

YOUNGSTOWN STATE UNIVERSITY  
**ANNUAL SECURITY AND  
FIRE SAFETY REPORT**



**2024**

*Statistics for 2023, 2022, and 2021*



# Youngstown State University Annual Security and Fire Report

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## Section 1: Crime Statistics for 2023, 2022, and 2021

<b>Youngstown State University Campus Crime Statistics</b>															
	On-Campus + Res Hall			Residence Hall			Non-Campus			Public Property			Unfounded		
<b>Classification</b>	<b>2023</b>	<b>2022</b>	<b>2021</b>	<b>2023</b>	<b>2022</b>	<b>2021</b>	<b>2023</b>	<b>2022</b>	<b>2021</b>	<b>2023</b>	<b>2022</b>	<b>2021</b>	<b>2023</b>	<b>2022</b>	<b>2021</b>
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	1	3	2	1	2	2	0	1	1	0	0	0	0	0	0
Fondling	0	3	2	0	3	2	0	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	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	7	1	3	2	1	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	7	1	1	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	2	0	0	1	0	0	0	0	0	0	0	0	0	0
Domestic Violence	2	0	1	1	0	0	0	0	1	0	0	0	0	0	0
Dating Violence	1	1	2	1	1	2	0	0	0	0	0	0	0	0	0
Stalking	8	13	15	4	6	9	1	4	3	2	1	0	0	0	0
Arrests and Referrals	On-Campus + Res Hall			Residence Hall			Non-Campus			Public Property			Unfounded		
	<b>2023</b>	<b>2022</b>	<b>2021</b>	<b>2023</b>	<b>2022</b>	<b>2021</b>	<b>2023</b>	<b>2022</b>	<b>2021</b>	<b>2023</b>	<b>2022</b>	<b>2021</b>	<b>2023</b>	<b>2022</b>	<b>2021</b>
Liquor Law Arrests	0	0	7	0	0	5	0	0	0	0	0	2	0	0	0
Drug Law Arrests	2	1	0	1	0	0	0	0	0	2	1	0	0	0	0
Weapon Law Arrests	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0
Liquor Law Referrals	25	10	12	25	6	12	0	1	0	0	0	0	0	0	0
Drug Law Referrals	0	1	8	0	1	8	0	0	0	0	0	0	0	0	0
Weapon Law Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crimes	On-Campus + Res Hall			Residence Hall			Non-Campus			Public Property			Unfounded		
	<b>2023</b>	<b>2022</b>	<b>2021</b>	<b>2023</b>	<b>2022</b>	<b>2021</b>	<b>2023</b>	<b>2022</b>	<b>2021</b>	<b>2023</b>	<b>2022</b>	<b>2021</b>	<b>2023</b>	<b>2022</b>	<b>2021</b>
Reported	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0
Breakdown	2023	Intimidation; Sexual Orientation Bias													
	2022	No Hate Crimes Reported													
	2021	No Hate Crimes Reported													

**Note:** Lakeland Community College and Lorain Community College statistics are included in the “Non-Campus” statistics. This is due to YSU and these institutions having a written agreement (or “lease”) for use of space in direct support of YSU’s educational purposes.

## 1-1: Clery Crime Classifications

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:** The carnal knowledge of a person, 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 or physical incapacity. Carnal knowledge is defined as “the act of having sexual body connections, sexual intercourse”. There is carnal knowledge if there is the slightest penetration of the vagina or anus.
  - **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.
  - **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 under confrontational circumstances from the control, custody, or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm.
- **Aggravated Assault:** The unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or 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.
- **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 several patient rooms during the same time frame is counted as a single offense.

- **Motor Vehicle Theft:** The theft of a motor vehicle.
- **Arson:** The unlawfully and intentionally damage or attempt to damage any real or personal property by fire or incendiary device.
- **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 offender's 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.
  - **Bias Classifications:**
    - **Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

- **Gender Bias:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender.
  - **Gender Identity Bias:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity.
  - **Racial Bias:** A preformed negative opinion or attitude toward a group of persons who possess common physical characteristics, e.g., skin color, eye color, and/or hair, facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.
  - **Ethnicity Bias:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.
  - **Religious Bias:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.
  - **Sexual Orientation Bias:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived sexual orientation.
- **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.
  - **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.



## 1-2: VAWA (Violence Against Women Act) Classifications

- **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.

## 1-3: State of Ohio Revised Code Definitions as pertaining to VAWA Classifications

- **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.

- **Consent:** An action which is defined as positive, unambiguous, voluntary and ongoing agreement to engage in a specific activity. Consent is the equal approval, given freely, willingly, and knowingly, of each participant to desired sexual involvement. Consent is an affirmative, conscious decision; indicated clearly by words or actions; to engage in mutually accepted sexual contact. A person may be incapable of giving consent due to physical incapacitation, physical or mental disability, threat or force, coercion, the influence of drugs or alcohol or age. Silence or lack of resistance cannot be the sole factor in determining if one has received consent.

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.

- 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

#### 1-4: Clery Geography Definitions

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.

## Section 2: Reporting Crime and Emergencies

### 2-1: Reporting Crimes and University Response

In order to make the YSU campus safe and 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. Report crimes 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) 747-7911, 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: Dean of Students, 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 survivor with written information on rights, options and resources, regardless of whether the crime occurred on or off the YSU campus.

**If you see something, say something!** The YSU Police are available 24 hours a day 7 days a week at (330) 941-3527 or by dialing 9-1-1 from a campus telephone

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. 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.

When calling to report a crime or incident, be ready to give information on the following:

- Where is the incident occurring?
- What is happening?
- When did the incident occur?
- Who is involved?
  - Where and when the suspect(s) were last seen.
  - Suspect(s) description (including gender, race, age, height, weight, hair color/length, clothing, facial hair, tattoos/scars).
- Weapon(s), if any, and a description.
- Other relevant information.

Once the information is received by the dispatcher, they will send an officer(s) to the area to investigate the incident. Typically, a report or log entry will be made of the incident and call information.

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.

## 2-2: Timely Warning Information

**Scope:** Narrow focus on *Clery Act* Crimes.

**Why:** Timely warnings are triggered by crimes that have already occurred, but represent an ongoing threat to the campus community. YSU Police may issue a timely warning for any Clery Act crime committed on its campus, which have been reported to a campus security authority or local law enforcement agency, and that is considered by YSU to represent a serious or continuing threat to students, staff, and/or faculty.

