the topics discussed below, including relevant definitions, risk reduction, and bystander intervention.

Crime Definitions

<b>Crime Type (Ohio Revised Code)</b>	<b>Definitions</b>
Dating Violence	The institution has determined, based on good-faith research, that Ohio law does not define the term dating violence.
Domestic Violence (Ohio Rev. Code § 2919.25)	A person is guilty of domestic violence if violating any of the following provisions: (A) No person shall knowingly cause or attempt to cause physical harm to a family or household member; (B) No person shall recklessly cause serious physical harm to a family or household member; (C) No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member.  “Family or household member” means any of the following: (a) Any of the following who is residing or has resided with the offender: (i) A spouse, a person living as a spouse, or a former spouse of the offender; (ii) A parent, a foster parent, or a child of the offender, or another person related by consanguinity or affinity to the offender; (iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a person, living as a spouse, or former spouse of the offender; (b) The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.
Stalking (Ohio Rev. Code § 2903.211(A))	The following constitutes “menacing by stalking” under Ohio law: (1) No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or a family or household member of the other person or cause mental distress to the other person or a family or household member of the other person. In addition to any other basis for the other person's belief that the offender will cause physical harm to the other person or the other person's family or household member or mental distress to the other person or the other person's family or household member, the other person's belief or mental distress may be based on words or conduct of the offender that are directed at or identify a corporation, association, or other organization that employs the other person or to which the other person belongs; (2) No person, through the use of any form of written communication or any electronic method of remotely transferring information, including, but not limited to,

Crime Type (Ohio Revised Code)	Definitions
	any computer, computer network, computer program, r-computer system, or telecommunication device shall post a message or use any intentionally written or verbal graphic gesture with purpose to do either of the following: (a) Violate division (A)(1) of this section; (b) Urge or incite another to commit a violation of division (A)(1) of this section; (3) No person, with a sexual motivation, shall violate division (A)(1) or (2) of this section.
Sexual Assault	The institution has determined, based on good-faith research, that Ohio law does not define the term sexual assault.
Rape, Fondling, Incest, Statutory Rape	<p>For purposes of the Clery Act, the term “sexual assault” includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Ohio law are as follows:</p> <ul style="list-style-type: none"> <li>• Rape (Ohio Rev. Code §2907.02): <ul style="list-style-type: none"> <li>▪ No person shall engage in sexual conduct with another who is not the spouse of the offender or who is the spouse of the offender but is living separate and apart from the offender, when any of the following applies: (a) For the purpose of preventing resistance, the offender substantially impairs the other person's judgment or control by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception; (b) The other person is less than thirteen years of age, whether or not the offender knows the age of the other person; (c) The other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age.</li> <li>▪ No person shall engage in sexual conduct with another when the offender purposely compels the other person to submit by force or threat of force.</li> </ul> </li> <li>• Fondling: The institution has determined, based on good-faith research, that Ohio law does not define the term fondling.</li> <li>• Incest: The institution has determined, based on good-faith research, that Ohio law does not define the term incest.</li> <li>• Statutory Rape: The institution has determined, based on good-faith research, that Ohio law does not define the term statutory rape.</li> </ul>
Other “sexual assault” crimes	Other crimes under Ohio law that may be classified as a “sexual assault” include the following:

