

---

Effective Date: October 2017

This Policy supersedes all prior policies and guidance relating to the Violence Against Women Reauthorization Act of 2013, as amended, and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998.

## **PURPOSE**

Vatterott Educational Centers, Inc. ("Vatterott") believes that providing all students with an educational environment free from violent crime, including dating violence, domestic violence, sexual assault, and stalking is vital to academic success. Employees and students of Vatterott are strictly prohibited from engaging in acts of dating violence, domestic violence, sexual assault, and stalking as those terms are defined for purposes of the Clery Act.

## **COVERED PERSONS**

All students and employees of Vatterott Educational Centers, Inc. are obligated to comply with Vatterott's Clery Policy

## **ISSUING DEPARTMENT**

Regulatory

## **POLICY**

### **I. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 and the Violence Against Women Reauthorization Act of 2013**

Extended by the Higher Education Opportunity Act of 2008 and the Violence Against Women Reauthorization Act of 2013 ("VAWA"), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, hereinafter collectively referenced as the Clery Act, mandates institutions of higher education to comply with certain campus safety and security related requirements as a condition of participating in title IV, HEA programs. Notably, institutions are now required to compile statistics for incidents of dating violence, domestic violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in their campus annual security reports.

### **II. Compliance Statement**

Vatterott shall comply with all requirements of the Clery Act. This Policy sets forth guidelines and procedures intended to ensure Vatterott's ongoing compliance with the Clery Act's crime reporting and disclosure obligation and its obligation to make available campus security and safety policy statements to the campus community and the public, as prescribed by law.

### **III. Compliance Requirements**

---

Pursuant to federal law, Vatterott must ensure ongoing compliance with the following requirements:

- Conduct Primary Prevention Awareness Campaigns (“PPACs”) and Ongoing Prevention Awareness Programs (“OPACs”) designed to inform members of the Vatterott community and promote awareness.
- Compile and disclose statistics of reports of crimes specified in the Clery Act (“Clery Crimes”) occurring within Vatterott’s Clery geography, as the term is defined pursuant to the Clery Act, and reported to campus officials, campus security authorities, or local law enforcement agencies.
- Issue timely warnings of Clery Crimes that pose an ongoing threat to the Vatterott community.
- Submit an annual report to the Department of Education detailing Clery Crime statistics occurring within the prior three (3) calendar years along with policy statements addressing campus security and safety.<sup>1</sup>

#### **IV. Making a Complaint**

If you believe that you have been a victim of dating violence, domestic violence, sexual assault, or stalking, you have a variety of options and are strongly encouraged to immediately locate a place of safety, seek emergency assistance, as needed, and report such incidents to your Campus Security Authority (“CSA”). This individual also serves as the Campus Director. Such occurrences may also be reported to Ms. Megan Wilson who serves as the Title IX Coordinator. Ms. Wilson may be reached via telephone at 314-264-1500, via e-mail at [titleixcoordinator@vatterott.edu](mailto:titleixcoordinator@vatterott.edu), or via mail at 8580 Evans Avenue, St. Louis, MO 63134.

Vatterott is committed to extending all available resources and support to victims of violent crimes. To that end, you may consult with the Title IX Coordinator at any time to request assistance handling matters related to Clery violations, including filing a complaint and the selection of a remedial approach.

#### **V. Victim’s Rights and Options**

Vatterott is obligated to comply with all reasonable requests for employment and/or academic situation changes following an alleged offense involving sexual violence. Regardless of whether an individual elects to pursue criminal charges, authorized Vatterott

---

<sup>1</sup> This document is known as the Annual Security Report.

officials will offer support and assistance to victims of dating violence, domestic violence, sexual assault, and/or stalking. If an employee or student is a victim of dating violence, domestic violence, sexual assault, and/or stalking, his/her first priority should be to locate a place of safety and subsequently seek medical attention as soon as possible. It is imperative that efforts be made to preserve evidence that may assist in proving that the alleged offense occurred or that may be helpful in obtaining an order of protection. In doing so, be mindful that time is of the essence when collecting and preserving evidence related to acts of sexual violence.

