

Vatterott College – Cleveland

2017 Annual Safety and  
Security Report

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## I. INTRODUCTION

This Annual Safety and Security Report (the “Report”) is published pursuant to and in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”)* and the *Violence Against Women Reauthorization Act (“VAWA”)*.

Ensuring the safety and security of the campus community is a critical priority for Vatterott College – Cleveland (the “College”). In recognition of this fact and in keeping with applicable federal requirements, the College, located at 5025 East Royalton Road, Broadview Heights, OH 44147, publishes this Report each year. This Report discloses information concerning the College’s safety and security policies, procedures, and statistics regarding specified crimes reported to the College and local law enforcement agencies during the previous three (3) years. This Report is intended to inform current students, prospective students, employees, and prospective employees of the College’s safety and security policies. Further, this Report is intended to provide such parties with key information regarding the security of the College and surrounding areas and ultimately, to create a safer, more secure campus environment.

This Report and the College’s Clery Policy are available online at <http://www.vatterott.edu/security/security.asp>. Notice of the Report’s availability is distributed to all prospective students and employees prior to enrollment or employment and to all current students and employees on an annual basis.

## II. PROMPT REPORTING OF AN EMERGENCY OR CRIME

Employees, students, visitors, and other community members are encouraged and expected to report promptly and accurately all crimes and public-safety related incidents to the College’s Campus Security Authority (“CSA”) and/or the appropriate local law enforcement agency.<sup>1</sup>

**Contact any of the following authorities 24 hours a day:**

Dial 911	Report immediate, ongoing emergencies
Dial 440.526.5400	Report non-emergency criminal violations
In Person	Contact your Campus Security Authority
Online	Title IX Coordinator: <a href="mailto:titleixcoordinator@vatterott.edu">titleixcoordinator@vatterott.edu</a> Administrator of Student Affairs: <a href="mailto:studentaffairs@vatterott.edu">studentaffairs@vatterott.edu</a>
Dial 1.866.243.8610	Report misconduct & violations of the Student Code of Conduct <sup>2</sup>
Dial 216.252.7463	Crime Stoppers of Cuyahoga County
Online	<a href="http://www.25crime.com/CrimeoftheWeek.aspx?PageNum=4">http://www.25crime.com/CrimeoftheWeek.aspx?PageNum=4</a>

## III. STATEMENT OF PROHIBITION

Vatterott Educational Centers, Inc. prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking as those terms are defined for purposes of the Clery Act.

<sup>1</sup> The CSA also serves as the College’s Campus Director.

<sup>2</sup> Reports may be made anonymously.

## IV. CAMPUS SAFETY AND EMERGENCY PREPAREDNESS

### Emergency Alert Notification System

The College maintains an Emergency Alert Notification System (“EANS”) aimed at providing information to students and staff in a timely manner in the event of an emergency. The primary means of delivering pertinent information is via e-mail. Because the College provides all students and employees with individual e-mail addresses, these e-mail addresses will be incorporated into the EANS database.

EANS alerts provide information regarding the nature of the emergency as well as information about appropriate responses (e.g. take cover, evacuate, etc.). The College conducts annual tests of the EANS to ensure preparedness. Such tests may include notification by email, scheduled drills and/or exercises, and appropriate follow-through activities designed for assessment and evaluation of emergency plans and capabilities. College officials maintain records germane to all on-site tests.

### Timely Warning of Ongoing Emergencies

If a situation arises that poses an immediate threat to the health, safety, and/or well-being of students or employees, a “timely warning” will be issued to the entire campus community in a manner designed to expedite emergency response and prevent similar occurrences.<sup>3</sup> This timely warning will be issued to students and employees via the College’s EANS following confirmation of a significant emergency or dangerous situation involving an immediate threat occurring at the College, including Clery Crimes.<sup>4,5</sup>

Generally, timely warnings are generated by the CSA and issued by the College’s Emergency Management Team (the “EMT”). Pertinent information will be posted in classrooms, the Learning Resource Center, on student bulletin boards, and in common areas. Names and other identifying information of victims are withheld as confidential.

### *Emergency Notification Options*

- ✓ *EANS*
- ✓ *E-mail*
- ✓ *College Website*
- ✓ *Local TV & Radio*
- ✓ *Canvas*
- ✓ *College Social Media Page*
- ✓ *Sirens & Weather radios*

<sup>3</sup> Immediate threat as used here encompasses an imminent or impending threat.

<sup>4</sup> Confirmation means that an official (or officials) of the institution has verified that a legitimate emergency or dangerous situation exists.

<sup>5</sup> Clery crimes are discussed in detail in section XX.

## V. EMERGENCY PLANNING AND MANAGEMENT

### **Emergency Response Planning and Management**

The College has in place measures reasonably calculated to prepare for and respond to emergency situations as they may arise. Examples of such situations include, but are not limited to an approaching tornado or other extreme weather condition or event, nearby chemical or hazardous material spill, threat of violence to persons or facility, natural disaster, disease pandemic, earthquake, gas leak, and civil unrest. Examples of situations that may not necessitate an emergency response include power outages, snow closure, or a string of larcenies.

The College has an Emergency Management Master Plan (the “Master Plan”) formulated to generate appropriate responses to emergency events or occurrences. The purpose of the College’s Master Plan is to establish policies, procedures, and an organizational structure to ready for and respond to on-campus emergencies. Accordingly, the Master Plan outlines administrative steps for response to, stabilization of, and recovery from an emergency event, specific procedures that the College will use to communicate with employees, students, and the public during an emergency, and the responsibilities of the EMT.

### **Emergency Management Team**

The College’s EMT plans and executes emergency preparedness, response, and recovery functions. The EMT is responsible for assessment and implementation of emergency procedures such as initiation of the EANS, evacuations, lockdowns, crowd control, and coordination with responding emergency agencies. This team includes the Campus Director and other members of campus leadership.

The EMT is responsible for confirming the existence of a significant emergency or dangerous situation involving an immediate threat to the health, safety, or well-being of students or employees as well as initiating the EANS. When making this confirmation, the EMT reviews and analyzes relevant information that is reasonably available under the circumstances, and a designated member, without delay and with consideration for community safety, determines the content of the notification and disperses the EANS to students and employees. However, such notification will not be dispersed if, in the judgment of the EMT, doing so will compromise the efforts to assist a victim or otherwise hamper responses employed to mitigate the existing threat(s).

The EMT participates in trainings to ensure all members are prepared to respond appropriately to events leading to initiating an EANS and successfully operate the EANS.

### **Implementation of Emergency Management Plan**

When possible, members of the EMT will immediately communicate with and notify members of the Emergency Alert Notification System Committee (“EANSC”), located at the College’s corporate headquarters, of emergency situations and vice versa. Such notifications are submitted to a predesignated, internal e-mail inbox.

In circumstances where such communication is impractical, the EMT is authorized to initiate unilaterally the EANS for emergency situations that pose an immediate threat to the health, safety, and/or well being of students and/or employees.

Subsequent to notifying emergency authorities and/or activation of the EANS, the EMT is responsible, to the extent reasonably possible, for managing ongoing response efforts to an emergency situation until the immediate dangers and/or threats have been alleviated.

## VI. RESPONSE TO A REPORTED CRIME

### Response Following Emergency Situation

Following the occurrence of an emergency situation and issuance of an alert from the EANS, the College's EMT shall begin coordinating with the EANSC, to the extent possible, to assess the situation. In the event that the EMT is unable to alert external emergency response entities, the appropriate authorities shall be contacted and informed of the situation with all deliberate speed as soon as safety permits. Additionally, if the EMT is unable to submit an alert notification to [vatt-alert@vatterott.edu](mailto:vatt-alert@vatterott.edu), an alert shall be sent as soon as possible to initiate appropriate response, support, and coordination within the Vatterott system.

The initial assessment performed by the EMT is to identify and avoid any ongoing dangers and/or risks to the safety and well-being of students, employees, and visitors. The EMT will work to maintain order and take all reasonable and appropriate steps to restore general campus operations, to the extent possible.

Subsequent informative notifications will be sent to students and employees via e-mail and posted to the online student portal. Such notifications may also be made by other means. The EANS shall only be used in response to an immediate emergency situation and is generally not appropriate for follow-up communications once the immediate emergency situation is terminated.

### General Emergency Evacuation and Notification Procedures

Should an event occur on or off-campus, which, in the judgment of the EMT constitutes a significant emergency or dangerous situation involving an immediate threat to the health or safety of the campus community, a campus-wide notification will be issued by activating the EANS. The primary means of delivery of emergency information is via e-mail. Because the College provides all students and employees with individual e-mail addresses, these e-mail addresses will be incorporated into the EANS database.

The EANS is only for use upon the confirmation of an emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring at the campus. "Immediate" threat as used herein encompasses an imminent or impending threat. "Confirmation" means that an institution official (or officials) has verified that a legitimate emergency or dangerous situation exists.

Examples of significant emergencies or dangerous situations are:

- Extreme weather (*e.g.*, tornado, flood)
- Earthquake
- Terrorist incident
- Armed person(s)
- Bomb Threat
- Explosion

Examples of situations that would *not* necessitate an emergency response or alert include:

- Power outage
- Snow closure
- String of larcenies
- Minor altercation

Prior to activating the EANS or making an emergency announcement, the Campus Director/CSA will determine (1) whether, in his or her judgment, the information suggesting that an emergency has occurred is credible and (2) whether issuing a notification or making an announcement would compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. If the Campus Director/CSA is unable to carry out the duties described above, the Director of Education or another member of the EMT will carry out the same.

