

Mercy College of Ohio - Toledo



2023 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 - Toledo ("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 Vice President of Student Affairs/Dean of Students and the Director of Compliance & Risk Management 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 Marc Adkins, Vice President of Student Affairs/Dean of Students, 5807, 5th Floor Madison, 2221 Madison Avenue, Toledo, OH 43604. 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 Protective Services is responsible for campus safety at the College.

Mercy Protective Services provides the security, crime prevention, and premise access functions on the College's campus 24 hours a day, seven days a week. Officers monitor and patrol the Toledo campus and the surrounding neighborhoods. The officers have the authority to ask persons for identification and determine whether individuals have lawful business on the institution's property. Mercy Protective Services has both non-commissioned security officers and commissioned law enforcement officers (who are authorized to carry firearms), both of which have the authority to issue parking citations and make arrests when criminal behavior occurs.

While the College does not have any written agreements with local law enforcement agencies, it does maintain a close working relationship with local police.

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.

- Marcus Dawson, Assistant Dean of Student Life at 419-251-2133
- Marc Adkins, Vice President of Student Affairs/Dean of Students at 419-251-1512
- Stacey Brown, Director of Compliance & Risk Management/Title IX Coordinator at 419-251-1710
- Sherri Webster, Coordinator of College Operations at 419-251-1865

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 Mercy Protective Services at (419) 251-4444 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. Once reported, the individual may also be encouraged to report the situation to the appropriate police agency. If requested, a College staff member will assist in making the report to police. Anonymous incident reports may be made through the College's [Concern & Complaint Form](#).

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 Sexual Harassment 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, key-card ID badge, or admittance by Mercy Protective Services. Facilities are patrolled by Mercy Protective Services.

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.*

Keys to the offices, laboratories, and classrooms on campus will be issued to employees only as needed and after receiving the proper authorization. Each department supervisor is responsible for assuring their area is secured and locked.

Employee and student identification cards may be used to verify the identity of persons suspected to be in campus facilities without permission.

Security Considerations in the Maintenance of Facilities

During the year, facility safety concerns can be forwarded to Mercy Protective Services or the Vice-President of Student Affairs/Dean of Students. Security officers regularly check the campus to ensure safety features are in working order. Students are also regularly surveyed for feedback on campus safety features.

Mercy Protective Services works with the Coordinator of College Operations and the Mercy Health Grounds and Facilities departments to identify maintenance issues on campus that may be safety hazards. Safety checks are completed to identify street or safety lights that are not functioning properly, or to determine if shrubs or other landscaping might need trimming. Maintenance personnel regularly check to ensure there is adequate lighting on pathways and that egress lighting is working in hallways and stairwells. Mercy College Executive Staff, along with the Coordinator of College Operations, conducts regular rounds of the facility to help identify maintenance and/or safety issues as well.

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.

New Student Orientation	Police/security information distributed in orientation materials and College Catalog	each semester
Security Escorts	24/7 campus escort service	by request via Mercy Protective Services
ALICE training	Active shooter training	by request via Mercy Protective Services
Counseling	Appointments available for crime victims	by request via the Counseling Request Form
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 Mercy College Counseling & Wellness	Resources on personal safety	ongoing
Campus Safety and Security Website Mercy College Safety & Security	Links to all College policies pertaining to safety and security	ongoing
Annual Professional Development opportunities	Midwest Safety Summit, ODHE workshops, Mercy College Professional Development Days, for example	annual/ongoing

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 distribution or 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 possible criminal prosecution.

Federal Drug Laws (updated 08.01.2023)

Denial of Federal Benefits (21 U.S.C. § 862) A federal drug conviction may result in the loss of federal benefits, including loans, grants, scholarships, contracts, and licenses, although the Department of Education has said it will no longer disqualify students from Title IV aid for a federal or state conviction for possession or sale of a controlled substance.

Forfeiture of Personal Property and Real Estate (21 U.S.C. § 853) Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation. A warrant of seizure may be issued and property seized at the time an individual is arrested on charges that may result in forfeiture.

Federal Drug Trafficking Penalties (21 U.S.C. § 841) Penalties for federal drug trafficking convictions vary according to the type and quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are more severe. Federally-defined schedules of controlled substances are published at 21 U.S.C. 812.

In the case of a controlled substance in schedule I or schedule II, GHB (or, “liquid ecstasy”), or flunitrazepam (or, “rohypnol”), a person shall be sentenced to a term of imprisonment of not more than 20 years. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces the possibility of a life sentence and fines ranging up to \$10 million.