<b>Crime Type</b> <b>(Ohio Revised Code)</b>	<b>Definitions</b>
	<ul style="list-style-type: none"> <li>• Sexual Battery (Ohio Rev. Code § 2907.03): No person shall engage in sexual conduct with another, not the spouse of the offender, when any of the following apply: (1) The offender knowingly coerces the other person to submit by any means that would prevent resistance by a person of ordinary resolution; (2) The offender knows that the other person's ability to appraise the nature of or control the other person's own conduct is substantially impaired; (3) The offender knows that the other person submits because the other person is unaware that the act is being committed; (4) The offender knows that the other person submits because the other person mistakenly identifies the offender as the other person's spouse; (5) The offender is the other person's natural or adoptive parent, or a stepparent, or guardian, custodian, or person in loco parentis of the other person; (6) ...; (7) ...; (8) The other person is a minor, the offender is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the other person is enrolled in or attends that institution; (9) The other person is a minor, and the offender is the other person's athletic or other type of coach, is the other person's instructor, is the leader of a scouting troop of which the other person is a member, or is a person with temporary or occasional disciplinary control over the other person.</li> <li>• Unlawful Sexual Conduct with Minor (Ohio Rev. Code § 29.0704): No person who is eighteen years of age or older shall engage in sexual conduct with another, who is not the spouse of the offender, when the offender knows the other person is thirteen years of age or older but less than sixteen years of age, or the offender is reckless in that regard.</li> <li>• Gross Sexual Imposition (Ohio Rev. Code § 2907.05): <ul style="list-style-type: none"> <li>▪ No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more other persons to have sexual contact when any of the following applies: (1) The offender purposely compels the other person, or one of the other persons, to submit by force or threat of force; (2) For the purpose of preventing resistance, the offender substantially impairs the judgment or control of the other person or of one of the other persons by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception; (3) The offender knows that the judgment or control of the other person or of one of the other persons is substantially impaired as a result of the influence of any drug or intoxicant administered to the other person with the other person's consent for the purpose of any kind of medical or dental examination, treatment, or surgery; (4) The other person, or one of the other persons, is less than thirteen years of age, whether or not the offender knows the age of that person; (5) The ability of the other person</li> </ul> </li> </ul>



Crime Type (Ohio Revised Code)	Definitions
	<p>to resist or consent or the ability of one of the other persons to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the ability to resist or consent of the other person or of one of the other persons is substantially impaired because of a mental or physical condition or because of advanced age.</p> <ul style="list-style-type: none"> <li>▪ No person shall knowingly touch the genitalia of another, when the touching is not through clothing, the other person is less than twelve years of age, whether or not the offender knows the age of that person, and the touching is done with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.</li> <li>• Sexual Imposition (Ohio Rev. Code § 2907.06): No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more other persons to have sexual contact when any of the following applies: (1) The offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard; (2) The offender knows that the other person's, or one of the other person's, ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired; (3) The offender knows that the other person, or one of the other persons, submits because of being unaware of the sexual contact; (4) The other person, or one of the other persons, is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of such person, and the offender is at least eighteen years of age and four or more years older than such other person; (5) The offender is a mental health professional, the other person or one of the other persons is a mental health client or patient of the offender, and the offender induces the other person who is the client or patient to submit by falsely representing to the other person who is the client or patient that the sexual contact is necessary for mental health treatment purposes.</li> </ul>
Consent (as it relates to sexual activity)	The institution has determined, based on good-faith research, that Ohio law does not define the term consent (as it relates to sexual activity).

College Definition of Consent

The College uses the following definition of consent in its Title IX, Violence Against Women and Campus SaVE Policy for the purpose of determining whether sexual violence (including sexual assault) has occurred:

Consent must be informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent where there is force, expressed or implied, or when coercion, intimidation, threats or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply ongoing future consent

with that person or consent to that same sexual activity with another person. Past consent does not imply future consent.

If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.

### Risk Reduction

If you find yourself in an uncomfortable sexual situation, these suggestions may help you reduce your risk:

- Make your limits known before going too far.
- You can withdraw consent to sexual activity at any time. Do not be afraid to tell a sexual aggressor “NO” clearly and loudly.
- Try to remove yourself from the physical presence of a sexual aggressor. Be direct as possible about wanting to leave the environment.
- Grab someone nearby and ask them for help.
- Be responsible about your alcohol and/or drug use. Alcohol and drugs can lower your sexual inhibitions and may make you vulnerable to someone who views an intoxicated/high person as a sexual opportunity.
- Attend large parties with friends you trust. Watch out for your friends and ask that they watch out for you.
- Be aware of someone trying to slip you an incapacitating “rape drug” like Rohypnol or GHB.