In the event of an emergency, the Campus Director/CSA will craft a brief notification containing pertinent information about the nature of the emergency (*e.g.*, approaching tornado, gas leak) and include direction regarding the appropriate response (*e.g.*, take cover, evacuate). In addition to activating the EANS, the Campus Director/CSA may, if warranted, make an emergency announcement over the College's intercom system, provided the facility is equipped with such a system. Should an emergency announcement be made directing a general evacuation, all persons on campus should exit the building immediately by way of the nearest stairwell, marked with a lighted red exit sign, and follow the signs, exiting to the outside and quickly proceeding to the parking lot in front of the building. If the nearest stairwell is blocked, individuals should use another stairwell. Posted evacuation routes for each office or classroom space are located throughout the building, typically near the door. Elevators should *not* be used during an evacuation. It is the responsibility of all able staff to assist any persons with disabilities in descending the stairwells quickly and safely.

Individuals who exit the building first must position themselves far enough away from the street to enable everyone to stand clear of emergency vehicles. The street must be kept clear at all times, so as not to hamper the movement of emergency vehicles into the area.

Once outside the building, the EMT will confirm that appropriate emergency personnel have been contacted, assemble all employees in the parking lot in front of the building, confirm that all employees, students, and visitors are out of the building, and meet with emergency personnel at the front entrance to provide additional information. Staff members trained in CPR and rescue breathing should survey the individuals outside to determine if anyone is in need of first aid and provide such aid as required. Individuals should not re-enter the campus building for any reason until it is declared safe by the appropriate emergency personnel, and the Campus Director/CSA has agreed to permit persons to re-enter.

Should an emergency occur on or off-campus, which, in the judgment of the Campus Director/CSA, constitutes an ongoing or continuing concern, follow-up information will be issued to the campus community, as appropriate. This information will be issued through the College's e-mail system to students, faculty, and staff. Related information will also be posted in classrooms, the campus library, on student bulletin boards, and in student lounges as appropriate. The College will conduct annual tests of the EANS to ensure preparedness in the event of an actual emergency. Such tests may include e-mails, scheduled drills or exercises, and appropriate follow-through activities designed for assessment and evaluation of emergency plans and capabilities. Documentation of the annual test is maintained at the College and includes a description of the exercise, the date and time at which it occurred, and whether it was announced or unannounced.

Through periodic active shooter and emergency response training, fire and evacuation drills, the posting of this Report on the College's website, and the distribution of notices regarding this Report to new and current students and employees, the College publicizes emergency response and evacuation procedures to students and staff on at least an annual basis

## **VII. ALCOHOL AND DRUG USE POLICY**

As a matter of policy, the College prohibits the unlawful manufacture, possession, use, sale, dispensation, or distribution of controlled substances or alcohol by students and employees on its property or at any College activity. Any violation of this policy will result in appropriate disciplinary action, up to and including expulsion in the case of students and termination in the case of employees, even for a first offense. Violations of federal or state law will be referred to the appropriate law enforcement authorities. It is unlawful to sell, furnish, or provide alcohol to a person under the age of 21. The possession of alcohol by anyone less than 21 years of age in a public place or a place open to the public is illegal.

Students or employees may be referred to substance abuse help centers. If a referral is made, continued enrollment or employment may be subject to successful completion of any prescribed counseling or treatment program. Information regarding drug and alcohol abuse prevention can be obtained by visiting the College's Consumer Information page at [http://www.vatterot.edu/consumer\\_information.asp](http://www.vatterot.edu/consumer_information.asp) with additional information provided during the College's Ongoing Prevention Awareness Campaign.

## VIII. ALCOHOL, ILLEGAL DRUGS AND SUBSTANCE ABUSE EDUCATION

Drinking too much can harm your health. Excessive alcohol use led to approximately 88,000 deaths and 2.5 million years of potential life lost (YPLL) each year in the United States from 2006 – 2010, shortening the lives of those who died by an average of 30 years.<sup>7</sup> Further, excessive drinking was responsible for 1 in 10 deaths among working-age adults aged 20-64 years. The economic costs of excessive alcohol consumption in 2010 were estimated at \$249 billion, or \$2.05 per drink.<sup>8</sup>

<i>Drink Responsibly!</i> (1 Standard Drink = .06 ounces of pure alcohol)	
12-ounces of beer (5% alcohol content)	
8-ounces of malt liquor (7% alcohol content)	
5-ounces of wine (12% alcohol content)	
1.5 ounces of 80-proof (40% alcohol content) distilled spirits or liquor (e.g., gin, rum, vodka, whiskey)	

Most drugs of abuse can alter a person's thinking and judgment, leading to health risks, including addiction, drugged driving, and infectious disease.

<i>Short-term Health Risks</i>	<i>Long-Term Health Risks</i>
Injuries (e.g. drownings, burns, motor vehicle accidents)	High blood pressure, heart disease, stroke, liver disease
Violence, including homicide, suicide, sexual assault	Cancer of breasts, mouth, throat, esophagus, liver, and colon
Alcohol poisoning	Learning and memory problems, including dementia
Risky sexual behaviors	Social problems
Miscarriage, stillbirth, or fetal alcohol spectrum disorder	Alcoholism <sup>9</sup>

<i>Commonly Abused Drugs</i>	
Alcohol	MDMA (Ecstasy/Molly)
Ayahuasca	Mescaline (Peyote)
Cocaine	Methamphetamine
DMT	Over-the-counter Cough/Cold Medicine
GHB	PCP
Hallucinogens	Prescriptions Opioids/Sedatives/Stimulants
Heroin	Psilocybin
Inhalants	Rohypnol
Ketamine	Salvia
Khat	Steroids (Anabolic)
Kratom	Synthetic Cannabinoids
LSD	Synthetic Cathinones (“Bath Salts”)
Marijuana (Cannabis)	Tobacco <sup>10</sup>

<sup>6</sup> *Id.*; U.S. Department of Health and Human Services and U.S. Department of Agriculture. *2015 – 2020 Dietary Guidelines for Americans*. 8th Edition, Washington, DC; 2015.

<sup>7</sup> <http://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm>

<sup>8</sup> *Id.*

<sup>9</sup> <http://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm>

<sup>10</sup> [https://www.drugabuse.gov/sites/default/files/commonly\\_abused\\_drugs\\_final\\_04202016.pdf](https://www.drugabuse.gov/sites/default/files/commonly_abused_drugs_final_04202016.pdf)



## **Resources**

Though the College does not currently offer on-campus resources, students and employees may always contact the CSA or Administrator of Student Affairs for information regarding off-campus resources in addition to those listed below.

Vatterott Educational Centers, Inc. recognizes its responsibility to provide a safe, drug-free work environment. Because our business culture is driven by a commitment to excellence, Vatterott strictly prohibits substance abuse in any form. To this end, Vatterott takes all appropriate steps to ensure a drug-free workplace. If you become aware of alcohol or drug-related activity in violation of Vatterott's Substance Abuse Control Policy, or if you require additional information regarding available resources, we encourage you to contact us as soon as possible.

### **STUDENTS**

#### **CAMPUS SECURITY AUTHORITY**

Shannon McManamon  
[Shannon.mcmanamon@vatterott.edu](mailto:Shannon.mcmanamon@vatterott.edu)

#### **OFFICE OF STUDENT AFFAIRS**

[studentaffairs@vatterott.edu](mailto:studentaffairs@vatterott.edu)

### **FACULTY & STAFF**

#### **HUMAN RESOURCES**

Brian Hopfinger

### **COMMUNITY RESOURCES**

#### **ALCOHOLICS ANONYMOUS – BROADVIEW HEIGHTS**

[http://local.soberrecovery.com/Alcoholics\\_Anonymous\\_Meetings\\_Broadview\\_Heights\\_OH-r1299040-Broadview\\_Heights\\_OH.html](http://local.soberrecovery.com/Alcoholics_Anonymous_Meetings_Broadview_Heights_OH-r1299040-Broadview_Heights_OH.html)

#### **OHIO DRUG REHAB AND TREATMENT CENTERS**

877.476.5746

[http://www.drugrehabohio.com/drug\\_treatment\\_city/broadview\\_heights.htm](http://www.drugrehabohio.com/drug_treatment_city/broadview_heights.htm)

#### **SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA)**

1.800.662.HELP (4357)

<http://www.samhsa.gov/find-help/national-helpline>

#### **AL ANON FOR FAMILIES OF ALCOHOLICS**

1.800.344.2666

<http://www.al-anon.alateen.org/>

## **IX. CAMPUS SAFETY AND SECURITY**

### **Security Awareness**

The College recognizes and encourages all to be aware that no environment is entirely free of risk. To that end, each individual must assume personal responsibility for his or her own safety, on and off-campus.

### **Security of and Access to Campus Facilities**

Access to campus facilities is controlled at all times. Enrolled students are required to enter and exit campus facilities through designated doors. The main entrance of the College is only for the use of College personnel, students, and visitors. All visitors should enter through the main entrance and sign the Visitor's Log. The College is located in a stand-alone building. All doors to the building remain locked from 8:00 p.m. until 8:00 a.m. and only designated personnel have

access to the building during those times. Neither visitors nor guests are allowed to access or visit any area of the campus without the permission of a College employee. No visitor or guest may attend any class without knowledge and permission of an authorized school official. The College does not operate or sponsor any on-campus or off-campus student housing or student organizations, including fraternities or sororities.