**When:** Issue a warning as soon as the pertinent information is available.

To enable people to protect themselves, YSU Police issue timely warnings in the form of crime alerts to the campus community to alert students, faculty, staff, and visitors of Clery Act crimes that present a serious or ongoing threat to the campus community and to heighten awareness. The alert is intended to aid in preventing similar crimes, enable people to protect themselves, and may seek information that may lead to an arrest or conviction of an offender.

The YSU Police Department is responsible for determining if a timely warning will be issued once notified a Clery Act crime has been reported to a campus security authority, local law enforcement, or directly to the YSU Police Department. Crime Alerts are disseminated using a variety of methods to include, but not limited to:

- Penguin Alert emergency text messages and emails
- YSU campus-wide mass communications and alarm voice broadcast system
- YSU homepage
- University Facebook and Twitter pages.
- WYSU 88.5 FM

When deciding whether to issue a Crime Alert, the primary considerations are (1) the nature of the crime and (2) whether there is a continuing danger that members of the campus community may become victims of a similar or related crime.

These Crime Alerts advise the community about violent crimes against persons, a series of crimes against property, or threats to persons or property in an effort to inform the community about potential risks and allow individuals to protect themselves against such risks. Crime Alerts may also provide details of the crime or threat, a description of the suspect (if known), information on who to contact about the investigation, and crime prevention tips.

YSU Police work closely with individuals reporting serious crimes to ensure the victim’s privacy, while also ensuring the community has adequate information regarding potential risks. The names and identifying information of victims will not be released in a Crime Alert.

YSU Police have requested cooperation from local law enforcement (YPD, MCSO) by asking to be kept apprised of crimes that warrant a timely warning or an emergency notification. As a result, information for Crime Alerts can also come from other law enforcement agencies.

<b>Advisory/Negligible Threat</b>	An advisory to the YSU Campus community that an incident is being responded to by emergency authorities, but is not disruptive to the entire campus. This could be minor fire emergencies, network outages, minor utility problems, etc.		
	<b>Notification/Method</b>	<b>Who Initiates</b>	<b>Frequency</b>
	Area of Interest Notification	YSUPD	Once
	Significant Incident Notification	YSUPD	Once
<b>Timely Warnings (Clery)</b>	Warning to the YSU campus community that certain crimes have occurred or tips that will aid in the prevention of similar crimes or incidents. Timely Warnings will be sent for all Clery Crimes that occur in the defined Clery Geography. See the Clery Reporting manual for a complete list of crimes, definitions, and geography.		
	<b>Notification/Method</b>	<b>Who Initiates</b>	<b>Frequency</b>
	Timely Warnings/PenguinAlert/Paging	YSUPD	Once
<b>Emergency Notification (Clery)</b>	Notification to the campus community that a significant emergency or dangerous situation involving an immediate threat to the health or safety of the campus. This could include weather emergency, gas leak, hazardous material incident, campus or building evacuation, etc. This is also a Clery requirement.		
	<b>Notification/Method</b>	<b>Who Initiates</b>	<b>Frequency</b>
	Emergency Notification/PenguinAlert/Paging	YSUPD	Initial/Updates



## 2-3: Preparing the ASFR, Data

Under the Clery Act, the University 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 1<sup>st</sup> each year. YSU also informs prospective students, staff and faculty about the availability of these reports.

The Campus Safety Officer, distributes an individual notice about the ASFR to each student and employee by October 1<sup>st</sup> of each year via email. The Report availability notice is also 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](http://www.ysu.edu/police) or by visiting the University website at [www.ysu.edu](http://www.ysu.edu).

The Campus Safety Officer 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 Campus Safety Officer 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. Also, coordinates the collection and classification of all YSU CSA (Campus Security Authority) reports to ensure proper reporting of crime statistics for Clery purposes.

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.

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.

2-4: List of titles to whom crimes should be reported (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 act 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](http://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 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.

<b>Campus Security Authority</b>	<b>Location</b>	<b>Contact</b>
YSU Police	Clingan-Waddell Hall	(330) 941-3527
Clery Compliance	Clingan-Waddell Hall	(330) 941-7496
Student Experience	Kilcawley House 106	(330) 941-2242
Housing Director	Kilcawley House 105	(330) 941-1354
Athletics Director	Stambaugh Stadium 2006	(330) 941-1576
Office of Dean of Students	DeBartolo Hall 303	(330) 941-4721
Title IX Office	Tod Hall 312	(330) 941-2160



## 2-5: Voluntary Anonymous Reporting Options

In certain instances, a crime victim or witness 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 and witnesses to make a confidential report to the YSU Police Department. 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 or witness'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 witness wants to report a crime anonymously, an anonymous reporting form is available on the YSU Police Department website, located at [www.ysu.edu/police](http://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, without revealing any personally identifying information about the victim, as would any crime reports.

## **Section 3: Security and Access to Campus Buildings, Residence Halls, and Considerations**

### 3-1: University 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.

### 3-2: Residence Halls

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 multiple facilities. 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. 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.

### 3-3: Partners in Maintenance and Security Considerations

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.

## Section 4: University Police

### 4-1: Law Enforcement Authority and Authority to Make Arrests

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 enters into a Mutual Aid Agreement with the City of Youngstown. 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.



#### 4-3: Reporting Crimes and Emergencies

In order to make the YSU campus safe and 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. Report crimes 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. Once the call is received, the dispatcher will immediately send an officer or multiple officers to the area to investigate. Once the officer has completed an initial investigation, they will create a report of fact and their findings. Depending on the nature of the incident, it may be assigned to the detective division for further investigation.

#### 4-4: Pastoral and Professional Counselors

Pastoral and professional counselors are exempt from Clery Act reporting requirements. 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 and assist with the issuance of timely warning notifications.

#### 4-5: Monitoring and Recording Crime on Non-Campus Locations

Criminal activity that occurs on non-campus properties (properties such as fraternity houses of officially recognized organizations) is recorded from the Youngstown Police Daily Hot Sheets and weekly crime mapping reports. The information is then put in tabular form using a spreadsheet, and placed online for public viewing. The “Joint Patrol Log” is available twenty-four hours a day, seven days a week; and updated during normal business days. The log covers the last 60 days; however previous months/years are available free of charge. The Lorain and Lakeland crime logs are obtained from the institutions and placed in the “YSU Police Crime Log” alongside the University’s log. Information from these reports is also counted in the annual security report statistics.