If you find yourself in the position of being the initiator of sexual behavior, these suggestions may help you to reduce your risk of being accused of sexual assault or another sexual crime:

- Remember that you owe sexual respect to the other person.
- Don’t make assumptions about the other person’s consent or about how far they are willing to go.
- Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
- If your partner expresses a withdrawal of consent, stop immediately.
- Clearly communicate your sexual intentions so that the other person has a chance to clearly tell you their intentions.
- Consider “mixed messages” a clear sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
- Don’t take advantage of someone who is really drunk or on drugs, even if they knowingly and intentionally put themselves in that state. Further, don’t be afraid to step in if you see someone else trying to take advantage of a nearly incapacitated person.
- Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.

It is also important to be aware of the warning signs of an abusive person. Some examples include: past abuse; threats of violence or abuse; breaking objects; using force during an argument; jealousy; controlling behavior; quick involvement; unrealistic expectations; isolation; blames others for problems; hypersensitivity; cruelty to animals or children; “playful” use of force during sex; Jekyll-and-Hyde personality.

### Bystander Intervention

Tips for bystander intervention:

1. Talk to your friends honestly and openly about sexual assault.
2. Don't be a passive bystander – if you see something, intervene in any way you can.
3. Trust your gut. If something looks like it might be a bad situation it probably is.
4. Be direct. Ask someone who looks like they may need help if they're okay.
5. Get someone to help you if you see something – enlist a friend, bartender, or party host to step in.
6. Keep an eye on someone who has had too much to drink.
7. If you see someone who is too intoxicated to consent, enlist their friends to help them leave safely.
8. Recognize the potential danger of someone who talks about planning to target another person at a party.
9. Be aware if someone is deliberately trying to intoxicate, isolate, or corner someone else.
10. Get in the way by creating a distraction, drawing attention to the situation, or separating them.
11. Understand that if someone does not or cannot consent to sex, it's rape.
12. Never blame the victim.
13. If you are a victim or survivor, or helping someone in that situation, call the National Sexual Assault Hotline at 1-800-656 HOPE.

### Other Information Covered by the PPAP

The PPAP also provides information on possible sanctions and protective measures that may be imposed following a determination that an offense of dating violence, domestic violence, sexual assault, or stalking has occurred, an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged, the rights of the parties in such a proceeding, available resources, and other pertinent information. Much of this information is set forth in the upcoming sections of this security report.

### **Ongoing Prevention and Awareness Campaign:**

The College also conducts an Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and employees. This campaign covers the same material as provided in the PPAP but is intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault and stalking.

## **PPAP and OPAC Programming Methods:**

The PPAP and OPAC are carried out in a variety of ways, using a range of strategies, and, as appropriate, targeting specific audiences throughout the College. Methods include, but are not limited to: online presentations, distribution of written materials, periodic email blasts, and guest speakers.

The College participated in the Ohio Department of Higher Education's Changing Campus Culture initiative for the past three academic years (16-17, 17-18, 18-19), and continues to participate in the 19-20 academic year. This initiative focuses on five recommendations: using data to guide action, empowering stakeholders in the campus community to prevent and respond to sexual violence through evidence-based training, communicating a culture of shared responsibility and respect, developing a comprehensive response policy, and adopting a survivor-centered response. Mercy College of Ohio met all five recommendations through:

- Administering a campus climate survey and using the results to plan and implement a variety of programming throughout the year
- Promoting awareness and prevention through different tactics such as digital, print, tools, and events focused on:
  - On/off-campus resources
  - Bystander intervention training
  - Healthy relationships
  - Knowledge of policies and procedures
  - Creating shared culture of responsibility through such efforts as the It's On Us National Spring Week of Action/Pledge Drive
- Developing a comprehensive, survivor-centered campus response  
New students receive education on sexual violence prevention through online training and presentations during orientation. The Title IX Coordinator also meets with students as they are preparing to leave campus for clinical training. All new employees receive discrimination, harassment and sexual violence prevention training. All new employees are required to complete online training as part of their orientation and are also expected to complete the Annual Education update. Full-time faculty and staff also receive additional compliance training at development sessions at the start of each semester.
- As part of its ongoing campaign, the College uses a variety of strategies, such as in-person presentations by sexual assault organizations, emails blasts with pertinent information, newsletter articles and announcements, etc. While programming occurs throughout the year, the College also offers educational sessions in coordination with nationally recognized observances such as Sexual Assault Awareness Month and Domestic Violence Awareness Month.