In the case of a controlled substance in schedule III, a person shall be sentenced to a term of imprisonment of not more than 10 years, and if death or serious bodily injury results, shall be sentenced to a term of imprisonment of not more than 15 years or a fine not to exceed \$500,000, or both, for a first offense.

For less than 50 kilograms of marijuana, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

In the case of a schedule IV substance, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

Persons convicted on federal charges of drug trafficking within 1,000 feet of an elementary school, secondary school, college, or university (**21 U.S.C. § 860**) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year, unless the offense involves five grams or less of marijuana.

Federal Drug Possession Penalties (21 U.S.C. § 844) Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison, a mandatory fine of no less than \$1,000, or both. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.

For the most recent and complete Federal Trafficking Penalties information, visit the website of the U.S. Drug Enforcement Administration at www.campusdrugprevention.gov/sites/default/files/2022-07/Federal_Trafficking_Penalties_Chart_6-23-22.pdf.

Drug and Alcohol State Laws

Category	Summary (Ohio Revised Code)
Possession of Marijuana	The use and possession of recreational marijuana is illegal. OHIO REV. CODE ANN. § 2925.11(A). Violators are guilty of a minor misdemeanor if the amount is less than 100 grams, resulting in a \$150 fine. OHIO REV. CODE ANN. § 2925.11(C)(3). Increased amounts lead to increased penalties. <i>Id.</i> Medical marijuana use is permitted under certain conditions. OHIO REV. CODE ANN. §§ 3796.01-3796.30.
Controlled Substances	<p>Ohio has a wide range of laws governing controlled substances and their possession and distribution. OHIO REV. CODE ANN. §§ 2925.01-2925.58. Penalties vary widely based on the amount and type of substance used. Under Ohio law, no person shall knowingly obtain, possess, or use a controlled substance. OHIO REV. CODE ANN. § 2925.11. Possession of certain drugs, like cocaine, LSD, and heroin, results in a charge of aggravated possession of drugs, a fifth-degree felony. <i>Id.</i></p> <p>Selling or offering to sell a controlled substance is illegal. OHIO REV. CODE ANN. § 2925.03. Doing so results in an aggravated felony (unless the substance is marijuana), subject to prison time and fines. OHIO REV. CODE ANN. §§ 2925.11, 2929.12.</p> <p>As an example, if a person is found guilty of possession of 12 grams of opium, they are guilty of a third-degree felony, facing 9–36 months in prison and a possible \$10,000 fine.</p>
Alcohol and Minors	No person under the age of 21 shall purchase beer or intoxicating liquor. OHIO REV. CODE ANN. § 4301.63. Doing so can result in a fine between \$25–\$100. OHIO REV. CODE ANN. § 4301.99. Providing false information concerning one's name, age, or other identification for the purpose of obtaining alcohol is a misdemeanor. OHIO REV. CODE ANN. §§ 4301.634; 4301.99. Selling beer or intoxicating liquor to a minor is also a misdemeanor and can result in a fine between \$500–\$1000 and imprisonment up to 60 days. OHIO REV. CODE ANN. §§ 4301.22; 4301.99.
Driving Under the Influence (DUI)	No person shall operate a vehicle under the influence of alcohol with a blood-alcohol concentration of .08 percent or more. OHIO REV. CODE ANN. § 4511.19. Operating under the influence results in a mandatory prison term of at least 3 days as well as the possibility of an intervention program. OHIO REV. CODE ANN. § 4511.19(G)(1)(a)(i).

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 as 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_sept_2021_bot.09142021.pdf?mtime=20211005194930&focal=none.
- Bon Secours Mercy Health Policy- Drug and Alcohol Free Workplace (BSMH Employees can log in to view): [https://bsmhealth.service-now.com/\\$viewer.do?sysparm_stack=no&sysparm_sys_id=12521bdd1b48e450b7f7755e034bcb5c](https://bsmhealth.service-now.com/$viewer.do?sysparm_stack=no&sysparm_sys_id=12521bdd1b48e450b7f7755e034bcb5c)
- The Vice President of Student Affairs/Dean of Students is responsible for conducting a biennial review of the DAAPP and provides a copy of the report to all faculty, staff, and students via email communication. The most recent biennial review occurred in September 2023. The report is available upon request from the Dean of Students' office by contacting (419) 251-1512.