#### 4-6: Daily Crime and Fire Logs

[Click to view logs](#)

The combined daily crime logs and daily fire logs, which are titled the “YSU Police Call Log” and “YSU 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. 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.

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, Joint Patrol Log, and Fire Logs for the University include all crime and required on-campus student housing facility fire incidents from the most recent 60-day period. The logs are available online by visiting <https://ysu.edu/ysu-police/clery-daily-logs>. The logs are available on the right hand “resources” tab. Daily crime and fire information older than 60 days is available for public inspection within two business days of a request for such information. To request any crime logs, or if you have questions about campus safety/Clery Act contact Campus Safety Officer Will Rogner at [whrogner@ysu.edu](mailto:whrogner@ysu.edu).

#### 4-7: Missing Persons

It is the policy of Youngstown State University, through the YSU Police Department, to accept all reports of missing persons without delay. 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.

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. This registration is done during the on-campus housing move-in process. (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 the YSU Police at (330) 941-3527. 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.) The University will notify local law enforcement within 24 hours of the determination that a student is missing.

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.

## Section 5: Campus Safety and Security Programming

Program Title and Description	Frequency	Target Audience
Active Shooter The Run Hide Fight Program provides information on what to do and expect during an active shooter incident.	Multiple times per semester.	Students/Employees
Crime Prevention and Emergency Survey The YSU Police visit different campus buildings to evaluate possible threats and identify improvements to enhance safety and security.	By Request	Students/Employees
Penguin Preview Orientation Resource fair for new and potential students. An information table is set up by the YSU Police to answer any questions.	Multiple times per semester.	Students
International Student Safety This presentation provides information on Ohio laws, the Downtown area, driving laws, personal safety, and crime prevention tips.	Beginning of Semester	Students
Self Defense Classes These classes are taught by the YSU PD Defensive Tactics Instructor. They teach basic defense techniques, and different escape options.	By Request	Students/Employees

### Community Policing

Community-based policing is a collaborative effort between a police department and community that identifies problems of crime and disorder and involves all elements of the community in the search for solutions to these problems. It is founded on close, mutually beneficial ties between police and community members.

The YSU Police use a neighborhood approach as a community policing strategy. YSU Police offer and aide residence hall and associated department staff, as well as community members to address public safety issues. The YSU Police believe crime prevention is a shared responsibility. For every crime committed, there must be a desire, an opportunity, and the ability to commit the crime. You cannot control another's desire or ability to commit a crime, you can control the opportunity by:

- Remaining alert and aware of your surroundings.
- Securing valuables.
- Not walking alone at night.
- Recording the make, model and serial numbers of valuables.
- Reporting any unusual or suspicious activity to the YSU Police by calling (330) 941-3527.

### Safety Escort Services

The YSU Student Security Service is sponsored by the YSU Police Department. The service provides a walking escort, and a motorized cart service for individuals with mobility challenges. The service is provided free of charge to YSU staff, students and visitors. To request the service, call (330) 941-1515

**C.A.R.E. Team**

The C.A.R.E. Team was created to address behavioral concerns that may negatively affect 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.

## Section 6: Policy Regarding Alcoholic Beverages and Illegal Drugs on Campus

Youngstown State University students are expected to follow local, state and federal laws regarding the possession, use and sale of alcohol. Use of alcohol is permitted only by persons of legal drinking age. The use of illegal drugs, including medical marijuana is not permitted in any university owned building or property. Alcohol is NOT permitted in any University owned dormitory regardless of legal drinking age. University policy governing the use and possession of alcohol is policy title “[5-10 Alcoholic Beverages on Campus](#)”. University policy governing the use and possession of illegal drugs is policy title “[7-20 Drug Free Environment](#)”. Youngstown State University has a zero-tolerance stance concerning the referral and adjudication of cases involving the possession, use and/or sale of illegal substances.

The [Code of Conduct](#) governs student violations of university alcohol and controlled substances policies. The University may notify parents of students who are under 21 years of age who have been found responsible for an alcohol or controlled substance violation. Possible sanctions may include referral to counseling and stipulations to attend drug or alcohol abuse education programs.

Youngstown State University complies with the Drug-Free Schools and Campuses regulations of 1989 and the Drug-Free Workplace Act of 1988, which states that “as a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.”

YSU is committed to providing students and employees alike with a drug-free environment for both work and study. All members of the university community are encouraged to be actively involved in the prevention of alcohol and drug abuse.

Prevention, education, and early intervention programs are available, along with counseling and referrals to appropriate mental health and medical services. Multiple resources on this topic are available for students and employees and can be located at the [Campus Recreation and Wellness website](#). The Drug Free Schools Act report can be located <https://ysu.edu/campus-recreation-and-wellness/drug-and-alcohol-prevention-programs>.

### Alcohol Effects

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.

**Drug Effects**

Category	Name	Possible Health Effects
Cannabinoids	Hashish; Marijuana	Cough; frequent respiratory infections; impaired memory and learning; increased heart rate; anxiety; panic attacks; tolerance; addiction.

<p>Depressants</p>	<p>Barbiturates; Benzodiazepines (Ativan, Valium); Flunitrazepam (Rohypnol); GHB; Methaqualone (Quaalude)</p>	<p>Fatigue; confusion; impaired coordination, memory, judgment; addiction; respiratory depression and arrest; death. <u>Barbiturates</u>- depression; unusual excitement; fever; irritability; poor judgment; slurred speech; dizziness; life-threatening withdrawal. <u>Benzodiazepines</u>- dizziness. <u>Flunitrazepam</u>- visual and gastrointestinal disturbances; urinary retention; memory loss for the time under the drug's effects. <u>GHB</u>- drowsiness; nausea/vomiting, headache; loss of consciousness; loss of reflexes; seizures; coma; death. <u>Methaqualone</u>- depression; poor reflexes; slurred speech; coma.</p>
<p>Dissociative Anesthetics</p>	<p>Ketamine; PCP and analogs</p>	<p>Memory loss; numbness; nausea/vomiting. <u>Ketamine</u>- at high doses; delirium; depression; respiratory depression and arrest. <u>PCP</u>- possible decrease in blood pressure and heart rate; panic; aggression; violence/loss of appetite; depression.</p>
<p>Hallucinogens</p>	<p>LSD; Mescaline; Psilocybin;</p>	<p>Altered states of perception and feeling; nausea; persisting perception disorder (flashbacks). <u>LSD and Mescaline</u>- increased body temperature, heart rate, blood pressure; loss of appetite; sleeplessness; numbness; weakness; tremors. <u>LSD</u>- persistent mental disorders. <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	<p><u>Steroids</u>- Hypertension; blood clotting and cholesterol changes; liver cysts and cancer; hostility and aggression; acne; prostate cancer and other reproductive abnormalities.</p> <p><u>Dextromethorphan</u>- Memory loss; numbness; nausea and vomiting.</p> <p><u>Inhalants</u>- Unconsciousness; cramps; weight loss; muscle weakness; depression; memory impairment; damage to cardiovascular and nervous systems; sudden death.</p>
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**State and University Sanctions**

**State of Ohio Laws**

A. 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.

B. 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.

**Federal 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](http://www.dea.gov).

**University Sanctions**

**Employees:**

- 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.