Subsequent to the occurrence of an act of dating violence, domestic violence, sexual assault, or stalking, Vatterott strongly encourages all victims of such acts to submit a detailed report to the Title IX Coordinator immediately. Upon disclosing that he/she has been a victim of a Clery Crime, a victim shall be provided a copy of this Policy, the Annual Security Report ("ASR"), and written notification detailing:

- His/her options to:

- 1) Notify law enforcement, including on-campus security and local police;
- 2) Be assisted by campus authorities in notifying law enforcement authorities;
- 3) Decline to notify law enforcement authorities.

- His/her rights and options for, and resources available to, change academic and/or work schedule, living arrangements, and/or transportation methods.

- Where applicable, his/her rights regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court, and Vatterott's responsibility to honor the same.

- Receive written notification of the availability of existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, within both the institution and the community.

- The United States Department of Justice Violence Against Women Office website, located at <http://www.ovw.usdoj.gov/>, which provides useful information regarding victims' rights and available assistance.

## VI. Investigations & Determinations

Vatterott will provide for prompt, fair, and impartial disciplinary proceedings in which:

- 
- (1) Officials are appropriately trained and do not have a conflict of interest or bias for or against the accuser or the accused;
  - (2) The accuser and the accused have equal opportunities to have others present including an advisor of their choice;
  - (3) The accuser and the accused receive simultaneous notification, in writing of the results of the proceeding and any available appeals procedures;
  - (4) The proceeding is completed in a reasonably prompt timeframe;
  - (5) The accuser and accused are given timely notice of meetings at which one or the other or both may be present; and
  - (6) The accuser, the accused, and appropriate officials are given timely and equal access to information that will be used during informal and formal disciplinary meetings and hearings.

To ensure prompt, fair, and impartial investigations, all violent crimes, including dating violence, domestic violence, stalking, sexual assault, hate crimes, and retaliation shall be reported to the CSA or Title IX Coordinator immediately in the form of a written report. Where circumstances dictate, oral reports of misconduct may be made, but all such reports must be supplemented by a written report as soon as practical. An investigation may lead to a formal hearing at which evidence will be considered and witnesses heard. The Title IX Coordinator can assist you with filing a complaint if you choose to pursue formal action.

Vatterott will investigate all allegations of Clery violations to the fullest extent possible and take reasonable steps to prevent the recurrence of such. Should it be found that acts have occurred in violation of this Policy, those responsible may be subject to all applicable disciplinary sanctions as set forth in the Campus Catalog or Employee Handbook.

Allegations of Clery violations, including sexual misconduct arising out of sexual violence or nonconsensual sexual intercourse, involving a Vatterott employee, student, or third party shall be reported to either the CSA or the Title IX Coordinator. The Title IX Coordinator shall comply with all written procedures and policies when resolving such complaints.

Vatterott invokes no restrictions on the time at which Clery violations may be reported. Additionally, the standard of proof in all cases shall be a preponderance of the evidence. This means that the accused will be held responsible for his or her conduct if the Title IX Coordinator or the Disciplinary Panel (the "Panel") determines that it is more likely than not (51% or higher) that he or she did in fact engage in prohibited conduct.

---

Vatterott officials trained in areas involving dating violence, domestic violence, sexual assault, and stalking shall conduct all investigations.

#### *Pre-Investigation*

Prior to launching a formal investigation, the Title IX Coordinator will provide all parties with a copy of this Policy, the College's ASR, and a Student Rights and Responsibilities document, which outlines the rights each party may exercise before, during, and after investigative and adjudication proceedings.

Upon receipt of a report of an alleged Clery violation, the Title IX Coordinator will investigate without delay. At times, it may be necessary to implement remedial measures before commencing or completing an investigation to ensure that further unlawful conduct does not occur. These measures may include reassignment or restructuring of the accuser's academic or work schedule. All requests for reasonable accommodations will be considered by Vatterott's Title IX Coordinator on a case-by-case basis.