## **Procedures to Follow if You are a Victim of Dating Violence, Domestic Violence, Sexual Assault, or Stalking:**

If you are a victim of dating violence, domestic violence, sexual assault, or stalking, go to a safe place and call 911 or the Mercy Health Youngstown Police Department at (330)-480-3288. You may also contact the College's Deputy Title IX Coordinator at (330)480-2170.

Victims will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported (contact the Title IX Coordinator or refer to the other resources listed in this report).
2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order.
3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (b) the option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses (the institution is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities.
4. Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

#### Preservation of Evidence & Forensic Examinations

Victims of physical assault are advised to not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence. Don't bathe or wash, or otherwise clean the environment in which the assault occurred. You can obtain a forensic examination at:

Mercy St. Elizabeth Hospital

1044 Belmont Avenue Youngstown, OH 44504

(330) 480-2344

Coordinator of the Sexual Assault Nurse Examiner (SANE) Program

Office Phone: (330) 480-3323 Cell Phone: (330) 301-8418.

Completing a forensic examination does not require you to file a police report but having a forensic examination will help preserve evidence in case you decide at a later date to file a police report.

Victims are also advised to retain evidence in electronic formats (e.g., text messages, emails, photos, social media posts, screenshots, etc.). Such evidence is valuable in all situations, and it may be the only type of evidence available in instances of stalking.

#### Security/Law Enforcement & How to Make a Police Report

- Mercy Health Police – Youngstown

Mercy Youngstown Police- Chief

Mercy St. Elizabeth Hospital

1044 Belmont Avenue Youngstown, OH 44501

(330)-480-3288

- Youngstown Police

Youngstown Police Department

116 West Boardman Street Youngstown, OH 44503

(330) 747-7911 (non-emergency number)

- To make a police report, a victim should contact the local police agency listed above either by phone or in-person. The victim should provide as much information as possible, including name, address, and when and what occurred, to the best of the victim's ability.

### Information about Legal Protection Orders

Protection Orders –

In Ohio, there are different kinds of protection orders available to victims, including Domestic Violence Civil Protection Orders (DVCPO), Civil Stalking Protection Orders (CSPO), and Sexually Oriented Offense Protection Orders (SOOPO). Courts can issue ex parte (temporary) orders and orders for longer lengths of time. Ex parte orders are typically put in place until a hearing before a judge occurs. A victim should be prepared to present documentation and/or other forms of evidence when filing for an order of protection. When a protection order is granted, they are enforceable statewide. If you have obtained an order and need it to be enforced in this area you should contact local law enforcement.

At the Youngstown location:

- A DVCPO should be filed for in a Domestic Relations Court. The address for the Mahoning County Court of Domestic Relations is: 120 Market St # 4, Youngstown, OH 44503, (330) 740-2208. More information is available here: [http://www.mahoningdrcourt.org/court\\_forms.htm](http://www.mahoningdrcourt.org/court_forms.htm)
- A CSPO or SOOPO should be filed for in a Common Pleas Court. The address for the Mahoning County Common Pleas Court is: 120 Market Street, Youngstown, OH 44503, 330-740-2158.

The institution will also enforce any temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court. Any student or employee who has a protection order or no contact order should notify the Title IX Coordinator and/or Deputy Title IX Coordinator and provide a copy of the restraining order so that it may be kept on file with the institution and can be enforced on campus, if necessary. Upon learning of any orders, the institution will take all reasonable and legal action to implement the order.

