



**YOUNGSTOWN
STATE
UNIVERSITY**

**2017 Annual Security and Fire Safety Report
Statistics for 2016, 2015 and 2014**



Changes to the 2017 Annual Security and Fire Report.

Dear Reader,

Please note the following changes that have been made to the 2017 Annual Security and Fire Report. These changes were made on 5/11/2018 after the last notice of availability for the report, and will appear in all future reports from this point. This serves as notice, required by the Clery Act, that the Annual Security and Fire Report has been updated/changed.

- Table of contents updated, and changed from text only, to clickable, allowing reader to be taken directly to information.
- In section 6.0 Sexual “Relationship Violence Prevention and Response”: Section 6.15 “Written Explanation of Rights and Options” and Section 6.16 “Specific Sanctions for Violations of Sexual Assaults and VAWA Offenses” was added. These sections detail: (A.) the existing on and off campus counseling services available; (B.) The procedures YSU will follow, including a clear statement of sanctions that YSU can impose; (C.) A detailed list of all possible sanctions; (D.) An explanation of rights, options, counseling, advocacy, legal assistance, visa and immigration assistance, and financial aid.
- In Section 12.2 “ASFR Annual Notification Requirement and Distribution”; a line was included to indicate that the ASFR availability is sent out every semester.
- A cover graphic was added to the Fire Report (Section 14) to differentiate it as a separate report.
- In Section 16.11.1 under Emergency Response for Active Shooter, was updated and gives a better explanation and what to do in the situation.
- In section 16.11.5 under Evacuation, a campus evacuation route was added.
- In Section 16.11.10 Bomb Threat was added and a Bomb Threat Call Procedures card was attached.

This notice will appear in the notification of availability, as well as in the report on the first page.

If you have any questions regarding these changes, or have questions about the report in general, contact William Rogner at (330) 941-7496.

Important Numbers

Campus Contact Information

Youngstown State University Police Department (330) 941-3527
266 West Wood Street, Youngstown, Ohio 44502

Emergency (from a campus phone) 9-1-1

Environmental and Occupational Health and Safety (330) 941-3700
Room 2303 Cushwa Hall

Community Counseling Clinic (330) 941-3056
Room 3101 Beeghly Hall

Student Counseling Services (330) 941-3737
Room 3009 Jones Hall

Student Health Clinic (330) 941-3489
First Floor Kilcawley House

Title IX Coordinator/EEOC (330) 941-2216
Room 301 Tod Hall

Student Security Service (330) 941-1515

Recorded Campus Information Line (330) 941-2222

Parking Services (330) 941-3546
275 Fifth Avenue Smith Hall

YSU Human Resources (330) 941-1508
Room 359 Tod Hall

Student Conduct/Student Experience (330) 941-7285
Kilcawley Center Division for Student Experience Office

Housing & Residence Life (330) 941-3547
First Floor Kilcawley House

City of Youngstown

Youngstown Police Department (330) 747-7911
116 West Boardman Street, Youngstown, Ohio 44503

Youngstown Fire Department (330) 747-7403
420 Martin Luther King Jr. Blvd, Youngstown, Ohio 44502

Mahoning County Sheriff/Justice Center (330) 480-5020
110 5th Ave., Youngstown, Ohio 44503

State of Ohio

Ohio State Highway Patrol Mahoning District (330) 533-6866
Canfield Post- 500 South Broad St., Canfield, Ohio 44406

Ohio Mental Health and Addiction Services (614) 466-2596
www.mha.ohio.gov
30 East Broad Street, 36th Floor, Columbus, Ohio 43215

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1.0 YSU Police Department Jurisdiction, Enforcement Authority and Arrest Authority

The YSU Police Department was established by resolution of The Board of Trustees on June 1, 1988. The current authority of The Board of Trustees to appoint University Police is set out in section 3345.04 of The Ohio Revised Code. Under section 3345.04(B) of the Revised Code, The Board of Trustees may designate one or more employees of the institution, as a state university law enforcement officer, in accordance with section 109.77 of the Revised Code, and, as state university law enforcement officers, those employees shall take an oath of office, wear the badge of office, serve as peace officers for the college of university, and give bond to the state for the proper and faithful discharge of their duties in the amount that the Board of Trustees requires.

Pursuant to Section 3345.041(A) Youngstown State University entered into a Mutual Aid Agreement with the City of Youngstown on June 24, 2014. Pursuant to the agreement, YSU Police Officers designated under section 3345.04 of the Revised Code can perform any police function, exercise any police power, or render any police service on behalf of the contracting political subdivision, or state university or college, that it may perform, exercise, or render. The YSU Police receive reports regarding non-campus properties in the city.

YSU Police Officers are sworn peace officers under Ohio Revised Code section 109.71. The sworn police officers in the YSU Police Department are armed, have authority to make arrests and possess the same authority under the law as municipal (i.e. city) police officers. The YSU Police Department and officers subscribe to the standards of the Ohio Peace Officer Training Commission (“OPOTA”). YSU Police Officers receive the same basic training as municipal and county peace officers as well as additional training to meet the unique needs of the university campus community environment.

The YSU Police Department is the primary agency for responding to and investigating criminal activity occurring on the YSU Campus. Officers patrol the YSU campus 24 hours a day 7 days a week. The YSU Police Department provides immediate response to all police, fire and medical emergencies occurring on the YSU campus. Automobile accidents occurring on city streets are handled by the Youngstown City Police.

The YSU Police Department and Youngstown City Police have concurrent legal jurisdiction and authority on the YSU campus, including properties leased by YSU that are located off-campus and within the City of Youngstown. Additionally, YSU Police Department officers are authorized to enforce the City of Youngstown’s Municipal Code on YSU’s campus and within the area defined by the Mutual Aid Agreement.

The Mahoning County Sheriff and Ohio State Highway patrol have concurrent jurisdiction on the YSU campus. The YSU Police Department cooperates and assists these two agencies upon request. The YSU Police Department restricts its patrol primarily on the campus unless YPD, MCSO or OSP request assistance.

1.1 Youngstown State University Police

The mission of the YSU Police Department is to protect and defend the rights guaranteed in the Constitution of the United States, and the Constitution of the State of Ohio; to enforce the criminal laws of the State of Ohio in the spirit they were enacted; to protect life and property; to prevent crime, to apprehend suspected criminal violators, and to aid community members whenever possible. The YSU Police Department strives to accomplish these objectives without prejudice, with integrity and respect, and to support the people served within the YSU community in order to advance the achievement of the University's academic, research, and public service mission.

The YSU Police Department actively collaborates with the YSU community to help promote a safe and secure campus environment through education, problem solving and enforcement. The YSU Police Department uses innovative practices, technology, continuing training and partnerships to provide professional police services to prevent, prepare for, respond to and recover from all criminal activity, hazards and threats. In doing so, the YSU Police Department fosters and maintains an environment that supports the well-being of the YSU students, faculty, staff and visitors.

The Patrol division of the YSU Police Department is the largest part of the department. The primary responsibility of the YSU Police Department is to provide police services at the YSU Campus. The Patrol division is led by a Lieutenant and staffed with Sergeants, and patrol officers. The primary function of the Patrol Division is to provide a uniformed response to calls for service, enforce traffic laws, investigate criminal activity, provide safety presentations to the community, assist other divisions as needed, and to act as a visible deterrent to crime. Patrol officers patrol the campus using marked and unmarked patrol vehicles, bicycles, and on foot. A patrol officer's duties include protecting life and property, preventing crime, and keeping the peace. Patrol officers provide a wide variety of safety related services to the YSU Community. When a crime is reported to the YSU Police Department, a patrol officer will take the initial crime report, which will outline the circumstances of the incident reported. When possible, and as needed, the patrol officer will collect evidence, arrest offenders and testify in court.

The Communications unit operates 24 hours a day, 7 days a week and is led by a lieutenant and staffed with dispatchers. Dispatchers are responsible for answering business telephone lines, emergency and non-emergency calls for service on the YSU Campus. The dispatchers also are responsible for monitoring campus security alarms, surveillance security cameras, emergency phones and elevator phones. In 2016, Dispatch answered approximately 9,000 calls. Of those 9,000 calls, dispatchers processed 1,204 YSU Campus calls for service and 226 9-1-1 emergency calls. All calls for service are dispatched via the main console utilizing the UHF (400 Mhz) radio system.

The Investigations Division is led by a Detective Lieutenant and staffed with a Detective. The Detectives conduct criminal investigations of crimes occurring on the YSU campus, and are responsible for following up on criminal incidents, solving crimes, and conducting proactive investigations. The Investigations Division also works closely with the Title IX Officer/EEOC and Division of Student Life/Conduct. The division also has a Sexual Response Sergeant who is trained on issues related to dating violence, domestic violence, sexual assaults and stalking. This training is trauma informed and promotes the safety of the victim.

The Administrative officer is designated as the Clery Compliance Officer and is responsible for maintaining records in regards to the Clery Act, maintaining the daily logs, CSA training, and statistics. In addition, the officer is responsible for the evidence room and evidence logging. The officer reports to the Chief of Police for the YSU Police Department.

The YSU Police Department also employs student Security Officers who provide safety escort services, general campus patrols, building lockups, and special details at scheduled YSU events. The Student Security Service also functions as a liaison between the YSU Police Department and the students, staff, faculty and other community members. The Student Security members can be identified by their red shirts and ID badges. The Student Security members also carry a campus police radio and are in direct contact with the police dispatchers.

The YSU Police Department continuously improves the resilience and readiness of the campus community and the ability to respond and recover from natural and human caused emergencies within the framework of the phases of emergency management: mitigation, preparedness, response and recovery.

2.0 Overview of the Clery Act

Selecting the right college or university to attend is an important and life decision for students and their families. Additionally, deciding where to work and build a career is also a big decision and one that needs to be made based on an assessment of a number of factors. The safety and security of a campus is an important factor that goes into the decisions of potential students and employees. Additionally, access to campus safety and security information for current students and employees is important for individuals who work and study at Youngstown State University.

Responding to concerns regarding campus safety and security at colleges and universities, Congress enacted the Crime Awareness and Campus Security Act of 1990; this amended the Higher Education Act of 1965. The 1998 amendments to the Campus Security Act renamed it to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act in memory of Jeanne Clery.

All public and private postsecondary institutions that participate in Title IV student financial assistance programs must comply with the Clery Act and institutionalize its mandates. Among the various requirements, colleges and universities are required to prepare, publish, and distribute a report concerning campus crime statistics, statements of safety and security policies and procedures on an annual basis through appropriate publications. The notice of availability must be distributed to all current students and employees as well as all prospective students and employees. YSU has embraced a culture of compliance surrounding the Clery Act with a focus on meeting the technical compliance requirements of the Clery Act, but also embracing the spirit of the law: knowledge is power. YSU has implemented a compliance program to manage and implement the various parts of the Clery Act. The University Clery Compliance Officer manages all aspects of the Clery Act coordinating all mandates and requirements. The Compliance Officer reports to the YSU Chief of Police to provide updates and information.

This report, known as the Annual Security and Fire Safety Report, is a comprehensive report for the calendar years of 2016, 2015, and 2014. This report contains specific Clery Act crime, arrest and disciplinary referral statistics data as well as information about safety, security policies and practices intended to promote awareness about security and safety at the YSU campus. This report is coordinated and updated by the Clery Compliance Officer in conjunction with various campus partners. The 2017 Annual Security and Fire Safety Report may be accessed by visiting www.ysu.edu/police. Copies of this report may be obtained at the YSU Police Department (Clingan-Waddell Hall) during normal business hours (generally Monday-Friday, 8:00 a.m. to 5:00 p.m., excluding weekends and holidays). The YSU Police Department is located at 266 West Wood Street, Youngstown Ohio, 44502. The Fire Safety Report contains specific statements of fire safety policies and procedures as well as the YSU annual fire safety statistics for the past three calendar years. YSU's Fire Safety Report is combined with the security report and distributed together as one document; "The Annual Security and Fire Safety Report".

3.0 Reporting Criminal Activity

In order to make the YSU campus safe as secure as possible, all students, staff, faculty, other community members and visitors are strongly encouraged to immediately and accurately report all criminal activity and all suspicious persons and/or suspicious activities to the YSU Police Department. When the victim of a crime elects to make a report, or is unable to make such a report, by dialing 9-1-1 from an on-campus telephone; or by calling the YSU Police Dispatch Center 24 hours a day, 7 days a week at (330) 941-3527.

The YSU Police Department has primary jurisdiction and responsibility for investigating crimes and providing police protection services to the YSU campus and communities. The immediate and accurate reporting of all criminal activity also assists the YSU Police Department in assessing Clery crimes for a potential Timely Warning Notice (“Penguin Alert”) and for inclusion in the daily crime and fire log, as well as the Annual Security and Fire Safety Report.

For crimes that occur in the City of Youngstown, but not on the YSU Campus, YSU Police encourages accurate and prompt reporting of all crimes to the Youngstown City Police Department by calling (330) 742-8900, located at 116 West Boardman St., Youngstown Ohio 44503.

The YSU Police Department is located on the YSU campus at Clingan-Waddell Hall, 266 West Wood Street, Youngstown, Ohio 44502. (Building 60 on the YSU campus map). Free short term visitor parking is available in YSU Parking lot M52.

YSU Police Dispatchers are available 24 hours a day, 7 days a week at (330) 941-3527 to answer any calls. In response to a call for service, the YSU Police Department will take the required action, either dispatching an officer, or asking a victim to respond to the YSU Police Department to file a report with a police officer. All reported crimes may become a matter of public record. YSU Police Department reports may be forwarded to various departments, including but not limited to: The Office of Marketing and Communications, Title IX/EEOC Office, Student Health, Student Life, Counseling Services. The YSU Police Department Investigations Division will investigate a report when it is deemed appropriate. Additional information obtained during an investigation may be forwarded to other offices at YSU when deemed necessary and determined on a case-by-case basis. If assistance is needed from the Youngstown City Police Department, Youngstown City Fire Department, or other agency, YSU Police will contact the appropriate agencies for assistance.

If a sexual assault, dating violence, domestic violence, or stalking should occur, staff initially on scene, including the YSU Police Department responding officers, will offer a victim/survivor with written information on rights, options and resources, regardless of whether the crime occurred on or off the YSU campus.

Emergencies on the YSU Campus

Police, fire and medical emergencies on the YSU campus can be reported by dialing 9-1-1 from any phone connected to the campus network. 9-1-1 calls made from cell phones will be routed to the City of Youngstown Dispatch. All campus emergency calls received by Youngstown City will be immediately transferred back to YSU Police Dispatch. Emergencies can also be reported on the YSU campus by using any one of the emergency call boxes located throughout the YSU campus, or by using the emergency intercom system located in building elevators.

Non-Emergencies on the YSU Campus

Non-emergency incidents on the YSU campus can be reported to the YSU Police Department by dialing (330) 941-3527. Dispatchers are available 24 hours a day, 7 days a week to answer calls.

3.1 Voluntary Anonymous and Confidential Reporting Options

In certain instances, a crime victim may be reluctant to file an official police report fearing the criminal process and/or loss of his/her confidentiality. In such circumstances, YSU still encourages crime victims to make a confidential report to the YSU Police Department. With a crime victim's permission, the YSU Police Department can file a report on the details of the incident without revealing a victim's identity. The purpose of a confidential report is to comply with a crime victim's desire to keep the matter confidential, while taking steps to ensure their safety and the safety of others. At a minimum, crime victims will receive important counseling and referral information as well as helpful written information on certain rights, options and resources. Confidential reports are important because they provide valuable information to help keep a more accurate record as to the actual crime occurring on the YSU campus and help determine where there is a pattern of crime with regard to a particular location, method, or perpetrator. Confidential reports of Clery Act crimes also assist with the potential issuance of crime alerts to the campus community to warn of serious or ongoing threats when deemed necessary by the YSU Police Department. Additionally, crime reports filed in this manner are classified and disclosed in the Annual Security and Fire Safety Report, without revealing any individual identifying information of the victim.

If a crime victim or any other person wants to report a crime anonymously, an anonymous reporting form is available on the YSU Police Department website, located at www.ysu.edu/police. The YSU Police Department will use any information it receives via the anonymous form in an appropriate manner. Reports of Clery Act reportable crimes filed in this manner are classified, counted and disclosed in the Annual Security and Fire Safety Report, to the extent possible, without revealing any personally identifying information about the victim.

3.2 Campus Security Authorities (“CSA’s”)

YSU Police encourages the reporting of all criminal activity on the YSU campus directly to the YSU Police Department. The Clery Act specifically includes four groups of individuals and organizations associated with YSU that are designated as CSAs: (1.) a campus police department or a campus security department of an institution; (2.) any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department; (3.) any individual or organization to which students and employees should report criminal offenses. All crimes that occur on the YSU campus should be reported to the YSU Police Department. (4.) An official of the institution who has significant responsibility for student and campus activities. An “official” is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution. The Clery Compliance Officer continuously identifies and trains new CSAs based on their function at YSU.

In addition to gathering Clery Act crime statistic information from YSU Police reports and YPD Police reports, Clery Act crime statistic data is collected and compiled from identified and designated CSAs using the CSA crime submission form. The form is located on the police website at www.ysu.edu/police. This form should only be used by CSAs to report a Clery crime.

CSAs are instructed that reports of Clery Act crimes made to them must immediately, or as soon as practicably possible, be submitted to the YSU Police Department’s Clery Compliance Coordinator via the CSA submission form. CSA reports may also be delivered in person during normal business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m. at the YSU Police Department located at 266 West Wood Street, Youngstown, Ohio 44502.

Preferred Campus Security Authorities

YSU Police	Clingan-Waddell Hall	(330) 941-3527
Student Experience	Kilcawley Center 2071	(330) 941-2018
Director of Housing	Kilcawley House 105	(330) 941-3539
Director of Athletics	Stambaugh Stadium 2006	(330) 941-1576
Director of Student Outreach		(330) 941-4721
Title IX Coordinator		(330) 941-2216

3.3 Pastoral and Professional Counselors

Pastoral and professional counselors are encouraged to inform their clients about the criminal reporting procedures outlined in the Annual Security and Fire Safety Report, if and when they deem it appropriate. As previously noted, there are options available for voluntary and anonymous confidential reporting. Pastoral and professional counselors are encouraged to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential or anonymous basis for inclusion in the Annual Crime and Fire Safety Report and web-based report to the Department of Education. This practice is encouraged in an effort to prevent further victimization and to obtain a more accurate picture of crime reported on the YSU campus Clery Act reportable geographic locations.

3.4 Daily Crime and Fire Log

The YSU Police Department maintains combined daily crime logs and daily fire logs, which are titled the “Youngstown State University Crime Log” and “Youngstown State University Fire Log.” These documents are updated during normal business days and contain a record of all crimes reported to the YSU Police Department which (1.) have occurred on the reportable Clery geography, (2.) crimes reported to the Youngstown City Police in the YSU-YPD Joint Patrol District and (3.) any crime reports submitted by CSAs that occurred in the defined Clery geography. All entries or additions to the Daily Crime and Fire Logs are made within 2 business days of the report being received by the YSU Police Department, unless the disclosure of such crime is prohibited by law or would jeopardize the confidentiality of the victim.

Regarding criminal incidents, the Daily Crime log reflects the nature of the crime, the case number, the date and time the crime was reported and occurred, the location and the final disposition of the case. A crime is considered “reported” when it is brought to the attention of a Campus security Authority (CSA) including YSU Police Officers, or a local law enforcement agency.

Regarding fire incidents, any fire that occurs in an on-campus housing facility on the YSU campus that is reported to any official at YSU is documented and reported in the daily fire log. Additionally, all reports of fire alarms are also included in the log. The Daily Fire Log reflects the location, the date and time it was reported, whether it was a fire or alarm, if the report is reportable in the Annual Security and Fire Safety Report, the cause and the report number. YSU goes beyond the Fire Log Clery Act requirements by including alarms and including information regarding all campus buildings.

In compliance with the Clery Act, YSU Police may withhold information from the Daily Logs if there is clear and convincing evidence that the release of such information would jeopardize and ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence. The YSU Police Department will disclose any information withheld from the Daily Crime and Fire Logs once the adverse effect is no longer likely to occur.

The YSU Police Department’s Daily Crime and Fire Logs for the YSU Campus include all crime and required on-campus student housing facility fire incidents from the most recent 60 day period. The logs are open for public inspection in the Dispatch Center and can be requested 24 hours a day 7 days a week. Daily Crime and Fire Log information older than 60 days will be made available for public inspection within 2 business days of a request for such information.

An electronic interactive crime map and crime log is available at **portal.arms.com**. This crime map lists all service calls made by the YSU Police. The physical log located in dispatch only lists crimes and omits traffic stops, medical calls, etc.

4.0 Missing Persons

It is the policy of Youngstown State University, through the YSU Police Department, to accept all reports of missing persons without delay. Investigative priority will be given to investigating missing persons over the handling of property crimes. A missing student often has a temporary residence on the YSU campus and a permanent family residence in another jurisdiction, yet may have last been seen or heard from another jurisdiction. When a person's disappearance is deemed to be suspicious, when foul play is suspected, and/or the person may be at-risk based on a number of factors, the YSU Police Department may request assistance from the Youngstown City Police or other law enforcement entity who has jurisdiction.

4.1 Missing Persons Statement and Procedures

The purpose of this policy is to detail the proper procedure of investigating missing persons. Title 42, United States Code 5779(a) states that all persons under the age of 21 will be treated as a juvenile for purposes of NCIC requirements. Adults aged 18-20 will be entered into NCIC immediately upon receiving sufficient information from the preliminary investigation to do so. The NCIC entry must be completed within 12 hours of being reported.

When resident students move into their residence halls, they are given the opportunity to identify a person that the University shall notify within twenty-four hours of a determination by the Youngstown State University Police Department (YSUPD) that the student is missing. (Unless another law enforcement agency is the entity that determines that a student is missing, YSUPD will cooperate with that agency in their investigation as soon as the YSUPD is made aware that a student is missing)

Student contact information will be kept confidential. Unless otherwise required by law, contact information will only be accessible to authorized campus officials and law enforcement personnel as part of a missing person investigation. However, should an un-emancipated student under the age of eighteen be determined as missing, in addition to notifying the designated contact person, the University is required by law to notify the custodial parent or guardian within twenty-four (24) hours of such determination.

Should anyone believe that a student has been missing for more than twenty-four (24) hours, s/he immediately should contact YSUPD or a Student Experience staff member, who will immediately contact YSUPD. YSUPD will investigate the missing student report, and or forward and cooperate with any law enforcement agency that is responsible for investigating the missing person's report. If the student is not located during the ensuing twenty-four (24) hours, or sooner as conditions may dictate, the University will notify the student's confidential contact person (and/or parent as necessary.)

A.) The Youngstown State University Police will utilize all resources at its disposal as well as requesting the assistance from any law enforcement agency University entity, or other

organization to aid in the investigation and return of any persons reported missing to this department. Any report received by the Youngstown State University Police Department in reference to a missing person, will be investigated.

The officer who is dispatched to a call for a missing person shall do the following:

- Obtain a thorough description of the missing subject.
- Obtain information about possible whereabouts, suspicious activity, and known associates. Any special information concerning the missing person such as medical condition shall be obtained.
- The officer shall complete the uniform incident report promptly.

B.) The shift supervisor shall contact the Confidential Contact of the missing person-if such information is available. If the missing person is under the age of 18, and not legally emancipated, the shift supervisor shall also contact the missing persons parents/legal guardian, if such information is available.

C.) The shift supervisor will ensure that Youngstown State University Police Dispatch promptly enters the missing persons information into NCIC. In addition, The shift supervisor will inform the lieutenant on call of the situation. The lieutenant on call will notify the Chief of YSU Police.

D.) The investigating officer will contact the local law enforcement agency of the missing persons legal address to advise them of the person being missing.

E.) The assigned investigating officer shall conduct a prompt follow up investigation.

- The officer shall contact the person reporting the person being missing to determine if there is any additional information of use.
- The officer shall follow up on all relevant leads in the case.
- The officer shall coordinate with the department and other law enforcement agencies to conduct searches of locations on campus and adjacent to campus where the subject may be.
- The officer shall update the Confidential Contact and or the next of kin of the missing person as to the status of the investigation.

F.) In the event the missing person is located, YSU Police Dispatch shall immediately remove the entry from NCIC concerning the missing person.

The investigating officer shall notify any other agency or entity which was involved in the investigation of the missing persons return.

5.0 Timely Warnings

- In order to help safeguard the YSU community, to increase crime awareness and to meet the Clery Act Timely Warning requirements, a Penguin Alert is a mass email and text notification that may be issued following the reporting of a Clery Act crime to the YSU Police Department that meets the standard for issuance set forth below.
- All crimes should be reported immediately to the YSU Police Department by dialing 9-1-1 from a campus phone, or by dialing (330) 941-3527 from your cellphone. The Communications Center is open 24 hours a day 7 days a week, including holidays; and is located in Clingan-Waddell Hall at 266 West Wood Street Youngstown, Ohio 44502.

Clery Act Crimes include homicide/non-negligent manslaughter, manslaughter by negligence, sex offenses (including rape, fondling, incest and statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, hate crimes, dating violence, domestic violence, and stalking.

- The YSU Police Department has the responsibility for issuing Penguin Alerts. The YSU Police Department will alert the campus community about certain Clery Act Crimes in a manner that aids in the prevention of similar crimes. The Clery Act does not define “Timely” because the intent of a warning regarding a criminal incident is to allow people to take precautions for their personal safety. A Penguin Alert for a reported Clery Act crime that rises to the level requiring the issuance of such an alert will be issued as soon as pertinent information about the crime is available. Therefore, even if not all of the facts surrounding the criminal incident are available, YSU Police will issue a Penguin Alert for any Clery Act Crime that meets the criteria set forth below.
- A Penguin Alert is a notification to the YSU campus community based on a report of a Clery Act crime where such crime is reported to the YSU Police Department or to a Campus Security Authority (CSA), who in turn reports such crime in a timely manner to the YSU Police Department, and the crime is considered by the YSU Police Department to represent a serious or continuing threat to students and employees at the time of the report. The determination to issue a Penguin Alert is made on a case-by-case basis in light of all the facts surrounding a reported crime including, but not limited to such factors as the nature of the crime, the continuing danger to the campus community, the possible risk of compromising law enforcement efforts, whether a suspect has been apprehended and/or arrested, whether there has been a pattern or series of similar crimes, and the potential risk of others becoming a victim of similar crimes.
- The decision to issue a Penguin Alert is determined by YSU Police command personnel, in the following order (but may be made by any of the individuals listed below as deemed necessary under the circumstances) when a Clery Act crime is reported to the YSU Police Department: 1.) Chief of Police, 2.) Patrol Operations Lieutenant, 3.) Investigations Lieutenant, and 4.) Sergeant on shift.

The YSU Police may elect not to issue a Penguin Alert in very limited circumstances. First, if the YSU Police Department or other law enforcement agency apprehends the suspect of a Clery Act crime and the serious or on-going threat to students and employees of the YSU campus community has been mitigated and/or removed by the apprehension or arrest of such suspect, or if it is otherwise determined by a member of the YSU Police Department command staff that a serious or on-going threat does not exist after the report of a Clery Act crime is made to the YSU Police Department, a Penguin Alert may not be issued. Second, if a crime report was not filed with the YSU Police Department, or if the YSU Police Department was not notified of a Clery Act crime report in a manner that would allow the YSU Police Department to issue a timely warning to the YSU campus community, a Penguin Alert may not be issued. The determination as to “timeliness” will be made on a case-by-case basis for each reported Clery Act crime. The YSU Police Department will follow the departmental policy regarding Penguin Alerts in making these determinations. The YSU Police Department may elect to delay issuing a Penguin Alert if it is determined that such issuance may jeopardize a criminal investigation.

- Any member of the YSU Police Department who learns of a reported Clery Act crime will bring such crime to the attention of the Clery compliance officer or YSU Police command staff so that a Penguin Alert issuance determination may be made. Once a determination is made to issue a Penguin Alert, the Lieutenant, Sergeant on shift or the Dispatcher will draft a Penguin Alert based on all of the available information at that time.

The following information will typically be included in the draft of the Penguin Alert, if available unless issuing any of this information would risk compromising law enforcement efforts: 1.) Description of the incident (i.e. type of crime, date and time of occurrence, and general location); 2.) Physical description of the suspect (no crime victim name or personally identifying information for or about the crime victim is permitted per federal law); 3.) Connections to previous reported incidents; 4.) Degree of injuries sustained, if any; 5.) Information and tips that will promote safety and potentially aid in the prevention of similar crimes; 6.) Date and time the Penguin Alert was issued; 7.) YSU Police Department and Youngstown City Police contact information; and 8.) Any other information as deemed appropriate by those vested with decision making authority.

Once the Penguin Alert draft has been prepared, it will be reviewed by YSU command staff and University Relations if time and circumstances permit. After the Penguin Alert has been reviewed, revised as necessary and approved, an YSU community wide email containing the Penguin Alert will be sent to the entire YSU community via the RAVE platform.

For information on and to subscribe to Penguin Alerts visit alert.ysu.edu.

The alert distribution process may also include physical postings of crime alert bulletins in impacted areas by local personnel (e.g. in residential areas by student housing staff) and/or

electronic postings on the YSU Police Department website at www.ysu.edu/police. Alerts may also be posted on social media outlets such as Facebook and Twitter.

In certain circumstances, crime alerts may also be posted in campus buildings, when deemed necessary by the YSU Police Department. When a crime alert is posted in campus buildings, it may be posted in general/common areas clearly visible to students and staff, unless determined otherwise by the YSU Police Department based on the facts and circumstances of a particular case.

All crime alerts and Penguin Alerts will withhold as confidential the names and other identifying information of victims, as defined in section 40002(20) of the VAWA Act of 1994.

Under the Clery Act, the issuance of a crime alert is not required with respect to crimes reported to a pastoral or professional counselor who is practicing within the scope of his/her license, or such person who is otherwise determined to be exempt or otherwise not required to report crimes under the Clery Act. Definitions of these individuals are as follows:

Pastoral Counselor: *A person associated with a religious order or denomination is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor.*

Professional Counselor: *A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.*

Pastoral counselors and professional counselors, if and when they deem it appropriate, are encouraged to inform the persons they are counseling of the procedures to report crime to the YSU Police Department for inclusion in the annual disclosure of crime statistics.

6.0 Sexual and Relationship Violence Prevention and Response

6.1 General Information

The Youngstown State University prohibits sexual and relationship violence including sexual assault, dating and domestic violence, stalking, and other forms of prohibited sexual misconduct through the University policies on sexual misconduct and sexual harassment (“policy”) as implemented in the University guidelines for reporting and responding to reports of sex offenses (“guidelines”).

Youngstown State University is committed to creating and maintaining a community dedicated to the advancement, application and transmission of knowledge and creative endeavors through academic excellence, where all individuals who participate in University programs and activities can work and learn together in an atmosphere free of harassment, exploitation, or intimidation. Every member of the YSU community should be aware that the University prohibits sexual and relationship violence that violates law and/or University policy. The University will respond promptly and effectively to reports of sexual and relationship violence and will take appropriate action to prevent, correct, and when necessary, discipline behavior that violates University policy.

For purposes of the YSU Annual Security and Fire Report, the term “sexual and relationship violence” includes incidents of sexual assault (rape, statutory rape, incest, fondling), dating violence, domestic violence, and stalking. The terms “respondent” and “complainant” are used in this document when referring to administrative proceedings, the policy and the guidelines. The term “suspect” and “victim” are used in this document when referring to criminal proceedings.

In compliance with state and federal laws, YSU has adopted policies and procedures to prevent and respond to incidents of sexual and relationship violence involving members of the YSU community. The policy and guidelines are available online at www.ysu.edu/title-ix. Additionally, written information about complainants’ rights, options, and resources as well as policies, procedures, education and training, risk reduction, and reporting information are available at www.ysu.edu/title-ix.

YSU’s Title IX Officer is Atty. Cynthia Kravitz; the Title IX Officer directs the Office of Equal Opportunity and Policy Development and is responsible for the University’s compliance with Title IX and administrative investigations of sexual violence. Atty. Kravitz is located in Tod Hall office 301, One University Plaza, Youngstown Ohio, 44555. Telephone: (330) 941-2216; Fax: (330) 941-2394. Email: cakravitz@ysu.edu

6.2 Definitions

The following definitions are per University policy and guidelines, Ohio definition and Clery Act definition.