### **Campus Security**

The College's CSAs are authorized to ask persons for identification and to determine whether individuals have legitimate business at the College. CSAs do not possess the power to arrest. Criminal incidents are referred to the local police who have jurisdiction over the campus. The College does not have any agreements with local law enforcement for the investigation of alleged criminal offenses. However, CSAs maintain a highly professional working relationship with local law enforcement.

In accordance with the reporting procedures set forth herein, all crime victims and witnesses are strongly encouraged to report immediately all crimes to the College's CSAs and the appropriate policing agency. Prompt reporting ensures the timeliness of warning notifications to the campus community as well as timely and accurate disclosure of crime statistics.

## **X. OFF-CAMPUS CRIME**

The Broadview Heights Police Department maintains primary jurisdiction over the College and all non-campus, Vatterott owned or leased property within the city limits of Broadview Heights, Ohio. Broadview Heights police also monitor and respond to criminal activity reported at non-campus locations that fall within the College's Clery geography.<sup>11</sup>

The College may pursue disciplinary action for off-campus misconduct, even if the misconduct is not criminal in nature.

## **XI. CRIME PREVENTION AND AWARENESS PROGRAMS**

Pursuant to and in compliance with the Clery Act and the VAWA Amendments, the College offers primary prevention and awareness training programs, known as Primary Prevention Awareness Campaigns ("PPACs"), to all new employees and incoming students. These programs are designed to promote

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<sup>11</sup> Clery geography includes 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.

awareness of dating violence, domestic violence, sexual assault, and stalking while creating a unified and proactive culture aimed at eliminating or decreasing the occurrence of campus crime.

The College also conducts ongoing training, known as Ongoing Prevention Awareness Campaigns (“OPACs”). These campaigns are conducted throughout the year and cover topics including diversity, sexual assault prevention, domestic violence, and alcohol awareness.

As required by federal law, PPACs and OPACs include:

- Federal and Jurisdictional definitions of:
  - Consent
  - Dating Violence
  - Domestic Violence
  - Sexual Assault
  - Stalking;
- Content related to reportable Clery crimes;
- Sexual assault prevention education;
- Alcohol & Substance abuse education;
- Emergency response and evacuation procedures;
- Safe and positive bystander intervention options that may be carried out by an individual to prevent harm or to intervene when there is a risk that another individual will experience dating violence, domestic violence, sexual assault, or stalking; and
- Risk reduction strategies, including warning signs of abusive behavior.

### **Bystander Intervention**

- ✓ Confront friends who make excuses for other people’s abusive behavior.
- ✓ Call 911 if you hear someone calling for help and/or investigate yourself if your safety is not at risk.
- ✓ If you see a friend grabbing, pushing, or insulting his or her partner, confront him/her directly, or get help.

### **Risk Reduction**

- ✓ Obtain verbal consent before engaging in any type of sexual behavior.
- ✓ Educate yourself about sexual violence and what you can do to help.
- ✓ Share information about sexual assault and violence with friends.

## **XII. SEX OFFENDER REGISTRY**

Pursuant to the *Campus Crime Prevention Act of 2000*, the College is required to disclose to the campus community information pertinent to registered sex offenders. Accordingly, the College provides the following link to the Federal

Bureau of Investigation’s National Sex Offender Public Website, which provides state-specific law enforcement information regarding registered sex offenders:

<http://www.fbi.gov/hg/cid/cac/registry.htm><sup>12</sup>

Please note that information provided via this link should be used exclusively for the purposes of criminal justice, screening of current or prospective employees, volunteers, or otherwise for the protection of the public in general and children in particular. Unlawful use of registry information, such as intimidation or harassment, is prohibited and any willful violation shall be punishable by law. If you require additional information, please contact your local law enforcement agency.

## **XIII. ABUSE AND NEGLECT REPORTING**

Any College employee who in the course of employment receives information related to suspected physical or sexual abuse of a child or who reasonably suspects the physical or sexual abuse of a child must immediately report such information to his or her Campus Director/CSA and to Vatterott’s Human

<sup>12</sup> The Federal Campus Crime Prevention Act of 2000 amended the *Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act*, the Clery Act and the Federal Educational Rights and Privacy Act of 1974.

Resources Department. If there is reason to believe that immediate protection of the child is advisable, an oral report shall also be made to the appropriate law enforcement agency immediately.

#### **XIV. REPORTING OPTIONS FOR SEXUAL MISCONDUCT**

The College is committed to providing an educational and work environment free of discrimination, harassment, and retaliation and does not discriminate on the basis of sex or gender. Accordingly, such behavior is strictly prohibited by students, employees, supervisors, managers, executives, directors, and all other members of the College community. If an employee knows or reasonably should know that an act of sexual misconduct has occurred, he or she is obligated to submit a detailed report to the Title IX Coordinator as soon as possible.<sup>13</sup>

##### **Reporting Sexual Misconduct**

###### *Victim's Option to Report*

Victims and witnesses are strongly encouraged to report all instances of sexual misconduct to the Title IX Officer or Title IX Coordinator without delay.<sup>14</sup>

Although victims are not required to file a formal complaint, all are encouraged to do so in the interest of their ongoing safety as well as that of the College community. Regardless of whether a formal complaint is filed, all victims may request and take advantage of all reasonable accommodations and/or protective measures. **Vatterott will comply with all requests for reasonable accommodations.**

###### *Formal Title IX Complaints*

If you believe that you have been the victim of sexual misconduct, you may file a formal complaint with your Title IX Officer or the Title IX Coordinator at any time. A formal Title IX complaint may be filed regardless of whether a criminal complaint is filed in the overseeing jurisdiction or a filed criminal complaint has been dismissed due to insufficient evidence.

In addition to filing an in-person complaint with your Title IX Officer, complaints may also be

submitted directly to the Title IX Coordinator by using the contact information provide below:

Title IX Coordinator  
Megan Wilson  
[titleixcoordinator@vatterott.edu](mailto:titleixcoordinator@vatterott.edu)  
314.264.1874  
8580 Evans Avenue  
Berkeley MO, 63134.

###### *Criminal Complaints*

Victims of sexual misconduct are not required to file a criminal complaint but may do so by contacting their local law enforcement agency or the agency in whose jurisdiction the offense occurred. All victims may seek the assistance of the Title IX Coordinator or other trusted College official when filing a criminal complaint based on allegations of sexual misconduct.

###### *Anonymous Reports*

Anyone with knowledge of an occurrence of sexual misconduct may file an anonymous or confidential report with the Title IX Officer or Coordinator. Anonymous Reports may also be submitted by completing an online report form found on the College's Title IX webpage.

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<sup>13</sup> Sexual Misconduct includes dating violence, domestic violence, sexual harassment, stalking, and sexual assault.

<sup>14</sup> Title IX Officer also serves as the Campus Director.

### *What if I'm a Victim of Sexual Assault?*

- ✓ Get to a safe place
- ✓ Preserve evidence of assault
- ✓ Seek medical attention immediately
- ✓ Speak to someone you trust
- ✓ Consider reporting the incident

### **Victim's Bill of Rights**

- Right to notify law enforcement
- Right to be informed of all reporting options
- Right to be assisted by campus authorities in notifying law enforcement authorities
- Right to decline to notify authorities
- Right to have any allegations of sexual misconduct promptly investigated and/or adjudicated by trained officials
- Right to be notified of available resources (e.g. medical, legal, counseling)
- Right to be informed of available academic assistance (e.g. changes to academic schedule)

### *Written Notification of Rights and Options*

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 institution will provide the student or employee a written explanation of the student's or employee's rights and options.

Regardless of whether a victim chooses to report the crime to campus security or local law enforcement, upon request, the College will provide him or her with written notification about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations and protective measures. The College will make such accommodations or provide protective measures that are reasonably available.

### *Reasonable Accommodations*

The College will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa, and immigration assistance, student financial aid, and other services available for victims, within the institution and the community.

The College 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 provide the accommodations or protective measures.

## **XV. PRESERVATION OF EVIDENCE**

Following a violent offense, physical evidence can assist in various ways including establishing elements of a crime, identifying or eliminating a suspect, and corroborating or disputing the statements of principals.<sup>15</sup> Because of this, it is imperative to preserve such evidence as soon as possible. This is especially true in instances of sexual assault. Evidence most often encountered in sexual assault cases includes not only biological evidence (e.g. saliva) but also fingerprints, impression evidence (e.g. shoeprints), and trace evidence (e.g. hair/fibers).<sup>16</sup> The best way to preserve evidence following a violent offense is to seek a forensic exam at your local hospital. While forensic exams may be performed up to 120 hours after an assault, it is best to seek medical attention as soon as possible to ensure preservation of as much evidence as possible.