- 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”)

**Student Sanctions:**

Category	First Violation	Second Violation	Third Violation
Article III 2a Use or possession of alcoholic beverages, except as	Conduct (& Residential) Probation (6-9 mo)	Conduct (& Residential) Probation (9-12 mo)	1-2 Semester Suspension or Expulsion
		IF ALREADY ON PROBATION, OR SERIOUS -Conduct Probation with Loss of Good Standing (6 mo)	IF NOT PREVIOUSLY DONE - Conduct Probation with Loss of Good Standing (9-12 mo)
	Educational activities including community involvement referral and/or educational project(s)	Educational activities including community involvement referral and/or educational project(s)	Continued Enrollment Status Agreement OR Re-Entry Plan as appropriate
	Campus Resource	Campus Resource	Campus Resource
	Parental Notification if the student is under 21	Parental Notification if the student is under 21	Parental Notification if the student is under 21
Article III 2b public intoxication	Conduct (& Residential) Probation (9-12 mo)	Conduct (& Residential) Probation (12 mo) OR Conduct (& Residential) Probation with loss of good standing	1-2 Semester Suspension or Expulsion
	Educational activities including community involvement referral and/or educational project(s)	Educational activities including community involvement referral and/or educational project(s)	Continued Enrollment Status Agreement OR Re-Entry Plan as appropriate
	Campus Resource	Campus Resource	
	Parental Notification if the student is under 21	Parental Notification if the student is under 21	Parental Notification if the student is under 21
Article III 2c manufacturing or distribution of alcoholic beverages to any person under 21 years of age except as permitted by law	Conduct (& Residential) Probation (9-12 mo)	Conduct (& Residential) Probation (12 mo) OR Conduct (& Residential) Probation with loss of good standing	1-2 Semester Suspension or Expulsion
	Educational activities including community involvement referral and/or educational project(s)	Educational activities including community involvement referral and/or educational project(s)	Continued Enrollment Status Agreement OR Re-Entry Plan as appropriate
	Campus Resource	Campus Resource	
	Parental Notification if the student is under 21	Parental Notification if the student is under 21	Parental Notification if the student is under 21

Category	First Violation	Second Violation	Third Violation
Article III 7a Use, possession, manufacturing, or distribution of marijuana, narcotics, or other controlled substances or crude form, including the use of drug-related paraphernalia	Conduct (& Residential) Probation (6-9 mo)	Conduct (& Residential) Probation (3-6 mo) extension if on probation	Conduct Probation with Loss of Good Standing (9-12 mo)
	Educational activities including community involvement referral and/or educational project(s)	SERIOUS OR SECOND OFFENSE-Conduct (& Residential) Probation (9-12 mo)	Residential Suspension (9-12 mo)
			Continued Enrollment Status Agreement
	Campus Resource Referral	Campus Resource Referral	Campus Resource Referral
	Parental Notification if the student is under 21	Parental Notification if the student is under 21	Parental Notification if the student is under 21

Category	First Violation	Second Violation	Third Violation
Article III 7b The misuse of materials as an intoxicant	Conduct (& Residential) Probation 9-12mo	If on Probation - Conduct (& Residential) Probation (6-9 mo) extension	Conduct Probation with Loss of Good Standing (12 mo) up to 1-2 semesters University Suspension
		SERIOUS OR SECOND OFFENSE-Conduct (& Residential) Probation (12 mo) up to Conduct Probation & Residential Suspension (12 mo)	Residential Suspension (12 mo)
			Continued Enrollment Status Agreement
	Educational activities including community involvement referral and/or educational project(s)	Educational activities including community involvement referral and/or educational project(s)	Educational activities including community involvement referral and/or educational project(s)
	Campus Resource Referral	Campus Resource Referral	Campus Resource Referral
	Parental Notification if the student is under 21	Parental Notification if the student is under 21	Parental Notification if the student is under 21

Category	First Violation	Second Violation	Third Violation
Article III 7c Use of prescription drugs in any other way than as prescribed. Distribution of prescription drugs to anyone other than the person to whom they are prescribed.	Conduct (& Residential) Probation (12 mo)	Conduct Probation with Loss of Good Standing (9-12 mo)	University Suspension (1-2 semesters)
		Residential Suspension (9-12 mo)	
	Educational activities including community involvement referral and/or educational project(s)	Educational activities including community involvement referral and/or educational project(s)	Reentry plan, if applicable
	Campus Resource Referral	Campus Resource Referral	
	Parental Notification if the student is under 21	Parental Notification if the student is under 21	Parental Notification if the student is under 21

## Section 7: Sexual Assault, Stalking, Dating Violence, and Domestic Violence

[Click Here to File a Title IX Report](#)

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. Youngstown State University is committed to creating and maintaining a safe, non-discriminatory 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.

Report link [https://cm.maxient.com/reportingform.php?YoungstownStateUniv&layout\\_id=5](https://cm.maxient.com/reportingform.php?YoungstownStateUniv&layout_id=5).

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.yсу.edu/title-ix](http://www.yсу.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.yсу.edu/title-ix](http://www.yсу.edu/title-ix). The Title IX coordinator will assist victims with reporting to local or to the YSU Police. The Title IX Coordinator is located in Tod Hall 312, One University Plaza, Youngstown Ohio, 44555. Telephone: (330) 941-2160.

**Safety:** Victims of sexual assault, domestic violence, dating violence, or stalking are strongly encouraged to immediately contact the YSU Police Department. 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.

**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.



**Medical Attention:** Health providers can examine and treat physical injuries and provide pregnancy tests and testing for sexually transmitted diseases.