6.2.1 Consent

Consent is positive, unambiguous, voluntary and ongoing agreement to engage in a specific activity. Consent must be freely and affirmatively given. Consent cannot be obtained from someone through coercion or from someone who is unconscious, asleep, or whose judgment is impaired by the use of a drug or alcohol or diminished by an intellectual, mental, or physical condition or disability. Consent can be withdrawn at any time.

Lack of protest, lack of resistance, or silence, DO NOT alone constitute consent. Affirmative consent must be ongoing and can be revoked at any time during sexual activity. The existence of a dating relationship or past sexual relations between the persons involved should never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of consent to prior conduct).

The respondent's belief that the complainant consented shall not provide a valid excuse where:

- 1.) The respondent's belief arose from the respondent's own intoxication or recklessness;
- 2.) The respondent did not take responsible steps, in the circumstances known to the respondent at the time, to ascertain whether the complainant affirmatively consented; or
- 3.) The respondent knew or reasonable person should have known that the complainant was unable to consent because the complainant was incapacitated, in that the complainant was:
 - a. Asleep or unconscious;
 - b. Under the influence of drugs, alcohol, or medication, unable to understand the fact, nature, or extent of the sexual activity; or
 - c. Unable to communicate due to a mental or physical condition.

Sexual activity, of any kind, requires consent prior to and during the sexual activity. Obtaining consent from all sexual partners is crucial in order to prevent sexualized violence.

Keys to understanding Consent:

- Consent is active and given by words and/or obvious acts.
- Consent is not silence; communication is necessary.
- Consent is freely given; if you tell someone that he/she has to have sex with you or you bully them into having sex with you that is coercion and you don't have consent.
- Consent is right now; it doesn't matter if the two of you had sex yesterday or last week, or if you are dating or were dating; prior consent does not equal present consent.

- Consent is for a particular act: If someone agrees to cuddling and kissing it does not mean he/she consents to anything else. You have to make sure you have consent for every sexual act that takes place.

What if someone is drunk, high, or out of it?

Drugs and alcohol can affect people's ability to make decisions, including whether or not they want to be sexual with someone else. This means that if someone is really out of it, they cannot give consent. Being with them in a sexual way when they don't know what is going on is the same as sexual assault.

How can you tell if someone isn't into it?

The best way is to ASK:

- Is there anything you don't want to do?
- Are you comfortable?
- Do you want to stop?
- Do you want to go further?

Also be aware of body language that can let you know if the person you're with is not comfortable with what is happening:

- Not responding to you
- Pushing you away
- Holding their arms tightly around their bodies
- Turning away from you or hiding their face

Is it Coercion?

Sexual coercion is intimidation, physical or psychological threat, or pressure used to force another to engage in sexual acts. If someone does any of the following to get you to engage in sex, he or she could be pressuring or coercing you:

- Lying
- Blackmailing
- Threatening
- Holding you down
- Yelling
- Badgering
- Name-calling
- Guilt trips
- Getting you drunk or high

Am I Being Sexually Coerced?

If something like this has been said to you to get you to have sex, you may be experiencing sexual coercion:

- "We've had sex before, so you can't say no now."
- "If you LOVE me, you'll have sex with me."
- "You know you want it."
- "Don't make me stop now."
- "You're a tease."

Sometimes, it's really hard to identify if you've been, or are being, sexually coerced but if you can answer yes to any of these questions you may be experiencing sexual coercion:

- Are there times you don't want to have sex but you feel like you can't say no?
- Do you feel that you don't have a choice to have sex?
- Are you being pressured constantly to have sex, even after you say "no."?
- Have you ever had a sexual experience that left you angry, scared or feeling guilty?
- Has someone used their authority or power to get you to engage in sexual behaviors?

How to Fight Sexual Coercion:

If you feel uncomfortable trust your feelings and know your limits.

Speak your mind and respect yourself. If someone is using sexual pressure on you say no. You could say:

- "I like you, but I'm not ready to have sex with you."
- "If you care for me, you'll respect that I don't want to have sex now."
- "I don't owe you an explanation or anything."
- "Dinner doesn't mean sex - what are we, in the 1950's?"

Leave immediately and get help if you need it.

Avoid alcohol and other drugs because they can:

- Mess up your judgment
- Make it harder to resist both physically and emotionally
- Make the other person more aggressive

6.2.2 Sexual Violence

Rape is defined as the 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. This definition includes any gender of victim or perpetrator.

Unlawful Sexual Conduct with a minor states no person who is eighteen years of age or older shall engage in sexual conduct with another, who is not the spouse of the offender, when the offender knows the other person is thirteen years of age or older but less than sixteen years of age, or the offender is reckless in that regard.

Statutory Rape is defined as sexual conduct with a person who is under the statutory age of consent.

Incest is defined as sexual conduct between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Fondling is defined as sexual contact of the erogenous zone of another for the purpose of sexual gratification, without consent of the victim, including instances where the victim is incapable of giving consent due to age or temporary or permanent mental incapacity.

6.2.3 Relationship Violence

Dating Violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- 1.) The existence of such relationship shall be determined based on the reporting party's statement and by the victim with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- 2.) For purpose of this definition:
 - a. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - b. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence is defined as violence or threatened violence against a family or household member. Someone commits domestic violence when he or she knowingly or recklessly caused physical harm to the victim, or threatens a family or household member with physical force, causing that person to fear an imminent physical attack. This includes:

- 1.) By a current or former spouse or intimate partner of the victim;
- 2.) By a person with whom the victim shares a child in common;

- 3.) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- 4.) By a person similarly situated to a spouse of the victim of violence occurred; or
- 5.) 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.

Stalking is defined as repeated behaviors or activities whether in person, online, or through any other means which threaten or endanger the safety, physical or mental health, life or property of another or creates a reasonable fear of such threat or action.

This means engaging in a pattern of conduct that the stalker knows will cause another person mental distress or cause that person to believe the stalker will cause physical harm to her or himself. For purposes of this definition:

- 1.) Course of conduct means two or more acts, including, but not limited to, acts 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.
- 2.) Reasonable person means a person under similar circumstances and with similar identities to the victim.
- 3.) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment.

6.3 Retaliation

Retaliation includes threats, intimidation, reprisals, and/or adverse employment or educational actions against a person based on their report of sexual or relational violence or participation in the investigation, report, remedial, or disciplinary processes.

In addition to the University's prohibition against retaliation, the Clery Act also prohibits retaliation. An institution, or an officer, employee, or agent of an institution, may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under the Clery Act.

6.4 Education Programs and Campaigns to Promote the Awareness of Sexual and Relationship Violence

YSU is committed to the prevention of sexual and relationship violence through regular and ongoing education and awareness programs. Incoming students and new employees receive primary prevention education as part of their orientation, and returning students and current employees receive ongoing training and related programs. YSU's education and prevention programs reflect comprehensive, intentional and integrated programming, initiatives, strategies and campaigns intended to end sexual and relationship violence. These programs are also designed to consider environmental risk and protective factors as they affect individuals, relationships, institutions, communities and society. Prevention education focuses on the elimination of sexual and relationship violence on the campus, emphasizing the role of respect and communication in relationships and the absence of violence, abuse and manipulation.

Prevention education is consistent with CDC endorsed social-ecological model, addressing factors at individual, relationship, community and societal levels. Additionally, prevention programs span the range of primary, secondary and tertiary levels throughout the year. The model is based upon lessons learned from effective prevention strategies, and an understanding of complex sociocultural dynamics and lessons learned from the fields of marketing and advertising, stressing repeated messaging.

All YSU students and employees are provided with programming, initiatives, strategies, and campaigns intended to prevent and end sexual and relationship violence and to train individuals on how to best respond to disclosures. These programs are tailored to YSU's community and the needs of students and employees. Additionally, these programs are culturally relevant, inclusive and responsive to the entire community, and are informed by research. YSU makes a good faith effort to reach all incoming students and new employees and provide active notification about these programs. Online and in person training opportunities are provided utilizing a multi-pronged approach, including interactive workshops, presentations, online modules, and more. Prevention efforts consist of online and in-person training, response protocol for students and staff, bystander trainings, educational workshops, guest lectures, resource fairs, passive displays and information and large campus wide events.

The YSU system wide curriculum, tailored to each audience, educates our community about sexual and relationship violence, how to prevent it, and the role of intervention and available local resources. While ongoing trainings review and expand on initial programming content, programs for new students and employees include the following information:

- A clear statement that Youngstown State University identifies all sexual and relationship violence as prohibited conduct.

- Definitions of sexual assault, dating violence, domestic violence and stalking as defined in the local jurisdiction and in University policy/guidelines as well as examples of behaviors that constitute such offenses.
- Definition of consent, in reference to sexual activity, as that term is defined in YSU's jurisdiction and policy.
- Social norms, including the attitudes and beliefs that normalize violence.
- Safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of sexual or relationship violence against a person other than the bystander.
- Information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks.
- How to respond to sexual and relationship violence using methods that acknowledge the impact of violence and trauma on survivors' lives.
- Information about the procedure utilized when a crime is reported and the subsequent investigatory and disciplinary proceedings involved.
- Local resources, including confidential support for survivors of sexual and relationship violence and appropriate services for those accused of sexual and relationship violence.
- Rights and options about reporting sexual and relationship violence.

6.5 Bystander Intervention

As a community, it is each of our responsibility to step up to prevent sexual or dating violence and assist those affected by these behaviors before, during, or after an incident. If you witness these situations unfolding, or if someone comes to you for help, there are many ways that you can have a positive impact.

In order to intervene, first someone has to:

- Notice the incident
 - Bystanders must first notice an incident is taking place. It's important to become familiar with what situations may be risky; i.e., if you're at a party, and you see someone stumbling as they're being led into a different room, this is a risky situation.
- Interpret the incident as emergency
 - By "emergency," we mean a situation where there is a risk of sexual or domestic or dating violence occurring in the near future.
- Assume responsibility for intervening
 - It has been found that often, people believe that someone else will help in a situation where there are many people around. However, it is important to realize that others may also be thinking the same thing. If you're unsure if you should do something, ask a friend what they think -- it might be the case that they've been thinking the same thing.
- Have the bystander intervention skills to help
 - There are a number of different techniques that someone can use to intervene in a risky situation, some of which we've listed below.

How Do I Intervene?

- First and foremost, your safety is of the utmost concern. When a situation threatens physical harm to you or someone else, ask for help or contact the YSU Police Department at 330-941-3527 or dial 911.
- Direct: Step in and address the situation directly. This might look like saying, "That's not cool. Please stop." or "Hey, leave them alone." This technique tends to work better when the person that you're trying to stop is someone that knows and trusts you. It does not work well when drugs or alcohol are being used because someone's ability to have a conversation with you about what is going on may be impaired, and they are more likely to become defensive.
- Distract: Distract either person in the situation. This might look like saying, "Hey, aren't you in my Spanish class?" or "Who wants to go get pizza at UPie?" This technique is especially useful when drugs or alcohol are being used because people under the influence are more easily distracted than those that are sober.

- Delegate: Find others who can help you to intervene in the situation. This might look like asking a friend to distract one person in the situation while you distract the other ("splitting" or "defensive split"), asking someone to go sit with them and talk, or going and starting a dance party right in the middle of their conversation. If you don't know either person you could also ask around to see if someone else knows them, or one of them, and see if they will check in with them. See if they can go talk to their friend, text their friend to check in, or intervene.

(Adapted from Vassar College Sexual Assault & Violence Prevention)

- When you intervene, it's important to remember that you don't have to do so alone. Research has shown that 70% of YSU students would be willing to intervene (Haven Online Prevention Program, Fall 2014). Additionally, if you are in doubt, there is no harm in asking the person "Are you okay?" so you can get more information and see how you're best able to help them.

Helping a Survivor of Sexual Assault:

It can be a very challenging experience when someone discloses a sexual assault; however, knowing how to be supportive can be crucial in a survivor's healing process. There are two things you need to think about: how you can support the survivor, and how you can take care of yourself.

How You Can Support the Survivor:

- Believe the survivor: Know that revealing this experience takes a great deal of strength and courage. Remember that **NO ONE DESERVES TO BE ASSAULTED**. Remind the survivor that the assault was not their fault. Let the survivor know that you believe them.
- Be respectful of privacy and confidentiality: Don't tell anyone about the assault without the survivor's permission. The survivor has chosen to tell you and it may be hurtful or dangerous to tell others.
- Provide options: There are several things a survivor may want to think about: seeking counseling, obtaining medical attention, preserving evidence, or reporting to the police. You can provide information and options for the survivor, but always let the survivor make their own decisions. Many survivors feel a deep sense of disempowerment as a result of being violated. Therefore it is important to help the survivor feel empowered. Instead of taking charge, ask how you can help. Offer to accompany the survivor to seek medical attention or to go the police if they want to do so. Support the decisions the survivor makes, even if you might not agree with them. This may include physical space. Some may want a hug, and for others this may be invasive. Follow their lead.
- Be aware of your desire to provide reassurance: Saying things like "everything is going to be all right" or "it could have been worse," may seem supportive, however, the survivor may interpret these reassurances to mean that you don't understand their feelings, or that

you are trivializing the magnitude of what they have experienced. Instead you might say, "I'm sorry this happened," or "How can I be helpful?"

- Be a good listener: Recovering from a sexual assault can take a long time. The survivor may need your support now and in the future. Let the survivor choose when they want to talk and how much they want to share. Sometimes the survivor may not want to talk at all. When the survivor does choose to talk to you, these are things to keep in mind:
 - DO concentrate on understanding the survivor's feelings.
 - DO allow silences.
 - DO let the survivor know you are glad they disclosed to you.
 - DON'T interrogate or ask for specific details about the sexual assault.
 - DON'T ask "why" questions such as "why did you go there?" or "why didn't you scream?"
 - DON'T tell them what you would have done or what they should have done.

How You Can Take Care of Yourself

- Learn as much as you can about sexual assault: Be as familiar as you can with community resources and common reactions to sexual assault. This will help you better understand the survivor's experiences and the process of recovery.
- Be aware of your own reactions to sexual assault: You may feel a sense of violation when someone you care about has been assaulted. You may experience feelings of confusion, hurt or anger. You may wish you could make the survivor's pain go away. No matter how helpful you are, you can't make the sexual assault disappear. The best you can do is help the survivor find ways to help themselves. Your support is much more helpful to the survivor than your anger and frustration.
- Recognize the difference between what you want and what the survivor wants: Try to distinguish between what you are doing to make yourself feel better from what you are doing to help the survivor. You may be tempted to do things that make you feel better which are not helpful to the survivor, such as beating up the assailant or trying to get the survivor to just "forget about it." Instead, ask the survivor what would be most helpful.
- Know your limitations: Every individual has a limit to how much they can give. This does not make you a failure. It is important to know your own limitations of support and to share these clearly with the survivor. Provide the survivor with other support options; for example, provide them with SAPAC phone numbers. Let the survivor know you will not feel hurt if they choose to talk with someone else.
- Seek support for yourself: Your support plays a critical role in the survivor's recovery. Talking with someone who can help you work through your own feelings will better enable you to support the survivor. Remember to respect the survivor's privacy when seeking support from others. Counseling support is available for you at University Counseling Services call 330-941-3737 to schedule an appointment.

6.6 Risk Reduction

Risk reduction consists of options designed to decrease perpetration and bystander inaction and to increase empowerment in an effort to promote safety and to help individuals and communities address conditions that facilitate violence. Some risk-reduction strategies include the following:

- Be aware of your surroundings, knowing where you are and who is around you may help you find a way to get out of a bad situation.
- Try to avoid isolated areas; it is more challenging to get help if no one is around.
- Walk with purpose; even if you don't know where you are going, act like you do.
- Trust your instincts! If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages and bags, as this can make you appear more vulnerable.
- Make sure your cell phone is with you, and charged. However, having headphones on can distract you and prevent you from hearing what is going on around you.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Don't leave your drink unattended while talking, dancing, using the restroom or making a phone call. If you've left your drink unattended, get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself.
- Watch out for your friends, and vice versa. If you suspect you or a friend has been drugged, dial 9-1-1 and alert law enforcement immediately. Be explicit and open with doctors so they can give you the correct tests and treatment.

If you need to get out of an uncomfortable or scary situation, here are some things to remember:

- Remember that being in this situation is not your fault. You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
- Be true to yourself; don't feel obligated to do anything you don't want to. "I don't want to" is always a good enough reason!
- Have a code word with your friends or family so that if you don't feel comfortable, you can call them and communicate your discomfort without alerting the person you are with.

6.7 Primary and Ongoing Programs and Campaigns

YSU offers primary prevention and awareness programs directed at all incoming students and new employees as well as ongoing prevention and awareness campaigns for existing students and employees.

The University offered the following primary prevention and awareness programs:

Name of Program	Frequency	Office	Audience	Format	Content
Campus Clarity	Annual	Title IX/S.Exp	FS	Online	A/B/C/D
One Love	Annual	Outreach	A	In Person	A/B/C/D
Intersections	Annual	H.R.	E	Online	A/B/C/D/E
Students Fight Back	Annual	Title IX/S.Exp	S	In Person	B/F
Clothesline Project	Annual	Title IX/S.Exp	C	In Person	A/B/C/D
Take Back the Night	Annual	Title IX/S.Exp	C	In Person	A/B/C/D
Walk a Mile in Her Shoes	Annual	Title IX/S.Exp	C	In Person	B
Denim Day	Annual	Title IX/S.Exp	C	In Person	B
Sexual Misconduct awareness, prevention and reporting	Annual	Title IX/S.Exp.	RA	In Person	A/B/C/D
Alcohol, consent, student conduct, criminal issues.	Annual	Title IX/S.Exp YSUPD, Youngstown Prosecutor	A	In Person	B/F

Content Key: A: Dating/Domestic Violence, B: Sexual Assault, C: Sexual Harassment, D: Stalking, E: Workplace Violence, F: Bystander Intervention, RA: Resident Asst.

Audience Key: FS: All first year students, S: All Students, A: Athletes, E: Employees, C: Entire Campus Community

S. Exp is abbreviated for Student Experience.

6.8 Immediate Assistance and Procedures to Follow For Victims of Sexual Violence

Victims of sexual violence are encouraged to take the following steps:

- 1.) **Safety:** Victims of sexual violence are strongly encouraged to immediately contact the YSU Police Department to ensure immediate safety. YSUPD is located in Clingan-Waddell Hall, 266 West Wood Street, Youngstown Ohio, 44502. The YSUPD is available 24 hours a day 7 days a week by calling 9-1-1 from a campus telephone or (330) 941-3527 from a landline.
- 2.) **Confidential Support Services:** The YSU Counseling Center offers a confidential advocate during normal business hours. The Counseling center is available from 8:00-5:00 Monday-Friday and can be reached at (330) 941-3737.
- 3.) **Preserve Evidence:** Even if you (or the victim) are not sure about pursuing an investigation or sanctions against the alleged suspect, they are encouraged to preserve evidence. It is important to preserve physical evidence because it can assist in criminal prosecution in proving that the criminal offense occurred or obtaining a protection order. For example, victims of sexual assault should make every effort to save anything that might contain the suspect's DNA. Therefore, the victim should try not to bathe or shower, use the restroom, change clothes, comb hair, clean up the crime scene or move anything the offender might have touched. Evidence of sexual assault is most effectively collected via a sexual assault forensic exam within 96 hours after the assault. To obtain an exam, a victim can elect to go to the hospital of their choice and have the exam performed. A police report is not required to obtain an exam, and the evidence can be collected and preserved in case the victim decides at a later date to file a police report. Victims can also preserve evidence by saving text messages, instant messages, social networking pages, photos, and other documents that could be useful to police investigators.
- 4.) **Medical Attention:** Health providers can examine and treat physical injuries and provide pregnancy tests and testing for sexually transmitted diseases.

6.9 Reporting Options and Services Available

Below is a description of reporting options for victims of Sexual Violence.

- 1.) **Reporting to the YSU Police Department:** The YSU Police Department is located in Clingan-Waddell Hall, at 266 West Wood Street, Youngstown Ohio, 44502, and is available 24 hours a day, 7 days a week. Call 9-1-1 from any campus phone, or (330) 941-3527 from your cellphone.

The YSU Police Department provides a timely response for staff, students, faculty, and members of the community who have experienced sexual or relationship violence. In addition to emergency response, YSUPD conducts trauma informed investigations of sexual and relationship violence. For cases that occur off campus, local police of that jurisdiction should be contacted. The preservation of evidence is essential to the successful investigation and prosecution of sexual violence. YSUPD personnel have been specially trained in the proper handling, identification, collection and preservation of such evidence. YSUPD can assist victims by arranging for medical evidentiary examinations in order to provide admissible evidence when the person reporting the act of sexual violence desires prosecution through the criminal justice system.

Although it is never too late to file a police report, it is highly recommended to report sexual violence as soon as possible in order to allow the collection of evidence. When a report is made to the YSUPD, an investigation officer trained in sexual violence cases will be dispatched to the scene and will explain the police procedures. The officer will inform the victim that he or she has the right to have a support person present during the investigative interview. Detectives will assist with the investigation and proper evidence collection. Victim advocates are also available to accompany and assist victims.

At the conclusion of the police investigation, the case may be forwarded to the Mahoning County Prosecutors office for review. The Prosecutor's office makes the final decision whether to criminally prosecute the suspect. A Victim may make a police report or participate in court proceedings at his or her discretion.

YSUPD encourages the YSU community, including students, to immediately contact them by dialing 9-1-1 from a campus phone, or (330) 941-3527 to report instances of sexual and relationship violence. The YSU Police Department is located in Clingan-Waddell Hall, located at 266 West Wood Street, Youngstown Ohio, 44502, and is available 24 hours a day, 7 days a week.

To encourage reporting by victims, the YSU Police Department is committed to the following investigation procedures:

- YSUPD will meet with victims privately at a location where they are comfortable when feasible.

- YSUPD will only notify victim’s parents, spouse, or significant other if the victim asks us to do so. (If victims are under 18, parents/guardians may be contacted).
- YSUPD will treat victims and their concerns with courtesy, sensitivity, dignity, understanding, and professionalism.
- YSUPD will openly listen with no prejudice, and victims will not be blamed for what occurred.
- YSUPD will absolutely consider all cases regardless of victim’s gender, gender identity, gender expression, sexual orientation, or the gender or status of the suspect.
- YSUPD will assist victims in coordinating advocacy support, privately contacting confidential counseling, and/or other available resources.
- YSUPD will investigate cases while keeping victims regularly updated.
- YSUPD will discuss and explain the criminal justice court process. Ultimately, it is the victim’s choice to participate in criminal prosecution.

2.) **Reporting to the Title IX Coordinator at the Office of Equal Opportunity and Policy Development:** Located in Tod Hall, Tod Hall office 301, One University Plaza, Youngstown Ohio, 44555. Telephone: (330) 941-2216; Fax: (330) 941-2394. Email Atty. Kravitz cakravitz@ysu.edu.

YSU encourages all complaints to report acts of sexual and relationship violence to the Title IX Office as soon as possible after it occurred, regardless of whether it occurred on or off campus, in order for appropriate and timely action to be taken. Complainants may request an administrative investigation from the Title IX Office whether or not a report has been filed with the police. The Office of Equal Opportunity and Policy Development is the office responsible for conducting neutral, administrative investigations of all reports of sexual violence to determine if the policy or guidelines have been violated. Visit www.ysu.edu/title-ix for information about the investigative procedures.

The Title IX Officer will meet with complainants to discuss their rights, options, and any interim and protective measures appropriate. If a complainant wishes to file a complaint, the Officer will perform an investigation and produce an investigative report with a determination of whether the *preponderance of the evidence*¹ supports that the policies were violated. The investigative report will be submitted to the appropriate University official to adjudicate.

Any complainant, who reports sexual violence regardless of whether the offense occurred on or off campus, will be provided with a written explanation of their rights, options, and resources. The Title IX Officer, in coordination with the Office of Student Life and Housing will make an immediate assessment concerning the health and safety of the complainant, other affected parties, and the campus community, implement interim

¹ Preponderance of the Evidence is the standard of evidence used; meaning “more likely than not”.

measures or protective measures immediately necessary including but not limited to changes to housing or course assignments, and safety escorts.

Many campus offices can assist complainants with obtaining interim measures and protective measures, such as YSUPD, Student Housing, Student Life, Disability Services, Center for Student Progress, and Human Resources. Interim and protective measures can include protection orders (through the court where you reside) escorts, counseling and advocacy sources, referrals to legal services, physical and mental health services, academic accommodations, employment accommodation, and changes to academic, living, transportation and/or working situations. Complainants with questions, concerns, or complaints about their ability to obtain requested interim measures or protective measures should contact the Title IX Office. Factors that might be considered during this process include, but are not limited to:

- The specific need expressed by the complainant;
- The age of the students involved;
- The severity or pervasiveness of the allegations;
- Any continuing effects on the complainant;
- Whether the complainant and alleged respondent share the same residence hall, class, transportation or job location; and
- Whether other judicial measures have been taken to protect the complainant.

3.) **Option to decline all reporting:** Although YSU encourages the timely reporting of all crimes, complainants of sexual violence are not required to report to police, Title IX Office, or any other campus office.

4.) Resources: Regardless whether a complainant chooses to report sexual violence, on and off campus support resources are available to help.

YSU Counseling Center	Monday-Friday 8:00-5:00	Kilcawley Center	(330) 941-3737
Student Health Clinic	Monday-Friday 8:00-4:00	Kilcawley House 1 st Floor	(330) 941-3489
Employee Assistance Program			1(800)-227-6007
The Rape Crisis & Counseling Center			(330) 782-3936
Rape, Abuse and Incest National Network			1(800)-656-HOPE
Valley Care/Northside Medical Center			(330) 884-1000
Youngstown State University Police	24 Hours, 7 Days a Week		(330) 941-3527
Student Outreach and Support			(330) 941-4721
Title IX Coordinator			(330) 941-2216

- YSU Counseling Center: This confidential resource can help to process the emotions and anxiety that is often associated with sexual violence. Call (330) 941-3737 or simply dial 3737 from any campus telephone.
- Rape Crisis and Counseling Center: 24 Hour hotline and crisis counseling for victims of sexual assault, other violent crimes, and their significant others at hospital emergency rooms. Call (330) 782-3936.
- Rape, Abuse and Incest National Network: National sexual assault crisis line that can connect with local providers. Call 1-800-656-HOPE.

6.10 Interim Measures

Regardless of whether a victim/complainant of sexual violence pursues an investigation, upon request, YSUPD, Title IX Office, will help victims/complainants obtain interim measures. Victims with questions, concerns, or complaints about their ability to obtain requested interim measures should contact the Title IX Office at (330) 941-2216. In addition to the Title IX Office these contacts may also be of some assistance.

- Interim measures for students; contact The Director of Student Outreach and Support Nicole Kent-Strollo at (330) 941-4721 for assistance in obtaining academic support including tutoring, extra time, extension, and withdrawals, and class or schedule changes. Physical and mental health services, counseling, disability accommodation services and victim advocacy. Campus accommodations such as, housing relocation and assistance, safety escorts, Visa assistance, and financial aid assistance.
- Interim measures for employees; contact Human Resources at (330) 941-1508 for assistance in obtaining changes to schedule, work location, parking, department, as well as physical and mental health services, disability accommodation services, victim advocacy and leave time.
- Administrative stay-away order or no contact orders may be imposed and enforced by the Office of Student Conduct for students, and by the applicable management and Human Resources for employees.
- Victims may contact a court directly to obtain a civil protection order. For complete information about civil protective orders and court location, visit the Mahoning County Court's website at www.mahoningdrcourt.org.

6.11 Victim Confidentiality

YSU recognizes the sensitive nature of sexual assault, domestic violence, dating violence, and stalking incidents. YSU is committed to protecting the privacy of any individual who makes a report. Personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need to know.

- Reports made to confidential on campus resources may talk to complainants without revealing any identifying information about them to anyone else at the University, including the YSUPD without the complainants consent. Except under certain limited circumstances (risk of imminent harm to the complainant or others) complainants can seek assistance from counselors and advocates without triggering an administrative or police investigation.
- When reports are made to the Title IX Office, every reasonable effort is made to protect the privacy of all individuals throughout all phases of the complaint resolution process. While The Title IX Office cannot guarantee absolute confidentiality, disclosure of facts to parties and witnesses is limited to what is reasonably necessary to conduct a fair and through investigation or to deliver resources or support services to the parties. Any Title IX report or YSUPD report is redacted to protect the confidential information.
- YSU will maintain as confidential any interim or protective measures provided to parties, to the extent such confidentiality does not impair YSU's ability to provide the interim measure. In some cases, YSU may need to disclose some information about a complainant to a third party to provide necessary accommodations.
- The Office of Student Conduct and Human Resources disclosures are limited to what is reasonably necessary to conduct the fair and complaint adjudication of cases to deliver resources or support services to the parties. Any disclosures will be made consistent with University Policy and state and federal law.
- If a Timely Warning (PenguinAlert) is issued on the basis of a report of sexual violence, the name of the complainant/victim and other personally identifiable information will be withheld.
- Publicly available record keeping for purposes of Clery Act reporting and disclosures will be made without including personally identifying information about the complainant/victim. Also, YSU does not publish the name of crime victims as part of its Clery Act mandated reporting (including annual crime statistics that are disclosed in compliance with the Clery Act), nor does it contain identifiable information regarding victims in the YSUPD's daily crime and fire logs. In addition, YSU policy regarding access to public records may require disclosure of certain information concerning the report of sexual violence. In such cases, every effort is made to redact or limit the record as appropriate to protect the privacy of all parties and witnesses.

6.12 Procedures for Administrative Reporting to Title IX Office and Response

This section provides an overview of the administrative procedures YSU uses to respond to reports of sexual violence. While the Title IX Officer has general responsibility for oversight of the reporting process and investigation of a report, other departments or offices may be involved and consulted as necessary.

Reporting

Any person may make a report, including anonymously, of sexual violence to the Title IX Officer, or to any responsible employee, or to another appropriate office such as The Office of Student Life or Human Resources. The report will be sent to the Title IX Officer. Reports made to the Title IX Officer can be made in writing or orally and should contain all pertinent information known to the reporter, including names, date, location, and allegations. Anonymous reporting options visit www.ysu.edu/title-ix/reporting.

Timeliness

While there is no time limit for reporting, reports of sexual violence should be brought forward as soon as possible. All incidents should be reported even if significant time has elapsed but prompt reporting will better enable the University to respond, investigate, provide an appropriate remedy, and impose discipline if appropriate.

Initial Assessment of a Report

After receiving a report, the Title IX Officer will make an initial assessment of the report to determine whether (i) the report, ostensibly alleges an act of sexual violence; and (ii) such conduct has a sufficient nexus with the University for it to intervene. The Title IX Officer may consult with appropriate academic officers for faculty and other academic appointees' complaints, with The Office of Student Life for student complaints, and with Human Resources for staff complaints.

Immediate Health and Safety

The Title IX Officer will make an immediate assessment concerning the health and safety of the individual and the campus community, implement interim or protective measures necessary, and provide the complainant a written explanation of rights and reporting options and available campus and community resources.

Jurisdiction

The University has jurisdiction over alleged violations of sexual violence that occur on University property or in connection with University activities, programs, or events. In addition, the University may exercise jurisdiction over conduct that occurs off campus that affects the learning or working environment; or conduct that would violate other University policies had it occurred on campus.

Required Notification

Individuals making reports will be informed about:

- Confidentiality of reports, including when reports cannot be kept confidential.
- The range of possible outcomes of the report.

If the report results in a formal investigation after the conclusion of the investigation, the complainant and respondent will be simultaneously informed in writing of:

- The outcome of the investigation and its rationale;
- Any available appeal rights and procedures;
- How to obtain a copy of the investigation report, which may be redacted as necessary to protect privacy rights.

If the matter results in disciplinary proceeding, at the conclusion of that proceeding, the complainant and the respondent will be simultaneously informed in writing of:

- The result of the disciplinary proceeding, including the final determination with respect to the alleged offense, any sanction that is imposed, and the rationale for the results;
- Any available appeal rights and procedures;
- Any subsequent change to the results and when results will become final.