The College reserves the right to suspend or place on immediate administrative leave any member of the College Community accused of violating this policy, or take any other interim measures deemed appropriate, pending the outcome of an investigation and/or disciplinary proceedings. Such interim measures can include, but are not limited to, placing an employee on paid or unpaid administrative leave, removing a student from current classes, modifying course schedules, and issuing a “no-contact” order, among other remedies.

### **Available Victim Services:**

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to them, both within the College and in the surrounding community. Those services include:

#### *College Resources*

- Mercy Health Police Department: (330) 480-3288
- Deputy Title IX Coordinator: Betsy Cardwell (330) 480-2170
- Mercy College Counseling: Ann Bair, 330-480-2874 ([ann.bair@mercycollege.edu](mailto:ann.bair@mercycollege.edu))
- Student Financial Aid – Sometimes a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence based on the circumstances

of a complaint, he/she should understand there may be financial aid implications in taking such leave. This should be discussed with financial aid personnel, and the Title IX Coordinator for your campus can assist in facilitating this conversation if desired. The College's financial aid website can be found at: <https://www.mercycollege.edu/tuition-aid/financial-aid>

#### *State/Local Resources*

- Youngstown Police Department: 116 West Boardman Street Youngstown, OH 44503 330-747-7911 (for emergency dial 911)
- Turning Point Counseling Services, 611 Belmont Ave. Youngstown, OH 44502
- Rape Crisis and Counseling Services, 535 Marmion Avenue, Youngstown, OH 44502, (330) 782-5664 non-emergencies, 24 Hour Hotline: (330) 782-3936
- Ohio Domestic Violence Network: <http://www.odvn.org/>
- Ohio Legal Aid: <http://www.ohiolegalaid.org/>
- Community Legal Aid (330) 744-3196 (Youngstown), (866) 584-2350 or [www.communitylegalaid.org](http://www.communitylegalaid.org)

#### *National Resources*

- National Domestic Violence Hotline: 1-800-799-7233
- National Sexual Assault Hotline: 1-800-656-4673
- Rape, Abuse and Incest National Network (RAINN): <https://www.rainn.org/>
- US Dept. of Justice Office on Violence Against Women: <https://www.justice.gov/ovw>
- National Coalition Against Domestic Violence: <http://www.ncadv.org/>
- National Sexual Violence Resource Center: <http://www.nsvrc.org/>
- U.S. Department of Education, Office of Civil Rights: (800) 421-3481 or [ocr@ed.gov](mailto:ocr@ed.gov)
- U.S. Citizenship and Immigration Services: <https://www.uscis.gov/>
- Immigration Advocates Network: <https://www.immigrationadvocates.org/>

#### **Accommodations and Protective Measures:**

The College will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations or protective measures. If victims request these accommodations or protective measures and they are reasonably available the College is obligated to provide them, regardless of whether the victim chooses to report the crime to campus security or local law enforcement.

Requests for accommodations or protective measures should be made to the Deputy Title IX Coordinator at 330-480-2170, and the Deputy Title IX Coordinator is responsible for deciding what, if any, accommodations or protective measures will be implemented.

When determining the reasonableness of such a request, the College may consider, among other factors, the following:

- The specific need expressed by the complainant.

- The age of the students involved.
- The severity or pervasiveness of the allegations
- Any continuing effects on the complainant
- Whether the complainant and alleged perpetrator share the same class or job location.
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

The College will maintain as confidential any accommodations or protective measures provided a victim to the extent that maintaining confidentiality would not impair the College's ability to provide them. However, there may be times when certain information must be disclosed to a third party in order to implement the accommodation or protective measure. Such decisions will be made by the College in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or protective measure is provided. In the event it is necessary to disclose information about a victim in order to provide an accommodation or protective order, the College will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why.