- The State of Ohio Attorney General’s Sexual Assault Forensic Examination (SAFE) program pays for the cost of the exam and antibiotics to prevent sexually transmitted infections. For related expenses not covered under the SAFE program, applications can be made to the Ohio Victims of Crime Compensation Program. For more information, contact the Ohio Attorney General’s Crime Victim Services at (614) 446-4797.
- The closest health facilities to campus are:
  - Mercy Health-St. Elizabeth’s Hospital Youngstown: (330) 746-7211.

The YSU Police Department will assist victims with transportation and facilitation of exams for sexual assaults and domestic related assaults.

7-1 Primary prevention and awareness programs

Description	Topic	Frequency	Target Audience
United Educators Online Training Modules – Lasting Choices and Impressions	Healthy relationships; dating violence; domestic violence; sexual harassment; sexual assault; scenario situations that include alcohol or drug consumption and imbalance of power situations; university policy and federal regulations, bystander awareness.	Semester	All students; first year, transfer, continuing, and graduate students.
United Educators Employee Program	Sexual harassment, supervisor training dealing with imbalance of power, sexual assault, domestic violence.	Yearly	Employees
Student Athlete Training	Healthy relationships; dating violence; domestic violence; sexual harassment; sexual assault; bystander awareness.	Yearly	Student Athletes
Athletic Coach/Trainer/Employee Training	Sexual harassment, supervisor training dealing with imbalance of power, sexual assault, domestic violence. Clery Reporting regulations.	Yearly/Orientation	Athletic Coaches and Trainers

7-2 Ongoing prevention and awareness programs

Description	Topic	Frequency	Target Audience
Discrimination, Harassment and Title IX Compliance Training	University policy, bystander awareness, sexual assault, sexual harassment, sexual misconduct, how to report, who is required to report, scenario workshops.	Multiple dates and times throughout the year.	All students, faculty, and staff.
RA Training	University policy, bystander awareness, sexual assault, sexual harassment, sexual misconduct, how to report, who is required to report	Semester	Housing RA's, Housing Coordinators and Desk Attendants.
Orientation Leader Training	University policy, bystander awareness, sexual assault, sexual harassment, sexual misconduct, how to report, who is required to report	Semester	Orientation Leaders
Resch Academic Success Center Training	University policy, bystander Awareness, sexual assault, sexual harassment, sexual misconduct, reporting.	Semester	Resch Academic Success Peer Tutors.

7-3 Bystander Intervention

Bystander Intervention is the act of individuals or groups willing to actively and visibly take a stand against harassment or sexual misconduct. 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.

A typical bystander will go through 5 stages when determining whether or not to act:

1. **Notice the situation**
2. **Interpret the incident as requiring intervention**

3. **Assume responsibility for intervening**
4. **Have the bystander intervention skills to help**
5. **Intervene in the situation**

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.

1. **Distract:** An indirect approach to de-escalate the situation. Distracting either person in the situation can derail the incident by interrupting it. This might look like saying, "Hey, aren't you in my Spanish class?" or accidentally-on-purpose dropping your books or spilling your drink to make a commotion.
2. **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 a professor or someone at a desk who might be in a better position to intervene.
3. **Direct:** Step in and address the situation directly. This might look like saying, "That's not cool. Please stop." or "Hey, leave them alone." Be sure to assess your own physical safety in this situation. The direct approach should be kept short.
4. **Document:** It can be really helpful to record an incident as it happens to someone, but if no one else is actively helping in the situation, use one of the other D's first. If someone is already helping and you are safe, you can record on your cell phone. Always ask the person being harassed what they want to do with the recording. Never post it on social media without their permission.
5. **Delay:** If you were made aware of an incident after the fact, you can still make a difference by checking in on the person after the incident is over. Ask them if they are okay, if you can support them by sharing resources or even offer accompany them to the Title IX offices or counseling.

(Adapted from Right to be) <https://righttobe.org>.

### 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:

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.

**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 330.941.3527 to schedule an appointment.

#### 7-4 Risk Reduction for Men and Women

More than 90% of sexual assaults that occur among college students involve people who know each other, and the majority of these assaults involve the use of alcohol or other drugs.

There are no sure means to prevent sexual assault. However, you can lessen the likelihood that you or your friends will be assaulted or will assault someone. Here are some tips to consider when you go out:

- Know where you are going and speak up if you are uncomfortable with the plans.
- Know that drinking and drug use can impair your judgment. You might not be able to make the same decision you would make if you were sober.
- If you drink, drink responsibly: eat a full meal before going out, have a glass of water between each drink, stick to one type of alcoholic beverage, know your limits and don't go beyond them.
- Only drink something that you have poured yourself or that comes in a pre-sealed container. Premixed drinks or a punch can have more alcohol than you might want to drink.

- Drugs like Rohypnol and GHB (“date rape drugs”) are being dissolved in drinks; don’t drink something that has been left unattended.
- Don’t go anywhere with someone you don’t know well. If you do leave a party with a new friend, tell the friends you came with where you are going and when you are returning.
- If someone is in a risky situation let them know; let someone know.

#### Reduce the Risk of Committing Sexual Assault

- Listen carefully. Take time to hear what the other person has to say. If you feel s/he is not being direct or is giving you a “mixed message,” ask for clarification.
- Don’t fall for the bogus slogan “if they say no, they really mean yes.” If your partner says “no” believe them and stop.
- Remember that sexual assault is a crime. It is never acceptable to force sexual activity, no matter what the circumstances.
- Be aware that having sex with someone who is mentally or physically incapable of giving consent is sexual assault. If you have sex with someone who is drugged, intoxicated, passed out, or who is mentally or physically unable of saying no or knowing what is going on, you could be committing a crime such as rape.
- Don’t make assumptions:
  - Don’t assume that someone wants to have sex because of the way they are dressed. Don’t assume someone want to have sex because they drink (or drink too much).
  - Don’t assume someone wants to have sex because they agree to go to your room.
  - Don’t assume that if someone has had sex with you before that they are willing to have sex with you again.
  - Don’t assume that if your partner consents to kissing or other sexual activities, they are consenting to all sexual activities.

#### Reduce the Risk of Being Sexually Assaulted

- You have the right to say “NO” to any unwanted sexual contact. If you are uncertain of what you want, communicate your feelings firmly and directly: NO MEANS NO.
- Don’t be afraid to “make waves” if you feel threatened. If you feel you are being pressured or coerced into sexual activity, don’t hesitate to state your feelings and leave the situation.