6.13 Grievance Procedures

The following principles and procedures (collectively known as the Title IX Grievance Procedures) shall be utilized by the Title IX Coordinator to address complaints involving all forms of sex discrimination (including sexual harassment, sexual assault, and sexual violence) against employees, students, or third parties, in the University's educational programs and activities (Title IX complaints):

General Procedures

- For the purpose of the Title IX Grievance Procedures, "University Title IX Coordinator or Title IX Coordinator" shall mean the University Title IX Coordinator and/or his or her designee(s); an individual alleging discrimination shall be known as the grievant and the individual who is alleged to have engaged in discrimination shall be known as the respondent; together the grievant and respondent shall be known as the parties. In addition to a grievant, a third-party may bring a complaint on behalf of another person who has allegedly been the subject of discrimination.
- Any member of the University Community that feels that s/he has been subjected to or witnessed discrimination on the basis of sex in a University educational program or activity, may use these Title IX Grievance Procedures to file a complaint for review and possible investigation.
- This submission shall generally be referred to as a complaint for purposes of the Title IX Grievance Procedures. To promote timely and effective review and investigation, complaints should be made immediately or as soon as reasonably possible after the occurrence or most recent occurrence; however, complaints may be filed at any time and will be addressed in accordance with these grievance procedures and to the extent that is feasible.
- Retaliation against any individual in the University community either for alleging discrimination prohibited by Title IX or for cooperating in the review or investigation of a complaint is strictly prohibited by University Policy and Title IX.
- The parties involved in an investigation may present witnesses and other relevant evidence during the course of an investigation and may choose an individual to accompany them during the course of the investigation.
- In most circumstances, the Title IX Coordinator will coordinate his/her activities with other University offices charged with responsibilities for student, faculty and staff conduct and discipline and for enforcing the University's policies and procedures generally.
- The Title IX Coordinator may investigate allegations of discrimination prohibited by Title IX even absent the filing of a complaint or formal grievance, or if a complaint is withdrawn. While the Title IX Coordinator will take into account any requests for confidentiality made by a party filing a complaint or that a complaint not be pursued, the Title IX Coordinator will take appropriate steps to respond to the grievance consistent with the requirements of Title IX while remaining cognizant of the grievant's articulated concerns.
- Any information obtained pursuant to these procedures may only be shared or disclosed by the Title IX Coordinator with those who have a legitimate need to know, when

required by law, or when the Title IX Coordinator determines in h/her judgment that such disclosure is necessary to protect the health, safety, or well-being of members of the University Community.

- All investigations and activities conducted under these procedures shall be resolved promptly, equitably and objectively.
- Allegations of discrimination prohibited by Title IX shall be reviewed by applying a preponderance of the evidence standard (i.e. it is more likely than not that sexual discrimination, harassment or violence occurred).
- A complaint of sexual assault or violence will only be investigated as a formal complaint.
- At any time during the grievance procedures the Title IX Coordinator may recommend that interim measures be taken such as separating the parties, placing limitations on contact between the parties, or making alternative workplace or student housing arrangements. Failure to comply with the terms of interim protections could be considered a separate violation of applicable University Policies.
- The proceedings will be prompt, fair and impartial; and will be conducted by officials who receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking.

Informal Resolution

Situations which are appropriate for informal resolution are those instances when the parties involved desire to resolve a matter cooperatively and the incident or behavior does not rise to the level of denying an individual participation in or access to a program or activity but nevertheless may be having an adverse impact on the individual. In these instances, mediation, counseling, advice, training, or informal discussion may be useful in resolving concerns about the situation in question. Steps taken by the Title IX Coordinator to help parties achieve informal resolution will be documented.

In working to resolve a matter informally, the Title IX Coordinator ordinarily will interview the grievant, where appropriate the respondent, and others who may have knowledge of the facts underlying the complaint. At any point, including while the informal process is ongoing or afterward, a grievant may elect to end the informal grievance process in favor of pursuing the formal grievance procedure.

Formal Resolution

A person who is considering bringing a formal complaint is strongly encouraged to meet with the Title IX Coordinator, who will discuss the matter and describe the Title IX Grievance Procedures.

- The formal grievance process is initiated when a grievant submits written documentation of a complaint to the Title IX Coordinator or Deputy Coordinators. Grievants are

encouraged but not required to use the Complaint/Grievance Form which is available on the Title IX home page or in the Office of Equal Opportunity and Policy Development and on line at Youngstown State University Complaint/Grievance Form. This submission shall generally be referred to as a complaint for purposes of these grievance procedures. A complaint should be submitted within 180 days of the occurrence or the most recent occurrence, however, complaints may be filed at any time and will be addressed in accordance with the Title IX Grievance Procedures and to the extent that is feasible.

- The Title IX Coordinator will interview the grievant, the respondent, if available, and, depending on the circumstances, may also interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. A grievant and respondent may present witnesses and other relevant evidence to the Title IX Coordinator.
- Disclosure of facts to witnesses shall be limited to what is reasonably necessary to conduct a fair, impartial, and thorough investigation. Participants in an investigation shall be advised that maintaining confidentiality is essential to protect the integrity of the investigation and will be advised to refrain from discussing the pending investigation.
- The investigation shall be completed as promptly as possible and in most cases within 60 working days of the date the written complaint was received. In the event that an investigation cannot be completed within 60 days, the grievant and respondent shall be notified, and as appropriate provided an estimated completion date and informed of the status of the grievance process.
- The Title IX Coordinator shall prepare a written report setting forth the allegations, a summary of the information considered, findings, a determination as to whether University policy has been violated, and recommended action if any, to be taken.
- Copies of all or part of the report will be provided to those university administrators, academic leaders, and supervisors who are directly responsible for implementing corrective or preventative actions which are included in the report.
- The grievant and the respondent shall be informed in writing of the completion of the investigation and the outcome of the investigation. The grievant shall be informed of the findings and of actions taken or recommended to resolve the complaint, if any, that are directly related to the grievant, such as a recommendation that the accused not contact the grievant. The grievant may be notified generally that the matter has been referred for disciplinary action, but shall not be informed of the details of the recommended disciplinary action without the consent of the respondent. The respondent shall be informed of the findings and of actions taken or recommended to resolve the complaint and shall be notified of referrals for disciplinary action and recommended disciplinary action.
- The University's Title IX Coordinator will, as necessary, take appropriate action to ensure that the University comes into compliance with Title IX in a manner which is prompt and equitable to the grievant.

Privacy and Confidentiality

For these procedures, privacy means that information related to a report or complaint will only be shared with those University employees who “need to know” in order to assist in the review, investigation and/or resolution process.

Confidentiality refers to information shared with professionals such as medical and mental health providers, counselors, and ordained clergy, who are prohibited from sharing this information unless legally required or compelled to do so.

In applying these grievance procedures, the Title IX Coordinator attempts to balance the privacy concerns of the parties with the University's responsibility to ensure a safe educational and workplace environment and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation.

An investigation into allegations of discrimination, harassment, sexual violence or sexual misconduct can result in the gathering of extremely sensitive information about individuals in the University community. All investigations and activities conducted under these procedures shall be conducted with due regard for any legitimate privacy and reputational interests of those involved and the privacy of those involved will be protected to the extent allowed by state and federal law and University policy. The University may be required to disclose personal information in accordance Ohio Public Records law.

Outside Agencies

Regardless of the status of a grievance, method of resolution or the outcome, a grievant is at all times free to pursue a complaint with Governmental Agencies such as the Ohio Civil Rights Commission, or the United States Department of Education/Office for Civil Rights.

Ohio Civil Rights Commission
Cleveland Regional Office
Lausche State Office Building
615 W. Superior Ave., Suite 885
Cleveland, OH 44113
Phone: (216) 787-3150 Fax: (216) 787-4121

U.S. Department of Education/Office of Civil Rights Hotline 1.800.421.3481

6.14 Procedures and Timelines for Disciplinary Action and Sanctions

Disciplinary hearings for allegations of sexual crimes:

- Once an allegation of sexual misconduct has been reported to the university, the Title IX Coordinator meets with the complainant to explain the options available to them, which includes reporting to the University police department, instituting a No Contact Order, and beginning an investigation through the Title IX office.
- If a student chooses to pursue a Title IX investigation, the Title IX Coordinator and Conduct Officer undertake the investigation together to limit the number of times that the complainant, respondent(s), and witness(es) have to recount their testimony.
- Upon completion of a Title IX investigation, the Title IX Coordinator completes a report on the complaint, and determines by the preponderance of the evidence whether the respondent(s) have violated the University sexual misconduct policy. The Conduct Officer then meets with the complainant and respondent(s) to discuss the findings and potential next steps.
- If the investigation determines that a violation of the sexual misconduct policy did occur, the complainant may choose to pursue the case through the Office of Student Conduct. Once appropriate charges have been assigned, and possible sanctions have been determined, the case may proceed in one of two ways, which is the same way that all University proceedings proceed:
 - If the Conduct Officer determines that appropriate sanctions should not include any residential suspension or expulsion, or University suspension or expulsion, the Conduct Officer will meet with the respondent to offer a Conduct Agreement. By signing a Conduct Agreement, the respondent acknowledges responsibility for the charge(s) and accepts the sanction(s) offered. The case is then considered closed, other than completion of any assigned sanction(s).
 - The respondent may choose to decline to sign the Conduct Agreement, which will then result in the case being forwarded for a hearing before the Student Conduct Board.
 - If the Conduct Officer determines that appropriate sanctions should include a residential suspension or expulsion, or a University suspension or expulsion, the case is forwarded for a hearing before the Student Conduct Board. Such a proceeding follows the normal guidelines for any student conduct hearing (per Article IV. D. of *The Student Code of Conduct*).
 - Per standard practice, the complainant may choose to be present at the hearing in person, may choose to be in a separate room from the respondent(s), may choose to be available via phone or skype, may choose to submit a written statement only, or may choose not to be present and to be represented by the Conduct Officer.
- The complainant may also choose an informal resolution. This informal resolution would only be used in cases where the reported behavior does not rise to the level of denying an individual participation in or access to a program or activity, and when both parties are interested in a cooperative resolution. This informal resolution may include counseling, mediation, advising, training, or informal discussion, and will be documented by the Title IX Coordinator.
- The proceedings will be prompt, fair and impartial; and be conducted by officials who receive annual training on the issues relating to dating violence, domestic violence,

sexual assault and stalking. The procedures will be conducted in such a way that they promote accountability and protects the safety of the victims

- The respondent and complainant will have the same opportunities to have an advisor of his or her choice (not limiting) during the proceedings. Both will be notified simultaneously in writing the results of the proceedings and the procedures for appeals.

6.15 Written Explanation of Rights and Options

The respondent and complainant will be informed about:

- Confidentiality of reports, including when reports cannot be kept confidential.
- The range of possible outcomes of the report.
- Legal assistance.
- Interim measures; such as change of work schedules and classes.
- Financial aid information and assistance.
- Whether the offense occurred on or off campus, the rights and options available.

If the report results in a formal investigation after the conclusion of the investigation, the complainant and respondent will be simultaneously informed in writing of:

- The outcome of the investigation and its rationale;
- Any available appeal rights and procedures;
- How to obtain a copy of the investigation report, which may be redacted as necessary to protect privacy rights.

If the matter results in disciplinary proceeding, at the conclusion of that proceeding, the complainant and the respondent will be simultaneously informed in writing of:

- The result of the disciplinary proceeding, including the final determination with respect to the alleged offense, any sanction that is imposed, and the rationale for the results;
- Any available appeal rights and procedures;
- Any subsequent change to the results and when results will become final.

International Students, Study Abroad and ESL students will receive the same written information. Additionally, these students will receive information on immigration status, visa's etc. These students will further be assisted by the International Programs Office (IPO). The IPO is located in Jones Hall room 1042; the office can be contacted at (330)-941-2336.

6.16 Specific Sanctions for Violations of Sexual Assaults and VAWA Offenses

Sanctions for allegations of sexual crimes:

- The Office of Student Conduct uses a sanctioning rubric to maintain consistency across cases with similar violations. For cases involving allegations of sexual misconduct, the following portion of the rubric applies:

Article III. 18. Sexual Misconduct	Sexual harassment or stalking Single incident, single victim, single respondent Recklessness or unintentional behavior	Sexual harassment or stalking Pattern of behavior, multiple victims, multiple respondents Intentional behavior
	<ul style="list-style-type: none"> • 12 month conduct probation to 2 semester suspension • 12 month residential probation to 2 semester residential suspension • <i>Residence hall relocation</i> • <i>Think About It or other online training</i> • <i>Other appropriate educational sanction</i> • <i>Any appropriate restrictions</i> • <i>No contact order, if requested</i> 	<ul style="list-style-type: none"> • 12 month deferred suspension to expulsion • 12 month deferred residential suspension to residential expulsion • <i>Residence hall relocation</i> • <i>Think About It or other online training</i> • <i>Other appropriate educational sanction</i> • <i>Any appropriate restrictions</i> • <i>No contact order, if requested</i>
Article III. 18. Sexual Misconduct	Dating or domestic violence Single incident Recklessness or unintentional behavior	Dating or domestic violence Pattern of behavior Intentional behavior
	<ul style="list-style-type: none"> • 12 month deferred suspension to 2 semester suspension • 12 month deferred residential suspension to 2 semester residential suspension • <i>Residence hall relocation</i> • <i>Think About It or other online training</i> • <i>Other appropriate educational sanction</i> • <i>Any appropriate restrictions</i> • <i>No contact order, if requested</i> 	<ul style="list-style-type: none"> • 1 semester suspension to expulsion • 1 semester residential suspension to residential expulsion • <i>Residence hall relocation</i> • <i>Think About It or other online training</i> • <i>Other appropriate educational sanction</i> • <i>Any appropriate restrictions</i> • <i>No contact order, if requested</i>
Article III. 18. Sexual Misconduct	Sexual assault First offense, <u>no</u> penetration, force, or coercion	Sexual assault First offense <u>with any</u> penetration, <u>any</u> force or coercion; second offense, <u>no</u> penetration, force or coercion
	<ul style="list-style-type: none"> ➤ 2 semester suspension to expulsion ➤ 2 semester residential suspension* to residential expulsion ➤ <i>No contact order, if requested</i> ➤ <i>Any appropriate restrictions</i> 	<ul style="list-style-type: none"> ➤ 1 year suspension to expulsion ➤ Residential expulsion ➤ <i>No contact order, if requested</i> ➤ <i>Any appropriate restrictions</i>

- Per the information provided on our website (<http://cms.ysu.edu/administrative-offices/student-conduct/sanctions>):

Violations of the YSU Sexual Misconduct Policy

Violation of the YSU Sexual Misconduct Policy- which includes any sexual harassment, stalking, dating or domestic violence, sexual assault, or any other similarly prohibited behaviors- will result in sanctions designed to end the misconduct, remedy the effects created by the misconduct, and prevent recurrence of the misconduct.

In choosing appropriate sanctions for such violations, the following information is taken into consideration:

- Adherence to interim measures prior to the hearing
- The actual and possible repercussions of the misconduct
- Any physical, emotional, or psychological harm done to others
- The frequency and severity of the misconduct
- Indication of any pre-meditated intent to commit the misconduct
- Use of any coercion, threats, weapons, or force used to commit the misconduct
- The student's prior conduct record

For a first time violation of Article III. 18. (including sexual harassment, stalking, dating violence, or domestic violence) of the Student Conduct Standards, a student should expect the following sanctions at minimum:

- 12 months conduct probation
- 12 months residential probation (if the student lives in University housing)
- Residence hall relocation (if the student lives in University housing)
- Educational sanction, including an online intervention program
- For a first time violation of Article III. 18. (including any sexual assault with penetration, use of coercion, or use of force) of the Student Conduct Standards, a student should expect the following sanctions at minimum:
 - 1 year University suspension
 - Residential expulsion
 - Educational sanction, including an online intervention program

1219 Hearings

- In the event of a case wherein an alleged violation also qualifies for a "1219" proceeding (per Article VI. A. of *The Student Code of Conduct*) both a 1219 hearing and a hearing before the Student Conduct Board would occur. Per Article VI. Section A. a "1219" proceeding would apply in cases where the alleged violation occurred "on or near the University", whereas the broader jurisdiction of *The Student Code of Conduct* allows for a hearing before the Student Conduct Board for any alleged violation, regardless of the location.

6.17 Student Code of Conduct

RIGHTS AND RESPONSIBILITIES

Section A. Basic Rights

The following enumeration of basic rights shall not be construed to deny or disparage other rights and privileges retained by students in their capacity as members of the student body or as citizens of the community at large:

1. The right of free inquiry, expression, and/or assembly.

2. The right to pursue educational goals and appropriate opportunities for learning in the classroom, on campus, and on-line.

3. The right to be secure in their persons, living quarters, papers, and effects against unreasonable searches and seizures.

4. The right to retain ownership of class projects/assignments authored by a student and submitted to fulfill requirements of a course, except as provided by the Revised Code, Section 3345.14.

Section B. Basic Responsibilities

Students, as members of the University community, shall have the following responsibilities which are inherent in the basic rights delineated above:

1. To maintain standards of academic performance as established by their faculty.

2. To be responsible for acting in such a manner as to ensure other students the rights declared in Section A. of this article.

3. To be responsible for their actions with respect to, and to follow, all University regulations and policies.

4. To be responsible for their actions with respect to provisions of local, state, and federal law.

5. To conduct themselves in a manner which helps to create and maintain a learning atmosphere in which the rights, dignity, and worth of every individual in the University community are respected.

6. To have in their possession a valid University Identification Card when on University premises.

7. To be responsible for adhering to the Drug-Free Environment Policy.
8. To ensure adherence to all University Board of Trustees policies that apply to students.

STUDENT CONDUCT AUTHORITY

The President has delegated the authority for the University student conduct system to the Associate Vice President for Student Experience. The Associate Vice President for Student Experience, or their designee, serves as the Student Conduct Administrator responsible for the administration and operation of The Student Code of Conduct and the student conduct process. Members of the University seeking formal disciplinary action for student misconduct should refer to the Student Conduct Administrator. The Student Conduct Administrator shall determine the composition of Student Conduct Bodies and Appellate Panels. The Student Conduct Administrator shall develop policies for the administration of the student conduct system and procedural rules for the conduct of hearings that are consistent with provisions of The Student Code of Conduct. The Student Conduct Officer shall be the Associate Director of Student Conduct. The Student Conduct Administrator may also appoint one (1) or more Deputy Conduct Officers to review reports of violations of The Student Code of Conduct and to conduct investigation. Deputy Conduct Officers shall be under the supervision of the Student Conduct Officer and/or the Student Conduct Administrator.

Section A. Jurisdiction of The Student Code of Conduct

1. The Student Code of Conduct shall apply to conduct which adversely affects the University community or interferes with the pursuit of its mission or educational objectives and programs whether it occurs on University premises, at University sponsored activities, or on non-University premises. It is important to note that a student and/or group/organization will be subject to the University student conduct process where the conduct has occurred on non-University premises when the conduct adversely affects the University community or interferes with the pursuit of its mission or educational objectives and programs.
2. Students shall be responsible for their conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if the conduct is not discovered until after a degree is awarded). The Student Code of Conduct shall apply to a student's conduct even if the student withdraws from the University while a matter of misconduct is pending.

3. An incident which results in a charge under The Student Code of Conduct may also lead to a proceeding outside of the University for a violation of local, state, or federal law. In these instances, University proceedings are not subject to challenge based on concurrent criminal or civil proceedings or that such proceeding has been or will be dismissed, reduced, withdrawn, resolved or settled. The University will cooperate, to the extent permitted by law, with law enforcement and other agencies in the enforcement of all laws. In all cases, hearings within the University will be held according to the procedures set forth in this policy. Since the University Student Conduct Process is educational in nature, differing judgments may result.

Section B. Campus Student Organizations

Registered student organizations may exist for any appropriate purpose that does not conflict with University policies and regulations or with local, state, and/or federal laws. The development of policies and guidelines for student organizations is the responsibility of the Associate Vice President for Student Experience or his/her designee. The policies and regulations that apply to student groups/organizations are outlined in the Penguin Student Handbook which houses all of the student organization's policies. Student groups/organizations that violate any of the student organization policies may be charged with violating The Student Code of Conduct and be subject to the student conduct procedures outlined in Article IV.

Section C. Student Conduct Authority

1. The enforcement of regulations, policies, and guidelines that apply to students, student organizations/groups are within the jurisdiction of the Associate Vice President for Student Experience, or their designee.

2. Student groups and registered student organizations may be charged with violations of The Student Code of Conduct in the following circumstances:

(a) An organization is responsible for its actions and shall be held responsible when the organization fails to comply with the YSU student organization's policies, and/or University policies or regulations.

(b) An organization is responsible for its actions and shall be held responsible when the organization fails to comply with city, state, and federal law.

3. A student group (as defined in the Glossary of Terms in this document) or registered student organization and its officers may be held collectively or individually responsible for violations of The Student Code of Conduct.

STUDENT CONDUCT PROCEDURES

Section A. General

This overview gives a general idea of how the University's campus student conduct proceedings work, but it should be noted that not all situations are of the same severity or complexity. Thus, while consistency in similar situations is a priority, these procedures are flexible, and are not exactly the same in every situation.

1. These proceedings are administrative procedures and do not follow the specific steps, methods, or standards of proof of evidence used in civil or criminal courts.
2. Any member of the University community may report violations of The Student Code of Conduct alleging student and/or student group/organization misconduct. The report shall be prepared in writing and directed to the Student Conduct Officer. A report of a violation of The Student Code of Conduct shall be submitted as soon as possible after the incident occurs, but not later than thirty (30) days following the University becoming aware of an incident. Exceptions to this limitation period will be reviewed by the Student Conduct Administrator and may be granted at their discretion.
3. The Student Conduct Officer shall review reports of violation(s) and may initiate investigations of possible violation(s) of The Student Code of Conduct to determine if the charges have merit. In reviewing the reports, the Student Conduct Officer will determine whether the alleged violation(s) may be resolved through a conduct conference or a conduct hearing. Students or groups/organizations that might be subject to University suspension or expulsion shall automatically be provided a hearing before a Hearing Panel.
4. The standard of proof utilized in all University student conduct proceedings shall be a preponderance of evidence, i.e., more likely than not that the alleged conduct occurred.

Section B. Student Conduct Conference

Any student, student group, or student organization (hereinafter referred to as the respondent) who has been charged with an alleged violation of the Student Conduct Standards section of The Student Code of Conduct (Article III) will first be scheduled for a Conduct Conference with the Student Conduct Officer or Deputy Conduct Officer assigned to review the allegation. The respondent will be notified in writing of the date, time, and location of the Conduct Conference. Written notification will include:

1. The specific charges pending against the respondent;
2. A brief summary of the referral;
3. Statement of rights and responsibilities; and

4. If applicable, a statement notifying the respondent that the alleged conduct is significant enough that they may face suspension or expulsion if the charge is substantiated.

The Conduct Conference is the first step in The Student Code of Conduct Process, and serves to provide the respondent with the opportunity to discuss the allegations that led to the referral. The respondent will receive more information regarding the student conduct process, clarification of their rights and options, the ability to inspect and review all relevant information as well as a range of potential sanctions for the violation in question should the charges be substantiated. After a discussion regarding the incident and review of relevant information, the respondent will have an opportunity to accept or deny responsibility for the charge(s). If the respondent accepts responsibility for the charge(s), the Student Conduct Officer will sanction the respondent as part of the Conduct Conference. The respondent will be asked to sign the Student Conduct Agreement, which will outline all of the sanctions offered to the respondent. While the respondent may sign the form immediately, they have up to three (3) University working days to do so. The respondent has the option to accept the charge but contest the sanction or agree to both the charge and sanction. Once the respondent signs a Student Conduct Agreement, the decision is final and there is no appeal process. If the respondent denies responsibility for one (1) or more of the charges, the Conduct Officer will proceed to schedule a hearing for the student

Section C. Student Conduct Board Hearing

The purpose of a hearing is to provide an equitable forum for the review of the available information regarding an alleged incident of misconduct. The Student Conduct Board Hearing Panel will decide by the preponderance of evidence whether or not the respondent is found responsible for the charge(s). All hearings are closed to the public, with the exception of advisors for the complainant and respondent. All parties directly participating in the hearing (the respondent, Conduct Officer, and complainant) may remain present the entire time, excluding deliberations.

Student Conduct Board Hearings are presided over by a panel of members of the Student Conduct Board. Each hearing panel will include a Chairperson (Chair). The Chair is responsible for keeping the proceedings moving forward. If the respondent fails to appear at a scheduled Student Conduct Board Hearing and the absence is not excused, the hearing may proceed in the respondent's absence or may be rescheduled at the discretion of the Chair. Each hearing panel is assigned a hearing panel advisor. The role of the advisor is to ensure the conduct process is adhered to and to answer procedural questions posed by any party during the hearing. The hearing board advisor will also keep the proceedings focused on issues relevant to the specific allegations. The advisor will not participate in a determination of a finding or sanction.

However, the advisor may be summoned by the hearing panel members during deliberations to answer questions regarding the conduct process.

Section D. Hearing Procedures

1. Guidelines

(a) The Chair of the Student Conduct Board will explain the respondent's rights and responsibilities, and, if applicable, the complainant's rights and responsibilities.

(b) The Chair (in conjunction with the hearing panel advisor, if applicable), is responsible for assuring that these rights as well as the process described in this section are adhered to during the hearing.

(c) The respondent or the complainant (if applicable) may ask for the removal of a member of the hearing panel by providing written or verbal evidence of bias. The charge of bias is made to the Chair who will determine whether it is valid. If the charge of bias is against the Chair, the hearing advisor shall decide whether it is valid. If bias is found, the hearing will be rescheduled.

(d) The Conduct Officer may ask questions of any party at any time throughout the hearing.

(e) The Chair is responsible for determining the relevancy of questions asked during a hearing. The Chair may deem certain questions irrelevant and not allow them to be answered. In Student Conduct Board hearings, the hearing panel advisor may assist the Chair in those determinations.

(f) The Chair may exclude persons from the hearing if they are disruptive, or postpone the hearing because of disruptive behavior of participants or observers.

2. Introduction

(a) Each party in the room will introduce themselves and explain their role in the hearing.

(b) The Chair will ask the Conduct Officer to briefly explain why they have requested the hearing.

3. Presentation of Information

(a) Following the introduction, the Conduct Officer will provide the hearing panel with a detailed summary of the incident and, if applicable, any subsequent investigation.

(b) If there is a complainant, the complainant will then have an opportunity to provide the hearing panel with a summary of their role and perspective on the incident. The complainant may be represented by the Conduct Officer.

(c) The Chair will then ask the respondent to describe their involvement in the matter at hand as it pertains to the charges being considered in the hearing. The Student Conduct Officer may question the respondent at this time.

(d) The Conduct Officer will then present any relevant witnesses or documentary information to the hearing panel. The hearing panel, respondent, and complainant (if applicable) will each in turn have the opportunity to ask questions regarding the information presented.

(e) The respondent will then present any relevant witnesses or documentary information to the hearing panel. The hearing panel and the Conduct Officer will each in turn have the opportunity to ask questions regarding the information presented.

(f) The Conduct Officer will have an opportunity to make a summary statement.

(g) The complainant, if applicable, will have an opportunity to make a summary statement.

(h) The respondent will have an opportunity to make a summary statement.

4. Deliberation and Finding

(a) The hearing panel will go into closed session to determine by the preponderance of evidence whether the respondent will be found in violation of the charges pending in this matter. The hearing panel determines findings by majority vote.

(b) The hearing will re-convene for the announcement of the findings. If the respondent is found not responsible for the violation(s), the case will be dismissed. If the respondent is found responsible for a violation of one (1) or more of the pending charges, the hearing will proceed to sanctioning.

5. Sanctioning

(a) The Conduct Officer will give an overview of the respondent's disciplinary history, if any.

(b) If the respondent was presented with a possible sanction during their Student Conduct Conference, the Conduct Officer will share that proposed sanction with the hearing panel.

(c) The hearing panel will consider the following in determining a sanction:

- (i) statements and evidence presented at the hearing;
 - (ii) seriousness of the violation;
 - (iii) prior disciplinary record of the respondent; and
 - (iv) disciplinary precedent.
- (d) The hearing panel will go into closed session to determine sanction(s).
- (e) The hearing will reconvene for the announcement of the sanction. In Student Conduct Board hearings, the sanction is recommended to the Associate Vice President for Student Experience or their designee, who will make the final decision. While normally the hearing panel's recommendation will be the sanction imposed, the Associate Vice President for Student Experience or their designee may impose a different sanction. The Associate Vice President for Student Experience or their designee will send the respondent written notification of the decision, copying all parties involved.

Section E. Student Rights and Responsibilities

The following rights and responsibilities apply to those involved in a matter being addressed by the student conduct process.

1. Rights of Respondent – All respondents in the student conduct process have the following rights:

- (a) Written notice of the charge(s) made against them and the basis of the allegation that led to the charge(s).
- (b) In matters that could result in a sanction of suspension or expulsion, the above mentioned notification will alert the respondent to the possible severity of the outcome.
- (c) The right to an advisor.
- (d) To request reasonable accommodations due to disability, as outlined in Article IV. F.
- (e) Reasonable access to inspect and review their own case file, which includes all information that would be used during the conduct process, to the extent permitted by confidentiality laws.
- (f) Explanation of the resolution options available to them through the conduct process.

(g) To be presumed not responsible for a violation of prohibited conduct until found in violation by a preponderance of the evidence.

(h) To speak or not speak on their own behalf.

(i) The opportunity to respond to information used as part of the decision-making process.

(j) To deny responsibility for the charge(s) facing them and request a hearing.

(k) To question any witness that participates as part of a hearing.

(l) The right to appeal.

(m) To waive any of the above stated rights provided that the waiver is made freely and in writing.

2. Rights of the Complainant – All complainants in the conduct process have the following rights:

(a) To pursue criminal or civil charges where a legal case exists (without University assistance).

(b) Explanation of the resolution options available to them through the conduct process.

(c) To be free from harassment and intimidation from respondent(s) and others as they engage in this process.

(d) The right to an advisor.

(e) To request reasonable accommodations due to disability can be found under Article IV. F.

(f) To provide information for consideration during the conduct process, and to know the results of the process to the extent allowed under federal laws and University policies.

(g) The opportunity to appear at any hearing that may take place in order to provide relevant information.

(h) The opportunity to submit a written impact statement for use in a hearing, even if the complainant chooses not to attend the hearing.

3. Responsibilities of respondents, complainants, and witnesses – All respondents, complainants, and witnesses in the conduct process have the following responsibilities:

(a) To be honest and forthright in all information they provide during the conduct process. Presenting false and misleading information during this process is a violation of Student Conduct Standards as outlined in Article III. 5. b.

(b) To attend all scheduled meetings, conferences, or hearings, unless alternate arrangements are made in advance.

(c) To refrain from disruption of the hearing process. Disruption of this process is a violation of Student Conduct Standards as outlined in Article III. 6.

(d) Respondents have the responsibility to prepare and present their entire case as well as secure the presence of any witnesses who will speak on their behalf.

Section F. Reasonable Accommodation for Students with Disabilities

Any student with a disability involved in this process has the right to request reasonable accommodations in order to ensure their full and equal participation. Students wishing to request reasonable accommodations should make those requests directly to the Center for Student Progress (CSP) Disability Services. Students do not have to disclose information about the complaint or charge to CSP Disability Services to request reasonable accommodation, except to the extent that it may assist in the determination of reasonable accommodations. Accommodations are determined on an individual basis by CSP Disabilities Services staff and implemented in consultation with the Office of Student Conduct. Examples of reasonable accommodations include, but are not limited to, sign language interpretation, real-time communication access during hearings, large print documents, extended time to review documents, or assistance with transcribing questions during interviews or hearings.

Section G. Sanctions

If the respondent is found in violation of any policy, sanctioning will occur. A conduct sanction imposed or other action taken by any Student Conduct Body shall become effective upon written notification to the respondent. The notification will be provided by personal delivery, or by certified or regular US mail delivery to the respondent. Notification will also be sent to the respondent's official University email address. The hearing outcome may be appealed according to Article IV. I. If the respondent files a request for appeal with the Office of Student Conduct, and if the appeal is denied, the sanction(s) shall take effect upon exhaustion of the appeals process and shall be retroactive to the effective date stated in the original notification to the respondent.