#### *Investigation*

All investigations will be conducted in a prompt, fair, and impartial manner and in such a way as to maintain confidentiality to the greatest extent possible. Disciplinary investigations shall be completed within sixty (60) calendar days of the Title IX Coordinator's receipt of a formal complaint and may include, but are not limited to, conducting interviews, gathering and review of all pertinent documentation and/or physical evidence, and compiling Investigative Reports ("IR"). IRs may include a timeline of events, statements from those interviewed, physical and electronic evidence, and credibility considerations. All pertinent facts will be carefully reviewed and the accused will be provided a full opportunity to explain his or her conduct before a final decision is reached. When the investigation is complete, the Title IX Coordinator will simultaneously inform the accuser and the accused of the results of the investigation and the process for appealing any determination, as applicable, in writing.

If it is determined that a student has engaged in inappropriate conduct, the College will take appropriate disciplinary action, consistent with this Policy. Such action may range from a written reprimand to expulsion. Should suspension or expulsion result due to a violation of this Policy, the appeal procedures provided herein shall be followed. In the event the behavior in question does not lead to immediate termination of enrollment but instead leads to some form of written warning, the student will have an opportunity to defend his or her actions and rebut related allegations at the time disciplinary action is issued.

If it is determined that an employee has engaged in inappropriate conduct, Vatterott will take appropriate disciplinary action, consistent with this Policy. Such action may range from sensitivity training to immediate termination of employment. In the event the behavior in

---

question does not lead to immediate termination of employment but instead leads to some form of written warning, the employee will have an opportunity to defend his or her actions and rebut related allegations at the time disciplinary action is issued.

If, at the conclusion of the investigation, the Title IX Coordinator determines that no further action is required, a policy-guidance letter may be distributed to clarify the policy in question. Unsupported allegations lacking credible information will not be forwarded for a hearing.

If, at any time during the investigation it is determined that reasonable cause exists to believe that dating violence, domestic violence, stalking, or sexual assault has occurred, the Title IX Coordinator will either issue a preliminary determination, including interim remedial measures, or set the matter for a hearing.<sup>2</sup> All final determinations will be made using a preponderance of the evidence standard.

## **VII. Ongoing Criminal Investigations**

In instances of Clery violations that may also constitute criminal conduct, the accuser is encouraged to file a report with the appropriate law enforcement agency and may request the assistance of a Vatterott representative in doing so. The pendency of a criminal investigation does not relieve Vatterott of its responsibilities under the Clery Act. To the extent that doing so does not interfere with an ongoing criminal investigation, Vatterott will proceed with its own investigation and resolution process.

## **VIII. Hearing Procedures**

### *Pre-Hearing Conference*

Once the investigation has concluded, the Title IX Coordinator will determine whether a hearing should commence before the Panel. If a hearing is ordered, the Title IX Coordinator will simultaneously notify all parties of the Pre-Hearing Conference (the "Conference") in writing.<sup>3</sup> All Conferences are scheduled and held within ten (10) business days of a formal hearing. During the Conference, the accuser, the accused, and members of the Panel will have an opportunity to review the IR, redacted to remove any unnecessary, personal information, and any other evidence that will be used during the hearing or any other formal or informal proceeding. Students may identify mistakes in their statements during this phase but will not be allowed to add additional information to the IR unless the Title IX Coordinator

---

<sup>2</sup> Reasonable cause means "some credible information to support each element of the offense, even if that information is merely a credible witness or complainant statement."

<sup>3</sup> Vatterott does not mandate that Pre-hearing Conferences be held in person. These proceedings are held to allow all parties to a hearing the opportunity to review pertinent information, which may be reviewed in-person, electronically, or via any medium deemed appropriate by Vatterott Officials.

determines that the information was unavailable during the investigation process and is relevant to the proceedings.<sup>4</sup>

### *Hearing*

The Panel, comprised of three (3) Vatterott officials, presides over all Clery hearings. All officials receive annual training germane to the proper manner in which to conduct investigations and hearings involving alleged Clery offenses to ensure the protection and safety of victims while promoting accountability. At least one (1) Panel member will be physically present during the hearing, while others may participate via teleconference. All determinations will be reached using a preponderance of the evidence standard (i.e. more likely than not), and all hearings will be prompt, fair, and impartial.