Attend large parties with friends you trust. Agree to “look out” for one another. Leave with the group, not alone. Avoid leaving with people that you don’t know very well.

#### 7-5 Preserving Evidence

It is important to preserve evidence, which may assist in proving that the alleged criminal offense occurred or which may be helpful in obtaining a protective order. Try to preserve evidence even if you are unsure at the time whether you will pursue pressing criminal charges.

The following is a list of tips for preserving evidence:

#### **Sexual Assault:**

Victims of sexual assault should not shower, douche, urinate, brush their teeth, or change or discard their clothing and/or bedding until evidence can be collected.

Even if you are not sure that you want to file a police report, it can be helpful to have any available evidence collected in case you decide to file a report with law enforcement later. Collection of DNA is most successful when collected within 120 hours (5 days) after the assault.

**Domestic and Dating Violence:**

Not all experiences of domestic or dating violence cause visible injuries. If visible injuries are present, it can be helpful to document them with photographs, if it is safe to do so. It is also important to seek medical attention if possible and safe to do so.

**Stalking:**

If you have experienced stalking, it can be helpful to an investigation to retain any evidence of that behavior, including documentation of any unwanted communication (written, oral, electronic), posts (such as on social media), gifts, etc.

## 7-6 How and to whom offenses should be reported/reporting to law enforcement

### **YSU Police**

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 assault, domestic violence, dating violence and stalking. 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 assault, domestic violence, dating violence and stalking 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 assault, domestic violence, dating violence and stalking 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.

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 to immediately contact the department by dialing 9-1-1 from a campus telephone, or (330) 941-3527 to report instances of sexual assault, domestic violence, dating violence, and stalking. The YSU Police Department is located in Clingan-Waddell Hall; 266 West Wood Street, Youngstown Ohio, 44502, and is available 24 hours a day, 7 days a week, including holidays.

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

- The YSU Police will meet with survivors privately at a location where they are comfortable.
- The YSU Police will only notify parents, spouse, or significant other if asked to do so. However, if the survivor is under 18 years of age, parents/guardians may be contacted.
- The YSU Police will treat survivors and their concerns with courtesy, sensitivity, dignity, understanding, and professionalism.



- The YSU Police will openly listen with no prejudice, and survivors will not be blamed for what happened to them.
- The YSU Police will investigate all cases regardless of gender, gender identity, gender expression, sexual orientation, or the gender or status of the suspect.
- The YSU Police will assist survivors in coordinating advocacy support, confidential counseling, and other available resources.
- The YSU Police will keep survivors updated regularly throughout the investigation.
- The YSU Police will discuss and explain the criminal justice process. Ultimately it is the survivor's choice to participate in criminal prosecution.

### **City of Youngstown Police Department**

If a sexual assault, instance of dating violence, domestic violence, or stalking has occurred off campus, but in Youngstown, you can make a report to the Youngstown Police Department by calling (330) 747-7911 or in person by visiting the department at 116 West Boardman St. Youngstown, Ohio 44503. If you are an employee or student, we encourage you to also report the occurrence to our Title IX division. The University is here for you, and we will provide options for support, and can assist with any work, or course accommodations.

### **Youngstown State University Title IX Division**

Regardless of the survivor's decision to notify law enforcement, the University encourages all survivors of sexual assault, dating violence, domestic violence, and stalking to report these cases to the Title IX division. Title IX is located in Tod Hall room 312; and can be reached at extension 2160 from any campus telephone or (330) 941-2160 from a cellphone or landline or via email at TitleIX@ysu.edu. The University encourages prompt reporting during this difficult time, to better assist the survivor and for appropriate and timely action to be taken. Survivors may request an administrative investigation from the Title IX Division regardless if a police report/investigation has been initiated.

The Title IX Coordinator will meet with the survivor to discuss their rights, options, and any interim and protective measures appropriate. If a survivor wishes to file a formal complaint, the coordinator will assign an investigator who will conduct an investigation. A live hearing will be had before a hearing officer who will determine whether the *preponderance of the evidence* supports that the university policies regarding sexual harassment were violated.

Any person, who reports sexual assault, domestic violence, dating violence, or stalking 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 Coordinator, in coordination with the Dean of Students Office will make an immediate assessment concerning the health and safety of the individual, other affected parties, the campus community, assist in notifying law enforcement, implement interim 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, and notifying law enforcement authorities; such as YSUPD, Office of the Dean of

Students, 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. Survivors with questions, concerns, or complaints about their ability to obtain requested interim measures or protective measures should contact the Title IX Office. Reports can be filed online by clicking [here](#).

### **Decline to Report**

Although The University encourages the timely reporting of all crimes, survivors of sexual assault, domestic violence, dating violence, or stalking are not required to report to police or the University.

### **Responsible Parties Reporting Obligations**

The Title IX coordinator and deputy Title IX coordinators, director of equal opportunity and policy development, vice presidents and associate vice presidents, academic deans and chairpersons, supervisors/managers, and coaches and assistant coaches are responsible parties. When they are notified of an allegation of sexual assault or harassment, the University has an obligation to respond.

All Youngstown State University administrators and staff (with the exception of those identified as confidential resources) have a duty to immediately report violations of sexual harassment or sexual assault to the Title IX Coordinator if they receive a complaint of a violation or observe a violation. All employees have an obligation/duty to report sexual assaults to the campus police department.

Regardless of whether a survivor chooses to report sexual assault, domestic violence, dating violence, or stalking; on and off campus support resources are available to help.

<b>YSU Campus Resources</b>	<b>Contact</b>
YSU Counseling Center	(330) 941-3737
YSU Student Health Clinic	(330) 747-4660
Office of the Dean of Students	(330) 941-4721
Title IX Office	(330) 941-2160
Youngstown State University Police	(330) 941-3527
YSU Human Resources	(330) 941-1508

<b>City of Youngstown Resources</b>	<b>Contact</b>
Compass Family and Community Services	(330) 782-5664
Valley Care/Northside Medical Center	(330) 884-1000
Youngstown City Police	(330) 747-7911

<b>State of Ohio Resources</b>	<b>Contact</b>
Ohio Attorney General Crime Victim Services	1 (800) 582-2877

Ohio Department of Health Sexual (614) 466-2144  
Assault and Domestic Violence  
Prevention Program  
Ohio Domestic Violence Network 1 (800) 934-9840  
Action Ohio Coalition for Battered 1 (888) 622-9315  
Women

<b>National Resources</b>	<b>Contact</b>
Employee Assistance Program	1 (800) 227-6007
Rape, Abuse and Incest National Network	1 (800) 656-HOPE

### 7-7 No contact orders

The YSU Police and Office of the Dean of Students can assist with information on how to obtain these orders.