1. The following sanctions may be imposed upon any student respondent that has been found responsible for a violation of The Student Code of Conduct. Sanctions are typically issued in a progressive fashion, however each situation differs, and the severity of a violation and the impact on the campus community will be taken into consideration in determining a sanction.

(a) Warning: A written notification statement that the student is violating or has violated The Student Code of Conduct. Continuation or repetition of inappropriate conduct may be cause for more severe student conduct action. A warning will remain in effect for a period not to exceed one (1) academic year.

(b) Conduct Probation: Notice in writing that the violation of The Student Code of Conduct is serious, flagrant, or a repeated violation of policy and a warning that any subsequent violation(s) of University regulations may result in suspension or expulsion and/or imposition of restrictions or conditions consistent with the offense committed and the rehabilitation of the student.

(c) Conduct Probation with Restrictions: Notice in writing that the violation of University regulations is a serious, flagrant, or repeated violation, and a warning that any subsequent violation(s) of The Student Code of Conduct may result in suspension or expulsion. In addition, an order preventing the student from holding University elective office, student employment, participating in any intercollegiate activity or sport, participating in any University sponsored program/organization, or representing the University in any other manner will be attached to this sanction.

(d) Restitution: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement and may be required in addition to other sanctions as described in this section.

(e) Academic/Developmental Sanctions: Other sanctions may be imposed instead of, or in addition to, those specified above, e.g., community service, counseling, educational assignments.

(f) Deferred Suspension: Separation of the student from the University and/or residence halls is deferred for a specified period (not to exceed one (1) academic year). If the student is found in violation of any subsequent violations of The Student Code of Conduct, the suspension takes effect immediately and may not be appealed. Additional sanctions appropriate to the new violation may also be issued.

(g) Residential Suspension: Separation of the student from the residential facilities for a specified period of time (not to exceed one (1) academic year), after which time the student is eligible to return. During the suspension period, the student is prohibited from accessing any University residential facilities.

(h) University Suspension: Separation of the student from the University for a specified period of time (not to exceed one (1) academic year), after which time the student is eligible to return. During the suspension period, the student does not have access to the University and is prohibited from participating in any academic or other University activities.

(i) Residential Expulsion: Permanent separation of the student from the residential facilities. An expulsion denies the student access to all University residential facilities on a permanent basis.

(j) University Expulsion: Permanent separation of the student from the University. An expulsion denies the student the right to participate in any academic or University activities on a permanent basis.

(k) Revocation of Admission and/or Degree: Revocation of admission to or awarding of a degree from the University for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for serious violations committed by a student prior to graduation.

(l) Withholding Degree: Withholding the awarding of a degree otherwise earned until the completion of the process set forth in The Student Code of Conduct, including the completion of all sanctions imposed, if any.

(m) Fines: Fines for violations of The Student Code of Conduct will be assessed and charged to the student's account. A list of fines for all violations will be determined at the discretion of the Associate Vice President for Student Experience who will submit a list of the fines structure to the YSU Board of Trustees for approval on an annual basis. The fines structure must be included as a part of The Student Code of Conduct when published and presented to students.

2. More than one of the sanctions listed above may be imposed for any single violation.

3. The following sanctions may be imposed upon groups or organizations:

(a) Those sanctions as outlined in Article IV. Section G. (a. through m.).

(b) Deactivation: Loss of all privileges, including University recognition, for a specified period of time.

4. In each case in which a Student Conduct Body determines that a student and/or group/organization has violated The Student Code of Conduct, the sanction(s) shall be determined and imposed by the same Student Conduct Body. The Student Conduct Administrator shall be responsible for recommending sanctions to the hearing panel and for

ensuring that sanctions imposed by the hearing panel and Conduct Officers are consistent with the violation and sanctions imposed for similar violations.

Section H. Interim Measures

In certain circumstances, the Associate Vice President for Student Experience may impose an interim measure prior to a hearing or student conduct conference, which may include, but is not limited to, University or Residential Suspension.

1. Interim suspension may be imposed only:

(a) to ensure the safety and well-being of members of the University community or to preserve University property;

(b) to ensure the student's own physical or emotional safety and well-being;

(c) if the student poses a threat of disruption or interference with the normal operations of the University; or

(d) if a student is charged with the commission of a criminal offense as defined in the Revised Code, Section 2901.01.

2. In the event that an interim suspension is imposed, the student or group/organization will be notified either in person, or by regular US or certified mail of the cause for suspension. The student will also be notified by email to their current University email address. The interim suspension becomes effective immediately upon notification. A hearing panel will convene as expeditiously as possible to review the case. The hearing will follow the procedures outlined in Article IV. D. and may proceed before, during, or after any criminal proceedings.

3. During the interim suspension, the student or group/organization shall be denied access to all residential facilities, and/or to the campus (including classes), and/or all other University activities, and/or privileges for which the student or group/organization might otherwise be eligible, unless determined otherwise by the Student Conduct Administrator.

Section I. Appeals

1. The decision or sanction imposed by a Student Conduct Body may be appealed by the respondent or complainant ("the Appellant") within seven (7) days of notification of the decision. If an appeal is not received within this time frame, the decision reached by the Student Conduct Body will be final.

2. Appeals shall be in writing and shall be mailed or delivered to the Office of Student Conduct. The request for appeal should indicate the grounds on which the decision is being appealed referencing at least one (1) of the grounds for the appeal (see below) along with supporting information.

3. Once a request for appeal has been submitted, until the appeal decision has been communicated to the Appellant (the person or entity requesting the appeal), all sanctions, except any issued as interim measures, including interim suspensions, will be held in abeyance. The burden of proof rests with the Appellant.

4. Appeals are not a re-hearing of the student conduct case. Except as required to explain the basis of new evidence, an appeal shall be limited to review of the record of the initial hearing and supporting documents for one (1) or more of the following grounds:

(a) A claim that the original hearing was conducted in violation of procedural requirements set forth in The Student Code of Conduct, and to determine whether these violations could have affected the outcome of the hearing.

(b) A claim that the decision reached regarding the respondent did not have a reasonable basis, and that it was not based on proof by a preponderance of the evidence.

(c) A claim that the sanctioning was disproportionate and without basis based on the violation of The Student Code of Conduct for which the respondent was found responsible.

(d) A claim that there is new information sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known by the Appellant at the time of the original hearing.

5. The Appellant may, in preparing the request for appeal, have access to records of the case which must be reviewed in the Office of Student Conduct.

6. Appeals of decisions or sanctions imposed by a Conduct Officer will be reviewed by the Student Conduct Administrator. Appeals of decisions or sanctions by a hearing panel will be reviewed by an appellate panel. An appellate panel is composed of three (3) members from the Student Conduct Board, as selected by the Student Conduct Administrator.

7. The appellate panel or the Student Conduct Administrator will review the appeal to determine whether one (1) of the grounds listed above has been met.

8. If an appellate panel or Student Conduct Administrator determines that an appeal has met the grounds, the following options are available:

- (a) The case may be remanded for reconsideration.
 - (b) The appellate panel may reverse the finding of responsibility, in whole or in part.
 - (c) The appellate panel may uphold, reduce, or increase the sanctions.
 - (d) The appellate panel may dismiss the appeal if the appeal is not based upon one (1) of the grounds listed above.
9. The decision of the appellate panel or Student Conduct Administrator after an appellate review is final.

Section J. Conduct Procedures for University Housing

Deputy Conduct Officers have been designated by the Student Conduct Administrator to review misconduct cases originating within University Housing.

1. The responsibility for the enforcement of rules and regulations governing student conduct in the residential facilities, as outlined in the Resident Handbook, is delegated by the Student Conduct Administrator to a Deputy Conduct Officer.
2. Any student, faculty member, or University official may file a written report against any student for misconduct within the residential facilities, campus dining facilities, or at any residential function.
3. Upon receipt of a written report, the Deputy Conduct Officer will conduct an investigation to determine whether there is reasonable cause to believe that a violation of The Student Code of Conduct may have occurred. If so, the Deputy Conduct Officer will follow the procedures outlined in Article IV. Section D of The Student Code of Conduct.

Section K. Student Conduct Record

The Office of Student Conduct shall maintain all student conduct records of information received and action taken by the respective Student Conduct Bodies.

1. Conduct sanctions shall not be made part of the student's academic record but shall become part of the student's conduct record. Student conduct records shall be expunged seven (7) years after final disposition of the case with the exception of residential expulsions, university suspension of a student, and revocation or withholding of a degree which shall be expunged fifteen (15) years after final disposition of the case. University expulsion and university suspension of a student organization conduct records shall be kept indefinitely. Upon

graduation, the student may petition the Student Conduct Officer for removal of all files contained in his or her student conduct records. The student may appeal a negative response of the Student Conduct Officer and/or the Student Conduct Board to the Student Conduct Administrator.

2. All material gathered from a substantiated conduct case (residential, academic, and other) shall become part of any new case against the same individual(s) after the new charges have been substantiated.

3. Student conduct records are maintained only in the names of students found to have violated The Student Code of Conduct.

Section L. Special Procedures

To ensure continued participation of students, faculty, and administration in the student conduct process, and to ensure speedy disposition of conduct cases, the President of the University is empowered to develop a subcommittee structure in the event of a large number of student conduct cases. Such subcommittee shall be empowered to hear and dispose of cases in accordance with the provisions of The Student Code of Conduct and shall ensure that all elements of procedural due process delineated in this article are observed.

OHIO REVISED CODE SECTION 3345.22: “1219” HEARING PROCESS

Section A. Background: Disruptive Behavior and the “1219” Procedure

The Ohio Campus Disruption Act, also known as Ohio House Bill 1219, is codified in Revised Code sections 3345.22(link is external) and 3345.23.(link is external) The purpose of the law is to protect University students, faculty, staff, and other members of the campus community from crimes of violence committed in the vicinity of the University or upon people or property at the University.

A “1219” hearing is appropriate when a student is arrested for a crime of violence committed on or near the University. If a student is convicted of an offense of violence that occurred on or near the University, the student will be automatically suspended under Revised Code 3345.23. The purpose of the "1219" hearing is to remove students from campus that may be a threat to the safety and security of the student body and campus community.

Section B. Definition of a Crime of Violence

There are over 30 crimes of violence that would be considered violations of the “1219” law including, but not limited to, the following: Arson, Assault, Burglary, Domestic Violence, Discharged Firearm, Felonious Assault, Gross Sexual Imposition, Inciting to Violence, Inducing Panic, Intimidation, Kidnapping, Menacing, Murder, Rape, Riot, Robbery, Sexual Battery, and Voluntary Manslaughter.

Section C. Jurisdiction of the “1219” Hearing

1. If a student is arrested for a crime of violence listed in the law, he/she may be temporarily suspended from the University according to The Student Code of Conduct, ARTICLE IV Section H, which is referred to as an Interim Suspension. The Interim Suspension will last during the process of the “1219” hearing and continues until the student meets with the Office of Student Conduct. The results of the “1219” hearing discussed below, does not alter the student’s status under an Interim Suspension.
2. A “1219” hearing, which is distinctly separate from a Student Conduct Conference or a Student Conduct Hearing, will be held shortly after a student’s arrest for a crime of violence. The hearing can be continued for good cause. The purpose of the “1219” hearing is to determine by a preponderance of the evidence whether the student committed an offense of violence.
3. If the Referee, as appointed by the University (Office of the General Counsel), finds that the student did commit an offense of violence on or near the University, the Referee will then determine if the student should be under strict probation or suspended from the University pending the outcome of the criminal case. However, as noted above if the student is under an Interim Suspension, the student will remain suspended, even if they only receive strict probation from the Referee, until the conclusion of the conduct process administered by the Office of Student Conduct.
4. Following the “1219” hearing, the criminal case outcome will determine the student’s status under Revised Code 3345.23. If the student is convicted of an offense of violence in the criminal case, the student will be suspended from the University for at least one (1) year.
5. Upon acquittal, or upon any final judicial determination not resulting in conviction of an offense of violence, the "1219" suspension automatically terminates, and the person suspended shall be reinstated and the record of the "1219" suspension expunged from the person’s University record. The criminal process and "1219" hearing are separate. The outcome of the "1219" hearing has no bearing on the criminal case.
6. When a student is found not guilty, he or she may return to school but upon conclusion of the “1219” hearing and possibly while the criminal case is still underway, the University may, and in

nearly all cases will, initiate the student conduct process. The student may also be under the restriction of an Interim Suspension. Unless the student is not under an Interim Suspension or has been found responsible of a violation of The Student Code of Conduct, the student would be permitted to return to school.

7. If the student is found guilty at the criminal trial for an offense of violence on or near the University, he/she will be dismissed from Youngstown State University for the period of one (1) year. The student will receive a written notice of the dismissal from the Office of Student Conduct. The student must receive approval from the Board of Trustees to be permitted to return to the University. This one-year suspension will still be imposed even if the student is found not responsible under The Student Code of Conduct.

Section D. "1219" Hearing Process

The "1219" hearing will be an adversary proceeding. Unlike a Student Conduct Hearing, a "1219" hearing will be conducted by a Referee appointed by the University. A University attorney will present the evidence at the hearing on behalf of the University. The student has the right to:

1. Be represented by an attorney.
2. To cross-examine witnesses called by the State.
3. Call upon his/her own witnesses.
4. To present evidence.
5. To give a statement (but not required to do so).

If the student does not appear at the hearing, the student will be suspended. In the absence of a waiver of the right against compulsory self-incrimination, the testimony of a person whose suspension is being considered, given at the hearing, shall not subsequently be used in any criminal proceeding against the person.

Section E. Burden of Proof

Preponderance of the evidence is the standard use for all "1219" hearings. Preponderance of the evidence is known as the balance of probabilities, met if the proposition is more likely to be true than not true. Effectively, the standard is satisfied if there is greater than 50 percent chance that the proposition is true. The Referee must find that the student committed the offense by a preponderance of the evidence.

7.0 Sex Offender Registry Information

This section describes where law enforcement agency information provided by a State under section 121 of the Adam Walsh Child protection and Safety Act of 2006 (42 U.S.C. 16921) concerning registered sex offenders may be obtained by the YSU community.

The State of Ohio, as well as the Mahoning County Sheriff maintains an internet website with information concerning designated registered sex offenders in the State and Mahoning County.

You can find this information:

State of Ohio: Ohio Department of Rehab & Correction-<http://odrc.drc.ohio.gov/OffenderSearch>

Mahoning County: Mahoning County Sheriff-<http://Mahoningsheriff.com>

The databases may be searched by a sex offender's specific name, obtain zip code and city/county listings, obtain detailed personal profile information on each registrant, and use the map application to search the neighborhood to determine the specific location of any sex offender registrants.

A collection of sex offender information for Mahoning County is also available in the YSU Police Communication Center, 266 West Wood Street, Youngstown, Ohio 44502.

8.0 Results of Disciplinary Proceedings (HEOA Requirement)

In compliance with the requirements of YSU's PPA² and the Higher Education Opportunity act (HEOA) of 2008, YSU will, upon written request, disclose to the alleged victim of a crime of violence (as defined in Section 16 of Title 18 of the U.S. Code), the report on the results of any disciplinary proceeding conducted by YSU against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

² Program Participation Agreement. See section 668.14 at www.ed.gov.

9.0 Access and Security to University Buildings

9.1 Academic Buildings

During normal business hours, University buildings and facilities are open to students, parents, employees, contractors, guests and invitees. During non-business hours, access to University campus buildings and facilities may be limited and may only be accessible with proper identification. Some University buildings may have individual hours, which could vary throughout the year. In these cases, the YSU campus buildings and facilities will be secured according to schedules developed by the department responsible for the building or facility.

The YSU campus utilizes multiple systems to maintain access control to campus buildings. These include physical keys, electronic locks, and proximity keys. The campus is also protected by camera systems, and alarm systems that are directly linked to the YSU Police Department Communication Center. The YSU Police Department officers respond to alarmed areas and conduct routine patrols to monitor security related matters at campus buildings and other facilities.

In order to ensure that only authorized individuals have access to YSU buildings and facilities, it is essential that students, staff and faculty work together to keep doors of all buildings and other facilities closed and locked after hours. Do not leave doors propped open or unlocked after hours. Do not open the door for individuals you do not know. If your campus keys or other access cards are lost or stolen, report this information immediately to the issuing party and also to the YSU Police Department at (330) 941-3527.

Emergency situations may require changes or alterations to posted building and other facility schedules. Buildings, facilities and other areas at YSU that are reported or determined to be problematic in certain ways may have security surveys and assessments conducted, including lighting, landscaping, access control, alarm monitoring, security camera coverage and other assessments. Members of the YSU Police Department, Facilities Management, and others may conduct security assessments for new construction, remodeling projects, and other areas conducted on an ongoing basis or when requested.

9.2 Residential Facilities

YSU is like a small city providing residential housing to YSU students and in some cases staff and faculty. YSU student housing facilities range from apartment style living to dormitory style living. On-Campus housing is comprised of nine different communities; 7 of which are owned and operated by YSU student housing and 2 that are owned and operated by a third party company. Specifically, YSU student housing is comprised of the following housing communities: Kilcawley House, Wick House, Weller House, Lyden House, and Cafaro House.

Security in residential areas is supplemented by Resident Advisors (RA's) or Community Assistants (CA's). University owned and operated housing also utilizes Housing Coordinators. The University operated facilities are staffed 24 hours a day; after hours, the facilities are staffed by YSUPD officers.

Everyone in the community has a responsibility to maintain the safety and well-being of the individuals in the community. Students must report any violation of the YSU student housing policies and or Student Code of Conduct to an RA, housing office, or management staff. Students who are not actively involved in an YSU policy violation, but who accede to them, may be subject to the YSU student conduct process. Be aware of what is happening in living areas and take responsibility for developing a positive environment. Any dangerous behavior must be reported to the housing office and or to the YSU Police Department at (330) 941-3527.

Access control to YSU on-campus student housing facilities is limited to building residents, their authorized guests, and other approved members of the University community. Over extended breaks or during emergency situations, changes and alterations to any access control schedule may occur. Access or attempted access to a room or facility without authorization is not permitted. Also, access or attempted access through a window is not permitted. Students, staff and faculty may not reproduce YSU state keys or access cards. Loaning keys to another party, manipulating locks or door handles to gain entry without a key, or misusing a key or key card is prohibited. These are violations of the YSU student conduct code, housing contracts, and in some instances Ohio Law. Residents are cautioned against permitting strangers to enter the buildings and are urged to require individuals seeking entry to use their approved access method to the building.

Occasionally, residents may wish to have family members or friends visit or stay with them overnight. Each resident is responsible for the behavior of their guests while on campus and in the housing communities. Guests may not sleep in public common areas and must have identification on them at all times. Guests who cause a disruption or violate state or federal laws or University policy are the responsibility of their host. YSU Student Housing has the right to restrict specific guests if they have been disruptive, or have violated the law or University Policy. All residents are expected to respect the rights of people with whom they live. Residents and their guests must cooperate with and act respectfully toward YSU personnel who are acting in the performance of their duties. Residents and guests must show identification when requested. This includes but not limited to, interactions with all YSU Housing Staff, and the YSU Police Department.

Theft is the most prevalent crime that occurs in the residential areas. Residents are encouraged to exercise prudence and caution with respect to their personal safety and security within the housing facilities. The YSU Police encourages all residents, guests and other visitors at YSU to

be aware of their surroundings and the presence of unknown persons in your communities. All residents and visitors are encouraged not to leave their belongings unattended. All residents in housing facilities are reminded to lock all doors and windows, and to keep their property secure.

9.3 Penguin Shuttle Service

The Penguin Shuttle provides safe transportation around the YSU campus for students, and visitors. The service operates a variety of shuttle routes during the Fall, Winter, Spring, and Summer semesters. For general information on the shuttle service visit the parking services website or call (330) 941-3546.

9.4 Parking Lots, Structures, and Services

YSU Parking Services manages all parking-related services on the YSU campus. YSU maintains specific parking lots with dedicated parking for those students living on campus who have a valid parking permit. For more information on parking structures, surfaces, permits or fines, visit the parking services website or call (330) 941-3546.

In order to reduce the chance of property loss while your vehicle is parked at YSU, never leave your vehicle running, unlocked, keys in the ignition or the windows rolled down. Keep all valuables out of sight. Use security devices such as a car alarm, steering wheel lock or cut off switch. When approaching your vehicle, have the keys in your hand and remember to look inside your vehicle before you get in. For emergencies, each parking structure has emergency call boxes located on each level. The boxes are usually near the stairs/elevators; and they connect directly to the YSU Police Department Communications Center.

9.5 Security Considerations in Maintenance of Campus Facilities

YSU Facilities Management are responsible for providing campus buildings and grounds that meet the University's requirements, have an environmentally acceptable atmosphere for students, faculty and staff, and ensure the health and safety of all personnel. Facilities and landscaping are maintained in a manner that minimizes hazardous conditions.

Additionally, the YSU Police Department works in conjunction with facilities management to perform lighting checks of the entire YSU campus. YSU Police Officers regularly patrol the YSU campus and residential facilities and report malfunctioning lights, poorly lit areas, security deficiencies and other unsafe physical conditions. This information is forwarded to facilities management. Additionally, checks of the emergency phones across campus are performed to ensure they are functioning properly. YSU Parking Services make regular checks of the lots and decks enforcing parking and to locate and address anything that may be of concern.

YSU staff, faculty, students and visitors are encouraged to report building, facility and equipment problems or unsafe conditions by either contacting the YSU Police Department at (330) 941-3527 or YSU Facilities at (330) 941-3239.

10.0 Alcohol, Drug and Substance Abuse Policies

Policy Statement on Alcohol

Youngstown State University is a dynamic learning environment. Its students, faculty, staff, alumni and guests interact in a wide variety of intellectual and social activities that extend outside the classroom. We value and promote an environment of legal and responsible alcohol use and support alcohol-free environments. We recognize alcoholic beverages may be available at some campus activities. Such activities are consistent with the university's values when they foster moderation and safety in alcohol consumption.

YSU complies fully with local, state and federal regulations regarding the sale, possession and consumption of alcoholic beverages. The unlawful manufacture, possession, use or distribution of illicit drugs or controlled substances on university property or as part of university activities is strictly prohibited. All members of the university community are held responsible for their behavior and for respecting the rights of others. The university is committed to providing the community with education as it relates to illicit drug use and the consumption of alcohol in general, and as it relates to high-risk alcohol use, in particular. We provide programs, support and resources that promote making health-enhancing experiences a priority.

Policy Statement on Tobacco

Youngstown State University is dedicated to providing a healthy, comfortable and productive work and living environment for its employees and students and adhering to the smoking prohibition requirements in Chapter 3794 of the Ohio Revised Code.

Smoking and tobacco use are specifically prohibited in the following university locations: All university-owned or leased buildings and vehicles; outdoor areas where smoke may enter the building through an entrance; all residence halls; any outdoor patio that is not physically separated from a building; all outdoor events, such as but not limited to athletic events, concerts, ceremonies etc.; fountain seating area outside of Kilcawley; and all outdoor areas posted as non-smoking.

Smoking is permitted in areas not specifically listed above; and at least 50 feet away from a building entrance or opening.

Smoking cessation support will be made available periodically to members of the university community wishing to cease smoking. The success of creating and maintain a mutually acceptable work and living environment will depend upon the thoughtfulness, consideration and cooperation of smokers and non-smokers.

Policy Statement on Drugs

Youngstown State University is committed to creating a safe and healthy environment for its employees, students, and visitors. The university prohibits the unlawful manufacture, distribution, dispensation, possession, sale or use of illegal drugs, controlled substances, intoxicants, and alcohol by any student, employee, organization (including student organizations), volunteer or visitor on university premises, at any location where university business is being conducted, as part of any university activity, in a university vehicle, or in the workplace. Employees are prohibited from working and from operating any university vehicle or equipment while under the influence of alcohol or non-prescribed controlled substances. Employees using prescribed or over-the-counter medication are prohibited from operating university vehicles or equipment at any time when their ability to do so might be impaired by the medication. No passenger in a university vehicle may consume alcoholic beverages or use non-prescribed controlled substances while in the vehicle.

This policy applies to all students, interns, faculty, employees (including student employees), volunteers, university visitors, third parties, (unless otherwise noted) and any individual or organization using university premises or engaged in a university activity or program whether on or off campus.

10.1 Regulations Governing Alcoholic Beverages

State of Ohio Guidelines

The Ohio Revised Code section 4301 states:

1. It is unlawful for any person under 21 years of age to purchase, consume, possess or transport any intoxicating liquor.
2. It is unlawful to knowingly and falsely misrepresent one's age to obtain alcoholic beverages or to represent that another is of legal age for such purpose.
3. It is unlawful to have in one's possession in a public place an open container of beer or intoxicating liquor.
4. It is unlawful to consume any beer or intoxicating liquor in a motor vehicle.
5. No person shall furnish or buy or contribute money to the purchase of alcohol for an underage drinker; and it is illegal to use false identification or provide false identification in the purchase of alcoholic beverages.

University Guidelines

The use of alcoholic beverages on university premises is only allowed if consistent with state laws and university regulations and only when it will not interfere with the decorum and academic atmosphere of the campus.

- The university may permit the sale and/or consumption of beer, liquor and/or wine at events that are sponsored by recognized university entities, including, but not limited to, divisions, colleges, departments, administrative units, and educational/professional and student organizations and groups and by non-university groups appropriate to the university's mission.
- On-campus advertising, promotion or marketing of alcoholic beverages is prohibited except as authorized by the associate vice president of university relations or his/her designee.
- Annually, the university's food service vendor will purchase an alcoholic beverage permit from the Ohio division of liquor control. The area covered by the permit is the campus core, defined as south of the Madison Avenue expressway, north of Lincoln Avenue, west of Wick Avenue, and east of Fifth Avenue, with the exception of the loges in Stambaugh Stadium.
- If the event is within the area covered by the permit, all alcohol served must be purchased by the sponsoring organization from the university's food service vendor.
- If the event is held on university property outside the permit premise:
 - Liquor, beer and/or wine must be delivered in bulk to the university's food service vendor prior to the event. Exceptions to the requirement must be submitted in

writing prior to the event to the office of university events and approved by the associate vice president of university relations.

- Alcoholic beverages cannot be sold, and the cost of the alcoholic beverages may not be included in the cost of the event ticket or in any meal costs unless the individual or group holding the event (“sponsor”) obtains a temporary F2 permit, which must be approved in writing by the university chief of police.
- The sponsor must employ a bartender and purchase setups through the university's food service vendor. Exceptions to this requirement must be submitted in writing prior to the event to the office of university events and approved by the associate vice president of university relations.

General Parameters

The following applies to all university events in which alcoholic beverages are served:

- The service of alcoholic beverage on property owned or controlled by the university will be in compliance with applicable state and local laws and university policies and procedures.
- Any organization or group that sponsors an event in which alcoholic beverages are served on campus is responsible for compliance with all laws, policies, procedures and regulations, and for administering and supervising the event.

- All on-campus events at which alcoholic beverages are served are subject to university oversight. Violations of state/local laws or university policy/rules will be grounds to cancel the event and may result in additional sanctions.
- Non-alcoholic beverages and a variety of foods must be available in quantities sufficient for all guests whenever alcoholic beverages are served. Such beverages and food must be visible and available and not contingent on the purchase of alcohol.
- Alcoholic beverages may not be brought into an event by an individual or group when alcoholic beverages are being served, except for private use in the Stambaugh Stadium loge.
- Intoxicated individuals shall not be served, nor may they possess or consume alcoholic beverages at any on-campus event.
- Alcoholic beverages may not be served to anyone unable to provide proof of being 21 years of age or older.
- Under no circumstances may any alcoholic beverages be permitted to leave the approved area of the event.
- Gambling and gambling devices are not permitted at any on-campus event where alcoholic beverages are served.
- Alcoholic beverages may not be purchased with state funds.
- University police must be present at all times during an event in which alcohol is served.

- Events at which alcoholic beverages are available may not exceed six hours in length. Sale or service of alcoholic beverages must be discontinued at least one hour prior to the conclusion of any event that is scheduled to last four or more hours.
- Activities that serve to promote the sale or use of alcoholic beverages shall not be associated with university-sponsored events or programs.
- Events where alcoholic beverages are used, served or sold shall not be sponsored in any manner by any manufacturer, distributor or retailer of alcoholic beverages. This prohibition does not include acknowledgment of a donor to an event.
- Events at which alcoholic beverages are sold or served may not have the presence of these beverages or their consumption as an event theme. At no time during the event may any manner of consumption of these beverages be encouraged.
- A bartender, appropriately certified, must supervise the sale and/or dispensing of alcoholic beverages. Exceptions must be obtained in writing from the office of university events and be approved by the associate vice president. All servers of alcoholic beverages must be at least 21 years of age. Bartenders and other servers may not consume alcoholic beverages at any time during the scheduled event and are not permitted to sell or dispense alcoholic beverages if intoxicated.
- The possession or use of alcoholic beverages in any of the university student residence houses is prohibited. (See university policy 3356-8-01.1, “The code of student rights, responsibilities, and conduct” and “University Housing – Resident Handbook.”)

Procedures

The following procedures apply to all university events in which alcoholic beverages are served:

- All university groups or non-university groups wishing to sponsor an event on the campus involving the use of alcoholic beverages must prepare an appropriate application and submit it at least two weeks prior to the event to the office of university events or to Kilcawley center.
- If the planned event is scheduled for Kilcawley center, the completed application should be submitted for first review to the associate vice president of student experience. If the event is scheduled elsewhere on the campus, the completed application should be submitted to the director of university events to determine the nature of the event, if those projected to attend satisfy appropriate age criteria and the source of funds of payment of alcoholic beverages.
- If it is determined by the associate vice president of student experience and the director of university events that the use of alcoholic beverages at the event is appropriate, the application will be forwarded to the vice president for finance and administration.

- Once a decision has been reached, the vice president of finance and administration will notify either the associate vice president for student success or the director of university events of the status of the application.
- The associate vice president of student success or the director of university events will notify the event sponsor of the decision. If the use of alcoholic beverages is approved for the event, notification is also forwarded to the Youngstown State University police and to other departments as needed.

The following additional procedures apply to those university events outside the area covered by a permit obtained from the Ohio division of liquor control:

- All university groups or non-university groups wishing to sponsor an event on the campus involving the sale of alcoholic beverages must complete an appropriate application and submit it at least 30 days prior to the event for the sale of beer and at least 45 days for any other alcoholic beverages. Application forms are available in the office of university events.
- Final approval for the sale of alcoholic beverages at the event is contingent upon the sponsor having or obtaining an appropriate permit from the Ohio division of liquor control to sell such beverages. The sponsor is responsible for contacting the office of university events to obtain the permit application. Once completed, the application must be returned to university events for required signatures and submittal to the state. If the approved permit is forwarded directly to the sponsor from the state of Ohio, the approved permit must be presented to the office of university events at least seven days prior to the event.
- An event that does not obtain a permit may proceed without the service of alcoholic beverages.

Definitions and Sanctions

Under local, state and federal laws, it is a crime to do any of the following:

A. Underage Drinking

- 1.) Possess, purchase, order, pay for, or share cost of alcohol if you are under 21.
- 2.) Consume alcohol if under 21.
- 3.) Sell, buy or furnish alcohol to anyone under 21.
- 4.) Allow anyone under 21 who possess or consumes alcohol to remain in your residence.

B. False Identification

- 1.) Show or give false information about your name, age or other identification to purchase or obtain alcohol if you are under 21.
- 2.) Provide false information about the name, age or other identification of another person under 21 to purchase or obtain alcohol for that person.

C. Open Container

- 1.) Have an open container of alcohol in your possession in any unlicensed public place.
- 2.) Have an open container of alcohol in your possession while driving or riding in or on a motor vehicle.
- 3.) Have an open container of alcohol in your possession while in or on a motor vehicle that is parked in or on a highway, street or other place open to the public for parking.

D. Transportation

- 1.) If you are under 21, you are considered to be driving under the influence if your blood alcohol level is .02 or higher and .08 at age 21. Refusing an alcohol test will result in an immediate administrative license suspension.
- 2.) Consume alcohol while in a motor vehicle.
- 3.) Drive while under the influence of alcohol.
- 4.) Be in physical control of a vehicle while drinking or under the influence of alcohol.