Hearings are closed to the public. The accuser and the accused have the right to be present during the hearing along with accompanying advisors but do not have the right to be present during the Panel's deliberations.

If necessary, arrangements can be made to prevent the accuser and the accused from being present in the hearing room at the same time.

## **A. Special Considerations for Clery Hearings**

**1. Disciplinary Panel Composition and Training.** All allegations of Clery violations found to require a hearing subsequent to a thorough investigation will be heard before the Panel. The Panel consists of three (3) Vatterott officials, to include the Vice President of Academics and Accreditation, the Chief Operating Officer and the Vice President of Human Resources. All officials are trained annually to conduct hearings regarding alleged Clery offenses in a manner designed to protect the safety of victims and promote accountability.

**2. Advisors.** The accuser and the accused may have an advisor present during all disciplinary proceedings. However, it is important to note that advisors may not advocate on behalf of either party and may only serve in a support role. All advisors will be required to sign a standard form attesting that they have been informed and acknowledge that they may not advocate on behalf of either party and that all information disclosed during the hearing must be kept strictly confidential.

**3. Standard.** All determinations made by the Panel will be so done using a preponderance of the evidence standard. *This means that the accused will be held responsible for his or her conduct if the Panel finds that it is more likely than not (51% or higher) that he or she did in fact engage in prohibited conduct.* While such conduct may

---

<sup>4</sup> Evidence is relevant when it is more probative than prejudicial and tends to prove a material element of the alleged offense.

be criminal in nature, it need not be in order for Vatterott to impose sanctions, restrictions, and/or conditions.

**4. Hearing Participation.** Both parties will have the opportunity to be present during all disciplinary proceedings, including hearings. Vatterott will make every effort to honor all requests to minimize contact between the accuser and the accused. Additionally, both parties should be aware that members of the Panel may pose questions to the accuser, the accused, and/or witnesses presented by either party.

Upon commencement of proceedings, the accuser will be given an opportunity to make opening remarks before the Panel. Such remarks will be limited to ten (10) minutes. Subsequently, the accuser will be allowed to present any relevant evidence and/or witnesses with personal knowledge of the circumstances resulting in the convening of the hearing.<sup>5</sup>All witnesses will be called as needed and will not be permitted to be present until and unless needed. Cross-examination of witnesses by opposing parties will not be permitted.

Upon conclusion of the accuser's presentation, the accused will be permitted to make opening remarks before the Panel. Such remarks will be limited to ten (10) minutes. The accused will also have the opportunity to present relevant evidence and/or witnesses with personal knowledge of the circumstances resulting in the convening of the hearing.

Should new evidence be disclosed during the trial and without prior consultation with the Title IX Coordinator, the hearing may be delayed to allow the Panel the opportunity to review and consider whether to allow the newly disclosed evidence.

After all evidence has been presented, the accuser will be permitted to give closing remarks followed by the accused. Both parties will be allotted ten (10) minutes to present closing remarks.

#### *Determinations & Notifications*

Post-hearing, the Panel will convene, deliberate, and reach a determination. Within seven (7) business days of concluding an investigation or hearing, all parties to the cause will be simultaneously notified, in writing of the Panel's determination and the right to file an appeal within seven (7) business days of the Date of Determination. Determinations may include possible clarification of Vatterott policies, clarification regarding the alleged conduct, sanctions, restrictions, and/or conditions. The Panel's determination will become final within seven (7) business days of the Date of Determination unless an appropriate appeal is filed.

## **IX. Confidentiality**

Because issues arising under the Clery Act are often sensitive in nature, Vatterott maintains the highest level of confidence regarding all reports of Clery violations. While Vatterott strictly prohibits the disclosure of private information obtained through investigations, it should be

---

<sup>5</sup> It is within the discretion of the Panel to limit the presentation of redundant and/or irrelevant evidence, including testimony



noted that circumstances might arise when law and/or policy requires the disclosure of sensitive information.