## **XVI. FORENSIC EXAMS**

Forensic exams are typically performed in three parts. The exam begins with an interview conducted by a Sexual Assault Nurse Examiner (“SANE”). The SANE will seek to obtain details of the assault by asking specific questions. You may always choose not to answer any question or questions asked, but the more information disclosed, the more information the SANE will have about the assault; thus, the more assistance he or she will be able to provide.<sup>17</sup>

The second part of the exam consists of a physical exam. During this time, swabs are obtained from the pelvic area and a speculum exam is conducted if needed. This may consist of swabbing with a cotton applicator other areas of the body that were indicated in the initial interview. An alternative light source may also be used to search for saliva or semen. Further, a more thorough exam may require nail clipping, hair samples, and photographs, all of which are completely confidential. If available, the SANE will also ask for clothing worn during or immediately following the assault to be sent with the kit as evidence.<sup>18</sup>

The final portion of the exam is a blood and urine collection. If the interview indicates a possible Drug Facilitated Assault, blood and urine samples will be obtained and sent for analysis with the evidence kit.<sup>19</sup>

The following hospitals employ specially-trained professionals for cases involving sexual assault:

**Sexual Assault Care Unit - Nord Center**– 440.204.4225  
6140 S. Broadway Avenue, Lorain, OH 44053

**Hillcrest Hospital** – 440.312.4500  
6780 Mayfield Road, Mayfield Heights, OH 44124

Upon receipt of written request, the College will disclose to victims of a crime of violence or a non-forcible sex offense the report on the result of any disciplinary proceeding conducted by the College against a student or employee 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 this paragraph.

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<sup>15</sup> California Department of Justice Physical Evidence Bulletin <http://www.crime-scene-investigator.net/CAsexualassault.pdf>.

<sup>16</sup> *Id.*

<sup>17</sup> <http://shs.wustl.edu/SexualViolence/What-to-do-if-you-have-been-sexually-assaulted/Pages/What-to-expect-from-a-SANE-forensic-exam.aspx>

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

## **XVII. ORDERS OF PROTECTION**

Although Vatterott does not issue Orders of Protection, this section contains information related to obtaining Orders of Protection in Cuyahoga County. Vatterott is obligated to comply with and enforce the terms of Orders of Protection of which its officials have knowledge. If you have obtained an Order of Protection, you should contact the ASA immediately to ensure full compliance with and enforcement of the Order.

*What is it?*

An Order of Protection restrains a person from abusing, stalking, or harassing another person. Unlike a Restraining Order, Orders of Protection carry criminal penalties for violation.

*Types of Orders of Protection*

### **Domestic Violence**

There are two kinds of protection orders in Ohio. A temporary ex parte protection order can be granted the same day you file your petition in order to give you immediate protection from the abuser. The judge can grant the ex parte order if there is "good cause" to do so. Immediate danger of domestic violence can count as good cause to grant a temporary ex parte order, which includes, but is not limited to:

1. situations in which the respondent has threatened you with bodily harm or a sexually oriented offense;  
or
2. a situation in which the respondent previously has been convicted of or pleaded guilty to a domestic violence crime against you (including a juvenile adjudication for a domestic violence crime).\*

An ex parte order will last until the hearing for your civil protection order, which generally takes places within 7 to 10 days.

A civil protection order (CPO) can be issued after a hearing is held where the abuser has the opportunity to appear in court (even if s/he chooses not to appear). A CPO can last up to 5 years but if the respondent (abuser) is under age 18 when the order is issued against him/her, the order can only last until s/he turns 19 (unless it is renewed/extended). However, if the CPO includes a provision for temporary custody/visitation and/or an order of support, those terms may end earlier than the 5 years if either parent files for divorce, legal separation, or allocation of parental rights and responsibilities and a judge in that court case makes an order for custody/visitation or support.

### **Stalking**

#### **Ex parte temporary PFS order**

When you file a petition for a PFS order, you can ask the judge for an ex parte temporary protection from stalking (PFS) order if you feel you need immediate protection. "Ex parte" means that the judge will make this decision based only on information you provide, without the stalker being in court. If the judge believes you are being stalked, s/he may grant the ex parte temporary PFS order. This temporary order will last until your full court hearing for the final PFS order where the stalker will have an opportunity to testify and present evidence. A hearing is usually scheduled within 21 days of filing a petition.



## **Final PFS order**

After a hearing in which you both have an opportunity to tell your side of the story through your testimony, evidence, and witnesses, a judge can grant you a final protection from stalking (PFS) order. A final PFS order expires on the date set by the judge and can last for a period of up to 1 year, but can be extended under certain circumstances. To extend it, you must apply for the extension before the expiration of your PFS order. If you request it, a judge may extend your order by granting a renewal for 1 additional year. The order can be extended for at least 2 years and at most, for the lifetime of the stalker if you can prove:

1. the stalker violated a valid protection order (either the current order or a prior order); or
2. the stalker has been convicted of a "person felony" or any conspiracy, criminal solicitation or attempt of a "person felony" against you or any member of your household

### *Who Can Obtain an Order of Protection?*

If you were a victim of domestic violence committed by a family or household member, you may qualify for a protection order. "Family or household member" is defined as:

- someone you have a child in common with, even if you never lived together; or
- any of the following people but only if you live with them or have lived with them in the past:
  - your spouse, ex-spouse, or a person "living as a spouse" (common law spouse); (Note: to qualify for an order against a common law spouse, you must have lived together at some point within the 5 years prior to the domestic violence incident described in your petition);
  - your parent, foster parent, or step-parent;
  - your child or step-child;
  - anyone else related to you by blood or marriage;
  - the parent, child, or anyone related by blood or marriage to the "person living as a spouse" of the abuser (for example, the mother of the abuser's common-law wife may be able to file against the abuser).

If someone other than a family or household member is hurting you, you may be eligible for a stalking or sexually oriented offense protection order.

### *What Acts Form the Basis for Petitioning for an Order?*

**Abuse:** Assault, Battery, Coercion, Harassment, Sexual Assault, Unlawful Punishment

**Stalking:** Unwanted course of conduct that causes alarm

### *Where May a Petition be Filed?*

- ✓ Where the petitioner resides; or
- ✓ Where the alleged incident of abuse occurred; or
- ✓ Where the respondent lives



In Cuyahoga County, petitions for Orders of Protection may be filed in the Circuit Clerk’s Office, which is located at 1200 Ontario Street, Justice Center 1<sup>st</sup> Floor, Cleveland, OH 44113. Hours of operation are Monday – Friday from 8:30 a.m. to 4:30 p.m.

*How Can I Obtain an Order of Protection?*

In order to obtain an Order of Protection, you must first file a petition with the appropriate court alleging a form of abuse or stalking. All relevant forms may be obtained by contacting the Circuit Clerk’s Office of the court maintaining jurisdiction. The Circuit Clerk will have all necessary paperwork. No filing fees are associated with filing a Petition for an Order of Protection.

*What Information Should I Have?*

- ✓ If a child or children are involved, be sure to include their names and birth dates on the Petition.
- ✓ The accused abuser’s name, description, and residential or work address.
- ✓ The events or circumstance that caused you to seek an Order of Protection
- ✓ Social Security number(s)

*What Happens After I File?*

After you have successfully petitioned the court for an Order of Protection, the Judge will either grant or deny the ex parte order. Subsequently, the court will set a date for hearing, and the Respondent will be served with the Petition and hearing notice. A hearing will be held on the Full Order of Protection, and the judge will either grant or deny the Full Order of Protection.

*Where Can I Find Additional Support?*

If you would like additional assistance, you may contact the Headquarters of the Legal Aid Society of Cleveland.

**Headquarters of the Legal Aid Society of Cleveland**

1223 West Sixth Street  
Cleveland, OH 44113  
216.687.1900

<http://www.lasclev.org>

**XVIII. DISCIPLINARY PROCEEDINGS, RESULTS & SANCTIONS**

Upon concluding that there is reasonable cause<sup>20</sup> to believe that an incident of sexual violence, domestic violence, dating violence, or stalking occurred, a hearing may be ordered. In such instances, the complainant, the accused party, and members of the Hearing Panel (hereinafter the “Panel”) described below will be provided an opportunity to review the Investigation Report compiled by the Title IX Coordinator, redacted to remove any unnecessary personal information. The Panel comprised of three (3)

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<sup>20</sup> Reasonable cause is defined as “some credible information to support each element of the offense, even if that information is merely a credible witness or complainant statement.”

Vatterott Officials, to include the Vice President of Academics and Accreditation, the Vice President of Human Resources, and the Chief Operating Officer, will preside over all Title IX hearings. All officials will be trained to conduct hearings regarding alleged Title IX offenses as well as how to conduct investigations and hearings that protect the safety of alleged victims while promoting accountability. At least one (1) panel member will be physically present during the hearing while others may attend 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 complainant and the accused party have the right to be present during the hearing but do not have the right to be present during deliberations.

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

### **XIX. CLERY ACT REPORTING**

Pursuant to federal law, the College publishes this Report annually. The Office of Regulatory Affairs, campus officials, and the College's local law enforcement agency participate in compiling yearly crime statistics. All data is compiled using a calendar-year system (January 1 – December 31), and crimes are categorized using definitions provided by the FBI as used in the Uniform Crime Reporting ("UCR") system. The College publishes crime data for offenses occurring on campus or within its Clery geography that was reported to College personnel or local law enforcement over the previous three (3) years. Further, as required under the Clery Act, the College publishes data regarding individuals referred for campus disciplinary action as a result of engaging in incidents meeting predesignated Clery categories.

The crime statistics tables reflect requirements for compiling this Report as mandated by federal law.