E. Disorderly Conduct

- 1.) Engage in conduct that offends, inconveniences, annoys or alarms others or that poses a risk of physical harm to yourself, to others or to property while you are voluntarily intoxicated.

F. Alcohol Sales

- 1.) Hold an event where alcohol is sold, or an event where alcohol is provided without charge but there is an entrance fee, cover charge or other fee without an appropriate permit. More information on liquor permits can be located at <http://www.com.ohio.gov/liqr>. You must also have permission to serve alcohol on campus from the appropriate university authorities.

G. Illicit Drugs

- 1.) Selling or offering to sell any controlled substance, or preparing or packaging any controlled substance for sale.
- 2.) Distributing any controlled substance.
- 3.) Knowingly obtaining, possessing or using a controlled substance.

State of Ohio Criminal Sanctions

A. **Underage Drinking:** Ohio Revised Code section 4301.63 provides that no person under the age of 21 shall purchase/possess/consume beer or intoxicating liquor.

- a. **Penalty for Violation:** A fine of not less than \$25.00 but not more than \$100.00 may be imposed. The court may order that the fine be paid by the performance of public work at a reasonable hourly rate established by the court, and may specify the designated time in which the public work shall be completed.

B. **False identification used to purchase alcohol for someone under 21:** Ohio Revised Code section 4301.633 provides that no person shall knowingly furnish any false information as to the name, age or other identification of any other person under 21 years

of age for the purpose of obtaining or with the intent to obtain, beer or intoxicating liquor for a person under 21 years of age, by purchase or as a gift.

- a. **Penalty for Violation:** Misdemeanor of the first degree. The maximum penalty is imprisonment for not more than 6 months and a fine not more than \$1000.00.
- C. **False identification used to purchase alcohol by someone under 21:** Ohio Revised Code section 4301.634 provides that no person under the age of 21 years shall knowingly show or give false information concerning the person's name, age or other identification for the purpose of purchasing or otherwise obtaining beer or intoxicating liquor in any place in this state where beer or intoxicating liquor is sold under a permit issued by the division of liquor control or sold by the division.
- a. **Penalty for Violation:** Misdemeanor of the first degree. Punishable by up to 6 months imprisonment and fines up to \$1000.00. If a false or altered identification card was used in commission of a violation of O.R.C section 4301.634, the punishment is a first degree misdemeanor with a fine of at least \$250.00 to \$1000.00 and up to six months imprisonment.
- D. **Open container in a motor vehicle:** Ohio Revised Code section 4301.64 prohibits the consumption of beer or intoxicating liquor in a motor vehicle.
- a. **Penalty for Violation:** Misdemeanor of the fourth degree punishable by up to 30 days imprisonment and a fine up to \$250.00.
- E. **Furnishing or selling alcohol to someone under 21:** Ohio Revised Code section 4301.69(A) prohibits any person from selling or furnishing beer or intoxicating liquor to any person under 21 years of age, or buying it for any person under the age of 21.
- a. **Penalty for Violation:** Misdemeanor punishable by a fine of at least \$500.00 but not more than \$1000.00, and in addition imprisoned for up to six months.
- F. **Underage purchase, possession or consumption of alcohol:** Ohio Revised Code section 4301.69(E) provides that no underage person shall knowingly order, pay for, share the cost of, attempt to purchase, possess or consume any beer or intoxicating liquor in any public or private place or knowingly be under the influence of any beer or intoxicating liquor unless he or she is accompanied by a parent or legal guardian who is not an underage person, or unless the beer or intoxicating liquor is given for religious purposes or by a physician for medical purposes.
- a. **Penalty for Violation:** Misdemeanor of the first degree. The maximum penalty is imprisonment for not more than six months and a fine up to \$1000.00.
- G. **Driving while intoxicated:** Ohio Revised Code section 4511.19 prohibits any person from driving a motor vehicle while under the influence of alcohol or drugs.
- a. **Penalty for Violation:** Misdemeanor of the first degree, the maximum penalty for which is a jail term of up to 6 months and a fine up to \$1000.00. In addition, the court may impose additional fines, community rehabilitation or intervention programs, and suspend or revoke the offender's driver's license. Additional penalties exist for repeat offenders.

- H. **Selling or distributing illicit drugs:** Ohio Revised Code section 2925.03 prohibits any person from selling or offering to sell any controlled substance, preparing or packaging any controlled substance for sale, or distributing any controlled substances.
- a. **Penalty for Violation:** Anyone who violates this statute is guilty of drug trafficking. Violation of this statute is a felony, the level of which depends on the specific criteria set forth in section 2925.03(C), including type and weight of the drug. The minimum penalty for a fifth degree felony can include 12 months in jail and/or a fine up to \$2,500.00. The maximum penalty for a first degree felony can include imprisonment up to 10 years and a fine up to \$20,000.00.
- I. **Possessing or using illicit drugs:** Ohio Revised Code section 2925.11 prohibits any person from knowingly obtaining, possessing or using a controlled substance.
- a. **Penalty for Violation:** Violation of this statute is drug abuse, which may be a misdemeanor or felony depending on the specific criteria set forth in section 2925.11. The minimum penalty is punishable by imprisonment of up to 30 days and a fine up to \$250.00. The maximum penalty, a first degree felony, is punishable by up to 10 years in prison and a fine up to \$20,000.00.

This information is provided as a general summary of the major applicable laws. Laws frequently are amended and reinterpreted, and the application of law to specific situations generally requires an analysis of all the facts and circumstances. This information should not be substituted for specific legal advice. For more information on the listed statutes, or the Ohio Revised Code, visit codes.ohio.gov/orc/.

If you are charged with a crime, it is a good idea to seek advice of an attorney. The Youngstown State University Student Code of Conduct and university policies and rules are campus behavior and safety standards that may result in sanctions, educational outcomes or penalties that are independent of any criminal considerations.

Violation of the laws referenced previously may also be a violation of the Youngstown State University Student Code of Conduct and university policies and rules and could result in university sanctions. It should also be noted that the university's expectations for appropriate behavior are higher than those under the law.

10.2 Federal Drug Laws

Federal law prohibits the trafficking and illegal possession of controlled substances as outlined in Title 21 of the United States Code, Sections 841 and 844. Depending on the amount possessed the first offense maximum penalties for trafficking marijuana range from five years imprisonment with a \$250,000.00 fine; to imprisonment for life with a \$4 million fine for an individual, and from five years' imprisonment with a \$1 million fine to imprisonment for life with a \$20 million fine for more than one offender.

For more information on drug scheduling and sanctions, visit www.dea.gov.

10.3 Health Effects

Health effects of alcohol:

Alcohol is a central nervous system depressant that is rapidly absorbed from the stomach and small intestine into the bloodstream. A standard drink equals 0.6 ounces of pure ethanol, or 12 ounces of beer; 8 ounces of malt liquor; 5 ounces of wine; or 1.5 ounces (a “shot”) of 80 proof distilled spirits or liquor (e.g., gin, rum, vodka or whiskey).

Risks	Possible Health Effects
Intoxication	Intoxication can impair the brain function and motor skills. Intoxication increases the risk of death from car accidents, the leading cause of death of college-aged people.
Heavy Drinking	Heavy drinkers have a greater risk of liver disease, heart disease, sleep disorders, depression, stroke, bleeding from the stomach, STDs, and several types of cancer. They may have problems managing diabetes, high blood pressure, and other conditions.
Injuries	Drinking too much increases your chances of being injured or even killed. Alcohol is a factor, for example, in about 60% of fatal burn injuries, drowning and homicides; 50% of severe trauma injuries and sexual assaults; and 40% of fatal motor vehicle crashes, suicides and fatal falls.
Birth Defects	Drinking during pregnancy can cause brain damage and other serious problems in the baby. Because it is not yet known whether any amount of alcohol is safe for a developing baby, women who are pregnant or may become pregnant should not drink.
Alcohol use Disorders	Alcoholism or alcohol dependence is a diagnosable disease characterized by a strong craving for alcohol, and/or continued use despite harm or personal injury. Alcohol abuse, which can lead to alcoholism, is a pattern of drinking that results in harm to one's health, relationships or ability to work.

Health effects of commonly abused drugs (illegal or not used as prescribed):

Category	Name	Possible Health Effects
Cannabinoids	Hashish; Marijuana	Cough; frequent respiratory infections; impaired memory and learning; increased heart rate; anxiety; panic attacks; tolerance; addiction.
Depressants	Barbiturates; Benzodiazepines (Ativan, Valium); Flunitrazepam (Rohypnol); GHB; Methaqualone (Quaalude)	<p>Fatigue; confusion; impaired coordination, memory, judgment; addiction; respiratory depression and arrest; death.</p> <p><u>Barbiturates</u>- depression; unusual excitement; fever; irritability; poor judgment; slurred speech; dizziness; life-threatening withdrawal.</p> <p><u>Benzodiazepines</u>- dizziness.</p> <p><u>Flunitrazepam</u>- visual and gastrointestinal disturbances; urinary retention; memory loss for the time under the drug's effects.</p> <p><u>GHB</u>- drowsiness; nausea/vomiting, headache; loss of consciousness; loss of reflexes; seizures; coma; death.</p> <p><u>Methaqualone</u>- depression; poor reflexes; slurred speech; coma.</p>
Dissociative Anesthetics	Ketamine; PCP and analogs	<p>Memory loss; numbness; nausea/vomiting.</p> <p><u>Ketamine</u>- at high doses; delirium; depression; respiratory depression and arrest.</p> <p><u>PCP</u>- possible decrease in blood pressure and heart rate; panic; aggression; violence/loss of appetite; depression.</p>
Hallucinogens	LSD; Mescaline; Psilocybin;	<p>Altered states of perception and feeling; nausea; persisting perception disorder (flashbacks).</p> <p><u>LSD and Mescaline</u>- increased body temperature, heart rate, blood pressure; loss of appetite; sleeplessness; numbness; weakness; tremors.</p> <p><u>LSD</u>- persistent mental disorders.</p> <p><u>Psilocybin</u>- nervousness, paranoia.</p>

<p>Opioids and Morphine Derivatives</p>	<p>Codeine (Robitussin); Fentanyl (Duragesic); Heroin; Morphine; Opium; Oxycodone HCL; Hydrocodone; Bitartrate; Acetaminophen</p>	<p>Nausea; constipation; confusion; sedation; respiratory depression and arrest; tolerance; addiction; unconsciousness; coma; death. <u>Codeine</u>- less analgesia, sedation, and respiratory depression than morphine. <u>Heroin</u>- Staggering gait.</p>
<p>Stimulants</p>	<p>Amphetamine; Cocaine; MDMA; Methamphetamine; Methylphenidate; Nicotine</p>	<p>Rapid or irregular heart beat; reduced appetite; weight loss; heart failure; nervousness; insomnia. <u>Amphetamine</u>- rapid breathing/tremor; loss of coordination; irritability; anxiousness, restlessness; delirium; panic, paranoia; impulsive behavior; aggressiveness tolerance; addiction; psychosis. <u>Cocaine</u>- increased temperature/chest pain; respiratory failure; nausea; abdominal pain; strokes; seizures; headaches; malnutrition; panic attacks. <u>MDMA</u>- Mild hallucinogenic effects; increased tactile sensitivity; empathetic feelings/impaired memory and learning. <u>Methamphetamine</u>- aggression; violence; psychotic behavior/memory loss; cardiac and neurological damage; impaired memory and learning; tolerance; addiction. <u>Nicotine</u>- additional effects attributable to tobacco exposure; adverse pregnancy outcomes; chronic lung disease; cardiovascular disease; stroke; cancer; tolerance; addiction.</p>

Other Compounds	Anabolic Steroids; Dextromethorphan; Inhalants	<u>Steroids</u> - Hypertension; blood clotting and cholesterol changes; liver cysts and cancer; hostility and aggression; acne; prostate cancer and other reproductive abnormalities. <u>Dextromethorphan</u> - Memory loss; numbness; nausea and vomiting. <u>Inhalants</u> - Unconsciousness; cramps; weight loss; muscle weakness; depression; memory impairment; damage to cardiovascular and nervous systems; sudden death.
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For more information visit <http://www.drugabuse.gov/DrugPages/DrugsofAbuse.html>.

Substance Abuse Prevention and Assistance

Youngstown State University and Campus Recreation have collaborated to create a Drug & Alcohol Prevention Program that strives to create a safe, healthy and learning-conducive environment through the promotion of healthy choices concerning the use of alcohol, tobacco and other drugs. The program emphasizes the elimination of harmful use, high-risk behavior and related violence. Various campus-wide presentations and events will be held to promote an increase in health and wellness. For more information, contact **Ryan McNicholas at 330-941-2207**.

10.4 University Sanctions, Procedures and Guidelines

All faculty, staff, volunteers, and student employees are required to report known or suspected violations of this policy to their supervisor, manager, or an appropriate administrator.

- This policy is subject to all applicable collective bargaining agreements and state law; however, no employee or bargaining unit may be exempted from application of this policy.
- Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided by an employee or volunteer shall be kept confidential to the extent required by law and maintained in files separate from personnel files. Such records and information may only be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed where relevant to a grievance, charge, claim or other legal proceeding.
- Voluntary submission for treatment of substance abuse problems will not subject employees or volunteers to disciplinary action or sanctions; however, submission for treatment shall not serve as a substitute for disciplinary action or sanction under this or any other university policy.
- Any employee, volunteer, or visitor who observes an individual unlawfully manufacturing, distributing, dispensing, using or possessing alcohol or possessing controlled substances on university premises shall be reported immediately to the university police. Off-site university programs or activities should contact campus police, security and/or local law enforcement.

Procedures

- Consistent with this policy, the office of human resources shall:
 - Develop procedures for the implementation and monitoring of drug and alcohol testing program which may include contracting with outside entities to provide testing services;
 - Inform all employees of the drug-free environment policy upon employment and ensure that the policy is accessible to all employees on the human resources website;
 - Provide access to training for supervisors and managers; and
 - Provide information on resources available through the university's employee assistance program ("EAP").
- Consistent with this policy, the office of student experience shall:
 - Annually inform students of the university's drug-free environment policy;
 - Provide alcohol and drug abuse awareness programming for students.

Drug and Alcohol Testing

- Pre-employment testing: Applicants for specific safety-related and other designated positions at the university will be drug/alcohol tested after receiving a final offer of employment and prior to beginning work. Applicants will be notified at the time of application that testing for drugs is a requirement of the employment process. Offers of employment are contingent on successfully passing a drug/alcohol test.
- Random testing: Performed for safety-related and other designated positions as required by law and pursuant to individual agreements. Employees in this group are subject to random testing as a condition of continued employment.
- Ordered testing: With the approval of the office of human resources, departments or units within the university can establish testing standards that are more rigorous than outlined in this policy (such testing is typically required by federal regulations, licensure boards, and other legal or regulatory entities).

Reasonable Suspicion Testing

- Reasonable suspicion testing may be ordered by a supervisor, chair, or other university administration only in consultation with the office of human resources employee and labor relations officer.
- If the supervisor or manager is unclear that testing is merited, they should consult with the office of human resources employee and labor relations officer.
- Where reasonable suspicion exists, the employee or volunteer shall be immediately relieved of duty pending the outcome of the testing. After an employee is sent for testing, the employee should be placed on administrative leave until further actions are taken.
- Failure of a manager or supervisor to receive training on this policy shall not invalidate otherwise proper reasonable suspicion testing.
- Individuals testing positive should be referred to the university employee assistance program (EAP) for evaluation. The evaluation will determine and recommend if substance abuse treatment or education is appropriate and/or necessary. Employee and labor relations will review the recommendation and may determine that treatment is a requirement for any current employee who has an alcohol or drug problem that affects job performance.
- Post-rehabilitation testing. When an employee has had a confirmed positive test result or has been sent to a drug dependency program at the request of the university and will remain as a university employee, then as a condition of continued employment, the employee will be required to take and pass a follow-up drug test or tests during a period of up to two years after the employee's return to work.

Self-disclosure of Conviction by Employee

- Consistent with this policy and as required by the Drug Free Workplace Act of 1988, all employees, faculty, staff and volunteers are required to notify their immediate supervisor within five calendar days after any alcohol or drug-related conviction or finding of guilt, including a plea of nolo contendere occurring in the workplace. When a supervisor is so notified by an employee, the supervisor shall immediately notify the chief human resources officer.
- Within thirty days of such notice, the university will take appropriate personnel action against the employee, which may include corrective action, random testing requirements, notification of an appropriate licensing authority, and required participation in a drug abuse assistance or rehabilitation program.
- If the self-disclosure is from an employee engaged in the performance of work under a federal grant or contract the supervisor shall notify the associate vice president for research. The associate vice president for research shall notify the federal agency sponsoring the grant or contract within ten days after notification of the employee's conviction.

Sanctions for Violation or Non-Compliance

- A refusal to consent to testing shall be considered as a violation of this policy.
- Corrective action may include discipline up to and including termination, required participation in an evaluation by EAP and/or follow-through with an education/treatment program. If an employee refuses to participate or does not satisfactorily complete a required education/treatment program, the employee may be subject to corrective action up to and including termination.
- Students violating this policy will be subject to disciplinary action in accordance with "The Code of Student Rights, Responsibilities, and Conduct (The Code)." Sanctions may include warning, probation, suspension, expulsion, or referral for prosecution.
- Employees violating this policy will be subject to disciplinary action in accordance with applicable collective bargaining agreements and/or other university policies and procedures. Sanctions may include warning, reprimand, suspension, removal or termination, or referral for prosecution. Employees violating this policy may also be required to participate in a drug or alcohol abuse assistance or rehabilitation program.
- Employees, students, volunteers, and visitors who violate this policy may be prohibited from accessing university premises, services, programs or events (see university policy 3356-7-45, "Persona non grata").

11.0 Drug and Alcohol-Abuse Education Programs

YSU students and employees with substance abuse issues (including alcohol) create a health and safety risk for themselves and for others. Such abuses can also result in a wide range of serious emotional and behavioral problems. The University has a wide variety of programs and options available for students and employees struggling with substance abuse issues. These programs are designed to discourage the use of illegal substances and to educate students and others as to the merits of legal and responsible alcohol consumption.

YSU Counseling Services and Campus Rec provide counseling and referral services to students who suffer from a substance abuse program. Group and individual counseling sessions are available to students at no cost. All information regarding any contact or counseling is confidential and will be treated in accordance with YSU Policies and state/federal laws. A student's decision to seek assistance will not be used in connection with any academic determination or as a basis for disciplinary action.

In compliance with the *Drug-Free Schools and Communities Act of 1989*, YSU offers various drug and alcohol abuse prevention and education programs that are made available to students and faculty. Below is a list and brief description of the programs that are offered throughout the year:

Intervention/Strategy
<p><u><i>YSU for Recovery</i></u>: Weekly meetings held in Kilcawley Center that focuses on addiction and recovery. The meetings were established to help the YSU community deal with the many aspects of addiction. The meetings are open to the entire YSU community.</p>
<p><u><i>Prescription Drug Drop Off</i></u>: The drug drop box is located in the YSU Police Department in Clingan-Waddell Hall. The drop box provides a safe and secure location for YSU students, faculty and Youngstown community members to dispose of any old and outdated prescriptions.</p>
<p><u><i>Project Purple 3 on 3 Basketball Tournament</i></u>: The event was held on November 15th, 2016 and is in conjunction with Men's Health Week. The tournament helps raise awareness for Project Purple and give information on how YSU students can help others who may have substance abuse issues. Approximately 24 people participated in the event.</p>
<p><u><i>Sober Thoughts Program</i></u>: Campus Recreation in collaboration with Housing and Residence Life, host this week long program. The program is fun and entertaining, while focusing on positive life choices instead of bad decisions. Campus Recreation received \$500.00 in funding from SAMHSA for the event. Approximately 75 people attended.</p>
<p><u><i>Wellfest</i></u>: Hosted on October 25th 2016; this event is a health fair that promotes wellness in many different aspects. The YSU community was exposed to valuable knowledge, tips and handouts regarding health information, education, and resources.</p>

For more information about these and other drug and alcohol education programs, contact Ryan McNicholas at (330) 941-2207.

12.0 Preparation of the Annual Security and Fire Safety Report (ASFR)

12.1 Purpose of the ASFR

Under the Clery Act, YSU has immediate, on-going, and annual requirements. This Annual Security Report is updated and published annually and contains safety and security related policy statements, procedures and crime statistics (for the three previous calendar years). YSU distributes the Annual Security Report and Annual Fire Safety Report to all current students, staff and faculty by October 1st each year. YSU also informs prospective students, staff and faculty about the availability of these reports.

12.2 ASFR Annual Notification Requirement and Distribution

The YSU Police Department along with Marketing and Communications, distributes an individual notice about the ASFR to each student and employee by October 1st of each year via YMES (Youngstown Mass Email System). The Report availability notice is sent out at the beginning of each semester. The notice generally includes a statement of the reports' availability, a brief description of the information contained within the reports, a direct link to the report itself, a link to where the report is located on the YSU Police homepage, and information regarding where paper copies of the reports may be obtained upon request.

The Annual Security Report and the Annual Fire Safety Report are distributed as a single document. The report may be directly accessed by visiting the YSU Police website www.ysu.edu/police or by visiting the University website at www.ysu.edu.

12.3 ASFR Report Preparation Process

The YSU Police Department has primary responsibility for coordinating and compiling the information contained within the report by working with various individuals and departments from around the YSU campus. Input from a variety of individuals is important in order to convey the latest and most updated information. In addition to reviewing all YSU Police Department reports, the YSU Police Department coordinates with the YSU office of student conduct, and YSU Student Housing, to collect and reconcile statistical data related to liquor law violations, drug law violations, and weapon law violations that involve Clery reportable data. The YSU Police Department also coordinates the collection and classification of all YSU CSA (Campus Security Authority) reports to ensure proper reporting of crime statistics for Clery purposes.

13.0 Clery Crime Statistics

13.1 Crime Statistics, Sources and Unfounded Crime Reports

Pursuant to Clery Act requirements, the YSU Police Department is charged with the responsibility to collect, classify, and report crime statistics to the U.S. Department of Education and to current and prospective students, faculty and staff. Clery crimes are reported to the Department of Education via a web based online reporting tool and to the campus community in the Annual Security and Fire Safety Report by October 1st of each year. Statistical crime reporting requirements vary depending upon the governmental recipient. Mandated reporting requirements regarding crime statistic data to the FBI is different from the mandated federal U.S. Department of Education Clery crime reporting requirements. For example, Clery crime reporting requires the reporting of disciplinary referral data for drug, weapon and liquor law violations that is not required by either state or federal law enforcement entities that also mandate certain reporting requirements. Clery crime statistic data is also collected from non-law enforcement personnel called Campus Security Authorities (CSA's), as well as outside law enforcement agencies that may have jurisdiction over certain YSU property and locations classified as "non-campus buildings and property".

This section of the Annual Security Report contains Clery crime statistic data that has been compiled from the years 2016, 2015, and 2014. Crime statistic data under the Clery Act is disclosed based on where a crime occurs, the types of crimes that were reported, and the year in which the crimes were reported.

Some crimes are not directly reported to the YSU Police Department. As such, by collecting Clery Act crime statistic data through other established channels, the YSUPD is able to obtain a more accurate picture of crimes occurring on the YSU campus, public property, and non-campus building and property locations.

A crime is deemed to have been "reported" for Clery Act purposes when a witness, a victim, a third party or an offender (regardless of that person's affiliation with YSU) brings such allegation of crime to the attention of law enforcement or a Campus Security Authority, including the YSU Police Department. In turn, YSU discloses Clery Act reportable crimes in the statistical portion of this Annual Security and Fire Safety Report regardless of whether the crimes have been investigated by the police, and regardless of whether a finding of guilt or responsibility has been assigned or any case has been forwarded or assigned to the prosecutor.

Clery Act crime statistic data has been compiled from YSU Police Department reports, reports from CSA's, and from the daily and weekly crime reports and statistics from the Youngstown City Police Department. The reports from YPD that fall under the reporting parameters for Clery reporting will be included in the statistics in this Annual Security and Fire Safety Report.

13.2 Clery Act Crimes

YSU reports to the U.S. Department of Education, and discloses in the Annual Security and Fire Safety Report to the campus community, Clery Act crime statistic data for the 3 most recent calendar years concerning the number of each of the following crimes that occurred on or within the YSU Clery Act geography, reported to local police agencies that have jurisdiction, and CSA's:

- Primary Crimes: (1) Murder and Non-Negligent Manslaughter; (2) Negligent Manslaughter; (3) Rape; (4) Fondling; (5) Incest; (6) Statutory Rape; (7) Robbery; (8) Aggravated Assault; (9) Burglary; (10) Motor Vehicle Theft; (11) Arson.
- Hate Crimes: Any of the above mentioned primary crimes, and any incidents of (1) Larceny-Theft; (2) Simple Assault; (3) Intimidation; (4) Destruction/Damage/Vandalism of property that was motivated by one of the categories of bias.
- VAWA Offenses: Any incidents of (1) Domestic Violence; (2) Dating Violence; (3) Stalking.
- Arrests and Referrals for Disciplinary Action: (1) Arrests for liquor law violations, drug abuse violations, and weapon law violations; (2) Students who are referred for campus disciplinary action for liquor law violations, drug abuse violations, and weapon law violations.

13.3 Unfounded Crime Reports

A reported Clery crime to the YSU Police Department may not be withheld or subsequently removed from the Clery crime statistics data based on a decision by a court, coroner, jury, prosecutor, or other similar non-campus official. However, a reported crime may be withheld or subsequently removed from the 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 a 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 may “un-find” a crime report. It is important to note that the recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, or the failure to make an arrest **do not** “unfound” a crime report. For Clery Act purposes, the determination to un-find a crime can be made only when the totality of available information specifically indicates that the report was false or baseless.

13.4 Clery Act Statistics for the years 2016, 2015 and 2014

2017 Youngstown State University Campus Crime Statistics															
Clery Crimes	On-Campus			Residence Hall			Non-Campus			Public Property			Unfounded		
Classification	2016	2015	2014	2016	2015	2014	2016	2015	2014	2016	2015	2014	2016	2015	2014
Murder Non-Neg Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	2	3	0	2	3	0	0	0	0	0	0	0	0	0	0
Fondling	0	1	1	0	1	0	1	0	0	1	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	2	1	0	0	0	1	0	0	0	1	1	0	0	0
Aggravated Assault	0	3	1	0	3	1	2	0	0	0	0	0	0	0	0
Burglary	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	3	1	1	3	0	1	0	0	0	0	0	0	0	0	0
Stalking	7	3	6	1	0	1	0	0	0	0	0	0	0	0	0
ARRESTS/RERRALS	On-Campus			Residence Hall			Non-Campus			Public Property			Unfounded		
	2016	2015	2014	2016	2015	2014	2016	2015	2014	2016	2015	2014	2016	2015	2014
Liquor Law Arrests	11	29	29	7	27	18	0	1	0	0	0	5	0	0	0
Drug Law Arrests	2	2	5	1	1	1	0	0	0	2	7	11	0	0	0
Weapon Law Arrests	0	0	1	0	0	0	0	0	0	4	0	1	0	0	0
Liquor Law Referrals	25	35	64	22	34	56	0	0	0	0	0	0	0	0	0
Drug Law Referrals	11	10	17	10	9	12	0	0	0	0	0	0	0	0	0
Weapon Law Referrals	7	1	4	2	1	0	0	0	0	0	0	0	0	0	0
HATE CRIMES	On-Campus			Residence Hall			Non-Campus			Public Property			Unfounded		
	2016	2015	2014	2016	2015	2014	2016	2015	2014	2016	2015	2014	2016	2015	2014
Reported	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
Breakdown	2016	No Hate Crimes Reported													
	2015	Public Property; Simple Assault; Sexual Orientation													
	2014	No Hate Crimes Reported													

13.5 Clery Crime Hierarchy Counting Rules- FBI Uniform Crime Reporting

When counting multiple offenses, the FBI's Uniform Crime Report Hierarchy Rule is used. Under this rule, when more than one criminal offense is committed during a single incident, only the most serious offense is counted. A single incident means that the offenses were committed at the same time and place. That is, the time interval between the offenses and the distance between the locations where they occurred were insignificant. Beginning with the most serious offense, the following list shows the hierarchy for Clery Act reporting:

- The Clery crimes Hierarchy Rule is:
 - (1) Criminal Homicide
 - (1)(a) Murder and Non-Negligent Manslaughter
 - (1)(b) Manslaughter by Negligence
 - (2) Sexual Assault (Sex Offenses)
 - (2)(a) Rape
 - (2)(b) Fondling
 - (2)(c) Incest
 - (2)(d) Statutory Rape
 - (3) Robbery
 - (4) Aggravated Assault
 - (5) Burglary
 - (6) Motor Vehicle Theft

Exceptions to the Hierarchy Rule: There are exceptions to using the Hierarchy Rule when counting offenses. These exceptions apply to Arson, Sexual Assaults, Hate Crimes, and VAWA offenses.

Clery crime statistic data is reported based on the calendar year in which a crime report is received. The collection process of Clery crimes is facilitated by the YSU Police Department Clery Officer. YSU Campus Security Authorities report allegations of Clery Act crimes that have been reported in good faith. Any crime reported to a CSA must be immediately sent to the YSU Police Department via a CSA submission form that can be found at www.ysu.edu/police. CSA's can also call the police department at (330) 941 3527 to report crimes that have been reported to them. YSU Police encourages all crimes to be reported directly to the YSU Police Department, 24 hours a day, 7 days a week at (330) 941 3527. In an emergency, always dial 9-1-1.

All crime reports received by the YSU Police Department are reviewed, classified, and analyzed by the Clery Officer. Each crime report is then organized by crime offense according to the crime definitions and elements contained in the latest FBI UCR manual. Additionally, each crime report is organized by geographic location, according to the Clery Act geographic reporting definitions. Once classified, crimes are then tallied and placed in the appropriate Clery

Act geographic section by year in which the crime was reported. Clery Act geographic locations include: on-campus property (with a subset location of on-campus student housing facilities), non-campus property, public property, as defined.

Stalking offenses include a statistic for each year in which the stalking course of conduct is reported. Stalking reports are recorded as occurring either at the first location within the Clery Act geography where the stalking course of conduct occurred or the location where the victim first became aware of the stalking course of conduct. It is not necessary for all activities in the course of conduct to occur on Clery Act geography in order to count the incident.

Under the Clery Act, hate crime statistics are reported for Clery Act crimes, including: larceny-theft, simple assault, intimidation and damage/destruction/vandalism of property. To be classified as a hate crime, these crimes had to be committed based on the victim's actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability. A hate or bias related crime is not a separate, distinct crime; rather, it is the commission of a criminal offense which is proven through investigation to be motivated by the offender's bias. A crime is considered a hate crime if sufficient objective facts are present to conclude that the offender's actions in whole or part were motivated by bias.

13.6 Clery Act Crimes Reportable Geography

The Clery Act mandates the collection, classification and reporting of crime reports that are then translated into Clery Act crime statistic data organized into specific geographic categories known as Clery Act Geography. Below is a description of each Clery Act geographic location as it appears in the crime statistic tables.

- **On Campus:** (i) any building or property owned or controlled by Youngstown State University within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (ii) any buildings or property that is within or reasonably contiguous to the area identified in (i) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).
- **On-Campus Student Housing Facilities:** Any student housing facility that is owned or controlled by YSU, or is located on property that is owned or controlled by YSU, and is within the reasonably contiguous geographic area that makes up the campus, is considered an on-campus student housing facility.
- **Non-Campus Building or Property:** (i) any building or property owned or controlled by a student organization that is OFFICIALLY RECOGNIZED by the institution; or (ii) any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. The Youngstown City Police will share crime statistic information with YSU Police for inclusion in the Annual Security and Fire Report for properties/ areas within the Clery Geography Area.
- **Public Property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

13.7 Clery Crimes Definitions

The Clery Act applies the crime definitions from the FBI's Uniform Crime Reporting (UCR) Program when classifying and counting Clery crimes. The definitions for *murder/non-negligent manslaughter, manslaughter by negligence, rape, robbery, aggravated assault, burglary, motor vehicle theft, weapon law violations, drug law violations, and liquor law violations* are derived from the FBI's UCR manual. The definitions of *fondling, incest, and statutory rape* are from the "National Incident-Based Reporting System" user manual (NIBRS). The definitions of *larceny-theft (except motor vehicle theft), simple assault, intimidation, destruction/damage/vandalism of property* are from the "Hate Crime Data Collection Guidelines and Training Manual" from the FBI's UCR program. The definitions of *dating violence, domestic violence, and stalking* (for purposes of Clery Act crime statistics reporting) are from the Code of Federal Regulations³. It should be noted that Clery Crime definitions used in the compiling of Clery crime statistics are different than the State of Ohio crime definitions that may be used by law enforcement authorities and prosecutorial agencies as well as YSU administrative policy definitions for certain crimes.