### YSU No Contact Orders

University officials will issue no contact orders to complainants and respondents in cases of sexual assault, dating violence, domestic violence, and stalking. These orders are enforceable on university property, and non-compliance will result in further sanctions up to expulsion.

### Persona Non Grata

In some instances, actions can lead to being issued a Persona Non Grata warning. This is an individual whose behavior has been determined to be detrimental to the University community and who is no longer permitted to be present on university owned or controlled property or to have access to university services, activities, or events.

### Court Protection Orders

[Click for Mahoning DV Court](#)

The Mahoning County Domestic Relations Court gives high priority to allegations of domestic violence which the Court recognizes is one of the most difficult social problems of our time. The Court works cooperatively with the Volunteer Advocate Legal Unit (VALU), a special project of Community Legal Aid that is independent of the Court. VALU is staffed by a coordinator and volunteers who receive special training to assist victims by walking them through the legal process of filing Petitions for Civil Protection Orders, filing them with the Clerk of Courts and accompanying them through hearings. The hours of operation for VALU are Monday through Friday from 9:00 a.m. to 3:00 p.m. depending on availability of volunteers. The VALU office can be reached at 330-742-5856 or 330-742-5857. Mahoning county domestic relations court <https://www.mahoningcountyoh.gov/707/Domestic-Violence>.

## Filing Civil Protection Orders

Petition for Domestic Violence Civil Protection Order (“CPO”): is the document a domestic violence victim, the victim’s parent, or an adult household member of the victim must file with the domestic relations court to obtain a civil protection order against an alleged offender.

Domestic Violence Civil Protection Order (“CPO”) *Ex Parte*: is an emergency order the Court issues in response to the Petition for a Civil Protection Order after an ex parte hearing.

Domestic Violence Civil Protection Order (“CPO”) Full Hearing: is the final order the Court issues after a full hearing.

## Domestic Violence Cases

Motion for a Criminal Domestic Violence Temporary Protection Order (“DVTPO”): is the document that must be filed in a criminal case if a victim of domestic violence or victim of a sexually oriented offense wishes to obtain a protection order against an alleged offender, who is a family or household member. The criminal case must allege the offender committed negligent assault, criminal damaging or endangering, criminal mischief, burglary, aggravated trespass, endangering children, any offense of violence, or any sexually oriented offense against a family or household member. The prosecutor has a form for this purpose. Domestic Violence Temporary Protection Order (“DVTPO”): is the order the Court issues in response to the Motion for Temporary Protection Order. The DVTPO requires the offender to stop abusing and to stay away from the victims named in the Motion for Temporary Protection Order. A DVTPO expires when the alleged offender’s criminal case ends or when a new CPO is issued based on the same facts. Alleged Victim is the person asking the Court for protection in the Motion for a DVTPO.

## 7-8 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 complainant’s 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. Disclosure of facts to parties and witnesses is limited to what is reasonably necessary to conduct a fair and thorough 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 assault, domestic violence, dating violence, stalking or other Clery Act crime, 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.

**The University prohibits retaliation by its officers, employees, students, representatives, or agents against a person who exercises his or her rights or responsibilities under any provision of the Campus SAVE Act. No one may retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising his or her rights or responsibilities when reporting crimes of sexual assault, domestic violence, dating violence, and stalking or any other crimes.**

7-9 Written notification about existing counseling, health, mental services, changes to academic, transportation, and living arrangements.

The reporting options, changes to living, transportation, working situations, protective measures, interim measures, confidentiality information, counseling/mental health services, victim advocacy, legal assistance, visa assistance, and financial aid will be provided in writing to the victim/witness (regardless if they are a student, faculty member or staff member) to a crime of Sexual Assault, Domestic Violence, Dating Violence, and Stalking. The information is provided even if a victim/witness does not want to make a formal report with the YSU Police.

7-10 Disciplinary Procedures; Proceedings; Sanctions; and Measures

In cases of sexual assault, domestic violence, dating violence, and stalking, the University will provide, fair, and impartial proceedings, which will include fact-finding investigation, meetings, and may include administrative hearings that will be conducted by trained officials; that will provide the accused and accuser the same opportunities. The University will not limit the choice of advisor, and will provide simultaneous notification in writing to both the accused and accuser the result of the investigation, appeals process, and any changes in result.

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 alleged violations of “The Student Code of Conduct” by a student or a student group/organization. The report shall be prepared in writing and directed to the office of student conduct. 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 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 in 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 student groups/organizations that might be subject to university suspension or expulsion shall automatically be provided a student conduct board hearing. Additionally, students alleged to have violated the university’s sexual misconduct policy will automatically be provided a student conduct board hearing. Sexual misconduct incidents are investigated by the Title IX office, with findings forwarded to the office of student conduct for adjudication.
4. The standard of proof utilized in all university student conduct proceedings shall be a preponderance of evidence. 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 fifty per cent chance that the proposition is true.
5. Sexual harassment. Conduct on the basis of sex that satisfies one or more of the following categories:
  - (a) An employee conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct (i.e., quid pro quo). An individual does not have to submit to the conduct for quid pro quo sexual harassment to occur.
  - (b) Unwelcome conduct determined by the reasonable person’s standard to be so severe and pervasive that it effectively denies a person equal access to an education program or activity (i.e., hostile environment).
  - (c) Sexual assault as defined in the Clery Act (which includes rape, fondling, incest, or statutory rape as defined in this paragraph).

- (i) Rape (except statutory rape). 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. See university policy 3356-2-05, "Title IX sexual harassment policy," rule 3356-2-05 of the Administrative Code, for definitions of consent, coercion, force, and incapacitation.
- (ii) Fondling. The touching of the private body parts of another person for sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- (iii) Incest. Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- (iv) Statutory rape. Sexual intercourse with a person who is under the statutory age of consent.
- (d) Dating violence, domestic violence, or stalking pursuant to the Violence Against Women Act (also defined in this paragraph).
  - (i) Dating violence. Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - (ii) Domestic violence. Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, 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.
  - (iii) Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.
  - (e) Sexual misconduct. Conduct of a sexual nature that is nonconsensual or is carried out through force, threat, or coercion. Sexual misconduct includes, but is not limited to, sexual exploitation and voyeurism.