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:

- Sexual Harassment Policy:
https://assets.mercycollege.edu/uploads/documents/policy_522_sexual_harassment_policy_board_approved_august_2020.procedure_reviewed_november_2021.pdf?mtime=20211105181710&focal=none
- Civil Rights/Nondiscrimination Policy:
https://assets.mercycollege.edu/uploads/documents/policy_109_civil_rightsnondiscrimination_for_bd_approval_6142022.pdf?mtime=20220825182757&focal=none
- Student Code of Conduct, found in the Mercy College Undergraduate Catalog:
<https://mercycollege.smartcatalogiq.com/en/current/undergraduate-catalog/>
- and in the Mercy College Graduate Catalog:
<https://mercycollege.smartcatalogiq.com/en/current/graduate-catalog/>
- Bon Secours Mercy Health Non-Harassment/Non-Discrimination and Corrective Action Policies: These policies are available to employees on BSMH Central.

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

Crime Type (Ohio Revised Code)	Definitions
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)	<p>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.</p> <p>“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.</p>
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, any computer, computer network, computer program, r-computer system, or telecommunication device shall post a message or use any intentionally written or verbal

Crime Type (Ohio Revised Code)	Definitions
	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"> • Rape (Ohio Rev. Code Ann. §2907.02): <ul style="list-style-type: none"> ○ 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: <ul style="list-style-type: none"> ▪ (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. ○ 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. • Fondling: The institution has determined, based on good-faith research, that Ohio law does not define the term fondling. • Incest: The institution has determined, based on good-faith research, that Ohio law does not define the term incest. • Statutory Rape: The institution has determined, based on good-faith research, that Ohio law does not define the term statutory rape.
Other "sexual assault" crimes	Other crimes under Ohio law that may be classified as a “sexual assault” include the following:

Crime Type (Ohio Revised Code)	Definitions
	<ul style="list-style-type: none"> Sexual Battery (Ohio Rev. Code Ann. § 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) The other person is in custody of law or a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the other person; (7) The offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, the other person is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school; (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; (10) The offender is a mental health professional, the other person is a mental health client or patient of the offender, and the offender induces the other person to submit by falsely representing to the other person that the sexual conduct is necessary for mental health treatment purposes; (11) The other person is confined in a detention facility, and the offender is an employee of that detention facility; (12) The other person is a minor, the offender is a cleric, and the other person is a member of, or attends, the church or congregation served by the cleric; or (13) The other person is a minor, the offender is a peace officer, and the offender is more than two years older than the other person. Unlawful Sexual Conduct with Minor (Ohio Rev. Code Ann. § 2907.04): 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.

Crime Type (Ohio Revised Code)	Definitions
	<ul style="list-style-type: none"> • Gross Sexual Imposition (Ohio Rev. Code Ann. § 2907.05): <ul style="list-style-type: none"> ◦ 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 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. ◦ 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. • Sexual Imposition (Ohio Rev. Code Ann. § 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;

Crime Type (Ohio Revised Code)	Definitions
	(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.
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 Sexual Harassment 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

Be an Active Bystander!

- An active bystander steps in when they sense trouble or see behavior that is wrong. You can be an active bystander by following these guidelines:
- Pay Attention. Be aware of situations that could lead to sexual violence.
- Responsibility. You are a member of the Mercy community—a community of individuals that care for one another.
- Integrity. Make a commitment to have zero tolerance for sexual misconduct and gender discrimination. Be a leader by verbalizing your commitment.
- Confidence. Trust your intuition when you think someone is being harassed or abused. Ask for assistance if necessary.
- Safety. Always put your own safety first. Get away from a situation and get help if an immediate threat is present.
- Resource. You can be a resource for friends and peers who have experienced sexual violence. Visit the [Title IX Resources](#) page for a list of local places for you or a friend to receive assistance.

Bystander intervention is a sexual assault prevention strategy that encourages witnesses to take safe action when they see a situation that might lead to sexual assault, and to support survivors after an incident.

Being an active bystander does not require that you risk your own safety or the well-being of others. The goal is to aid in the prevention of violence without causing further threat, harm, or damage. There is a range of responses you can use that are appropriate, depending on the situation.

However, if you or someone else is in immediate danger, calling 911 is the best action a bystander can take.

Change the Culture

- Don't participate in sexist conversation. Don't laugh at jokes about sexual violence.
- Change the subject when you hear sexist or rape-supportive comments.
- Address it. Tell your friends that sexist or rape-supportive comments are not OK.
- Watch for signs of predatory behavior. Intervene to prevent a sexual assault from taking place.
- Remember, sexual assault and sexual harassment are not the fault of the survivor, it is the fault of the offender.