The Clery crime definitions and counting rules are as follows:

- **Murder/Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another. Any death caused by injuries received in a fight, argument, quarrel, assault or the commission of a crime is also counted as murder/non-negligent manslaughter. One offense per victim is counted.
- **Manslaughter by Negligence:** The killing of another person through gross negligence. Any death caused by the gross negligence of another is also counted as Murder/Non-Negligent Manslaughter. One offense per victim is counted.
- **Sexual Assault:** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Attempted sexual assaults of the following types are counted as statistics of crime. This definition includes male and female victims.
 - **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. This includes any gender of victim or perpetrator. This definition of rape now includes Sexual Assault with an Object. One offense per victim is counted.
 - **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. One offense per victim is counted.

³ Clery Act Regulations 34 CFR 668.46.

- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. One offense per victim is counted.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent. One offense per victim is counted.
- **Robbery:** The 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. In any instance of robbery, one offense for each distinct operation. The number of victims robbed, the number of those present at the robbery, and the number of offenders are not counted.
- **Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury (includes attempts and whether or not an injury has occurred). This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. One offense per victim is counted. If a number of persons are involved in a dispute or disturbance, and the aggressors cannot be distinguished from the victims, the number of persons assaulted is counted as the number of offenses. Assaults or attempts to kill or murder, poisoning (including the use of date rape drugs), assault with a dangerous or deadly weapon, maiming, mayhem, assault with explosives, and assault with disease are counted as aggravated assaults.
- **Burglary:** The unlawful entry of a structure to commit a felony or a theft. An incident must meet three conditions to be classified as burglary: (1) there must be evidence of unlawful entry (trespass). Both forcible entry and unlawful entry no force is counted. This means that the person did not have the right to be in the structure at the time the incident occurred; (2) the unlawful entry must occur within a structure (a structure is defined as having four walls, a roof and a door); and (3) the structure was unlawfully entered to commit a felony or theft. One offense per each distinct operation is counted. Burglaries in individual student rooms are considered a separate offense. For burglaries in suites, each bedroom and the common area in a student housing suite is considered a separate dwelling. The burglary of an academic structure is counted as one offense, regardless of the number of interior rooms entered or items stolen if the rooms were all burglarized during the same time frame. Burglary of a number of patient rooms during the same time frame is counted as a single offense.
- **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. This applies to any self-propelled vehicle that runs on land surface and not on rails. One offense for each stolen vehicle is counted.
- **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 or personal property of another. Only one offense for each distinct incident of arson is counted. All of the

evidence for any fire not known to be accidental must be considered by the institutional official designated to make such determinations.

- **Domestic Violence:** The term “domestic violence” is defined as a felony or misdemeanor crime of violence committed (a) by a current or former spouse or intimate partner of the victim, (b) by a person with whom the victim shares a child in common, (c) by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, (d) 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 (e) 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.
- **Dating Violence:** The term “dating violence” is defined as violence committed by a person: (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined based on the reporting party’s statement and with consideration for: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
- **Stalking:** The term “stalking” means engaging in a course of conduct (two or more acts) directed at a specific person that would cause a reasonable person to: (a) fear for the person’s safety of others, or (b) suffer substantial emotional distress. (i) *Course of conduct* means 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* means a reasonable person under similar circumstances and with similar identities to the victim. (iii) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.
- **Hate Crime:** A hate crime is a criminal offense committed against a person or property (any part 1 crime and additional crime below) which is motivated, in whole or in part, by the offenders bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability based upon the perception that the person or group has one or more of those characteristics. Hate crimes must be collected and reported according to the category of bias for all Clery part 1 crimes as well as the additional crimes listed below. Hate crimes are not reported for arrests/disciplinary referrals for liquor, drug, and weapon law violations, for dating violence, domestic violence and stalking.

- **Clery Part 1 Crimes:** Murder, Manslaughter, Sex Offenses (Rape, Fondling, Incest, Statutory Rape), Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, and Arson.
- **Additional Crimes:** Apply to Clery statistics IF there is a finding of a hate crime bias based on investigation.
 - **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.
 - **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.
 - **Destruction/Damage/Vandalism:** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.
- **Drug Abuse Law Violations:** The violation of laws 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. All drugs, without exception, that are illegal under local or state law where the institution is located is considered a drug law violation. All illegally obtained prescription drugs are considered drug law violations as well.
- **Alcohol 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 are counted as alcohol law violations.
- **Weapon Law Violations:** 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. This classification encompasses weapons offenses that are regulatory in nature.

13.8 Other Defined Terms

- **Campus:** (i) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and (ii) Any building or property that is within or reasonably contiguous to the area identified in paragraph (i) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).
- **Campus Security Authority (“CSA”):** This term encompasses the following four groups of people: (i) a campus police department or a campus security department of an institution. (ii) Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph (i) of this definition, such as an individual who is responsible for monitoring entrance into institutional property. (iii) Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses. (iv) an official of an institution who has significant responsibility for student and campus activities including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor as defined below, the official is not considered a campus security authority when acting as a pastoral or professional counselor.
- **YSU Clery Act Geography:** (i) For the purpose of collecting statistics on the crimes listed in paragraph (c) of this section for submission to the Department and inclusion in an institution’s annual security report, Clery geography includes (A) Buildings and property that are part of the institution’s campus; (B) The institution’s non-campus buildings and property; and (C) Public property within or immediately adjacent to and accessible from the campus. (ii) For the purposes of the crime log required in paragraph (f) of this section, Clery geography includes, in addition to the locations in paragraph (i) of this definition, areas within the patrol jurisdiction of the campus police or the campus security department.
- **Federal Bureau of Investigation’s (“FBI”) Uniform Crime Reporting (“UCR”) Program:** Nationwide, cooperative statistical effort in which city, university and college, county, State, Tribal, and federal law enforcement agencies voluntarily report data on crimes brought to their attention. The UCR program also serves as the basis for the definitions of crimes in the Clery Act and the requirements for classifying Clery Act crimes.
- **Hierarchy Rule:** A requirement in the FBI’s UCR program that, for purposes of reporting crimes in that system, when more than one criminal offense was committed during a single incident, only the most serious offense be counted.

- **Non-Campus Building or Property:** (i) any building or property owned or controlled by a student organization that is officially recognized by the institution; or (ii) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
- **Pastoral Counselor:** A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.
- **Professional Counselor:** A person whose official responsibilities include providing mental health counseling to members of the institution’s community and who is functioning within the scope of the counselor’s license or certification.
- **Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking:** (i) 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. (ii) Programs to prevent dating violence, domestic violence, sexual assault, and stalking 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, as defined in paragraph (j)(2) of this section.
- **Public Property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.
- **Referred for Campus Disciplinary Action:** The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.
- **Test:** Regularly scheduled drills, exercises, and appropriate follow through activities, designed for assessment and evaluation of emergency plans and capabilities.
- **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.

- **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 with audiences throughout the institution.
- **Primary Prevention Programs:** 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.
- **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.

13.9 VAWA Offenses (Clery Act Definitions)

- **Domestic Violence (Clery Act Definition under Section 668.46(a)):** The term “domestic violence” includes felony or misdemeanor crimes of violence committed by (a) a current or former spouse or intimate partner of the victim, (b) by a person with whom the victim shares a child in common, (c) by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, (d) 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 (e) 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.
- **Dating Violence (Clery Act Definition under Section 668.46(a)):** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. (i) The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. (ii) For the purposes of this definition— (A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. (B) Dating violence does not include acts covered under the definition of domestic violence. (iii) For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Stalking (Clery Act Definition under Section 668.46(a)):** (i) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) Fear for the person’s safety or the safety of others; or (B) Suffer substantial emotional distress.
- **Sexual Assault (Clery Act Definition under Section 668.46(a)):** An offense that meets the definition of Rape, Fondling, Incest, or Statutory Rape as used in the FBI’s Uniform Crime Report program.

13.10 VAWA Offenses (Ohio Revised Code Definitions)

- **Domestic Violence (ORC 2919.25):** (A) No person shall knowingly cause or attempt to cause physical harm to a family or household member.

(B) No person shall recklessly cause serious physical harm to a family or household member.

(C) No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member.

(D) (1) Whoever violates this section is guilty of domestic violence, and the court shall sentence the offender as provided in divisions (D)(2) to (6) of this section.

(2) Except as otherwise provided in divisions (D)(3) to (5) of this section, a violation of division (C) of this section is a misdemeanor of the fourth degree, and a violation of division (A) or (B) of this section is a misdemeanor of the first degree.

(3) Except as otherwise provided in division (D)(4) of this section, if the offender previously has pleaded guilty to or been convicted of domestic violence, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to domestic violence, a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if the victim of the violation was a family or household member at the time of the violation, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to any of those sections if the victim of the violation was a family or household member at the time of the commission of the violation, or any offense of violence if the victim of the offense was a family or household member at the time of the commission of the offense, a violation of division (A) or (B) of this section is a felony of the fourth degree, and, if the offender knew that the victim of the violation was pregnant at the time of the violation, the court shall impose a mandatory prison term on the offender pursuant to division (D)(6) of this section, and a violation of division (C) of this section is a misdemeanor of the second degree.

(4) If the offender previously has pleaded guilty to or been convicted of two or more offenses of domestic violence or two or more violations or offenses of the type described in division (D)(3) of this section involving a person who was a family or household member at the time of the violations or offenses, a violation of division (A) or (B) of this section is a felony of the third degree, and, if the offender knew that the victim of the violation was pregnant at the time of the violation, the court shall impose a mandatory prison term on the offender pursuant to division (D)(6) of this section, and a violation of division (C) of this section is a misdemeanor of the first degree.

(5) Except as otherwise provided in division (D)(3) or (4) of this section, if the offender knew that the victim of the violation was pregnant at the time of the violation, a violation of division (A) or (B) of this section is a felony of the fifth degree, and the court shall impose a mandatory prison term on the offender pursuant to division (D)(6) of this section, and a violation of division (C) of this section is a misdemeanor of the third degree.

(6) If division (D)(3), (4), or (5) of this section requires the court that sentences an offender for a violation of division (A) or (B) of this section to impose a mandatory prison term on the offender pursuant to this division, the court shall impose the mandatory prison term as follows:

(a) If the violation of division (A) or (B) of this section is a felony of the fourth or fifth degree, except as otherwise provided in division (D)(6)(b) or (c) of this section, the court shall impose a mandatory prison term on the offender of at least six months.

(b) If the violation of division (A) or (B) of this section is a felony of the fifth degree and the offender, in committing the violation, caused serious physical harm to the pregnant woman's unborn or caused the termination of the pregnant woman's pregnancy, the court shall impose a mandatory prison term on the offender of twelve months.

(c) If the violation of division (A) or (B) of this section is a felony of the fourth degree and the offender, in committing the violation, caused serious physical harm to the pregnant woman's unborn or caused the termination of the pregnant woman's pregnancy, the court shall impose a mandatory prison term on the offender of at least twelve months.

(d) If the violation of division (A) or (B) of this section is a felony of the third degree, except as otherwise provided in division (D)(6)(e) of this section and notwithstanding the range of prison terms prescribed in section 2929.14 of the Revised Code for a felony of the third degree, the court shall impose a mandatory prison term on the offender of either a definite term of six months or one of the prison terms prescribed in section 2929.14 of the Revised Code for felonies of the third degree.

(e) If the violation of division (A) or (B) of this section is a felony of the third degree and the offender, in committing the violation, caused serious physical harm to the pregnant woman's unborn or caused the termination of the pregnant woman's pregnancy, notwithstanding the range of prison terms prescribed in section 2929.14 of the Revised Code for a felony of the third degree, the court shall impose a mandatory prison term on the offender of either a definite term of one year or one of the prison terms prescribed in section 2929.14 of the Revised Code for felonies of the third degree.

(E) Notwithstanding any provision of law to the contrary, no court or unit of state or local government shall charge any fee, cost, deposit, or money in connection with the filing of charges against a person alleging that the person violated this section or a municipal ordinance substantially similar to this section or in connection with the prosecution of any charges so filed.

(F) As used in this section and sections 2919.251 and 2919.26 of the Revised Code:

(1) "Family or household member" means any of the following:

(a) Any of the following who is residing or has resided with the offender:

(i) A spouse, a person living as a spouse, or a former spouse of the offender;

(ii) A parent, a foster parent, or a child of the offender, or another person related by consanguinity or affinity to the offender;

(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the offender.

(b) The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.

(2) "Person living as a spouse" means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question.

(3) "Pregnant woman's unborn" has the same meaning as "such other person's unborn," as set forth in section 2903.09 of the Revised Code, as it relates to the pregnant woman. Division (C) of that section applies regarding the use of the term in this section, except that the second and third sentences of division (C)(1) of that section shall be construed for purposes of this section as if they included a reference to this section in the listing of Revised Code sections they contain.

(4) "Termination of the pregnant woman's pregnancy" has the same meaning as "unlawful termination of another's pregnancy," as set forth in section 2903.09 of the Revised Code, as it relates to the pregnant woman. Division (C) of that section applies regarding the use of the term in this section, except that the second and third sentences of division (C)(1) of that section shall be construed for purposes of this section as if they included a reference to this section in the listing of Revised Code sections they contain.

➤ **Menacing by Stalking (ORC 2903.211):** (1) No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or a family or household member of the other person or cause mental distress to the other person or a family or household member of the other person. In addition to any other basis for the other person's belief that the offender will cause physical harm to the other person or the other person's family or household member or mental distress to the other person or the other person's family or household member, the other person's belief or mental distress may be based on words or conduct of the offender that are directed at or identify a corporation, association, or other organization that employs the other person or to which the other person belongs.

(2) No person, through the use of any form of written communication or any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, r-computer system, or telecommunication device shall post a message or use any intentionally written or verbal graphic gesture with purpose to do either of the following:

(a) Violate division (A)(1) of this section:

(b) Urge or incite another to commit a violation of division (A)(1) of this section.

(3) No person, with a sexual motivation, shall violate division (A)(1) or (2) of this section.

(B) Whoever violates this section is guilty of menacing by stalking.

(1) Except as otherwise provided in divisions (B)(2) and (3) of this section, menacing by stalking is a misdemeanor of the first degree.

(2) Menacing by stalking is a felony of the fourth degree if any of the following applies:

(a) The offender previously has been convicted of or pleaded guilty to a violation of this section or a violation of section 2911.211 of the Revised Code.

(b) In committing the offense under division (A)(1), (2), or (3) of this section, the offender made a threat of physical harm to or against the victim, or as a result of an offense committed under division (A)(2) or (3) of this section, a third person induced by the offender's posted message made a threat of physical harm to or against the victim.

(c) In committing the offense under division (A)(1), (2), or (3) of this section, the offender trespassed on the land or premises where the victim lives, is employed, or attends school, or as a result of an offense committed under division (A)(2) or (3) of this section, a third person induced by the offender's posted message trespassed on the land or premises where the victim lives, is employed, or attends school.

(d) The victim of the offense is a minor.

(e) The offender has a history of violence toward the victim or any other person or a history of other violent acts toward the victim or any other person.

(f) While committing the offense under division (A)(1) of this section or a violation of division (A)(3) of this section based on conduct in violation of division (A)(1) of this section, the offender had a deadly weapon on or about the offender's person or under the offender's control. Division (B)(2)(f) of this section does not apply in determining the penalty for a violation of division (A)(2) of this section or a violation of division (A)(3) of this section based on conduct in violation of division (A)(2) of this section.

(g) At the time of the commission of the offense, the offender was the subject of a protection order issued under section 2903.213 or 2903.214 of the Revised Code, regardless of whether the person to be protected under the order is the victim of the offense or another person.

(h) In committing the offense under division (A)(1), (2), or (3) of this section, the offender caused serious physical harm to the premises at which the victim resides, to the real property on which that premises is located, or to any personal property located on that premises, or, as a result of an offense committed under division (A)(2) of this section or an offense committed under division (A)(3) of this section based on a violation of division (A)(2) of this section, a third person induced by the offender's posted message caused serious physical harm to that premises, that real property, or any personal property on that premises.

(i) Prior to committing the offense, the offender had been determined to represent a substantial risk of physical harm to others as manifested by evidence of then-recent homicidal or other violent behavior, evidence of then-recent threats that placed another in reasonable fear of violent behavior and serious physical harm, or other evidence of then-present dangerousness.

(3) If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, menacing by stalking is either a felony of the fifth degree or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, a felony of the fourth degree.

(C) Section 2919.271 of the Revised Code applies in relation to a defendant charged with a violation of this section.

(D) As used in this section:

(1) "Pattern of conduct" means two or more actions or incidents closely related in time, whether or not there has been a prior conviction based on any of those actions or incidents, or two or more actions or incidents closely related in time, whether or not there has been a prior conviction based on any of those actions or incidents, directed at one or more persons employed by or belonging to the same corporation, association, or other organization. Actions or incidents that prevent, obstruct, or delay the performance by a public official, firefighter, rescuer, emergency medical services person, or emergency facility person of any authorized act within the public official's, firefighter's, rescuer's, emergency medical services person's, or emergency facility person's official capacity, or the posting of messages, use of intentionally written or verbal graphic gestures, or receipt of information or data through the use of any form of written communication or an electronic method of remotely transferring information, including, but not limited to, a computer, computer network, computer program, computer system, or telecommunications device, may constitute a "pattern of conduct."

(2) "Mental distress" means any of the following:

(a) Any mental illness or condition that involves some temporary substantial incapacity;

(b) Any mental illness or condition that would normally require psychiatric treatment, psychological treatment, or other mental health services, whether or not any person requested or received psychiatric treatment, psychological treatment, or other mental health services.

(3) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in section 2133.21 of the Revised Code.

(4) "Emergency facility person" is the singular of "emergency facility personnel" as defined in section 2909.04 of the Revised Code.

(5) "Public official" has the same meaning as in section 2921.01 of the Revised Code.

(6) "Computer," "computer network," "computer program," "computer system," and "telecommunications device" have the same meanings as in section 2913.01 of the Revised Code.

(7) "Post a message" means transferring, sending, posting, publishing, disseminating, or otherwise communicating, or attempting to transfer, send, post, publish, disseminate, or otherwise communicate, any message or information, whether truthful or untruthful, about an individual, and whether done under one's own name, under the name of another, or while impersonating another.

(8) "Third person" means, in relation to conduct as described in division (A)(2) of this section, an individual who is neither the offender nor the victim of the conduct.

(9) "Sexual motivation" has the same meaning as in section 2971.01 of the Revised Code.

(10) "Organization" includes an entity that is a governmental employer.

(11) "Family or household member" means any of the following:

(a) Any of the following who is residing or has resided with the person against whom the act prohibited in division (A)(1) of this section is committed:

(i) A spouse, a person living as a spouse, or a former spouse of the person;

(ii) A parent, a foster parent, or a child of the person, or another person related by consanguinity or affinity to the person;

(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the person, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the person.

(b) The natural parent of any child of whom the person against whom the act prohibited in division (A)(1) of this section is committed is the other natural parent or is the putative other natural parent.

(12) "Person living as a spouse" means a person who is living or has lived with the person against whom the act prohibited in division (A)(1) of this section is committed in a common law marital relationship, who otherwise is cohabiting with that person, or who

otherwise has cohabited with the person within five years prior to the date of the alleged commission of the act in question.

(E) The state does not need to prove in a prosecution under this section that a person requested or received psychiatric treatment, psychological treatment, or other mental health services in order to show that the person was caused mental distress as described in division (D)(2)(b) of this section.

(F)

(1) This section does not apply to a person solely because the person provided access or connection to or from an electronic method of remotely transferring information not under that person's control, including having provided capabilities that are incidental to providing access or connection to or from the electronic method of remotely transferring the information, and that do not include the creation of the content of the material that is the subject of the access or connection. In addition, any person providing access or connection to or from an electronic method of remotely transferring information not under that person's control shall not be liable for any action voluntarily taken in good faith to block the receipt or transmission through its service of any information that it believes is, or will be sent, in violation of this section.

(2) Division (F)(1) of this section does not create an affirmative duty for any person providing access or connection to or from an electronic method of remotely transferring information not under that person's control to block the receipt or transmission through its service of any information that it believes is, or will be sent, in violation of this section except as otherwise provided by law.

(3) Division (F)(1) of this section does not apply to a person who conspires with a person actively involved in the creation or knowing distribution of material in violation of this section or who knowingly advertises the availability of material of that nature.

➤ **Rape (ORC 2907.02):** (A)(1) No person shall engage in sexual conduct with another who is not the spouse of the offender or who is the spouse of the offender but is living separate and apart from the offender, when any of the following applies:

(a) For the purpose of preventing resistance, the offender substantially impairs the other person's judgment or control by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception.

(b) The other person is less than thirteen years of age, whether or not the offender knows the age of the other person.

(c) The other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the other person's ability to resist or consent is

substantially impaired because of a mental or physical condition or because of advanced age.

(2) No person shall engage in sexual conduct with another when the offender purposely compels the other person to submit by force or threat of force.

(B) Whoever violates this section is guilty of rape, a felony of the first degree. If the offender under division (A)(1)(a) of this section substantially impairs the other person's judgment or control by administering any controlled substance described in section 3719.41 of the Revised Code to the other person surreptitiously or by force, threat of force, or deception, the prison term imposed upon the offender shall be one of the prison terms prescribed for a felony of the first degree in section 2929.14 of the Revised Code that is not less than five years. Except as otherwise provided in this division, notwithstanding sections 2929.11 to 2929.14 of the Revised Code, an offender under division (A)(1)(b) of this section shall be sentenced to a prison term or term of life imprisonment pursuant to section 2971.03 of the Revised Code. If an offender is convicted of or pleads guilty to a violation of division (A)(1)(b) of this section, if the offender was less than sixteen years of age at the time the offender committed the violation of that division, and if the offender during or immediately after the commission of the offense did not cause serious physical harm to the victim, the victim was ten years of age or older at the time of the commission of the violation, and the offender has not previously been convicted of or pleaded guilty to a violation of this section or a substantially similar existing or former law of this state, another state, or the United States, the court shall not sentence the offender to a prison term or term of life imprisonment pursuant to section 2971.03 of the Revised Code, and instead the court shall sentence the offender as otherwise provided in this division. If an offender under division (A)(1)(b) of this section previously has been convicted of or pleaded guilty to violating division (A)(1)(b) of this section or to violating an existing or former law of this state, another state, or the United States that is substantially similar to division (A)(1)(b) of this section, if the offender during or immediately after the commission of the offense caused serious physical harm to the victim, or if the victim under division (A)(1)(b) of this section is less than ten years of age, in lieu of sentencing the offender to a prison term or term of life imprisonment pursuant to section 2971.03 of the Revised Code, the court may impose upon the offender a term of life without parole. If the court imposes a term of life without parole pursuant to this division, division (F) of section 2971.03 of the Revised Code applies, and the offender automatically is classified a tier III sex offender/child-victim offender, as described in that division.

(C) A victim need not prove physical resistance to the offender in prosecutions under this section.

(D) Evidence of specific instances of the victim's sexual activity, opinion evidence of the victim's sexual activity, and reputation evidence of the victim's sexual activity shall not be admitted under this section unless it involves evidence of the origin of semen, pregnancy, or disease, or the victim's past sexual activity with the offender, and only to

the extent that the court finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.

Evidence of specific instances of the defendant's sexual activity, opinion evidence of the defendant's sexual activity, and reputation evidence of the defendant's sexual activity shall not be admitted under this section unless it involves evidence of the origin of semen, pregnancy, or disease, the defendant's past sexual activity with the victim, or is admissible against the defendant under section 2945.59 of the Revised Code, and only to the extent that the court finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.

(E) Prior to taking testimony or receiving evidence of any sexual activity of the victim or the defendant in a proceeding under this section, the court shall resolve the admissibility of the proposed evidence in a hearing in chambers, which shall be held at or before preliminary hearing and not less than three days before trial, or for good cause shown during the trial.

(F) Upon approval by the court, the victim may be represented by counsel in any hearing in chambers or other proceeding to resolve the admissibility of evidence. If the victim is indigent or otherwise is unable to obtain the services of counsel, the court, upon request, may appoint counsel to represent the victim without cost to the victim.

(G) It is not a defense to a charge under division (A)(2) of this section that the offender and the victim were married or were cohabiting at the time of the commission of the offense.

➤ **Sexual Battery (ORC 2907.03):** (A) No person shall engage in sexual conduct with another, not the spouse of the offender, when any of the following apply:

(1) The offender knowingly coerces the other person to submit by any means that would prevent resistance by a person of ordinary resolution.

(2) The offender knows that the other person's ability to appraise the nature of or control the other person's own conduct is substantially impaired.

(3) The offender knows that the other person submits because the other person is unaware that the act is being committed.

(4) The offender knows that the other person submits because the other person mistakenly identifies the offender as the other person's spouse.

(5) The offender is the other person's natural or adoptive parent, or a stepparent, or guardian, custodian, or person in loco parentis of the other person.

(6) The other person is in custody of law or a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the other person.

(7) The offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, the other person is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school.

(8) The other person is a minor, the offender is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the other person is enrolled in or attends that institution.

(9) The other person is a minor, and the offender is the other person's athletic or other type of coach, is the other person's instructor, is the leader of a scouting troop of which the other person is a member, or is a person with temporary or occasional disciplinary control over the other person.

(10) The offender is a mental health professional, the other person is a mental health client or patient of the offender, and the offender induces the other person to submit by falsely representing to the other person that the sexual conduct is necessary for mental health treatment purposes.

(11) The other person is confined in a detention facility, and the offender is an employee of that detention facility.

(12) The other person is a minor, the offender is a cleric, and the other person is a member of, or attends, the church or congregation served by the cleric.

(13) The other person is a minor, the offender is a peace officer, and the offender is more than two years older than the other person.

(B) Whoever violates this section is guilty of sexual battery. Except as otherwise provided in this division, sexual battery is a felony of the third degree. If the other person is less than thirteen years of age, sexual battery is a felony of the second degree, and the court shall impose upon the offender a mandatory prison term equal to one of the prison terms prescribed in section 2929.14 of the Revised Code for a felony of the second degree.

(C) As used in this section:

(1) "Cleric" has the same meaning as in section 2317.02 of the Revised Code.

(2) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code.

(3) "Institution of higher education" means a state institution of higher education defined in section 3345.011 of the Revised Code, a private nonprofit college or university located in this state that possesses a certificate of authorization issued by the Ohio board of

regents pursuant to Chapter 1713. of the Revised Code, or a school certified under Chapter 3332. of the Revised Code.

(4) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.

➤ **Unlawful Sexual Conduct with a Minor (ORC 2907.04):** (A) No person who is eighteen years of age or older shall engage in sexual conduct with another, who is not the spouse of the offender, when the offender knows the other person is thirteen years of age or older but less than sixteen years of age, or the offender is reckless in that regard.

(B) Whoever violates this section is guilty of unlawful sexual conduct with a minor.

(1) Except as otherwise provided in divisions (B)(2), (3), and (4) of this section, unlawful sexual conduct with a minor is a felony of the fourth degree.

(2) Except as otherwise provided in division (B)(4) of this section, if the offender is less than four years older than the other person, unlawful sexual conduct with a minor is a misdemeanor of the first degree.

(3) Except as otherwise provided in division (B)(4) of this section, if the offender is ten or more years older than the other person, unlawful sexual conduct with a minor is a felony of the third degree.

(4) If the offender previously has been convicted of or pleaded guilty to a violation of section 2907.02, 2907.03, or 2907.04 of the Revised Code or a violation of former section 2907.12 of the Revised Code, unlawful sexual conduct with a minor is a felony of the second degree.

➤ **Gross Sexual Imposition (ORC 2907.05):** (A) No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more other persons to have sexual contact when any of the following applies:

(1) The offender purposely compels the other person, or one of the other persons, to submit by force or threat of force.

(2) For the purpose of preventing resistance, the offender substantially impairs the judgment or control of the other person or of one of the other persons by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception.

(3) The offender knows that the judgment or control of the other person or of one of the other persons is substantially impaired as a result of the influence of any drug or

intoxicant administered to the other person with the other person's consent for the purpose of any kind of medical or dental examination, treatment, or surgery.

(4) The other person, or one of the other persons, is less than thirteen years of age, whether or not the offender knows the age of that person.

(5) The ability of the other person to resist or consent or the ability of one of the other persons to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the ability to resist or consent of the other person or of one of the other persons is substantially impaired because of a mental or physical condition or because of advanced age.

(B) No person shall knowingly touch the genitalia of another, when the touching is not through clothing, the other person is less than twelve years of age, whether or not the offender knows the age of that person, and the touching is done with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

(C) Whoever violates this section is guilty of gross sexual imposition.

(1) Except as otherwise provided in this section, gross sexual imposition committed in violation of division (A)(1), (2), (3), or (5) of this section is a felony of the fourth degree. If the offender under division (A)(2) of this section substantially impairs the judgment or control of the other person or one of the other persons by administering any controlled substance described in section 3719.41 of the Revised Code to the person surreptitiously or by force, threat of force, or deception, gross sexual imposition committed in violation of division (A)(2) of this section is a felony of the third degree.

(2) Gross sexual imposition committed in violation of division (A)(4) or (B) of this section is a felony of the third degree. Except as otherwise provided in this division, for gross sexual imposition committed in violation of division (A)(4) or (B) of this section there is a presumption that a prison term shall be imposed for the offense. The court shall impose on an offender convicted of gross sexual imposition in violation of division (A)(4) or (B) of this section a mandatory prison term equal to one of the prison terms prescribed in section 2929.14 of the Revised Code for a felony of the third degree if either of the following applies:

(a) Evidence other than the testimony of the victim was admitted in the case corroborating the violation;

(b) The offender previously was convicted of or pleaded guilty to a violation of this section, rape, the former offense of felonious sexual penetration, or sexual battery, and the victim of the previous offense was less than thirteen years of age.

(D) A victim need not prove physical resistance to the offender in prosecutions under this section.

(E) Evidence of specific instances of the victim's sexual activity, opinion evidence of the victim's sexual activity, and reputation evidence of the victim's sexual activity shall not be admitted under this section unless it involves evidence of the origin of semen, pregnancy, or disease, or the victim's past sexual activity with the offender, and only to the extent that the court finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.

Evidence of specific instances of the defendant's sexual activity, opinion evidence of the defendant's sexual activity, and reputation evidence of the defendant's sexual activity shall not be admitted under this section unless it involves evidence of the origin of semen, pregnancy, or disease, the defendant's past sexual activity with the victim, or is admissible against the defendant under section 2945.59 of the Revised Code, and only to the extent that the court finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.

(F) Prior to taking testimony or receiving evidence of any sexual activity of the victim or the defendant in a proceeding under this section, the court shall resolve the admissibility of the proposed evidence in a hearing in chambers, which shall be held at or before preliminary hearing and not less than three days before trial, or for good cause shown during the trial.

(G) Upon approval by the court, the victim may be represented by counsel in any hearing in chambers or other proceeding to resolve the admissibility of evidence. If the victim is indigent or otherwise is unable to obtain the services of counsel, the court, upon request, may appoint counsel to represent the victim without cost to the victim.

- **Dating Violence** is not defined in the Ohio Revised Code.