### **Procedures for Disciplinary Action:**

Allegations of dating violence, domestic violence, sexual assault or stalking will be processed through the College's Title IX, Violence Against Women and Campus SaVE Policy and the related complaint resolution procedures. The procedures are utilized whenever or wherever a complaint is made, regardless of the status of the complainant and the respondent. The procedures are invoked when a report is made to the Title IX Coordinator (contact information listed above) or Deputy Title IX Coordinator.

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

An investigation into the report of dating violence, domestic violence, sexual assault, or stalking will be conducted by either the Title IX Coordinator, Deputy Title IX Coordinator, or another faculty/staff member trained in conducting Title IX investigations to determine if a violation of policy has occurred. The investigating officer will commence an investigation no later than seven (7) days after the complaint was made. At the outset of the investigation, the investigating officer will also provide the responding party written notification of the investigation and of the allegations constituting a potential policy violation, the specific section of the policy allegedly violated, the precise conduct constituting the potential violation, and the date and location of the alleged incident. The purpose of the investigation is to gather all relevant facts from involved parties and provide this information to the hearing officer. During the course of an investigation, the investigating officer may receive counsel from College administrators or other parties as needed. A prompt, fair, and thorough investigation of the complaint will occur. The investigation will be concluded in a reasonable period of time, and the investigating officer may require the production of information by the parties by a certain date in order to facilitate a timely resolution.

During the course of the investigation, the investigating officer will conduct interviews with the reporting party, the responding party, and witnesses. The investigating officer will also collect any non-testimonial evidence including, physical and electronic and will preserve evidence in a manner that protect the quality of the evidence.



If the investigating officer determines that a violation of the policy has occurred, a hearing panel will be established, consisting of three trained employees (usually the VP of Student Affairs and two other designated faculty/staff), to review the matter. Within three (3) business days of the conclusion of the hearing, the parties will be notified in writing of the outcome of the hearing, including the decision as to whether a policy violation has occurred and sanctions/remedial measures to be imposed, if necessary.

### ***Appeals***

Both parties have an equal opportunity to appeal the determination by filing a written appeal with the President of the College within seven (7) business days of being notified of the outcome of the investigation. The President will resolve the appeal within fifteen (15) business days of receiving it, and may take any and all actions that he/she determines to be in the interest of a fair and just decision. The President's decision is final, and the parties will be notified of it in writing within three (3) business days of it being made.

### ***Informal Resolution***

Informal means of resolution, such as mediation, may be used in lieu of the formal investigation and determination procedure. The following standards apply to any informal resolution method utilized:

- The informal process can only be used with both parties' voluntary cooperation after receiving a full disclosure of the allegations and their options for formal resolution, and with appropriate involvement by the institution (e.g., the Title IX Coordinator).
- The reporting party will not be required to "work out" the problem directly with the responding party.
- Either party may terminate the informal process at any time and elevate the complaint to or continue with the formal investigation procedure.
- With the agreement of the parties involved and the College, a complaint may be informally resolved at any stage of these procedures.

If informal resolution is reached, it will be documented in writing and signed by both parties. An informal resolution cannot be appealed.

### **Rights of the Parties in an Institutional Proceeding:**

During the course of the process described in the previous section, both the accuser and the individual accused of the offense are entitled to:

1. A prompt, fair and impartial process from the initial investigation to the final result.
  - A prompt, fair and impartial process is one that is:
    - Completed within reasonably prompt timeframes designated by the institution's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
    - Conducted in a manner that:
      - Is consistent with the institution's policies and transparent to the accuser and the accused.

- Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
    - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
  - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
- 2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
  - Training topics for these officials include relevant evidence and how it should be used during a proceeding, proper techniques for questioning witnesses, trauma informed interviewing and response, basic procedural rules including review of the College's procedures, and avoiding actual or perceived conflicts of interest and bias. Two staff members have attended Civil Rights Investigator II training and one staff member has completed Civil Rights Investigator III training; both offered by the Association of Title IX Administrators (ATIXA).
- 3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
- 4. Have the outcome determined using the preponderance of the evidence standard.
- 5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, "result" means "any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters" and must include the rationale for reaching the result and any sanctions imposed.