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 seven academic years (16-17, 17-18, 18-19, 19-20, 20-21, 21-22, 22-23), and continues to participate in the 23-24 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 meets 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 participating in the national It's On Us awareness and prevention campaign and providing robust programming through Sexual Assault Awareness Month
- Developing a comprehensive, survivor-centered campus response

New students receive education on sexual violence prevention through online training and presentations during orientation. 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 or virtual presentations by sexual assault organizations, emails blasts with pertinent information, newsletter articles and announcements, etc. Mercy College began participating in the It's On Us campaign for 2022-2023, as an ongoing prevention and awareness campaign. 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 Mercy Protective Services at (419) 251-4444. You may also contact the College's Title IX Coordinator at (419) 251-1710.

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. Vincent Hospital 2213 Cherry Street Toledo, OH 43608 (419) 251-3232

Mercy St. Charles Hospital 2600 Navarre Avenue Oregon, OH 43616 (419) 696-7300

University of Toledo Medical Center 3000 Arlington Avenue Toledo, OH 43614 (419) 275-1620

St. Luke's Hospital 5901 Monclova Road Maumee, OH 43537 (419) 893-5920

The Toledo Hospital 2142 North Cove Boulevard Toledo, OH 43606 (419) 874-1494.

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

- Police Chief, Director of Emergency Management MOB 1 Garage Mercy St. Vincent Medical Center 2213 Cherry Street Toledo, OH 43608 (419) 251-4444
- Toledo Police Department 525 North Erie Street Toledo, OH 43604 (419) 245-3256 (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

Mercy College of Ohio does not issue orders of protection.

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 CPD.

- A DVCPO should be filed for in a Domestic Relations Court. The address for the Lucas County Court of Domestic Relations is: 429 Michigan St., Toledo, OH 43604. The phone number is 419-213-6850. More information is available here: <https://www.co.lucas.oh.us/163/Domestic-Relations-Court>. A copy of a Petition for Domestic Violence Civil Protection Order can be found here: https://www.supremecourt.ohio.gov/docs/JCS/domesticViolence/protecti_on_forms/DVForms/10.01D.pdf.
- A CSPO or SOOPO should be filed for in a Common Pleas Court. The address for the Lucas County Common Pleas Court is: 700 Adams St., Toledo, OH 43604. The phone number is 419-213-4777. More information is available here: <https://www.co.lucas.oh.us/307/Common-Pleas-Court>. A copy of a Petition for Civil Stalking Protection Order or Civil Sexually Oriented Offense Protection Order can be found here: https://www.supremecourt.ohio.gov/docs/JCS/domesticViolence/protecti_on_forms/stalkingForms/10.03D.pdf.

The College 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 College and can be enforced on campus, if necessary. Upon learning of any orders, the College 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 Protective Services: 419-251-4444
- Title IX Coordinator: Stacey Brown, 419-251-1710 (stacey.brown@mercycollege.edu)
- Mercy College Counseling: Suzanne Hall, 419-251-1454 (suzanne.hall@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. 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

- Toledo Police Department: 525 North Erie Street, Toledo, OH 43604, (419) 245-3340 (non-emergency number), 911 for emergencies
- Mercy St. Vincent Hospital, 2213 Cherry Street, Toledo, OH 43608, (419) 251-3232
- Mercy St. Charles Hospital, 2600 Navarre Avenue, Oregon, OH 43616, (419) 696-7300
- University of Toledo Medical Center, 3000 Arlington Avenue, Toledo, OH 43614, (419) 275-1620
- St. Luke’s Hospital, 5901 Monclova Road, Maumee, OH 43537, (419) 893-5920
- The Toledo Hospital, 2142 North Cove Boulevard, Toledo, OH 43606 (419) 874-1494
- Rescue Mental Health Services, (419) 255-9585
- Unison Behavioral Health Group, (419) 242-9577
- Sexual Assault/Rape Crisis Center: YWCA H.O.P.E. Center, 1018 Jefferson Avenue, Toledo, OH 43624, (419) 241-3235 non-emergencies; 24-Hour Hotline: (866) 557-7273; <https://www.ywcanwo.org/what-were-doing/sexual-assault-services/>
- Ohio Domestic Violence Network: <http://www.odvn.org/>
- Legal Aid of Western, OH, Inc. (419) 724-0460 (Lucas County), (888) 534-1432 or <https://legallaidline.lawolaw.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
- 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 of this nature should be made to the Title IX Coordinator at 419-251-1710, and the 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:

Formal Process

Pursuant to the Sexual Harassment Policy, which applies to sexual harassment that occurs within the College's Education Programs and Activities in the United States and that is committed by an administrator, faculty member, staff, student, contractor, guest, or other member of the College community, upon receipt of a report, the Title IX Coordinator will conduct a preliminary assessment. If the conduct falls within the scope of the policy and a formal complaint is filed, the Title IX Coordinator will contact the parties within five (5) days and an investigation will begin. At the end of the investigation, the parties will be provided the evidence and given ten (10) days to respond. The investigator will then issue a final report. The College strives to complete each investigation within sixty (60) calendar days.

Upon receipt of the investigation report, the Title IX Coordinator will appoint a hearing officer. The hearing officer will allow the parties to submit a written response to the investigation report. A hearing will be convened. After the hearing is complete, the hearing officer will resolve disputed facts using a preponderance of the evidence standard. In the event that the hearing officer determines that the respondent is responsible for violating the policy, prior to issuing a written decision, the hearing office will consult with appropriate College officials regarding discipline. The hearing officer will then issue a written decision, including discipline if appropriate. Although the length of each adjudication by hearing will vary depending on the totality of the circumstances, the College strives to issue the hearing

officer's written determination within fifteen (15) business days of the conclusion of the hearing.

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

At any time after the parties are provided written notice of the Formal Complaint, and before the completion of any appeal, the parties may voluntarily consent, with the Title IX Coordinator's approval, to engage in informal resolution. The specific manner of any informal resolution process will be determined by the parties and the Title IX Coordinator, in consultation together. If the parties reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will reduce the terms of the agreed resolution to writing and present the resolution to the parties for their written signature. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by the College, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either party or to the College. Informal resolution pursuant to this section is not subject to appeal. Informal resolution will not be permitted if the Respondent is a non-student employee accused of committing Sexual Harassment against a student.

Absent extension by the Title IX Coordinator, any informal resolution process must be completed within thirty (30) business days.

Under the College's Civil Rights/Nondiscrimination Policy, the individual(s) accused of discrimination will be promptly contacted and given an opportunity to respond. Faculty and/or staff who are notified of possible student misconduct or who observe a student engaging in inappropriate behavior will discuss the behavior/misconduct with the student privately. A Concern and Complaint form documenting the matter will be forwarded to the Vice President of Student Affairs, or designee, for possible investigation. The accused student(s) will be notified in writing of any charges of discrimination, as well as the Student Code of Conduct process. A student found responsible for participating in discriminatory acts, in accordance with the Student Code of Conduct, will be subject to appropriate disciplinary sanctions.

As employees of Bon Secours Mercy Health, Mercy College of Ohio administration, faculty, and staff are subject to the BSMH Non-Harassment and Non-Discrimination and Corrective Action policies. If an employee believes they have been subject to harassment, discrimination, or retaliation, or witness the same, employees must report the concern to their manager, a senior leader, or Human Resources. Employees may also call the Corporate

Responsibility ethics hotline. When they are notified of an issue, leaders are required to act and consult with Human Resources. When an associate notifies BSMH of any concern, it is promptly and thoroughly investigated. Where instances of harassment or discrimination are substantiated, BSMH will apply the corrective action policy and may involve proper authorities as required.

If the accused individual(s) is a faculty member, the case of alleged discrimination will be handled through the faculty disciplinary process. If the accused individual(s) is a member of staff or administration, the case of alleged discrimination will be handled in concert with Bon Secours Mercy Health Human Resources. Any faculty, staff, or administrator found responsible for participating in discriminatory acts will be subject to appropriate disciplinary sanctions as outlined in the BSMH Corrective Action policy. The sanctions imposed will depend on the severity of the incident. When it is determined that there is insufficient evidence of discrimination to warrant formal charges against the accused, the accuser(s) will be notified in writing of the specific reason(s) for this determination and of his/her right to pursue the matter with external enforcement agencies.

BSMH prohibits any form of retaliation against any associate for filing a bona fide complaint or for participating in a complaint investigation, or as set forth under applicable law.

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 and cross-examination, 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. Staff members have attended, over the past year, Title IX training through Husch Blackwell, as well as the Association of Title IX Administrators (ATIXA), and training for Informal Resolution Facilitators through the Ohio Department of Higher Education. One staff member has attended training in and received certification for 14 hours of training in the Introduction to Forensic Experiential Trauma Interview (FETI) in the past year. College officials have a partnership with the Ohio Alliance to End Sexual Violence (OAESV) and regularly participate in ongoing awareness, prevention, and response training.