13.11 Definition of Consent

- In Youngstown State University Policy 3356-2-03.1 (Sexual Misconduct), **Consent** is defined as: *Positive unambiguous, voluntary and ongoing agreement to engage in a specific activity. Consent must be freely and affirmatively given. Consent cannot be obtained from someone through coercion or from someone who is unconscious, asleep, or whose judgment is impaired by the use of a drug or alcohol or diminished by an intellectual, mental, or physical condition or disability. Consent can be withdrawn at any time.*



**YOUNGSTOWN
STATE
UNIVERSITY**

**2017 Annual Fire Safety Report
Statistics for 2016, 2015 and 2014**



14.0 Annual Fire Safety Report

Youngstown State University recognizes its responsibility to protect the health and assure the safety of the students, employees and visitors to the campus. As a community leader, the university also realizes its role in preserving and protecting the environment. In its efforts to meet these obligations, the university established the Department of Environmental and Occupational Health and Safety in July of 1989. It is the responsibility of this department to assure that the university meets all of its legal obligations as they pertain to health, safety and the environment, and to assist faculty, staff and students in their efforts to comply with all regulatory agencies.

The primary goal is the elimination of hazards that may result in injury, illness to students, employees, and visitors to campus or the destruction of university property. EOHS is administratively responsible for assuring that the university is in compliance with all federal, state and locally mandated programs dealing with safety or environmental issues. The department acts as the university's liaison with regulatory bodies such as: the Environmental Protection Agency, the Ohio Department of Health, the Nuclear Regulatory Commission, and the Occupational Safety and Health Administration.

For more information about Fire and Life Safety at Youngstown State University call (330) 941-3700 or visit the EOHS website.

Other Fire Safety Contact Information

Youngstown City Fire Department

9-1-1 Emergency

(330) 747-7403 Non-Emergency

420 MLK Jr. Blvd.

Youngstown, Ohio 44502

State of Ohio-Division of the State Fire Marshal

(614) 645-8308

Fire Alarm Activation: What to Do

When the fire alarm is activated, all residents and guests must immediately leave the building using the nearest stairs and exits. **DO NOT USE THE ELEVATORS.** Follow directions of the residence hall staff, police, health and safety, or fire department personnel. Rooms may be checked in order to confirm evacuation of all occupants.

Anyone who intentionally activates the fire alarm system when there is no emergency is subject to prosecution through the criminal court system and/or disciplinary action through the university judicial system. The expected sanction for such a violation is suspension from the University for Reimbursement of costs incurred.

Anyone who tampers with fire safety equipment or removes it from its proper location, other than for proper use, is subject to disciplinary action.

Report Intentional Fires and False Alarms to the YSU Police Department.

In the event of a fire, remember to *R.A.C.E.* and *P.A.S.S.*

If you are involved in a fire, the R.A.C.E. acronym will help you remember to:

R=Rescue

Rescue anyone in immediate danger from the fire, if it does not endanger your life.

A=Alarm

Sound the fire alarm at a pull station.

C=Confine

Confine the fire by closing all doors and windows.

E=Extinguish

Use a fire extinguisher, or EVACUATE the area if the fire is too large.

To properly use a fire extinguisher, remember P.A.S.S.

P=Pull

Pull the silver pin on the extinguisher.

A=Aim

Aim the nozzle at the base of the fire.

S=Squeeze

Press the handle on the extinguisher to discharge the contents.

S=Sweep

Sweep from side to side until the fire appears to be out.

14.1 Fire Procedures for Campus Buildings and Residence Halls

Familiarize yourself with the proper fire escape procedures, and in the event of a fire you will be prepared to respond quickly.

When to Fight a Fire:

Fight the fire only if all of the following are true:

- Everyone has left or is leaving the building and Campus Police have been notified;
- The fire is small and confined to the immediate area where it started such as a waste basket, cushion, small appliance, etc.;
- You can fight the fire with your back to a safe escape route;
- The extinguisher is rated for the type of fire you are attempting to extinguish;
- You know you can effectively operate a fire extinguisher.

Remember...

A portable fire extinguisher can only put out a small fire or contain it until the fire department arrives. Portable fire extinguishers are not designed to fight large or spreading fires. Even against small fires, they are useful only under the right conditions.

An extinguisher must be large enough for the fire at hand; it must be fully charged and in working order. The operator must know how to use the extinguisher quickly without taking time to read the directions.

When NOT to Fight a Fire:

There are times when you should not attempt to fight a fire, such as:

- If the fire is spreading beyond the immediate area where it started, or already is a larger fire.
- If the fire could block your escape route;
- If you are unsure of how to properly operate the extinguisher;
- If you are in doubt whether the extinguisher is proper for the type of fire at hand.

Protect Yourself at All Times!

- Stay low to the ground and position yourself between six and eight feet away from the fire;
- Avoid breathing the heated smoke and fumes or the extinguishing agent;
- If the fire starts to spread or threatens your escape route, **GET OUT IMMEDIATELY**;
- Make it a point to notice the locations of fire extinguishers in your area, as well as all exits.

14.2 The Annual Fire Safety Report

The Campus Fire Safety Right-to-Know Act is an amendment to the Higher Education Opportunity Act. This amendment serves to increase campus fire safety awareness across the nation, providing students and their families with the fire safety records of colleges and universities. Signed into law on August 14, 2008, this amendment requires institutions to publish fire safety information and statistics. Additionally, institutions that maintain on-campus student housing facilities are required to publish an annual fire safety report that contains information about campus fire safety practices and standards of the institution. The statistics include the number, cause, related injuries and deaths, and property damages associated with each fire. In addition, each institution is required to report fire information to the U.S. Department of Education. Collectively, this information provides prospective and current students information regarding the policies, concerns, and fire safety conditions that are present at Youngstown State University.

14.3 Portable Electrical Appliances, Smoking and Open Flames in Student Housing

YSU regulates portable electric appliances, smoking and open flames in on-campus housing; and fire safety policies and procedures. Please see the Youngstown State University Residence Handbook for more information. The university further reserves the right to direct residents to remove from their room any hazardous materials. The final decision regarding removal of such materials will be made by the director of housing after review by the assistant directors. Items may be confiscated and held if they violate residence hall fire safety and/or jeopardize security and community living.

Portable Electrical Appliances

The following appliances are PROHIBITED: coffee pots (exception being Keurig brewers), microwaves, toasters/toaster ovens, hotpot/hotplates, all other cooking devices, air conditioners, extension cords, halogen lamps, medusa lamps with plastic shades.

The following appliances, which must be UL-approved and in good condition, are permitted: refrigerators (2' by 3' maximum), clocks, desk lamps, hair dryers, curling irons, PC equipment, radios, TVs, razors, fans, heating pads, and stereo equipment. No more than two electrical appliances can be plugged into any double outlet; however, multiple outlet power strips that are UL-approved and fused are permitted with a limit of one per outlet.

Open Flames and Flammable Storage

Candles used for decorative purposes are prohibited. Candles and other devices with open flames, as well as incense and hookahs are prohibited. The use of e-cigarettes is also prohibited in the residence halls. Additionally, flammable liquids, such as propane, gasoline, petroleum-based solvents, paint thinners, and similar flammable materials, MAY NOT be stored in residence halls.

Smoking

Youngstown State University is a tobacco-free campus. Smoking or use of tobacco is not permitted on university property. Tobacco use includes the possession of any lighted tobacco product, or the use of any oral tobacco product.

14.4 Fire Safety Education and Training Programs

YSU promotes campus fire safety on an ongoing basis through various safety education and training programs. Residence hall staff receives orientation to the operations and locations of the fire alarm system, as well as a review of their roles during a fire or fire drill. The residence hall life staff receives general fire safety and fire extinguisher training. Students receive a general orientation to the fire systems present in the building during arrival orientation. Staff also reviews evacuation and emergency procedures with residents. Residence hall students participate in fire drills during the fall and spring semesters.

A Fire Safety Communications Bulletin is distributed to the campus community detailing compliance with state fire codes, university fire codes, minimizing risk of fire, and general fire safety. A week in October is designated as “Fire Prevention Week”. Graduate students in the Chemistry program are trained in the use of fire extinguishers, and general fire safety provided by Dow Chemical. Warren Fire Equipment also provides free classroom training.

14.5 Reporting a Fire Occurring in an On-Campus University Student Housing Facility

Individuals discovering a fire at an YSU on-campus student housing facility (or any university facility) should dial 9-1-1 and activate the fire alarm system. The fire alarm system in buildings on campus are supervised and monitored by the dispatcher in the communications center.

Fire Drills

Four fire drills are conducted each semester; these are either announced or unannounced. The announced fire drill is designed to give students an opportunity to evacuate the residence hall in a non-emergency situation. All residents must leave the building when the fire alarm sounds. Failure to do so will result in disciplinary action.

Fire Alarm System

Each residence hall is equipped with a building fire alarm system, and each student room has a smoke detector. In accordance with Ohio state law, when the building alarm sounds, all residents are required to leave the building. Residents cannot re-enter a building until the all-clear signal is given by the YSUPD, YFD or residence hall staff. The interference with the operation of the smoke detector or any other part of the fire safety equipment will result in criminal and disciplinary sanctions, as well as monetary reimbursement for damages.

Suppression System

A sprinkler system is provided for additional safety in the event of a fire. Residents must be careful not to damage, tamper with, cover or hang items from the sprinkler heads or an accidental discharge of water may result. In addition, residents may not store personal items within 18 inches of any sprinkler head. The interference with the operation of the suppression system will result in criminal and disciplinary sanctions, as well as monetary reimbursement for damages.

14.6 Fire Safety and Prevention

- Know every regular and emergency exit from the building you are in. Know how to activate the alarm system and what it sounds like. Know the location of fire extinguishers and how to operate them.
- Arrange room contents with fire safety in mind. Maintain clear and unobstructed access to your room door, from both the outside and the inside, at all times.
- Do not overload electrical outlets.
- Do not use broken, frayed, or cracked electrical cords. Do not suspend lamps or lights by their cords.
- Do not allow clutter to accumulate.

14.7 Fire Evacuation Procedures

Students in On-Campus Housing:

In the event of a continuous sounding of the fire alarm in the unit, students should proceed as follows:

- All persons inside a residential or dining facility are required to leave the building immediately.
- University staff may assist with the evacuation of the building as availability and safety permit.
- It is the responsibility of all students to familiarize themselves with the proper fire and emergency evacuation procedures.
- Failure to respond to a fire alarm or to staff requests during an evacuation may result in university disciplinary action in addition to criminal penalties.
- When an alarm sounds, follow these guidelines:
 - Close room doors and windows.
 - If possible, wear shoes and carry or wear a coat.
 - Leave via the nearest, safest exit, path or route.
 - Don't panic, move quickly outside the building to at least 50 feet away from the structure and to the designated assembly point.
- **DO NOT USE ELEVATORS** as exit routes. Use the closest stairwells.
- Do not re-enter the building until the alarm is silenced and the all-clear announcement is given by emergency personnel.
- If you are on an upper floor, and are hearing impaired, have mobility issues, or are unable to escape from your room:
 - Close your door and seal it off with a towel or blanket.
 - Dial 9-1-1 and relay all information pertaining to the fire (location, floor, room, and building), don't hang up until directed to do so.
 - Hang a bright colored sheet or towel from your window to alert emergency crews to your location.
 - Open your upper window for fresh air if necessary. If smoke enters the room from the outside, **CLOSE** your window immediately.
 - Wait for rescue. Don't panic, open the door, or prematurely jump from your window.

Campus Employees:

It is important for employees to familiarize themselves with the procedures of fire reporting.

- Safety of the people. Evacuate people as readily as possible. Close doors to isolate the fire. A person with an ambulatory disability should move to the opposite end of the

building near a stairway, away from a fire and wait for firefighters to arrive. Exit strategies should be discussed with supervisors.

- Send the alarm. Call 9-1-1 immediately, and relay all information pertaining to the fire (location, floor, room, building, etc.). Activate the fire alarm at the nearest pull station.
- Notify others in the area. Move out to a safe area to give firefighters a clear field.
- Assist University Police or Firefighters; relate to them what is burning (chemicals, radiation hazards, etc.), or any other pertinent information.

14.8 Fire Safety Definitions

On-Campus housing facility: Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus.

Cause of Fire: The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

Fire: Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Fire Drill: A supervised practice of a mandatory evacuation of a building for a fire.

Fire-Related Injury: Any instance in which a person is injured as a result of fire, including an injury sustained from a natural or accidental cause, which involved fire control, attempting to rescue, or escaping from the dangers of the fire. The term “person” may include students, employees, visitors, firefighters, police officers or any other individuals.

Fire-Related Death: Any instance in which a person is killed as a result of fire, including an injury sustained from a natural or accidental cause, which involved fire control, attempting to rescue, or escaping from the dangers of the fire. The term “person” may include students, employees, visitors, firefighters, police officers or any other individuals.

Fire Safety System: Any mechanism or system related to the detection of a fire, the warning resulting from a fire or the control of a fire. This may include sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls.

Value of Property Damage: The estimated value of the loss of the structure and contents, in terms of the cost of replacement in the like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water and overhaul; however, it does not include indirect loss, such as business interruption.

14.9 Fire Log

YSUPD maintains, and makes available for public inspection upon request, a fire log that includes a listing of all fires (and alarms) that occur on campus. The report includes the nature, date, time and general location of each entry. The log may be viewed at the Youngstown State University Police Department, Clingan-Waddell Hall, 266 West Wood St., Youngstown Ohio, 44555.

14.10 Plans for Future Improvements in Fire Safety

Youngstown State University evaluates the fire protection systems on campus. Upgrades to the current systems occur through replacements or building renovations.

14.11 Fire Statistics for the Years 2016, 2015 and 2014

2017 Youngstown State University Campus Fire Statistics									
Residence Hall Summary	Fires			Injuries			Deaths		
Facility	2016	2015	2014	2016	2015	2014	2016	2015	2014
Cafaro House 205 Madison Ave.	0	0	0	0	0	0	0	0	0
Flats at Wick 139 Madison Ave.	0	1	0	0	0	0	0	0	0
Kilcawley House 111 University Plaza	0	0	0	0	0	0	0	0	0
Lyden House 251 Madison Ave.	0	0	0	0	0	0	0	0	0
University Courtyard 100 91 Wick Oval	0	1	0	0	0	0	0	0	0
University Courtyard 200 93 Wick Oval	0	0	0	0	0	0	0	0	0
University Edge 348 W. Rayen Ave.	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A
Weller House 656 Wick Ave.	0	0	0	0	0	0	0	0	0
Wick House 656 Wick Ave.	0	0	0	0	0	0	0	0	0
2016 Fires-Residence Hall Breakdown									
No Fires Reported									
2015 Fires-Residence Hall Breakdown									
Facility	Date	Time	Cause of Fire				Nature	Loss	
Flats at Wick	6/10/2015	20:45	Grease in oven caught fire				Cooking	Not Rptd.	
University Courtyard 100	6/14/2015	8:31	Teapot caught fire				Cooking	Not Rptd.	
2014 Fires-Residence Hall Breakdown									
No Fires Reported									
Fire Alarm and Suppression Systems-Residence Hall Breakdown									
Facility	Fire Alarm	Room Detection	Pull Stations	Monitored by YSUPD	Evacuation Maps	Sprinkler	Extinguisher	Fire Drills Conducted	Number of Fire Drills
Cafaro House 205 Madison Ave.	YES	YES	YES	YES	YES	YES	YES	YES	4
Flats at Wick 139 Madison Ave.	YES	YES	YES	YES	YES	YES	YES	YES	4
Kilcawley House 111 University Plaza	YES	YES	YES	YES	YES	YES	YES	YES	4
Lyden House 251 Madison Ave.	YES	YES	YES	YES	YES	YES	YES	YES	4
University Courtyard 100 91 Wick Oval	YES	YES	YES	NO*	YES	YES	YES	YES	2
University Courtyard 200 93 Wick Oval	YES	YES	YES	NO*	YES	YES	YES	YES	2
University Edge 348 W. Rayen Ave.	YES	YES	YES	NO*	YES	YES	YES	YES	2
Weller House 656 Wick Ave.	YES	YES	YES	YES	YES	YES	YES	YES	3
Wick House 656 Wick Ave.	YES	YES	YES	YES	YES	YES	YES	YES	4
Notations									
*N/A The University Edge was still in the construction phase for 2014/2015.									
* The University Courtyard and Edge fire alarms are monitored by HOWLAND ALARM, who alert the YSUPD.									

15.0 Health and Counseling Services

15.1 Student Health Clinic

The Youngstown State University Student Health Clinic is available for illness, injury, and routine health maintenance during Fall and Spring academic semesters and on a limited basis during summer and break weeks.

Although the Student Health Clinic has a clinical nurse specialist as well as limited physician time, you may be referred to an immediate care facility, your family physician, or to an Emergency Center to receive medical care. The Student Health Clinic strives to provide quality care to students, but is limited in available appointment times and on-hand medical diagnostic equipment.

The Student Health Clinic is located on the first floor of Kilcawley House, which is adjacent to Kilcawley Center. The entrance to the Health Clinic is located off of University Plaza.

Hours: 8:00-4:00 Monday-Friday

Phone: 330-941-3489

E-Mail: wmthomas@ysu.edu

Confidentiality: Student records are kept strictly confidential. Information cannot be released to anyone (family, faculty, or administration) without the written consent of the student. Note: Certain public health diseases must be reported to the Department of Health by law.

Eligibility: All students with a current valid YSU ID are eligible to use the Student Health Clinic and may schedule an appointment with a CNS or physician. Staff and faculty are welcome to use the clinic for routine health checks, but physician appointments are limited to students.

15.2 C.A.R.E. Team

The C.A.R.E. Team was created to address behavioral concerns that may negatively impact the campus learning environment or potentially harm the health, welfare and safety of members of the University community or the individual(s) exhibiting such behaviors. C.A.R.E is a group of University personnel committed to a proactive, collaborative and planned approach to the management of threatening, disruptive, disturbing or otherwise problematic behaviors at YSU.

What is the difference between a disruptive and a distressed person?

- A Disruptive person is one whose behavior signifies an obvious crisis and necessitates more immediate intervention. For example, behavior that interferes and is reckless, disorderly, and/or threatening would be considered disruptive.

- A Distressed person may not be disruptive to others but may exhibit behaviors which indicate something is wrong. They may be reluctant or unable to acknowledge a need for personal help. A distressed person may show confusion, sadness, high levels of anxiety, irritability, lack of motivation, bizarre behavior or thoughts of suicide.

How should I deal with a disruptive person?

- Disruptive behavior should not be ignored. Remain calm. Remind yourself that it is not about you; it is about the situation. Tell the individual that such behavior is inappropriate and there are consequences for failing to improve the disruptive behavior. Many disruptive situations involve anger. Recognize that the period of peak anger usually lasts 20-30 seconds. Although this may seem like an eternity in the throes of the situation, often it may be best to wait out this period before continuing to address the behavior.
- Disruptive behavior should be documented. Write a factual, detailed account of what occurred. Use concrete terms. Share the documentation appropriately.
- Remember that it is not your responsibility to provide professional counsel. Your priority is to connect the person of concern with the resource best suited to address the concern. If a person expresses a direct threat to themselves or others, or acts in a bizarre, highly irrational or disruptive way, contact **YSU PD 330-941-3527** or **911** (From a campus phone) immediately.

Team Members

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William Rogner

YSU Police
(330) 941-7496 or (330) 941-3527
whrogner@ysu.edu

Kelly Beers

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Dr. Sylvia Imler
Executive Director of Multicultural Affairs
(330) 941-3522
sjimler@ysu.edu

15.3 Student Counseling Services

Location: Kilcawley Center

Phone: (330) 941-3737

Hours: Monday through Friday - 8:00 A.M. - 5:00 P.M. The Mission of Student Counseling Services is to provide high quality, short-term, confidential mental health counseling, consultation, outreach (educational training), and referral services to currently enrolled YSU students.

Individual Counseling

Common issues that we address include:

- Anxiety
- Depression
- Stress
- Relationship concerns
- Difficulty managing multiple roles and their impact on being a successful college student

Juggling life's responsibilities is a challenge that causes many individuals to feel anxious, confused, or overwhelmed at times. We are here to help.

Educational Programs

Educational Programs, also known as "Outreach," is the method of extending the *care and expertise* of Student Counseling Services staff and trainees to the broader YSU community through prevention and intervention services. In our preventive efforts we strive to promote feelings of connectedness and a sense of belonging to our campus community to further the development of well-rounded individuals who better understand and are ready to assume their place in our diverse society.

Reaching out to the campus community is an integral component of clinical service delivery and essential to meeting the diverse needs of YSU students. We are committed to bringing prevention and workshops to students who might not otherwise utilize Student Counseling Services.

The Student Counseling Services staff is dedicated to fostering connectedness and belonging to YSU students through the offering of didactic and interactive experiences. Each presentation is designed for a 45-60 minute time frame with an audience of at least 10 people. Requests for presentations need to be made at least two weeks in advance and should incorporate one of the following three learning objectives.

1. Relate

- Improve your ability to communicate with others.
- Improve the health of your relationships.
- Enhance your connection to community.
- Know where to go for help.

2. Engage

- Adopt healthy habits for emotional wellness.
- Reduce tension, anxiety and fear.

3. Manage

- Overcome obstacles to success.
- Enhance your ability to cope.

Student Counseling Services staff will review the request and do our best to accommodate it. However, during times of heavier clinical demand we reserve the right to modify or decline requests.

To learn more or schedule an Educational Program for your group or class, please contact us at 330-941-3737 to discuss your needs.

Crisis Text Line: Text "Start" to 741741 to get help now.

National Suicide Prevention Number 1-800-273-8255

Help Hotline 1-800-427-3606

(330) 747-2696.

16.0 Emergency Management Response and Evacuation Procedures

In all communications during a crisis, the university strives to be accessible, prompt, compassionate, honest and informative. While such tenets may seem to be self-evident, it can be difficult to adhere to a clear style of communication when in crisis mode. One of the most important requirements for effective communications during an urgent situation is gathering and understanding the facts and implications of a given situation and then providing accurate and consistent information to all parties concerned. Communications from the university must be honest and forthright. It is crucial in a crisis to tell it all, tell it fast and tell the truth.

For the purpose of this plan, the word crisis refers to:

A significant emergency, dangerous situation or disturbance in the university's activities which has the potential to have a significant impact on the university's operations and public image and which results in extensive news coverage and public scrutiny.

A crisis includes serious threats to life, limb and/or property, significant threats to the university's reputation, or serious threats of interruption to university business.

A crisis may include, but is not limited to: hostage situations, weather, disease or other health threat, fire, natural disaster, violent crime, civil disturbance, sexual or physical assault, homicide and the threat of danger. (The federal Clery Act provides the following examples of significant emergencies or dangerous situations: fire, outbreak of a serious illness, earthquake, gas leak, terrorist incident, armed intruder, bomb threat, civil unrest or rioting, explosion, nearby chemical or hazardous waste spill.)

There is bound to be a degree of judgment required to determine whether any one or more of such threats are serious enough as to constitute a crisis.

16.1 Initial Response

Many crises occur quickly, without notice and may require immediate communications, particularly to students, employees and others on campus who are threatened or impacted by the crisis. As per the university's Clery Act Emergency Notification procedures and YSU Alert Protocol, the YSU Police Department has the authority to assess the crisis at hand, determine what immediate communications is needed, and move forward to deliver that communication to the campus. For instance, if there is a major fire in an academic building, YSUPD would be responsible for initial communications (via YSU Alert and other means) with the campus.

16.2 Crisis Communications Team

In the event of a crisis, a core group of people will constitute the university's Crisis Communications Team:

- Associate Vice President, University Relations
- Director of University Communications/Public Information Officer
- Assistant Director of Communications

The team will develop a plan of action and oversee communications issues throughout the crisis. Depending on the nature of the crisis, others can and should be drawn into the crisis communications process as appropriate to address the specific issues and threats that need to be managed. The team will assess the situation and determine the facts of the crisis, determine the appropriate response/action, determine a plan of action for both internal and external communications, and assess what resources are necessary to manage the crisis.

The President has the primary responsibility for convening the Crisis Communications Team. If the President is not available to make the convening decision, then the Provost, Vice President for Finance and Business Operations, General Counsel and Vice President for Legal Affairs and Human Resources can make that decision.

The President, at any time, may convene the team if she/he confronts a situation that she/he deems to be a crisis as defined above. Any member of the Crisis Communications Team or the Tod Hall Leaders may also, upon discovery of a situation that she/he believes constitutes a crisis (as defined above), recommend to the President that she/he convene the Team.

16.3 Team Communications

All members of the Crisis Communication Team should have cell phones in their possession at all times. Upon the decision to convene the Team, the President will call the Associate Vice President for University Relations, who will call all other members of the team. Other individuals will be notified as needed.

If it is feasible to do so (depending on the time of day or night and/or any physical limitations of the situation), the team should gather together in person. The location of the team will depend on the severity of the crisis:

- In the event of a major campus crisis or disaster, particularly an event that is police-oriented, an Emergency Operations Center will be set up in the YSU Police Department. In such a situation, the YSUPD will become the center of all information for the crisis at hand; therefore, it is advisable that the Crisis Communications Team convenes at the YSU Police Department. The Police Department will dedicate space and resources (i.e. telephones and computers) for the Team in the PD during the crisis.
- In the event of a lesser crisis, or a crisis more of a public relations or administrative level, the Team will convene in the Leaders Conference Room in Tod Hall. (It is possible that the Team would first convene in Tod Hall and then move to the YSUPD as the crisis evolves, or vice versa.)

If it is not feasible to meet physically, the Team may be convened by telephone.

16.4 Responding to the Crisis

Among the duties of the Crisis Communications Team:

- Assess the situation and determine the facts of the crisis.
- Create a plan of action for both internal and external communications.
- Determine what messages will be communicated and by whom.
- Determine to whom those messages will be communicated, both internally and externally. Among the key constituencies:
 - Students
 - Faculty
 - Staff
 - Parents of students
 - News media
 - Trustees
 - Public officials—Governor, Legislators, Mayors
 - Alumni
 - Neighbors
 - General Public
- Determine how those messages will be communicated.
- Determine how to react as the crisis evolves.
- Keep the appropriate spokespeople informed of the latest developments and messages to be conveyed.

The Team will develop several key messages to be included in all university communications. The messages will evolve as the crisis evolves and circumstances change. The messages must be communicated as quickly as possible and regularly updated.

16.5 University Spokespeople

The chief spokespeople in the event of a crisis will be a senior leader of the university, most likely the President, as well as the Director of University Communications/Public Information Officer.

- In most situations, the Director of University Communications/Public Information Officer will act as the chief spokesperson and will be the point person for news media communications during a crisis. He/she will organize and run press briefings and handle general media questions. In the event that the Director of University Communications/PIO is unavailable, another individual identified by the President and/or the Crisis Communications Team will act as the spokesperson. Depending on the nature of the crisis, the person possessing the direct knowledge of the crisis (for example: The chief of police in the event of a campus crime) can also be designated as spokesperson.
- In the time of a significant crisis, it is critical for a high-ranking leader of the university such as the President to become the face of the university and to take the lead in communicating key messages. Only a high-ranking leader such as the President can

convey that a situation is under control, provide a sense of calm and set an example for the entire campus.

- The release of information and comments to the news media and the public should be limited to the designated spokespeople. All other staff should be professional and helpful to the news media by connecting them with the spokespeople, but should refrain from speaking to and providing any information. As the crisis evolves, it is likely that secondary spokespeople will need to be appointed.

16.6 Media Relations

Often the only information the public receives about an emergency is through the news media; therefore, media relations is an essential component of any crisis plan. Timing is critical. Responses to a crisis must be issued as soon as possible and along as many communications channels as possible. Remember that the news media is borderless and operates 24 hours a day, 7 days a week.

In consultation with and the approval of the Crisis Communications Team, the Office of Marketing and Communications will develop appropriate statements and other communications for the news media. The Office will also arrange and lead news conferences and media briefings. Keeping the news media informed gives the university a certain amount of control over the message. The media's job is to report the latest information available. If reporters don't get that information directly from the organization in crisis, they will look elsewhere and be more likely to report inaccurate facts and even rumors. The location of news conferences and briefings may largely depend on the location and nature of the crisis. One location could be the Board of Trustees Meeting Room in Tod Hall. Ideally, however, the location should be away from the University's administrative offices, including the President's office. Other suitable locations could be the Chestnut Room or Ohio Room in Kilcawley Center or in larger areas in either Beeghly Center or Stambaugh Stadium.

16.7 Communication Methods

Effective university crisis communications programs employ multiple and layered methods of communication with its constituencies, including students, employees, parents, alumni, trustees and community members. In the event of a crisis, the Crisis Communications Team can deploy one or all of these communications vehicles:

- **YSU Alert:** Allows the university to notify students and employees via text message and email. (Responsibility: YSU Police and Office of Marketing and Communications)
- **Campus-wide mass communications and alarm system:** Broadcasts emergency voice notifications targeted to specific buildings via loudspeaker. (Responsibility: YSU Police)
- **YSU homepage:** (Responsibility: Marketing and Communications)
- **Campus Alert website:** In the event of a major campus crisis, the university has the capability of activating a pre-designed webpage that will provide up-to-the-minute details of the crisis as it unfolds. (Responsibility: Marketing and Communications)
- **Emergency Information Line (330 941-2222):** Will include updated information. (Responsibility: Marketing and Communications)

- **MyYSUPortal through the portal:** The University will post “campus announcements”, providing faculty, staff, students and the entire campus community with updates in the event of an emergency. (Responsibility: Office of Marketing and Communications)
- **Campus Marquees:** (Responsibility: Office and Marketing and Communications)
- **Social Media:** Regular updates will be posted on the YSU Facebook, Twitter and other social media venues. (Responsibility: Marketing and Communications)
- **WYSU-FM WYSU 88.5 (Ashtabula 90.1, New Wilmington 97.5)** is the official radio source regarding information about university operations. In addition, WYSU can provide information on its website, www.wysu.org. WYSU has an extensive Disaster Response and Recovery Plan that includes a backup generator and a backup transmitter and studio at Stambaugh Stadium. With these capabilities, WYSU could be 24/7, real time, interactive critical source of information to the campus community in the event of a major crisis.
- **News Media:** The University has a detailed news media call list that would be activated in the event of an emergency. (Responsibility: Marketing and Communications)

The offices/departments listed as responsible for each of these communications vehicles are responsible for developing individual implementation plans for each of the vehicles.

16.8 Emergency Notification

YSU will immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. Examples of significant emergencies or dangerous situations are: fire, outbreak of a serious illness, approaching extreme weather condition (i.e. tornado), earthquake, gas leak, terrorist incident, armed intruder, bomb threat, civil unrest or rioting, explosion, nearby chemical or hazardous waste spill.

In the event of a potential emergency situation, the YSU Police Department (YSUPD) will consult with the Office of the President, The Office of Marketing and Communications and/or the Provost to confirm that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the YSU community.

YSUPD and/or the Office of Marketing and Communications will collaborate to immediately notify the campus community of the situation. YSUPD and/or M&C will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to YSUPD, Youngstown Police Department, Youngstown Fire and Emergency Medical Services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

YSUPD and/or M&C will use some or all of the systems described below to communicate the threat to the YSU community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. The entire campus community will be notified when there is at least the potential that a very large segment of the community will be affected by a situation, or when a situation threatens the operation of the campus as a whole. The situation will be continually assessed to determine if additional segments of the campus should be notified.

Some or all of the following notification methods will be used:

- Penguin Alert emergency text messages and emails
- YSU campus-wide mass communications and alarm voice broadcast system
- YSU homepage
- Campus Announcements channel of the MyYSU portal
- YSU Emergency Information Line (330-941-2222)
- University Facebook and Twitter pages.
- WYSU 88.5 FM, the official radio source of YSU.

Members of the larger community outside campus will receive information about a campus emergency via many of the same methods listed above. In addition, the University will disseminate information via local news media (TV, radio and newspaper).

Those responsible for carrying out the actions above include:

- **Confirmation of an emergency:** YSUPD in consultation with the Office of the President, Office of Marketing and Communications and/or the Provost
- **Content of message/segment of campus to be notified:** YSUPD and/or Office of Marketing and Communications.
- **Initiation of the notification system:** YSU PD and/or Office of Marketing and Communications.