#### *Classifying Crime Statistics*

The statistics provided with this Report are published in accordance with the standards and guidelines established by the Federal Bureau of Investigations. The number of victims involved in a particular incident is indicated for the following crime classifications: murder/non-negligent manslaughter, negligent manslaughter, rape, fondling, incest, statutory rape, domestic violence, dating violence, stalking and aggravated assault. For example, if an aggravated assault occurs and there are three victims, this is recorded as three aggravated assaults in the crime statistics chart. The number of incidents involving a particular offense is indicated for the following crime categories (recorded as one offense per occurrence): robbery, burglary, motor vehicle theft and arson. For example, if three are robbed in the parking lot as they leave school, this is recorded as one instance of robbery. In cases of motor vehicle theft, each vehicle stolen is recorded as one individual occurrence. In cases involving liquor law, drug law, and illegal weapons violations, arrest

statistics reflect each person arrested. If an arrest includes offenses for multiple liquor or drug law violations, the violation is recorded according to the most flagrant offense, and in this case, is recorded solely as a drug law violation. The statistics recorded in the "Referred for Campus Disciplinary Action" section for liquor law, drug law, and illegal weapons violations includes the referral of any employee or student to any campus official who initiates a disciplinary action of which record is kept and which may result in the imposition of a sanction. Statistics for hate crimes are counted in each specific Clery reportable crime category; therefore, these statistics are part of the overall statistics reported for each year. The exceptions to this are the addition of a simple assault motivated by bias and resulting in bodily injury, arson, larceny-theft, intimidation and vandalism. Federal law requires the College to report such offenses as a hate crimes even though the College is not required to report such offenses elsewhere.

## XX. DEFINITIONS OF REPORTABLE CRIMES AND OTHER ASSOCIATED TERMS

### Federal Definitions

**Consent:** There is no federal definition of “Consent” for purposes of the Clery Act. Please refer to the Institutional Definition provided below.

#### *Criminal Homicide*

**Murder and Non-negligent Manslaughter:** The willful (nonnegligent) killing of one human being by another.

**Negligent Manslaughter:** The killing of another person through gross negligence.

#### *Sex Offenses*

**Sex Offenses/Sexual Assault:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

**Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Rape** – Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

#### *Other Reportable Crimes*

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking, and all attempts to commit any of the aforementioned.

**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.

**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 in which the crime of violence occurred; 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 in which the crime of violence occurred.

**Drug Abuse Violations:** The violation of law prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

**Liquor Law Violations:** The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. All cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding, are classified as motor vehicle theft.

**Robbery:** Taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

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

- (i) **Course of Conduct:** Two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- (ii) **Reasonable Person:** A reasonable person under similar circumstances and with similar identities to the victim.
- (iii) **Substantial Emotional Distress:** Significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**Weapons: Carrying, Possessing, Etc.:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

### *Hate Crime Definitions*

**Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

**Hate Crimes:** 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 section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

**Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

#### *Other Useful Terms*

**Advisor:** Any individual who provides the accuser or accused support, guidance, or advice.

**Awareness Programs:** Community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

**Bystander Intervention:** Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

**Determination/Result:** Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution.

**Ongoing Prevention and Awareness Campaigns:** Programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies and audiences throughout the institution.

**Primary Prevention Program:** Programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

**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. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

**Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking:** Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that:

- (a) Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and
- (b) Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Programs that include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees.

**Prompt, Fair, and Impartial Proceedings:** Proceedings completed within reasonably prompt timeframes as designated by the College's Clery Policy. Such proceedings include processes that allow for delay upon a showing of good cause and notification of such delay to the accuser and the accused, inclusive of an explanation for the delay.

All proceedings must be conducted in a manner that:

- Is consistent with the College'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;
- Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during investigations and formal disciplinary meetings and hearings; and
- Are conducted by officials who, at a minimum, receive annual training on issues relating to dating violence, domestic violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims while promoting accountability.

**Risk Reduction:** Options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

**Unfounded Crimes:** An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore, "unfounded". Only sworn or commissioned law enforcement personnel may "unfound" a crime report for purposes of reporting. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not "unfound" a crime report.

### **Jurisdictional Definitions – VAWA Offenses – Kansas**

#### **Aggravated Criminal Sodomy –**

- (1) Sodomy with a child who is under 14 years of age;
- (2) Causing a child under 14 years of age to engage in sodomy with any person or an animal; or

(3) Sodomy with a victim who does not consent to the sodomy or causing a victim, without the victim's consent, to engage in sodomy with any person or an animal under any of the following circumstances:

(A) When the victim is overcome by force or fear;

(B) when the victim is unconscious or physically powerless; or

(C) when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by, or was reasonably apparent to, the offender. (K.S.A §21-5504(b)).

**Aggravated Incest –**

(1) Marriage to a person who is under 18 years of age and who is known to the offender to be related to the offender as any of the following biological, step or adoptive relatives: Child, grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece; or

(2) engaging in the following acts with a person who is 16 or more years of age but under 18 years of age and who is known to the offender to be related to the offender as any of the following biological, step or adoptive relatives: Child, grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece:

(A) Otherwise lawful sexual intercourse or sodomy as defined by K.S.A. 2013 Supp. 21-5501, and amendments thereto; or

(B) any lewd fondling, as described in subsection (a)(1) of K.S.A. 2013 Supp. 21-5506, and amendments thereto. (K.S.A §21-5604(b)).

**Aggravated Sexual Battery –** The touching of a victim who is 16 or more years of age and who does not consent thereto with the intent to arouse or satisfy the sexual desires of the offender or another and under any of the following circumstances:

(1) When the victim is overcome by force or fear;

(2) When the victim is unconscious or physically powerless; or

(3) When the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by, or was reasonably apparent to, the offender. (K.S.A §21-5505(b)).

**Consent –** The state of Kansas does not define the term “Consent”.

**Consent (Institutional) –** For purposes of determining whether an offense has occurred, Vatterott Officials rely on the following definition of consent:



- (i) Consent is a freely given agreement to sexual activity,
- (ii) A person's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent,
- (iii) A person's manner of dress does not constitute consent,
- (iv) A person's consent to past sexual activity does not constitute consent to future sexual activity,
- (v) A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another,
- (vi) A person can withdraw consent at any time, and
- (vii) 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:
  - (A) The person is incapacitated due to the use or influence of alcohol or drugs;
  - (B) The person is asleep or unconscious;
  - (C) The person is under age; or
  - (D) The person is incapacitated due to a mental disability. **(720 ILCS 5/11-1.70).**

**Criminal Sodomy –**

- (1)** Sodomy between persons who are 16 or more years of age and members of the same sex;
- (2)** sodomy between a person and an animal;
- (3)** sodomy with a child who is 14 or more years of age but less than 16 years of age; or
- (4)** causing a child 14 or more years of age but less than 16 years of age to engage in sodomy with any person or animal. **(K.S.A §21-5504(a)).**

**Dating Violence –** The state of Kansas does not define the term “Dating Violence”.

**Domestic Battery –**

- (1)** Knowingly or recklessly causing bodily harm by a family or household member against a family or household member; or
- (2)** Knowingly causing physical contact with a family or household member by a family or household member when done in a rude, insulting or angry manner. **(K.S.A §21-5414(a)(1-2)).**

**Domestic Violence –** An act or threatened act of violence against a person with whom the offender is involved or has been involved in a dating relationship, or an act or threatened act of violence against a family or household member by a family or household member. Domestic violence also includes any other



crime committed against a person or against property, or any municipal ordinance violation against a person or against property, when directed against a person with whom the offender is involved or has been involved in a dating relationship or when directed against a family or household member by a family or household member. (K.S.A §21-5111(i)).

### **Rape –**

(1) Knowingly engaging in sexual intercourse with a victim who does not consent to the sexual intercourse under any of the following circumstances:

(A) When the victim is overcome by force or fear; or

(B) when the victim is unconscious or physically powerless;

(2) Knowingly engaging in sexual intercourse with a victim when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by the offender or was reasonably apparent to the offender;

(3) sexual intercourse with a child who is under 14 years of age;

(4) sexual intercourse with a victim when the victim's consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a medically or therapeutically necessary procedure; or

(5) sexual intercourse with a victim when the victim's consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a legally required procedure within the scope of the offender's authority. (K.S.A §21-5503(a)).

**Sexual Assault** – The State of Kansas does not define the term “Sexual Assault”.

**Sexual Battery** – The touching of a victim who is not the spouse of the offender, who is 16 or more years of age and who does not consent thereto, with the intent to arouse or satisfy the sexual desires of the offender or another. (K.S.A §21-5505(a)).

### **Stalking –**

(1) Recklessly engaging in a course of conduct targeted at a specific person which would cause a reasonable person in the circumstances of the targeted person to fear for such person's safety, or the safety of a member of such person's immediate family and the targeted person is actually placed in such fear;

(2) Engaging in a course of conduct targeted at a specific person with knowledge that the course of conduct will place the targeted person in fear for such person's safety or the safety of a member of such person's immediate family; or

(3) After being served with, or otherwise provided notice of, any protective order included in K.S.A. 21-3843, prior to its repeal or K.S.A. 2013 Supp. 21-5924, and amendments thereto, that prohibits contact with a targeted person, recklessly engaging in at least one act listed in subsection

(f)(1) that violates the provisions of the order and would cause a reasonable person to fear for such person's safety, or the safety of a member of such person's immediate family and the targeted person is actually placed in such fear. **(K.S.A §21-5427(a))**.

**XXI. CLERY ACT CRIMINAL OFFENSES, ARRESTS, AND JUDICIAL REFERRALS**

Type of Offense	On Campus			Public Property		
	2014	2015	2016	2014	2015	2016
<b>Criminal Offenses</b>						
Murder/Nonnegligent Manslaughter	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0
Rape	*	0	0	*	0	0
Fondling	*	0	0	*	0	0
Incest	*	0	0	*	0	0
Statutory Rape	*	0	0	*	0	0
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
Sexual Assault	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
<b>Hate Crimes<sup>21</sup></b>						
Murder/Nonnegligent Manslaughter	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0
Sexual Assault	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0

<sup>21</sup> Should a hate crime be reported the category of bias will be indicated below.