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:

If it is determined that the College's Sexual Harassment Policy, Civil Rights/Nondiscrimination Policy, or Student Code of Conduct, or the Bon Secours Mercy Health Non-Harassment/Non-Discrimination policy were violated, the Respondent 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

Employees will be sanctioned for violations of the College's Sexual Harassment, Civil Rights/Nondiscrimination or the Bon Secours Mercy Health Non-Harassment/Non-Discrimination policy according to the Bon Secours Mercy Health Corrective Action policy. The following possible sanctions may be imposed upon employees:

- Written warning
- Final written warning
- Termination
- Performance Improvement Plan (PIP)

- **Administrative Leave:** Employees may be placed on an Administrative Leave if needed to complete a fair and thorough investigation of an issue. Employees are not permitted to be scheduled for work nor be on the Ministry's premises unless receiving care. Employees may be paid for time while on leave depending upon the outcome of the investigation.

Formal corrective action will be considered as active for twelve (12) months after an employee receives the action. There may be circumstances where the manager may consider a pattern of corrective action outside the twelve (12) month period as part of the totality of performance and corrective action record. All corrective action will remain part of the permanent associate file.

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.

Protective measures are non-disciplinary, non-punitive individualized services offered, as appropriate, and reasonably available, and without fee or charge, that are designed to restore or preserve equal access to the College's Education Programs and Activities without unreasonably burdening another party, including measures designed to protect the safety of all parties implicated by a report or the College's education environment, or to deter Sexual Harassment.

Examples of Supportive measures include: counseling, extensions of academic or other deadlines, course-related adjustments, modifications to work or class schedules, campus escort services, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. Supportive Measures may also include mutual restrictions on contact between the parties implicated by a report.

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 Mercy Protective Services at (419) 251-4444. State registry of sex offender information may be accessed at the following link: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 Public Safety Director of Emergency Management 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 Protective Services, 419-251-4444

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 Mercy Protective Services at (419) 251-4444 of any emergency or potentially dangerous situation.

The College 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 content of the notification will be developed with input from campus security/police/National Incident Management System (NIMS) team, the President (or designee), as well as any advisory staff. Notification will be made through applicable and multiple means, if necessary, including email, text message, TV/radio message, phone message, alarms, PA announcements, and signage.

The President, his/her designee(s), 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 Vice President of Student Affairs/Dean of Students 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.

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

1. Mercy Health police/security
2. National Incident Management System (NIMS) campus incident management team (Mercy Healthcare Campus, Mercy St. Vincent Medical Center, or St. Elizabeth Health Center).
3. President or his/her designees

The Vice President of Student Affairs/Dean of Students 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.

Final To ensure that the College's public information response to an emergency is quick, accurate, sensitive and responsible, the Director of Communications, 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 Communications (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.

Method	Sign-Up Instructions
RAVE Emergency Alert System (voice, email, text and social media)	Students, faculty, and staff are automatically enrolled upon enrollment or employment at the College.
TV/Radio	N/A
PA System	N/A
Signage	N/A

Testing & Documentation

On at least an annual basis, the College will test its emergency response and evacuation procedures. These tests may be announced or unannounced. In addition, the Campus Violence Prevention committee will meet to train and test and evaluate the College's emergency response plan.

The Vice President of Student Affairs/Dean of Students 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 to its students and employees information 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:

[illegible]

Crime	On Campus			Non Campus			Public Property		
	2022	2021	2020	2022	2021	2020	2022	2021	2020
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	1	0	1
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	0	0	0	0	0	0	0	0	0
Arrest - Drug Abuse Violation	0	0	0	0	0	0	0	0	0
Arrest - Weapon Violation	0	0	0	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	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

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

Hate crimes:

2022: No hate crimes reported.

2021: No hate crimes reported.

2020: No hate crimes reported.

Crimes unfounded by the College:

2022: 0 unfounded crimes.

2021: 0 unfounded crimes.

2020: 0 unfounded crimes.

Statistics for unfounded crimes provided by law enforcement agencies:

2022: 0 unfounded crimes.

2021: 0 unfounded crimes.

2020: 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.
- The University was provided with some crime data from law enforcement agencies for which it cannot be determined whether any of the statistics apply to or include the College's Clery Geography.