Vatterott will inform all parties of their rights and obtain consent prior to initiating a formal investigation. Should a request be made for anonymity/confidentiality or that no investigation be conducted, Vatterott will take all reasonable steps to investigate and respond to the complaint consistent with the request for anonymity/confidentiality and/or request that an investigation not be pursued.

Upon insisting that your name or other identifying information be kept in confidence, Vatterott has the duty to inform you that by doing so, the ability of authorized officials to respond properly to the alleged misconduct may be limited.

If anonymity is further insisted upon, Vatterott officials will evaluate the request in context with its responsibility to provide a safe environment for all students. Specifically, Vatterott will weigh the request for confidentiality against the following factors: the seriousness of the alleged misconduct; the accuser's age; whether there have been previous reports of dating violence, domestic violence, sexual assault, or stalking relating to the same offender; and the accused's rights to receive information about the allegations if the information is maintained by Vatterott as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g; 34 C.F.R. Part 99. Vatterott will inform you if confidentiality cannot be ensured.

Please be aware that even if Vatterott cannot take disciplinary action against the alleged perpetrator due to an insistence of confidentiality, Vatterott may pursue alternative measures in efforts to limit the effects of the alleged misconduct and prevent its recurrence. Although the accuser is under no obligation to reveal the identity of the accused, the accuser is encouraged to do so in the interest of protecting all members of the community and preventing further incidents of violence.

Further, Vatterott will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality will not impair the ability of the institution to implement the accommodations or protective measures.

However, please note that in some cases, Vatterott may need to disclose some information about a victim to a third party to provide necessary accommodations or protective measures. In such instances, the Title IX Coordinator will maintain responsibility for determining what information will be disclosed and to whom the information will be disclosed. Information will only be disclosed if the Title IX Coordinator determines that the failure to disclose will hinder Vatterott's ability to assist the victim or if failure to disclose places the victim or the Vatterott community in greater danger.

As used herein, the terms privacy and confidentiality mean:

**Privacy:** Privacy generally means that information related to a report made under this Policy will only be shared with a limited number of individuals who are required to be informed of pertinent facts in order to ensure the report is investigated and resolved as effectively as possible. While not bound by confidentiality, these individuals are trained to protect the privacy of the accuser and the accused.

**Confidentiality:** Confidentiality generally means that information shared with certain campus or community officials cannot be revealed to any other party without express permission of the accuser.

#### X. Retaliation Strictly Prohibited

An institution, officer, employee, or agent of an institution may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising his or her rights or responsibilities pursuant to this Policy or applicable federal regulations.

Retaliation against accusers, victims, reporting parties, or others cooperating with an investigation is strictly prohibited. Violation of this Policy may result in Vatterott taking immediate disciplinary action, up to and including suspension and/or expulsion for students or termination for employees.

Retaliation includes, but is not limited to threats, harassment, or intimidation taken against the accuser, the reporting party, victim, or any third party as a result of cooperating with an investigation.

#### XI. Possible Sanctions

Possible sanctions for anyone in violation this Policy include but are not limited to the following:

- Issuance of an oral or written reprimand to be placed in the personnel file
- Mandatory attendance at a sexual misconduct program
- An apology to the victim
- Issuance of an oral or written warning
- Transfer or change of job, class, or externship location
- Demotion in employment or leadership position

- 
- Suspension, probation, termination, dismissal, or expulsion
  - Any other sanction, restriction, or condition deemed appropriate by Vatterott

While counseling is not considered a sanction, it may be offered or required as a condition in combination with an imposed sanction. Where alcohol and/or drugs are related to acts of sexual misconduct or bias, such counseling may include required participation in a substance abuse program.

If students or student groups are found guilty of engaging in dating violence, domestic violence, sexual assault, or stalking, any of the sanctions, restrictions, and conditions set forth herein may be invoked.