Arson	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0
Arrests						
Liquor Law Violations	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0
Weapons Violations	0	0	0	0	0	0
Judicial Referrals						
Liquor Violations	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0
Weapons Violations	0	0	0	0	0	0

### **FERPA DISCLOSURE**

Compliance with the provisions set forth by the Clery Act does not constitute a violation of §444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA)

### **POLICY UPDATES**

Title IX Policy:

<http://www.vatterott.edu/Title-IX/title-ix.asp>

Non-Discrimination Statement:

<http://www.vatterott.edu/Documents/Notice%20of%20Non-Discrimination.pdf>

Clery Policy

<http://www.vatterott.edu/security/>

# Title IX Policy

## PURPOSE

Vatterott Educational Centers, Inc. ("Vatterott") is committed to creating, fostering, and maintaining an educational, employment, business, and campus environment that is free from sex-based discrimination, sexual harassment, and sexual violence. In keeping with this commitment, and consistent with Title IX of Education Amendments of 1972, Vatterott prohibits discrimination based on sex and sexual harassment, including sexual violence in its educational programs and activities.

This *Policy* supersedes all prior policies and guidance relating to Title IX and may be found online at [http://www.vatterott.edu/Documents/Title\\_IX\\_Policy.pdf](http://www.vatterott.edu/Documents/Title_IX_Policy.pdf)

## COVERED PERSONS

The College Community including current students, employees, prospective students, customers, third-party contractors, third-party visitors, and all others persons participating in the College's educational programs and activities.

## ISSUING DEPARTMENT

Legal Department

## POLICY

### I. Title IX of the Education Amendments of 1972

Title IX of the Education Amendments of 1972 ("Title IX") §§ 1681 et seq., and its implementing regulations, 34 C.F.R Part 106, prohibits discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. Sexual harassment of students, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX.

### II. Vatterott's Policy Statement

Vatterott prohibits all forms of sexual misconduct, including but not limited to, sexual assault, stalking, dating or domestic violence, and sexual harassment. Such conduct violates the community values and principles of our institution, and disrupts the learning and working environment for students, faculty, staff, and other community members. In furtherance of this policy, Vatterott has adopted the following policies, procedures, and standards of conduct for all members of our community with respect to sexual misconduct.

### III. Handling of Complaints Covered by this Policy

Vatterott's Title IX Coordinator is responsible for coordinating the College's compliance with Title IX, as well as other complaints brought concerning violations of this policy. The Title IX Coordinator's responsibilities include overseeing all Title IX reports of sexual harassment and sex-based discrimination, performing investigations, gathering documentation, disseminating information, and addressing any patterns or systematic problems that arise. To assist the Title IX Coordinator, Vatterott has designated Title IX Officers, all whom serve as the Campus Directors for each respective campus. All Title IX Officers are authorized to

receive reports of sexual harassment and sex-based discrimination, and report the same to the Title IX coordinator.

The College has designated the following individual as the Title IX Coordinator:

Megan Wilson  
VP of Regulatory Affairs  
8580 Evans Avenue  
St. Louis, MO 63134  
Phone: 314-264-1874  
Email: [titleixcoordinator@vatterott.edu](mailto:titleixcoordinator@vatterott.edu)

All students, faculty, staff and applicants, who have concerns about discrimination on the basis of sex, Title IX violations or requirements, including any concerns pertaining to sexual harassment, sexual violence or any matters covered by this policy, are encouraged to seek the assistance of either the Title IX Coordinator or a Title IX Officer. The Coordinator and Officers are knowledgeable about, and will provide information on, all options for addressing and resolving such reports or concerns. Those options may vary depending on the nature of the incident; whether the complainant is a student, faculty, staff or applicant; the wishes of the complainant regarding confidentiality; and whether the complainant prefers to proceed formally or informally. Together, the Coordinator and Officers play an integral role in carrying out the College's commitment to creating, fostering and maintain an educational, employment, business and campus environment that is free of discrimination on the basis of sex and other discrimination as well as sexual harassment

#### **IV. Reporting of Complaints Covered by this Policy**

If you believe that you have been a victim of sexual harassment, sexual violence, dating or domestic violence, stalking or sex-based discrimination, or if you wish to report such an incident, you have several options and are strongly encouraged to report such incidents orally or in writing to Vatterott's Title IX Coordinator or a Title IX Officer.

You may also choose to file your complaint electronically via Vatterott's Title IX Incident Report Form, available online at [www.vatterott.edu/consumer\\_information.asp](http://www.vatterott.edu/consumer_information.asp). Using the Title IX Incident Report form allows a victim, third-party, or bystander to submit a complaint/report of sexual harassment or sex-based discrimination directly to Vatterott's Title IX Coordinator, and may choose to do so anonymously. However, without the contact information of the reporting party, Vatterott may not be able to fully investigate and respond to the complaint.

You may also report incidents of harassment, discrimination, or retaliation by calling Vatterott's Ethics Hotline at 1-866-8610 (or St. Louis local 314-264-1514). If you do so, you can either identify yourself or leave a message anonymously.

Vatterott recognizes that a student or employee may choose to confide in any employee of the College. For example, a student may choose to report the alleged violation to an instructor, program director, or staff member. Similarly, an employee may choose to confide in a colleague, supervisor, or member of the Human Resources department. However, it shall be noted that all Vatterott employees that receive reports of violations of this policy, or know or reasonably should know of the occurrence of violations of this policy are required to forward these reports to the Title IX Coordinator. The Title IX Coordinator is to be made aware of all complaints made pursuant to this policy so that she may monitor compliance. In addition to the foregoing, all faculty and staff who become aware of or suspect sexual abuse of a minor

(under the age of 17) must report that information to the Title IX Coordinator or a Title IX Officer who shall then inform local, state and/or federal law enforcement officials of such incident as required by law.

#### **V. Options for Reporting and Availability of Support**

In addition to reporting the matter to the Title IX Coordinator, Title IX Officer, or a supervisor, persons may also need to address immediate physical and/or emotional trauma associated with the alleged harassment or assault. Importantly, a victim should contact any of the following immediate care support providers:

- Emergency Call 911
- Local Police Department
- Clinic/Hospital
- Community-based sexual assault crisis center.

For information on available resources to victims of sexual assault, please visit the following:

- <http://www.notalone.gov/> – Not Alone – Together Against Sexual Assault
- <http://www.rainn.org> – Rape, Abuse, and Incest National Network (800) 656-4673
- <http://www.justice.gov/ovw/sexual-assault> – Department of Justice Sexual Assault
- <http://www.loveisrespect.org/> – Love is Respect – call (866) 331-9474 or text LOVEIS to 22522
- <http://www.victimsofcrime.org/our-programs/stalking-resource-center> - Stalking Resource Center
- <http://www.thehotline.org> - National Domestic Violence Hotline - 800-799-7233

#### **VI. Privacy and Confidentiality**

Vatterott encourages victims of sexual harassment and discrimination to talk to somebody about what happened so that he or she may get the support they need, and so that Vatterott can respond appropriately. Because issues arising under Title IX are often sensitive in nature, Vatterott maintains the highest level of privacy regarding all reports of sexual discrimination and/or sexual harassment. While Vatterott strictly prohibits the disclosure of private information obtained through an investigation, it should be noted that circumstances may arise when law and/or policy requires the disclosure of sensitive information.

Please be aware that all Vatterott employees are “responsible employees,” and have the obligation to communicate reports of sexual misconduct to the Title IX Coordinator. When a reporting party tells a responsible employee about an incident of sexual violence, the reporting party has the right to expect the College to take immediate and appropriate steps to investigate what happened and resolve the matter promptly and equitably. To the extent possible, information reported to a responsible employee will be shared only with Vatterott officials responsible for handling the College’s response to the report, including the Title IX Coordinator.

Upon receipt of a report of sexual misconduct, Vatterott’s Title IX Coordinator will inform and obtain the reporting party’s consent prior to commencing an investigation. Should the reporting party request anonymity/confidentiality or request that no investigation be conducted, the Coordinator 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 the reporting party’s insistence that their name or other identifying information be kept in

confidence, the Coordinator has the duty to inform the reporting party that in doing so, the ability of authorized representatives to properly respond 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 and nondiscriminatory environment for all students. Specifically, Vatterott will weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment; the complainant's age; whether there have been previous complaints of harassment relating to the same offender; and the alleged perpetrator'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 as a result of an insistence of confidentiality, Vatterott may pursue alternative measures in efforts to limit the effects of the alleged misconduct and prevent its recurrence.

### **Off-Campus Counselors and Advocates**

Off-campus counselors, advocates, and health care providers will generally maintain confidentiality and not share information with the College unless the victim requests the disclosure and signs a consent or waiver form.

For contact information for these off-campus resources please visit Not Alone: Together Against Sexual Assault at [www.notalone.gov/resources](http://www.notalone.gov/resources).

## **VII. Victim Rights & Options**

Regardless of whether an individual elects to pursue a criminal complaint, or whether the offense is alleged to have occurred on or off campus, Vatterott will assist victims of sexual misconduct. If an individual is a victim of sexual assault, domestic violence, dating violence, or stalking, his or her first priority should be to locate a place of safety. He or she next should obtain any necessary medical treatment.