16.9 Crisis Communications Best Practices for YSU Social Media

If you are aware of an emergency situation on campus, contact the YSU Police first (330-941-3527), and then the Marketing and Communications office (330-941-3519). Do not post about the situation on social media until official messaging is released from the university. During an emergency situation on campus, official posts regarding the crisis will come from four accounts:

1. Youngstown State University Facebook page
2. Youngstown State University Twitter account
3. YSU Police Facebook page
4. YSU Police Twitter account

If you control an official social media page of the university, look for these posts and update your own page(s) by sharing or retweeting posts from any of these four accounts. Do not try to craft your own message or retype the message on your own. Sharing the exact post from YSU's accounts or the Police's accounts will help ensure that a unified campus message is presented. In addition, during an emergency on campus, be sure to:

- Check to make sure that no content is scheduled to be posted on your YSU social media accounts until the end of the emergency. If content is scheduled, delete it.
- Refrain from posting to your YSU social media sites after sharing official messaging/posts.
- Refrain from engaging with followers during this time so that timelines do not get cluttered. This gives important updates more of a chance of being seen.
- If you receive private messages on your YSU accounts, reply by referring the individual to the main university sites or the YSU Police sites for information.

Contact: Ron Cole, Public Information Officer, (330) 941-3285.

16.10 Cancellation and Closing Procedures

Youngstown State University is open year round except for designated holidays. The university will remain open and classes held unless there is clear and substantiated evidence to warrant otherwise, i.e., extreme weather. Generally, such actions fall under two categories – University Closings and Cancellation of Classes.

- **University Closings:** The University is closed. Classes are cancelled. Employees should not report to work, except for essential emergency personnel. All buildings, except residence halls and the dining facilities that support those halls will be closed.
- **Cancellation of Classes:** Classes are cancelled, but the university remains open. Employees should report to work.

While the goal is to have as many people as possible on campus when the university is open, the university realizes that some students and employees live a significant distance from campus. Consequently, individuals are not expected to place themselves in a dangerous situation to get to campus. Employees and students are encouraged to use their best judgment in deciding whether it is safe to drive when confronted with severe weather.

Communications

Among the several tools YSU may use to communicate to students and employees in the event of a university closing or class cancellation:

- **Penguin Alert text messages and/or e-mails:** You must sign up to receive these important messages. To sign up, visit alert.ysu.edu
- **By phone:** on the YSU Emergency Information Line, 330-941-2222
- **On the YSU homepage**
- **Social media via Facebook and Twitter**
- **Radio and TV:** Closing information will be provided to major radio and television stations across the Youngstown region, (Note that WYSU-FM 88.5 is the official radio source regarding information about University operations.)

16.11 Emergency Procedures

16.11.1 Active Shooter

Workplace Violence

- Avoid or discretely remove yourself from the area where the confrontation is occurring.
- **Call YSU Police at (330) 941-3527**
- Report the incident to a Supervisor.
- After the threat has passed, let your supervisor know that you are OK.

Active Shooter

An active shooter is an individual actively engaged in killing or attempting to kill people in a confined and populated area, typically through the use of firearms.

Characteristics of an active shooter:

- Victims are selected at random
- The event is unpredictable and evolves quickly
- Law enforcement is usually required to end an active shooter situation

Planning for an active shooter situation:

- Be aware of your environment and any possible dangers
- Take note of the two nearest exits in any facility you visit
- If you are in an office, stay there and secure the door
- Attempt to take the active shooter down as a last resort

In the event of an active shooter situation:

- **EVACUATE (RUN)**
 - Have an escape route and plan in mind
 - Leave your belongings behind. Evacuate regardless of whether others agree to follow.
 - Keep your hands visible
 - **HIDE OUT (HIDE)**
 - Hide in an area out of the shooter's view
 - Block entry to your hiding place and lock the doors
 - Silence your cell phone
 - **TAKE ACTION (FIGHT)**
 - As a last resort and only when your life is in imminent danger
 - Attempt to incapacitate the shooter
 - Act with physical aggression and throw items at the shooter
- Call YSU Police at (330) 941-3527 or 911 from campus phone when safe to do so.

Workplace Violence; Active Shooter (continued)

How to respond when law enforcement arrives:

- Remain calm and follow instructions
- Put down any items in your hands (i.e., bags, jackets)
- Raise hands and spread fingers
- Keep hands visible at all times
- Avoid quick movements toward officers such as holding on to them for safety
- Avoid pointing, screaming or yelling
- **Do not stop** to ask officers for help or direction when evacuating

Information you should provide to law enforcement or the 911 Operator:

- Location of the active shooter
- Number of shooters
- Physical description of shooters
- Number and type of weapons held by shooters
- Number of potential victims at the location

YSU Police: (330) 941-3527 or 911 from Campus Phone

- The Fire alarm system should **NOT** be activated for an active shooter emergency; pulling the fire alarm facilitates evacuation but does not facilitate the proper hide, barricade, confront tactics.
- Although escaping is generally a good strategy during an active shooter incident, the way people leave actually plays a more important role. People act very differently when they believe there is a fire versus when they realize there is a shooter. People will walk directly toward the nearest exit if the fire alarm sounds. However, people will look around cautiously and try to stay away from the shooter during an evacuation if they are clearly notified that there is a shooter in their vicinity.
- **Report any unusual blocked, barricaded or chained doors to the YSU Police Department at once.**

16.11.2 Chemical Release

Should you suspect the release or presence of toxic or harmful chemicals follow these steps:

- Sound the fire alarm to evacuate the building if deadly fumes are present.
- Contact the YSU Police at (330) 941-3527, or by dialing 911 from a campus phone.
- Give YSU Police a complete description of the incident. Describe the type of accident: fire, explosion, chemical spill, leaking drum, etc. If the incident is a chemical spill, and you know the name of the chemical, inform the YSU Police.
- Identify the building where the incident occurred and if known, the room number and exact location of the incident.
- If the incident involves a chemical spill, give the approximate amount of the spill.
- Give your name and the telephone number from which you are calling.
- Take note of any injuries: Are you or anyone else in the building injured? Alert the YSU Police of any injuries.
- Do not hang up until told to do so by the dispatcher.
- At a safe distance, await the arrival of the YSU Police. Provide any additional information you have or requested by the YSU Police.

16.11.3 Earthquakes

Keep in mind that most earthquakes are of a short duration and that injury usually occurs from falling objects. With that in mind, the following procedures can assist you in the case of an earthquake.

If you are inside a building:

- Remain Calm.
- Stay inside the building.
- Find cover under a sturdy object such as a desk or in a door frame.
- Watch for falling objects.
- Stay away from the windows and any other objects, which may fall on you.

If you are outside:

- Go to an open, area free of trees, power lines and away from buildings.
- Cover your head and watch for falling objects.

After the earthquake is over:

- Expect aftershocks so remain protected.
- Remain calm.
- Follow the instructions of the YSU Police and evacuate the building if told to do so.
- When evacuating, watch for falling objects and walk carefully as the floor or steps may be compromised.
- **DO NOT** use elevators.
- Individuals with disabilities may need assistance.
- Do not move seriously injured persons unless there is danger from fire or building collapse.
- Do not re-enter the building.
- Do not light cigarettes, matches, lighters as this may cause an explosion if natural gas is present in the area.

16.11.4 Emergency Lockdown

If an emergency lockdown is in progress:

- If you are in a hallway or other open area, immediately seek shelter in the nearest classroom, office or lockable space.
- Immediately lock or barricade all doors.
- Close windows, blinds and turn off lights.
- Remain concealed as much as possible by crouching down in areas out of sight from doors and windows. Sit on floor and do your best to remain out of view, still and quiet.
- Once secured, do not open doors for anyone who cannot be clearly identified as a law enforcement officer.
- Do not enter hallways or any open areas until a message has been received indicating that the emergency is over.
- If you are outdoors, take cover; or if possible and safe, leave the area.

16.11.5 Evacuation

When preparing for evacuation, you should:

- Know at least two exits out of the building. Also, know at least two different ways of leaving the University should the streets and intersections be blocked off.
- Have a pre-designated meeting place for all those in your office.
- Know who is not present for the day so they can be accounted for at the designated meeting place.
- The building can be evacuated wither by the fire alarm being sounded, by verbal indication to leave by YSU Police or other emergency response personnel.
- Remain calm; leave your area quickly by walking to the nearest exit of the building. DO NOT use the elevators. Remember, individuals with disabilities may need assistance.
- Only take essential personal possessions when leaving the building.
- Close doors behind you when leaving. Check to make sure everyone is out of the room before closing the door.
- Go to your department's pre-designated meeting place at least 200 feet from the building.
- Await further instruction from the YSU Police or other emergency response personnel.
- If a building is going to remain closed, you will be given instructions as where to go to obtain information regarding the closing.
- If instructed to leave campus, follow the instructions given by the YSU Police. You will be told if certain roads are going to be closed and if you need to exit a certain direction.
- **Evacuation of Individuals with Disabilities** Departments employing individuals who have any physical impairment (permanent or temporary) which might cause them to need assistance from the building should establish a contingency plan for aiding those individuals in the event of an emergency. Ask for volunteers (at least three) to stay and assist these individuals in leaving the building. If the individual cannot use the stairs to exit the building ask for volunteers to notify emergency personnel of the location of the individual. In the classroom, instructors should also develop a contingency plan for physically impaired individuals. At the first two meetings, instructors should announce that those who feel they may need help in an emergency evacuation should see the instructor privately to discuss an evacuation contingency plan. The contingency plan should consist of asking for student volunteers (at least three) to assist with the evacuation of the individual(s) from the building. Volunteers should be solicited as soon as a person with a disability is identified as being in the classroom. In the event that the classroom is located in an area that makes removal of disabled individuals extremely difficult (i.e. mobility-impaired individuals), the instructor should ask for a room change to a ground floor location. Room changes should not be made without assistance from the Registrar's office. If a room change is not possible and the individual cannot use the stairs to exit the building, ask for volunteers to notify emergency personnel of the location of the individual.

CAMPUS EVACUATION

In rare and extreme circumstances, an emergency may require the evacuation of the Campus. The purpose of evacuation is to remove all persons not engaged in life-safety duties as quickly as possible from an impending threat at the campus to protect lives. This is accomplished by directing vehicular and pedestrian traffic to pre-designated egress routes according to their physical location on campus and proximity to the routes. Evacuation is distinguished from closure of the campus in that it requires prompt implementation with little or no advance notice.

In a declared emergency, the decision to evacuate buildings or campus in its entirety rests with the President or in his absence, the designated successor. In the event of an immediate emergency where a declaration of emergency has not yet occurred, and there is a significant threat to public safety if evacuation does not take place in a timely manner, then the Chief of YSU Police or their designate has the authority to order building and or campus evacuation.

Cooperation and Mutual Assistance

Evacuation places an extraordinary demand on limited police resources under emergency conditions and requires extraordinary sacrifice, patience and cooperation on the part of the students, faculty, staff and visitors being evacuated. Individuals may need to assist others not able to care for themselves, personal property may need to be left behind, personal vehicles may be inaccessible, individuals and groups may become separated, and persons may be required to egress by routes not of their choosing. Persons evacuating by vehicle are encouraged to provide transportation to as many others as possible. Above all, persons will be called upon to remain calm under tumultuous conditions and to cooperate with and follow directions given by Police, YSU Parking Service, YSU Grounds, YSU Facilities and others assisting with traffic control.

Youngstown Campus Evacuation Plan

An emergency of the magnitude and seriousness requiring the evacuation of the Youngstown campus will likely and similarly affect surrounding communities. When the emergency is confined to the local community, evacuation to neighboring communities and routes leaving the immediate area are used. When an emergency is regional or larger scale, evacuation routes direct traffic to interstate highways for mass evacuation and relocation. A person evacuated from the Youngstown campus may have few options regarding the direction of travel and should immediately follow the directions they are given.

Madison Avenue expressway located North of Stambaugh Stadium has been identified as the major traffic artery toward which evacuating traffic will be directed if possible. From there, evacuees can be integrated into the larger regional evacuation plan if necessary. However, the main surface roads around campus, Belmont Ave,

Fifth Ave, Wick Ave, and Rayen Ave will also be used to allow for the maximum number of vehicles to evacuate campus in the shortest time possible. Listed below are the primary egress routes to be utilized:

Areas West of Fifth Avenue (M-70 Lot, Edge Apartments)

- All parking lots and areas west of Fifth Avenue will evacuate west to Belmont Avenue.
- North to Madison Avenue Expressway then west to I680, or;
- South to Rayen Avenue then west towards US 422.

Areas East of Fifth and West of Elm Street (Lincoln Avenue Deck, M-53 Lot)

- All Lots between Fifth Ave and Elm St. Proceed North on Fifth to West bound Service Road then Madison Ave Expressway to I680, or;
- North on Fifth Avenue to Gypsy Lane, then west to 711, or;
- Southbound on Fifth Avenue to Mahoning Avenue. Mahoning Avenue to I680.

Areas North of the Madison Avenue Expressway (Lyden and Cafaro House, Flats at Wick)

- All parking lots north of the Madison Avenue Expressway should go North on Elm Street to Gypsy Lane. Then west to 711 or east to Logan Avenue and then North on Logan Avenue.

Areas East of Elm Street and West of Walnut Street (Wick Avenue Deck, Enclave)

- All parking areas East of Elm Street and West of Walnut Street will proceed northbound on Wick Avenue to Madison Avenue Expressway to either I680 or Himrod Expressway, or;
- Northbound on Wick Avenue to McGuffey Road, or;
- Northbound on Wick to Logan Avenue, or
- Southbound to Rayen Avenue (US 422) then east.

Areas East of Walnut Streets (Courtyard Apartments)

- All parking East of Walnut will proceed East to Andrews Avenue then north on Andrews Avenue to Logan Avenue, then North on Logan.

Building Evacuation

The purpose of evacuating a building is to remove persons from dangerous and life-threatening conditions presented by a fire, an explosion, a suspected explosive device, a hazardous material release, air contamination or other similar emergency. Usually, such conditions and the need to evacuate are readily apparent and occupants are

expected to leave the building immediately. Activating the building fire alarm is the most expedient and safest method to facilitate the evacuation (whether or not the emergency involves fire).

In some situations, such as bomb threats, the presence of life-threatening conditions may be unknown or non-existent. In these cases, the responsibility for assessing available information and the decision of whether or not to evacuate rests with the police. When time and circumstances permit, this decision will be made after consultation with other university officials present.

At the sound of a fire alarm, or other notification to evacuate, all persons are required to leave the building immediately. Unless conditions prevent it, the best evacuation route is the nearest stairway leading to the nearest exit. Elevators should not be used as they become inoperable during a loss of electrical power and can increase the risk of smoke inhalation during a fire. Firefighters routinely check stairways for persons needing assistance.

Actions will be taken to ensure persons remain at least two hundred feet from the building to be clear of any danger and to avoid impeding the movement of emergency responders and equipment. This distance may be increased by police or firefighters according to the circumstances of the emergency. Persons should not return to the building unless specific approval to do so has been given by police or firefighters.

Persons with disabilities are responsible for requesting assistance. In a classroom, the instructor should coordinate, and/or assist, disabled persons in the classroom to evacuate. If this is not possible, the instructor should help the persons move to the nearest enclosed stairway and remain there with them while another person advises emergency responders of their location.

Professors and Instructors should preplan for evacuations at the beginning of the semester and identify those who may need assistance in an evacuation.

16.11.6 Explosion

Explosions can occur from natural gas leaks, chemicals, boilers or other items that are under pressure. If an explosion occurs and you are in the immediate area, take cover under a sturdy object such as a desk. Be prepared for the possibility of further explosions.

- Try to remain calm.
- Stay away from windows, objects that may fall on you, and electrical equipment.
- Evacuate the building as soon as you feel it is safe to do so. Watch for falling objects while you are evacuating the building.
- Be aware that individuals with disabilities may need assistance.
- DO NOT use the elevators.
- Do not move seriously injured victims unless they are in immediate danger such as fire or the building collapsing.
- Contact the YSU Police at (330) 941-3527, or from a campus phone dial 9-1-1.
- Give the YSU Police all pertinent information; such as the location, injuries and your name.
- Await the arrival of the YSU Police.

16.11.7 Fire

If you should spot a fire, follow these steps:

- Sound the fire alarm to get everyone out of the building.
- Dial (330) 941-3527 or 9-1-1 from a campus phone to contact the YSU Police.
- Give the dispatcher your name, the name of the building and the location of the fire within the building.
- Only take essential items with you.
- Walk to the nearest exit. **DO NOT** use elevators.
- Be aware that individuals with disabilities may need assistance.
- Go to your department's pre-designated meeting place at least 200 feet from the building.
- Cooperate with the YSU Police and any other emergency personnel at the scene.
- **DO NOT** re-enter the building unless told to do so by the YSU Police or other emergency personnel.

Never fight a fire if it could block your escape route. If the fire is small and your safety is not compromised and you know how to use a fire extinguisher, an attempt to put out small fires should be made.

Remember to **PASS**:

P- Pull the Pin; **A**- Aim low at the base of the fire; **S**- Squeeze the handle; **S**- Sweep from side to side at the base of the fire.

16.11.8 Suspicious Package

If you receive or discover a suspicious package or foreign device, do not touch it, tamper with it, or move it.

- Call YSU Police at (330) 941-3527 immediately. (911 from a campus phone)

Letter and Parcel Bomb Recognition:

- Foreign mail, air mail, and special deliveries
- Restrictive markings such as “confidential” or “personal”
- Excessive postage
- Handwritten or poorly typed address
- Incorrect titles
- Misspellings of common words
- Oily stains or discolorations on package
- Excessive weight
- Rigid, lopsided, or uneven envelopes
- Protruding wires or tinfoil
- Excessive tape or string
- Visual distractions
- No return address

Handling Suspicious Packages:

- Do not open or shake it
- Do not carry or show to others
- Alert others in area
- Leave the area, close doors and prevent others from entering by using signs or guarding
- Wash hands with soap and water
- Create a list of persons in the room where the package was received.

16.11.9 Tornado and Severe Weather

- Know that a CONTINUOUS alarm signals a tornado.
- Identify the appropriate place in your building to seek shelter should a tornado occur.
- Stay indoors, be alert to falling objects.
- Immediately walk to the designated tornado shelter area. The location of the shelter in each building on campus has been selected based on tornado safety criteria.
- Note: Individuals with disabilities may need assistance.

If you are in a building you are unfamiliar with:

- Go to the lowest level of the building; find an interior area (e.g., interior hall, closet, or bathroom). Seek refuge under a table or desk kneeling face down with your hands covering your head to reduce injury. If available, cover yourself with a coat or other such material.
- Avoid areas that have a large roof span that may collapse: auditoriums, gymnasiums, etc.
- Stay away from windows and glass, and unsecured objects such as filing cabinets or bookcases.
- **DO NOT USE ELEVATORS.**

If you are outside:

- Lie flat on the ground in a depression and cover the back of your head and neck with your hands.
- Do not seek cover in an automobile or under a tree.

If you are in a vehicle:

- Get out and seek shelter in a building or low area; never try to outrun a tornado.
- Remain in the safe area until you receive an “all clear” message from YSU Police or their designees.

Departments employing individuals with physical disabilities (permanent or temporary) which might cause them to need assistance to a tornado shelter should establish a contingency plan for aiding those individuals in the event of severe weather. Ask for volunteers (at least three) to assist these individuals to the tornado shelter.

In the classroom, instructors should also develop a contingency plan for individuals with physical disabilities. At the first two meetings, instructors should announce that those who feel they may need help in getting to the tornado shelter in the event of severe weather should see the instructor privately to discuss a contingency plan. The contingency plan should consist of asking for student volunteers (at least three) to assist the individuals with disabilities to the tornado shelter. Volunteers should be selected as soon as an individual with physical disabilities is identified as being in the classroom.

16.11.10 Bomb Threat

If you receive a bomb threat by telephone:

- Keep the caller on the line as long as possible so that the call may be traced.
- DO NOT transfer the call or interrupt the caller
- Call or have someone nearby call **YSU Police at (330) 941-3527 or 911 from a campus phone**. Do not hang up until directed to do so by emergency personnel.

If you are informed about a bomb threat:

- Evacuate immediately. Call **YSU Police at (330) 941-3527 or 911 from a campus phone**. Do not hang up until directed to do so by emergency personnel.

BOMB THREAT CALL PROCEDURES

Most bomb threats are received by phone. Bomb threats are serious until proven otherwise. Act quickly, but remain calm and obtain information with the checklist on the reverse of this card.

If a bomb threat is received by phone:

1. Remain calm. Keep the caller on the line for as long as possible. **DO NOT HANG UP**, even if the caller does.
2. Listen carefully. Be polite and show interest.
3. Try to keep the caller talking to learn more information.
4. If possible, write a note to a colleague to call the authorities or, as soon as the caller hangs up, immediately notify them yourself.
5. If your phone has a display, copy the number and/or letters on the window display.
6. Complete the Bomb Threat Checklist (reverse side) immediately. Write down as much detail as you can remember. Try to get exact words.
7. Immediately upon termination of the call, do not hang up, but from a different phone, contact FPS immediately with information and await instructions.

If a bomb threat is received by handwritten note:

- Call _____
- Handle note as minimally as possible.

If a bomb threat is received by email:

- Call _____
- Do not delete the message.

Signs of a suspicious package:

- No return address
- Excessive postage
- Stains
- Strange odor
- Strange sounds
- Unexpected delivery
- Poorly handwritten
- Misspelled words
- Incorrect titles
- Foreign postage
- Restrictive notes

DO NOT:

- Use two-way radios or cellular phone; radio signals have the potential to detonate a bomb.
- Evacuate the building until police arrive and evaluate the threat.
- Activate the fire alarm.
- Touch or move a suspicious package.

WHO TO CONTACT (select one)

- Follow your local guidelines
- Federal Protective Service (FPS) Police
1-877-4-FPS-411 (1-877-437-7411)
- 911

BOMB THREAT CHECKLIST

Date: Time:

Time Caller Hung Up: Phone Number Where Call Received:

Ask Caller:

- Where is the bomb located?
(Building, Floor, Room, etc.) _____
- When will it go off? _____
- What does it look like? _____
- What kind of bomb is it? _____
- What will make it explode? _____
- Did you place the bomb? Yes No
- Why? _____
- What is your name? _____

Exact Words of Threat:

Information About Caller:

- Where is the caller located? (Background and level of noise) _____
- Estimated age: _____
- Is voice familiar? If so, who does it sound like? _____
- Other points: _____

Caller's Voice	Background Sounds:	Threat Language:
<input type="checkbox"/> Accent	<input type="checkbox"/> Animal Noises	<input type="checkbox"/> Incoherent
<input type="checkbox"/> Angry	<input type="checkbox"/> House Noises	<input type="checkbox"/> Message read
<input type="checkbox"/> Calm	<input type="checkbox"/> Kitchen Noises	<input type="checkbox"/> Taped
<input type="checkbox"/> Clearing throat	<input type="checkbox"/> Street Noises	<input type="checkbox"/> Irrational
<input type="checkbox"/> Coughing	<input type="checkbox"/> Booth	<input type="checkbox"/> Profane
<input type="checkbox"/> Cracking voice	<input type="checkbox"/> PA system	<input type="checkbox"/> Well-spoken
<input type="checkbox"/> Crying	<input type="checkbox"/> Conversation	
<input type="checkbox"/> Deep	<input type="checkbox"/> Music	
<input type="checkbox"/> Deep breathing	<input type="checkbox"/> Motor	
<input type="checkbox"/> Disguised	<input type="checkbox"/> Clear	
<input type="checkbox"/> Distinct	<input type="checkbox"/> Static	
<input type="checkbox"/> Excited	<input type="checkbox"/> Office machinery	
<input type="checkbox"/> Female	<input type="checkbox"/> Factory machinery	
<input type="checkbox"/> Laughter	<input type="checkbox"/> Local	
<input type="checkbox"/> Lisp	<input type="checkbox"/> Long distance	
<input type="checkbox"/> Loud		
<input type="checkbox"/> Male		
<input type="checkbox"/> Nasal		
<input type="checkbox"/> Normal		
<input type="checkbox"/> Ragged		
<input type="checkbox"/> Rapid		
<input type="checkbox"/> Raspy		
<input type="checkbox"/> Slow		
<input type="checkbox"/> Slurred		
<input type="checkbox"/> Soft		
<input type="checkbox"/> Stutter		

Other Information: _____



Homeland Security

17.0 Campus Safety Programs

Youngstown State University Police offers various training programs to current students and staff throughout the semester. Availability of these programs may be limited to semester, interest, and instructor availability. Listed below are some ongoing programs that are available. There may be more programs offered that are not listed, and programs will be announced as they are available throughout the semester. For more information visit the Youngstown State University Police website at www.yсу.edu/police or call the dispatch center at 330-941-3527.

Some programs/information available are:

- Woman's Self Defense Classes: Taught by the YSUPD defensive tactics instructor; this class will empower and teach woman how to defend themselves from violent attacks
- ALICE Training: Alert, Lockdown, Inform, Counter, Evacuate. This instructor led classes provide preparation and a planning for individuals and organizations on how to proactively handle the threat of an aggressive intruder or active shooter event.
- Campus Safety and Security Presentations: Officers will give talks to athletics, incoming students, visiting schools and staff about the laws and staying safe on campus.

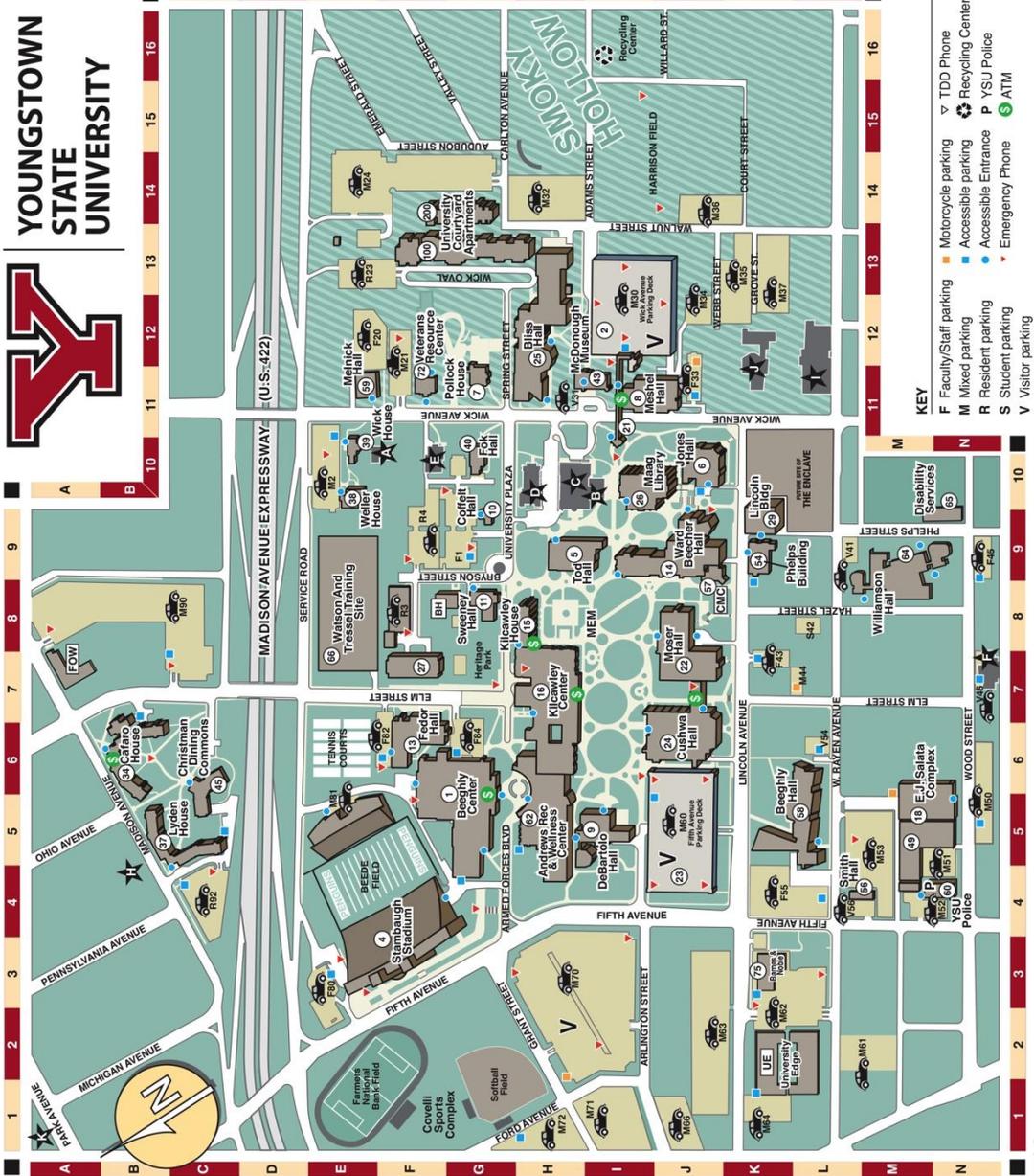
18.0 Tests and Drills

Test and Drills Conducted at YSU

An evacuation drill is coordinated by YSUPD for all residential facilities on campus. A second drill may be coordinated each semester for some first year residence halls and the more densely populated halls. The emergency response and evacuation procedures are tested at least twice each year. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for evacuation. The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of emergency. At YSU, evacuation drills are used as a way to educate and train occupants on issues specific to their building. During the drill, occupants practice drill procedures and familiarize themselves with the location of exits and the sound of the alarm. The process also provides the university an opportunity to test the operation of the alert and alarm systems. Drills are monitored by the YSUPD, EOHS, and maintenance to evaluate egress and behavior patterns. Reports are prepared by participating departments that identify deficient equipment so that repairs can be made immediately. Recommendations are also submitted to the appropriate departments. The drills conducted at the university may either be announced or unannounced, and may also involve the Youngstown Police Department, Youngstown Fire Department, Mahoning County EMA and various other emergency agencies. YSU participates in tabletop drills, local drills that involve campus emergency services, and full-scale drills.

- Penguin Alerts and Simplex Paging System activated and tested on the first Sunday of every month; these are unannounced.
- A closed POD exercise was conducted April 21, 2017. This exercise started at 07:30 and ended at 12:30 P.M. The exercise was announced.

19.0 Campus Map



- University Buildings**
- 65 36 West Wood St. (Disability Services)
 - MEM 9/11 Memorial
 - 62 Andrews Student Recreation and Wellness Center
 - 75 Barnes & Noble Bookstore
 - 58 Beeghy Center
 - 5L Beeghy Hall
 - 12H Blis Hall
 - 8F Buechner Hall
 - 37 Cañero House
 - 68 Lyden House
 - 27 Central Utility Plant
 - 5C Christmas Dining Commons
 - 4N Clingan-Waddell Hall (YSU Police)
 - 10 Coffelt Hall
 - 9G CMC
 - 9J Cushman Hall
 - 6J DeBarolo Hall
 - 5I E.J. Salata Complex
 - 5M Fedor Hall
 - 6F Flats On Wick Apartments
 - 10G Fok Hall
 - 40 Jones Hall
 - 16 Kilcawley Center
 - 29 Kilcawley House
 - 15K Lincoln Building
 - 58 Lyden House
 - 2 M30 Wick Avenue Parking Deck
 - 5J M60 Fifth Avenue Parking Deck
 - 26 Maag Library
 - 43 McDonough Museum of Art
 - 59 Melnick Hall
 - 8 Meshel Hall
 - 22 Moser Hall
 - 111 Pedestrian Bridge
 - 54 Phelps Building
 - 9K Pollock House
 - 11G Smith Hall
 - 4L Stambaugh Stadium
 - 3F Sweeney Hall (Admissions)
 - 8G Tod Hall
 - 9H University Edge Apartments
 - 2L University Courtyard Apartments
 - 13F University Courtyard Apartments
 - 14F Veterans Resource Center
 - 9J Ward Beecher Hall
 - 8E Watson and Tressel Training Site (WATTS)
 - 10E Waller House
 - 38 Westinghouse Building
 - 5M Wick House
 - 64 Williamson Hall
- Area Arts & Cultural Venues & Churches**
- A Anns Family Museum of Local History
 - B Beecher Center for Technology in the Arts
 - C Butler Institute of American Art
 - D Butler Institute – North Annex
 - E Holy Trinity Romanian Orthodox Church
 - F Museum of Industry and Labor
 - 7N Newman Center
 - H Public Library
 - I St. John's Episcopal Church
 - J Wick Park
 - 11L
 - 11K
 - 1A

YOUNGSTOWN STATE UNIVERSITY