## **XII. Appeals.**

Either party may appeal the Panel's decision. All appeals must be submitted in writing to Vatterott's President c/o the Title IX Coordinator (via email at [titleixcoordinator@vatterott.edu](mailto:titleixcoordinator@vatterott.edu) or via mail at 8580 Evans Avenue, St. Louis, MO 63134) within seven (7) business days of the Panel's determination and clearly set forth grounds for the appeal. Appropriate grounds for appeal include procedural error, previously unavailable relevant evidence that could significantly affect the outcome of the hearing, or a claim that the sanction imposed was substantially disproportionate to the finding. Disagreement with the Panel's decision does not constitute grounds for appeal. Vatterott's President will process the appeal and both parties will be informed simultaneously, in writing of any changes arising from said appeal as well as the final determination.<sup>6</sup> Results become final after seven (7) business days of the Date of Determination.

All appeals will be reviewed and decided by Vatterott's President within ten (10) business days of receipt.<sup>7</sup>

## **XIII. Obligations of Vigilance and Reporting**

Vatterott can only respond to specific instances and allegations of dating violence, domestic violence, sexual assault, and/or stalking if officials are made aware of such occurrences. Therefore, Vatterott encourages anyone who believes that he or she has been victimized to come forward promptly with inquiries, reports, or complaints and to seek assistance from Vatterott officials. Furthermore, any Vatterott employee who becomes aware of instances or allegations of Clery violations by or against a person under his or her

---

<sup>6</sup> Final determinations may not be appealed.

<sup>7</sup> For complaints originating from Vatterott College – Quincy or Vatterott College- Fairview Heights appeals will be reviewed and decided within seven (7) business days of receipt.

---

supervisory authority must submit a report to those charged with responding to such allegations and reports. These individuals include the CSA and Title IX Coordinator.

Whether confirmed or suspected, any Campus Director, Director of Education, Program Director, or other comparable administrator who becomes aware of information indicating a significant likelihood of a Clery violation must report such information to the Title IX Coordinator. Unconfirmed or disputed allegations should be clearly labeled as such and reports should indicate any steps taken in response to the alleged misconduct. Administrators should always consult with the Title IX Coordinator and refrain from conducting independent investigations where sexual violence is alleged.

#### **XIV. File Retention**

Documentation of all investigations, hearings, and determinations is housed by the Regulatory Department on a secure shared drive that may only be accessed by authorized personnel, which may include the Title IX Coordinator, Human Resources personnel, and members of the Office of the General Counsel.

Vatterott will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victims as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(q)(20)).

#### **XV. Responsibilities**

The Title IX Coordinator maintains responsibility for coordinating Vatterott's response to reports of violations of this Policy. Duties performed by the Title IX Coordinator may include, but are not limited to: overseeing all reports of dating violence, domestic violence, sexual assault, and stalking; performing investigations; gathering documentation; disseminating information to relevant parties; presiding over hearings; issuing final determinations, and providing assistance to victims of dating violence, domestic violence, sexual assault, or stalking. To assist the Title IX Coordinator in promoting the prevention of violent crimes on campus, Vatterott has appointed each campus' Campus Director to serve simultaneously as the CSA.

CSAs are authorized to receive reports of dating violence, domestic violence, sexual assault, and stalking, which must be reported to the Title IX Coordinator as soon as possible.

CSAs are required to record and report information specific to Clery Crimes. This information is then submitted to the Department of Regulatory Affairs pursuant to Vatterott's policy and incorporated into the ASR. CSAs are required to notify the Title IX Coordinator of all reports of Clery violations without delay. CSAs are not responsible for determining whether a crime

---

occurred and shall submit a report even when there is uncertainty concerning whether an incident should be categorized as a Clery violation.

CSAs receive training regarding their responsibilities and pertinent regulations at least once per year.

## **XVI. Definitions**

*Accuser:* One who alleges that an offense has been committed against him or her.

*Accused:* A person or group of people who are alleged to have committed an offense.

*Business Day:* Monday through Friday, excluding any day when the institution is closed.