The College strongly advocates that subsequent to securing safety and medical care, any victim of sexual assault, domestic violence, dating violence, or stalking should report the incident immediately to the Title IX Coordinator. Time is a critical factor for evidence collection and preservation. Preserving evidence is very important, as it may be necessary to the proof of sexual assault, domestic violence, dating violence, or stalking, or in obtaining a protection order.

Any individual who reports to the College that he or she has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus, shall be provided with a copy of this Policy, as well as documentation detailing:

- His or her options to (1) notify proper law enforcement authorities, including on-campus and local police; (2) be assisted by campus authorities in notifying law enforcement authorities if he or she so chooses; and (3) decline to notify such authorities.
- His or her rights and options for (and available assistance in) changing academic, living, transportation, and working situations if so requested and reasonably available, regardless of whether he or she chooses to report the crime to the authorities.



- Where applicable, his or her rights, regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court, and the College's responsibility to honor the same.
- The United States Department of Justice Violence Against Women Office website, located at <http://www.ovw.usdoj.gov/>, which provides useful information relating to victims' rights and available assistance.

### **VIII. Complaint and Resolution Procedures**

While some reporting parties may wish to pursue action through informal methods in place of, or prior to requesting the initiation of formal proceedings, others may not. You should consider the circumstances surrounding your complaint and choose the option most appropriate. Regardless of your decision, Vatterott is committed to extending all available resources and support. To that end, you may consult with the Title IX Coordinator at any time and request assistance handling matters related to sexual harassment and discrimination, including the selection of an approach.

#### ***Informal Procedures***

Informal procedures are optional and may only be utilized when Vatterott deems such procedures adequate.

If you are comfortable handling the situation without assistance, consider the following:

- Clearly say "no" to the individual exhibiting unwelcome behavior
- Communicate with the offender either orally or in writing providing him or her of the following:
  - A factual description of the incident(s) including date, time, place, and specific action.
  - A description of the impact of the action, emotionally, physically, and mentally.
  - A request that the conduct cease.

If you would like to proceed informally but with the assistance of a third party, you may contact your Title IX Officer or Title IX Coordinator. These individuals are familiar with Vatterott's Title IX policies and are available to assist victims of sexual harassment and sexual assault. Additionally, these individuals can provide information pertinent to informal actions and remedies that you may pursue as well as additional information regarding Vatterott's procedures for sexual harassment and discrimination.

Additionally, you may request that the Title IX Officer or Title IX Coordinator serve as a mediator in efforts to resolve your issue(s) prior to pursuing formal proceedings. Mediation is the process of utilizing a third party to engage in discussions and negotiations in hopes of reaching a mutually agreeable resolution and cessation of the unwanted conduct.

If either party is dissatisfied with the determination rendered subsequent an informal proceeding, he or she may pursue alternative remedies by engaging in the formal process.

If you do not wish to utilize the informal process, you may pursue formal action. Please note that you have the right to end the informal investigation process and begin formal proceedings at any time.

Note: This option is **not** available where allegations of sexual violence or nonconsensual sexual intercourse are raised.

### ***Formal Investigation & Determination***

To ensure prompt, thorough, and impartial investigations, all incidents of sex-based discrimination or sexual harassment, including sexual misconduct or retaliation, should be reported to the Title IX Coordinator immediately, either verbally, in the form of a written complaint, or electronically via the Title IX Incident Report Form. This process 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.

Upon receipt of a report of alleged unlawful discrimination, harassment, or retaliation, Vatterott's Title IX Coordinator will investigate without delay. All investigations shall be conducted by the Title IX Coordinator, who is trained in areas involving sex-based discrimination, sexual violence, and nonconsensual sexual intercourse. At times, it may be necessary to implement remedial measures before completing an investigation to ensure that further unlawful conduct does not continue. These measures may include reassignment or restructuring of the victim's academic or work schedule per that party's request. Failure to comply with the terms of these interim remedies or protections may constitute a separate violation of this Policy.

The complainant and the accused party may have an advisor present during the investigation, provided that the involvement of the advisor does not result in undue delay of the meeting or proceeding. 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. If the advisor violates the rules or engages in behavior or advocacy that harasses, abuses, or intimidates either party, a witness, or an individual resolving the complaint, that advisor may be prohibited from further participation.

Vatterott's investigation into allegations of sex-based discrimination, sexual harassment, and/or sexual misconduct, will be conducted in an objective and impartial manner, and carried out in such a way as to maintain privacy to the greatest extent possible. Such investigations may include, but are not limited to, assisting and interviewing the reporting party, identifying and conducting interviews with witnesses, contacting and interviewing the respondent, and gathering evidence. It should be noted that while Vatterott strictly prohibits the disclosure of private information obtained through an investigation, circumstances may arise the College may contact and cooperate with local law enforcement.

The College will endeavor to conclude its investigation and issue a resolution of the complaint within sixty (60) calendar days of the date the complaint was received. All pertinent facts will be carefully reviewed and the accused will be given a full opportunity to explain his or her conduct before any decision is reached. When the investigation is complete, Vatterott will inform the complainant and the alleged perpetrator of the results of the investigation and the process for appealing any such determination, as applicable, in writing.

Vatterott invokes no restrictions on the time at which allegations may be reported. Additionally, the standard of proof in all cases shall be a preponderance of the evidence. This means that a party may be held responsible for the alleged conduct upon a finding that it is *more likely than not* (51% or higher) that he or she engaged in conduct prohibited by Vatterott.

Once a determination is made, both parties will be simultaneously notified in writing of the determination and the right to file an appeal within seven (7) business days. Determinations may include possible clarification of Vatterott policies, clarification regarding the alleged conduct, sanctions, restrictions, and/or conditions. The determination will become final within seven (7) business days unless an appropriate appeal is filed.

If it is determined that an employee or student has engaged in inappropriate conduct, Vatterott will take appropriate disciplinary action, consistent with the Policy, the Employee Handbook and/or Student Catalog.

### ***Hearing Procedures***

Upon concluding that there is reasonable cause<sup>22</sup> to believe that an incident of sexual violence, domestic violence, dating violence, or stalking occurred, a hearing may be ordered. In such instances, the complainant, the accused party, and members of the Hearing Panel (hereinafter the "Panel") described below will be provided an opportunity to review the Investigation Report compiled by the Title IX Coordinator, redacted to remove any unnecessary personal information. The Panel comprised of three (3) Vatterott Officials, to include the Vice President of Academics and Accreditation, the Vice President of Human Resources, and the Chief Operating Officer, will preside over all Title IX hearings. All officials will be trained to conduct hearings regarding alleged Title IX offenses as well as how to conduct investigations and hearings that protect the safety of alleged victims while promoting accountability. At least one (1) panel member will be physically present during the hearing while others may attend 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 complainant and the accused party have the right to be present during the hearing but do not have the right to be present during deliberations.

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

### **Special Considerations for Title IX Hearings**

- 1. Panel Composition and Training.** All allegations of Title IX violations found to require a hearing subsequent to a thorough investigation will be heard before the Panel.
- 2. Advisors.** The complainant and the accused party may have an advisor of their choice present during the hearing 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 party will be held responsible for his or her conduct if the Panel determines that it is

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<sup>22</sup> Reasonable cause is defined as "some credible information to support each element of the offense, even if that information is merely a credible witness or complainant statement."

more likely than not (51% or higher) that he or she did in fact engage in a prohibited act.

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

Upon commencement of proceedings, the reporting party will be given an opportunity to make opening remarks to the Panel. Such remarks will be limited to ten (10) minutes. Subsequently, the reporting party will be allowed to present any relevant evidence and/or witnesses with personal knowledge of the circumstances resulting in the convening of the hearing. All witnesses will be called as needed and will not be permitted to be present until and unless needed. Cross-examination of the witnesses presented will not be allowed by opposing parties. Further, the complainant and respondent may not directly cross-examine one another, but may, at the discretion of the Panel, suggest questions to be posed by the Panel and respond to the other party.

Upon conclusion of the reporting party's presentation, the accused party will be permitted to make opening remarks to the Panel. Such remarks will be limited to ten (10) minutes. The accused party 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 hearing and without prior consultation with the Title IX Coordinator, the hearing may be delayed to allow the Panel to consider whether the newly disclosed evidence should be permitted.

After all evidence has been presented, the reporting party will be permitted to give closing remarks followed by the accused party. Both parties will be allotted ten (10) minutes during which to provide concluding remarks.

Post-hearing, the Panel will convene, deliberate, and reach a determination. Both parties will be simultaneously notified in writing of the Panel's determination and the right to file an appeal within seven (7) business days. 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 unless an appropriate appeal is filed.

**Possible Sanctions.** Possible sanctions for a person found guilty of behavior in violation of 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 harassment sensitivity 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 deemed appropriate by Vatterott.

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

**Appeals.** Either party may appeal the Panel's decision. All appeals must be submitted in writing to the Vatterott President 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 impact the outcomes 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. The Title IX Coordinator 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. Results become final after seven (7) business days.

All appeals will be reviewed and decided within ten (10) business days of receipt.

#### **IX. Ongoing Criminal Investigations**

In instances of sexual misconduct that may also constitute criminal conduct, the reporting party 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 Title IX. To the extent that doing so does not interfere with any ongoing criminal investigation, Vatterott will proceed with its own investigation and resolution of the complaint.

#### **X. Retaliation**

Retaliation against reporting parties or those 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 reporting party or any third party or parties as a result of their cooperation with an investigation.