**Possible Sanctions or Protective Measures that the College May Impose for Dating Violence, Domestic Violence, Sexual Assault or Stalking Offenses:**

When there is a finding of dating violence, domestic violence, sexual assault, or stalking, the responding party will be subject to discipline, up to and including dismissal from College employment (employee) or expulsion from the College (student). In cases of sexual assault, the minimum sanction will consist of suspension.

*Employee Sanctions*

At the Youngstown location, the following are possible sanctions that may be imposed upon employees in accordance with Mercy Health policy MHY HRY060:

- Documented Verbal Counseling (DVC)
- Written Warning (WW)
- Final Written Warning (FWW)

- Termination (TRM)
- Other Actions: In addition to or in place of the above sanctions, Mercy College may assign any other sanctions as deemed appropriate.

### *Student Sanctions*

The following are possible sanctions that may be imposed upon students or organizations singly or in combination:

**Verbal Warning:** Students will be counseled privately by faculty, staff, or administration regarding inappropriate behavior or misconduct, and a report will be completed documenting the verbal discussion.

**Written Warning:** Students will receive a written warning and a corrective action plan will be developed, including present and future consequences of inappropriate behaviors or misconduct.

**Temporary Suspension:** Students are suspended from all college classes and activities and not permitted to be on college property or assigned clinical sites for the period of time during which an investigation is being conducted or the discipline is occurring.

**Suspension:** A student can be suspended from all college classes and activities and not permitted to be on college property or assigned clinical sites for a specified period of time.

**Dismissal:** A student dismissed from a program or the college may be permitted to return to the college through the readmission policy to the College.

**Expulsion:** A student expelled from the college is not permitted to return to the college through the readmission process. Disciplinary action may continue for events that occurred prior to a student's expulsion from the college.

**Other Actions:** In addition to or in place of the above sanctions, the Mercy College may assign any other sanctions as deemed appropriate.

The College reserves the right to suspend or place on immediate administrative leave any member of the College Community accused of violating this policy or take any other interim/protective measures deemed appropriate, pending the outcome of an investigation and/or disciplinary proceedings. Such interim/protective measures can include, but are not limited to, placing an employee on paid or unpaid administrative leave, removing a student from current classes, modifying course schedules, and issuing a "no-contact" order, among other remedies.

### **Publicly Available Recordkeeping:**

The College will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of dating violence, domestic violence, sexual assault, and stalking who make reports of such to the College to the extent permitted by law.

### **Victims to Receive Written Notification of Rights:**

When a student or employee reports to the College that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the College will provide the student or employee a written explanation of his or her rights and options as described in the paragraphs above.

## **Sex Offender Registration Program:**

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the College of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting the MHYPD at 330-480-3288. State registry of sex offender information may be accessed at the following link:  
[http://sheriffalerts.com/cap\\_main.php?office=55149](http://sheriffalerts.com/cap_main.php?office=55149)

## **Timely Warnings and Emergency Response**

### *Timely Warnings*

In the event of criminal activity occurring either on campus or off campus that in the judgment of the Mercy Health Youngstown, Chief of Police constitutes a serious or continuing threat to members of the campus community, a campus-wide “timely warning” will be issued. Examples of such situations may include a sexual assault or a series of motor vehicle thefts in the area that merit a warning because they present a continuing threat to the campus community. Warnings will be communicated to students and employees via one or more of the methods discussed later in this section. Updates to the warnings will be provided as appropriate.

Anyone with information warranting a timely warning should immediately report the circumstances to:

- Mercy Health Youngstown Police Department, 330-480-3288

The College has communicated with local law enforcement asking them to notify the College if it receives reports or information warranting a timely warning.

### *Emergency Response*

The Emergency Response Plan for Mercy College of Ohio outlines procedures for specific emergency scenarios. In keeping with the College’s mission to educate and inspire students, timely and accurate responses must be implemented in order to maintain a safe and secure campus community. Various threats and hazards that pose a risk to this community require the careful planning of critical resources both within and outside the College. Such situations include, but are not limited to: tornadoes, bomb threats, chemical spills, disease outbreaks, fires, active shooters, etc. The College has communicated with local police requesting their cooperation in informing the College about situations reported to them that may warrant an emergency response.