*Campus Security Authority ("CSA"):*

- (i) A campus police department or a campus security department of an institution, if applicable.
- (ii) Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department, such as an individual who is responsible for monitoring entrance into institutional property.
- (iii) Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- (iv) An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor, the official is not considered a campus security authority when acting as a pastor or professional.

*Clery Geography:*

- Buildings and property that are part of the institution's campus;
- The institution's noncampus buildings and property; and
- Public property within or immediately adjacent to and accessible from the campus.

---

Clery geography also includes areas within patrol jurisdiction of the campus police or the campus security department, if applicable.

*Consent:* An informed, voluntary, mutual, and freely given agreement to engage in sexual activity. The person giving consent must do so absent coercion, threats or blackmail. Both parties must understand that consent is being given and to what consent is being given.

- A person's lack of verbal or physical resistance or submission resulting from the use or threat of force does NOT constitute consent;
- A person's manner of dress does NOT constitute consent;
- A person's consent to past sexual activity does NOT constitute consent to future sexual activity;
- A person's consent to engage in sexual activity with one person does NOT constitute consent to engage in sexual activity with another;
- A person CANNOT consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following:
  - o The person is incapacitated due to the use or influence of alcohol and drugs;
  - o The person is asleep or unconscious;
  - o The person is under age; or
  - o The person is incapacitated due to a mental disability.

A person may withdraw consent at any time.

*Crime Statistics:* Crimes that must be reported and disclosed. Such crimes include:

- Criminal Homicide
  - o Murder and nonnegligent manslaughter
  - o Negligent Manslaughter
- Sex Offenses
  - o Rape
  - o Fondling
  - o Incest
  - o Statutory Rape
- Robbery

- 
- Aggravated Assault
  - Burglary
  - Motor Vehicle Theft
  - Arson
  - Hate Crimes
    - o The above listed
    - o Larceny
    - o Simple Assault
    - o Intimidation
    - o Destruction/Damage/Vandalism of Property
  - Dating Violence
  - Domestic Violence
  - Stalking
  - Arrests and Referrals for Disciplinary Actions
    - o Liquor Law Violations
    - o Drug Law Violations
    - o Illegals Weapons Possession

*Date of Determination:* The date on which the Panel reaches its final decision and simultaneously provides written notification to the accuser and accused. This date will be included in all Determination Letters issued and should be used to determine the timeliness of appeals, where applicable.

*Dating Violence:* Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the accuser's statement and with consideration of the following factors:

- Length of the relationship;
- Type of relationship;
- Frequency of interaction between the persons involved in the relationship.<sup>8</sup>

---

<sup>8</sup> Dating violence does not include acts covered under the definition of domestic violence.

---

*Dating Violence may involve one or more of the following elements:*

- Sexual or physical abuse or the threat of such abuse;
- Battering that causes bodily injury;
- Purposely or knowingly causing reasonable apprehension of bodily injury;
- Emotional abuse creating apprehension of bodily injury or property damage;
- Repeated telephonic, electronic, or other forms of communication – anonymously or directly --- made with the intent to intimidate, terrify, harass, or threaten.

*Determination/Result:* Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. All determinations shall also include the rationale for the results and sanctions.

*Domestic Violence:* A felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies; or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

*Hate Crime:* A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

For purposes of this definition, the categories of bias include the victim's actual or perceived:

- Race
- Religion
- Gender
- Gender identity
- Sexual orientation
- Ethnicity
- National origin
- Disability



*Proceeding:* All activities related to a non-criminal resolution of an institutional disciplinary complaint including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceedings do not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

*Reporting Party:* Any individual who submits a report alleging a violation of this Policy. This individual may, but need not, be the accuser.

*Sexual Assault:* An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. This includes, but is not limited to rape, fondling, incest, and statutory rape.

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

Course of conduct means that two or more acts have been taken directly, indirectly, or through a third party, by any action, method or device, that follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property.

**Should you have any questions regarding this Policy, please do not hesitate to contact the Title IX Coordinator via e-mail at [titleixcoordinator@vatterott.edu](mailto:titleixcoordinator@vatterott.edu).**