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

Vatterott can only respond to instances and allegations of harassment or discrimination if it is made aware of such occurrences. Therefore, Vatterott encourages anyone who believes that he or she has experienced sexual harassment or discrimination to promptly come forward with inquiries, reports, or complaints and to seek assistance from Vatterott officials. Furthermore, all Vatterott employees are responsible employees and have an obligation to communicate reports of sexual misconduct to the Title IX Coordinator. Employees who become aware of instances or allegations of sexual harassment by or against a person under his or her supervisory authority must submit a report to those charged with responding to such allegations and reports. These individuals include the Human Resources Department, the

Title IX Officer or the Title IX Coordinator.

Whether confirmed or speculated, Campus Directors, Directors of Education, Program Directors, or other comparable administrator who becomes aware of information indicating a significant likelihood of sexual harassment must report such information to the Title IX Coordinator immediately. Unconfirmed or disputed allegations should be clearly labeled as such and reports should indicate any steps already taken to investigate or otherwise respond. Administrators should always consult with the Title IX Coordinator and refrain from conducting independent investigations or otherwise responding to any situation where sexual harassment is alleged. No student, faculty, or employee should assume that a Vatterott official knows about a situation or incident.

**XI. Definitions** – Vatterott adheres to the following definitions applicable to this policy:

***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 can withdraw consent at any time.

***Sex Discrimination*** - behaviors and actions that deny or limit a person's ability to benefit from, and/or fully participate in, the available educational programs, activities, or employment opportunities because of a person's sex.

Sexual discrimination may take many forms including sexual harassment (discussed below), denial of equal opportunities in educational programs, discrimination based on pregnancy and employment discrimination.

***Sexual Harassment*** - unwelcome conduct of a sexual nature, such as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.

Sexual harassment includes sexual violence/assault, sexual exploitation, domestic violence, dating violence, stalking where motivated by sex or involving sexual conduct, and gender harassment/stereotyping.

***Sexual violence*** - a form of sexual harassment and refers to physical sexual acts perpetrated against a person's will or when a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student

from having the capacity to give consent).

A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Claims of sexual violence will be adjudicated in accordance with Vatterott Educational Centers, Inc.'s Clery Investigations and Hearing Process.

***Sexual Assault*** – actual or attempted sexual contact with another person without the person's consent. Sexual assault includes, but is not limited to:

- Intentional touching of another person's intimate parts without that person's consent; or
- Other intentional sexual contact with another person without that person's consent; or
- Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent; or
- Rape, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object; or (2) the mouth of a person by a sex organ of another person, without that person's consent.

***Gender-based harassment*** – a form of sexual harassment and refers to unwelcome conduct based on an individual's actual or perceived sex, including harassment based on gender identity or nonconformity with sex stereotypes, and not necessarily involving conduct of a sexual nature. All of these types of sex-based harassment are forms of sex discrimination prohibited by Title IX and will not be tolerated by Vatterott.

Harassing conduct may take many forms, including verbal acts and name-calling, as well as non-verbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating.

***Nonconsensual Sexual Contact*** - any intentional sexual touching, however slight, with any object or body part, by a man or woman upon another, without consent.

***Nonconsensual Sexual Intercourse*** – any sexual intercourse (anal, oral, or vaginal) however slight, with any object or body part, by a man or woman upon a man or a woman, without consent.

***Forced Sexual Intercourse*** – unwilling or nonconsensual sexual penetration (anal, vaginal or oral) with any object or body part that is committed either by force, threat, intimidation, or through exploitation of another's mental or physical condition of which the assailant was aware or should have been aware.

***Sexual Contact Includes:***

- Intentional contact with the breasts, buttocks, groin, or genitals of another person, or touching another person with any of these body parts; or making another person touch you or themselves with or on any of these body parts; or
- Any intentional bodily contact in a sexual manner, even where the touching does not involve contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice; or
- Intercourse, however slight, meaning vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact or genital to mouth contact).

***Sexual Exploitation*** - occurs when a person takes nonconsensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute



one of the other sexual misconduct offenses. Examples of sexual exploitation include:

- Prostituting another person;
- Recording images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
- Distributing images (e.g. video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and
- Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire.

***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 a consideration of the following factors:

- The length of the relationship;
- The type of relationship; and
- The frequency of interaction between the persons involved in the relationship.

For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse, or threat of such abuse.

***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 cohabiting with, or has cohabited 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 in which the crime of violence occurred; or
- By any 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 in which the crime of violence occurred.

***Stalking*** - Stalking based on one's sex or gender includes repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death.

***Unwelcome conduct*** – conduct is considered "unwelcome" if the person did not request or invite it, and considered the conduct to be undesirable or offensive. Unwelcome conduct may take various forms, including name-calling, graphic or written statements, or other conduct that may be physically threatening, harmful, or humiliating.

***Hostile Environment*** – exists when sex-based harassment is sufficiently serious to deny or limit the student's ability to participate in or benefit from the College's program or activities. It can be created by anyone involved in a College's programs or activity, including administrators, faculty members, students, and campus visitors.

Factors to determine whether a hostile environment exists includes, but is not limited to the following:

- The type, frequency, and duration of the conduct;
- The identity and relationships of persons involved;
- The number of individuals involved;



- The location of the conduct and the context in which it occurred; and
- The degree to which the conduct affected one or more student's education.

**Specifically Prohibited Conduct:**

- Engaging in sex-based harassment that creates a hostile environment in or under any program or activity of this College.
- Promising, directly or indirectly, to reward another provided that the he or she comply with a sexually oriented request.
- Threatening, directly or indirectly, retaliation if a person refuses to comply with a sexually oriented request.
- Denying, directly or indirectly, an education or employment related opportunity if the person refuses to comply with a sexually oriented request.
- Engaging in unwelcome sexually suggestive conversation or inappropriate physical contact or touching of another.
- Engaging in indecent exposure.
- Making repeated sexual or romantic advances toward another despite his or her rejection.
- Engaging in unwelcome physical contact such as touching, blocking normal movement, physical restraint, or assault.
- Retaliating against another for filing a harassment complaint or threatening to report harassment.

Sexual harassment can involve males and/or females being harassed by members of the opposite or same sex.

Sexual harassment can be physical or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered separately would not rise to the level of harassment.

**If you have any questions regarding this policy, please do not hesitate to contact the Title IX Coordinator via email at [titleixcoordinator@vatterott.edu](mailto:titleixcoordinator@vatterott.edu).**

### *Non-Discrimination Statement*

In accordance with the provisions of the Americans With Disabilities Act of 1990, Title VI of the Civil Rights Act of 1964 (as amended), Title IX of the Educational Amendments of 1972, P.L. 93-112, and Section 504 of the Rehabilitation Act of 1973 and the regulations thereunder, it is the policy of the College that no person shall, because of age, sex, race, disability, or national origin be excluded from participation in, be denied the benefits of, or subjected to discrimination under any education program or activity of the College, including the employment of staff personnel.

The College's nondiscrimination statement, cited above and available online at <http://www.vatterott.edu/Documents/Notice%20of%20Non-Discrimination.pdf>, prohibits discrimination and harassment against individuals based on characteristics protected under federal and state law. The College also prohibits retaliation based upon reporting of such violations. If you have questions or believe you have been subjected to discrimination, harassment, including sexual harassment, or retaliation, you may contact one of the individuals below:

Title IX Coordinator  
8580 Evans Avenue  
Berkeley, MO 63114  
314-264-1500

[titleixcoordinator@vatterott.edu](mailto:titleixcoordinator@vatterott.edu)

Campus Director (Title IX Officer)  
5025 East Royalton Road  
Broadview Heights, OH 44147  
440.526.1660

Those with questions about available protections against discrimination under the Americans With Disabilities Act, Title IX, Title VI or P.L. 93-112 and Section 504 may be directed via telephone or in writing to:

Administrator of Student Affairs  
4131 N Corrington Avenue  
Kansas City, MO 64117  
314-816-1000

[studentaffairs@vatterott.edu](mailto:studentaffairs@vatterott.edu)

Inquiries regarding discrimination may also be addressed to:

Office for Civil Rights  
U.S. Department of Education  
1350 Euclid Avenue, Suite 325  
Cleveland, OH 44115  
215-522-4970

[OCR.Cleveland@ed.gov](mailto:OCR.Cleveland@ed.gov)

Written College policies concerning the rights and responsibilities of employees and students are available for inspection at each campus location via the Campus Catalog. The College policies are also available online on the Consumer Information page at [www.vatterott.edu](http://www.vatterott.edu).

# Safety Tips

- **Always be observant of your surroundings**
- **When out at night use well-lit routes**
- **Avoid walking alone or in alleyways**
- **Consider carrying a defense spray such as pepper spray or mace**
- **Be aware that alcohol and drugs are commonly associated with date rape**
- **Understand that date rape is often committed by someone you know**
- **Never take an opened beverage from a stranger**
- **Never leave your beverages or food unattended**
- **Do not engage in excessive drinking or other forms of substance abuse**
- **Download safety apps to your smartphone**
- **Create a code word amongst trusted friends that you can use if in danger**
- **Set clear boundaries and be firm**
- **Define your sexual limits before entering an intimate partner relationship**
- **Be aware of controlling behavior in your relationship**
- **Consider learning basic self-defense techniques**
- **Never be afraid to seek help or report suspicious activity**
- **Always lock your vehicle upon exiting**
- **Do not leave valuables within plain view**
- **Try to park in well-lit areas with high volumes of traffic**
- **Trust your instincts**