Students, staff and visitors are encouraged to notify the Dean/COO, Youngstown Location at 330-480-1880 of any emergency or potentially dangerous situations.

Confirmation of an emergency or dangerous situation will be made by any or all of the following:

1. Mercy Health Youngstown Police Department
2. National Incident Management System (NIMS) campus incident management team (St. Elizabeth Health Center).
3. President or his/her designees

The President, his/her designee and any advisory staff will determine if the situation affects the entire campus or a segment of campus, and whether the entire campus or only a segment should be notified.

This will be based on geography, impact on operations, and safety. The situation will be assessed continually.

The MHYPD/NIMS team, the President (or designee), as well as any advisory staff, will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist the victim or to contain, respond to or otherwise mitigate the emergency.

The MHYPD will direct the issuance of emergency notifications, which will be accomplished using one or more of methods discussed later in this section, depending on the nature of the threat and the segment of the campus community being threatened.

The MHYPD will direct the issuance of emergency notifications, which will be accomplished using one or more of methods discussed later in this section, depending on the nature of the threat and the segment of the campus community being threatened.

To ensure that the College's public information response to an emergency is quick, accurate, sensitive and responsible, the Director of Communication, or designee, will coordinate all emergency communication with on-campus and off-campus constituencies and media outlets, using Mercy College's Emergency Procedures Plan and Emergency Response Team resources.

During an emergency, the President or Director of Communication (or designee) will serve as the College's spokesperson.

Methods for Issuing Timely Warnings and Emergency Notifications

The method(s) listed below may be utilized when the College issues a timely warning or emergency notification to the campus community.

<b>Method</b>	<b>Sign-Up Instructions</b>
RAVE Emergency Alert System (voice, email, text and social media)	All students, faculty, and staff are automatically enrolled upon enrollment or employment
Signage	N/A
PA System	N/A
TV/Radio	N/A

Testing & Documentation

On an annual basis the institution tests its emergency response and evacuation procedures. Each test will be documented with a description of the exercise, the date, start/end time, and whether the test was announced or unannounced. In addition, the NIMS team will meet to train and test and evaluate the College's emergency response plan.

The Dean/COO, Youngstown Location maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the College will distribute

information to its students and employees to remind them of the College’s emergency response and evacuation procedures.

### **Crime Statistics**

The statistical summary of crimes for this College over the past three calendar years follows:

Crime	On Campus			Non-Campus			Public Property		
	2018	2017	2016	2018	2017	2016	2018	2017	2016
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	1	2	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Aggravated Assault	2	17	17	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Arrest - Liquor Law Violation	3	4	3	0	0	0	0	0	2
Arrest - Drug Abuse Violation	47	32	51	0	0	0	0	0	7
Arrest - Weapon Violation	4	2	1	0	0	0	0	0	0
Disciplinary Referral - Liquor Law Violation	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Drug Abuse Violation	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Weapon Violation	0	0	0	0	0	0	0	0	0
Domestic Violence	3	3	2	0	0	0	0	0	0

Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	1	0	0	0	0	0

\*The College does not have on-campus student housing facilities.

**Hate crimes:**

**2018:** No hate crimes reported.

**2017:** No hate crimes reported.

**2016:** No hate crimes reported.

**Crimes unfounded by the College:**

**2018:** 0 unfounded crimes.

**2017:** 0 unfounded crimes.

**2016:** 0 unfounded crimes.

**Statistics for unfounded crimes provided by law enforcement agencies:**

**2018:** 0 unfounded crimes.

**2017:** 0 unfounded crimes.

**2016:** 0 unfounded crimes.

**Data from law enforcement agencies:**

- The data above reflects statistics provided from law enforcement agencies related to crimes that occurred on the College’s Clery Geography.