- (i) Sexual exploitation. Sexual exploitation occurs when a person takes nonconsensual or abusive sexual advantage of another for their own benefit or advantage or to benefit or advantage anyone other than the person being exploited, and that behavior does not otherwise constitute another form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, prostituting another, nonconsensual video or audiotaping of sexual activity, permitting others to secretly observe or record consensual activity or engaging in voyeurism.
- (ii) Voyeurism. Voyeurism occurs when a person, for the purposes of sexual arousal or gratification sexual purposes, surreptitiously invades the privacy of another. Voyeurism can occur in person or through recording or electronic means.
- (f) Sex offenses. See Chapter 2907. of the Revised Code which defines sex offenses under Ohio law.

### **Student conduct procedures**

- (1) 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 the same in every situation.
  - (a) 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.
  - (b) Any member of the university community may report alleged violations of "The Student Code of Conduct" by a student or a student group/organization. The report shall be prepared in writing and directed to the office of community standards and student conduct. 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 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 in their discretion.
  - (c) 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 student groups/organizations that might be subject to university suspension or expulsion shall automatically be provided a student conduct board hearing. Additionally,



students alleged to have violated the university's sexual misconduct policy will automatically be provided a student conduct board hearing.

(d) The standard of proof utilized in all university student conduct proceedings shall be a preponderance of evidence. 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 fifty per cent chance that the proposition is true.

### **Student conduct conference**

(a) 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 of "The Student Code of Conduct" will first be scheduled for a conduct conference with the conduct officer assigned to review the allegation. The respondent will be notified in writing via their official university email address, of the date, time, and location of the conduct conference. Written notification will include:

- (i) The specific charges pending against the respondent;
- (ii) A brief summary of the referral;
- (iii) Statement of rights and responsibilities; and
- (iv) 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.

(b) The conduct conference is the first step in the student 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 process, clarification of their rights and options, the ability to inspect and review all relevant information as well as a range of potential sanctions(s) for the violation(s) in question should the charges be substantiated. After a discussion regarding the incident and review of relevant information, and if the case does not warrant suspension or expulsion, the respondent will have an opportunity to accept or deny responsibility for the charge(s).

(c) If the respondent accepts responsibility for the charge(s), the conduct officer will sanction the respondent as part of the conduct conference. The respondent will be asked to sign a conduct conference agreement which will outline all of the sanctions offered to the respondent. While the student may sign the agreement immediately, they have up to three university working days to do so. The respondent has the option to accept the charge(s) but contest the sanction(s) or agree to both the charge(s) and sanction(s). Once the agreement is

signed, the decision is final and there is no appeal process. If the respondent denies responsibility for one or more of the charges, or denies the sanction(s), the conduct officer will refer the case for a student conduct board hearing. If the case warrants suspension/expulsion, the case will automatically be referred for a student conduct board hearing.

(d) Complainants, or harmed parties in a case, are also scheduled for a conduct conference with the conduct officer assigned to review the allegation. This meeting occurs prior to the respondent's conduct conference and serves to provide the complainant with the opportunity to discuss the allegations that led to the referral. The complainant will receive more information regarding the process, clarification of their rights and options, the ability to inspect and review all relevant information as well as a range of potential sanctions(s) for the respondent should the charges be substantiated. The complainant will be notified in writing via their official university email address, of the date, time, and location of the conduct conference. Written notification will include:

- (i) The specific charges pending against the respondent;
- (ii) A brief summary of the referral; and
- (iii) Statement of rights and responsibilities.

(e) If a respondent accepts responsibility for the charges and agrees to the sanctions issued by the conduct officer, the complainant will be notified in writing of the outcome of the respondent's conduct conference. If the respondent denies responsibility for one or more of the charges, or denies the sanction(s), the complainant will be invited to participate in a student conduct board hearing. If the case warrants suspension/expulsion, the case will automatically be referred for a student conduct board hearing, for which the complainant will receive notice.

(f) Conduct conferences are scheduled based on the student's academic schedule; however, students are provided the opportunity to request in writing that the meeting be rescheduled for both academic and nonacademic-related conflicts. If a student does not communicate a conflict and fails to show twice for their conduct conference, the conduct officer will hold the conduct hearing in their absence. After the hearing, the conduct officer will send the same type of outcome letter as if a student had attended the conference. The letter will outline if the student was found responsible/not responsible as well as any applicable sanctions. The opportunity to appeal the outcome will follow the standard process.

- (3) Student conduct board hearing.

(a) 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 the respondent is found responsible for the charge(s). All hearings are closed to the public, except for the complainant, respondent, advisors for the complainant and/or respondent, witnesses, hearing panel, hearing panel advisor, and the conduct officer. All parties directly participating in the hearing (the respondent, complainant, advisors, and conduct officer) may remain present the entire time, excluding deliberations.

(b) Student conduct board hearing panels consist of three members of the student conduct board. Hearing panels are comprised of a combination of trained faculty, staff, and students. Each student conduct board hearing will have a faculty/staff hearing panel chair. The chair is responsible for keeping the proceedings moving forward.

(c) If the respondent or complainant fails to appear at a scheduled student conduct board hearing and the absence is not excused, the hearing may proceed in their absence or may be rescheduled at the discretion of the chair. Additionally, if the complainant, respondent, or witnesses are unable to attend the hearing in person, video technology may be used to enable participants to simultaneously see/hear each other. Video technology may also be used if the complainant or respondent prefers to participate in the hearing from a different room than the opposing party.

(d) Each student conduct board hearing panel will have a hearing panel advisor. The role of the hearing panel advisor is to ensure the student conduct process is adhered to and to answer procedural questions posed by any party during the hearing. The hearing panel advisor will also keep the proceedings focused on issues relevant to the specific allegations. The hearing panel advisor will remain present during deliberations to answer questions and provide guidance as necessary.

(4) Hearing procedures.

(a) Guidelines.

(i) The chair will explain the rights and responsibilities of the respondent and the complainant.

(ii) The chair and hearing panel advisor are responsible for assuring that these rights as well as the process described in this paragraph are adhered to during the hearing.

(iii) The respondent or the complainant may ask for the removal of a hearing panel member 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 panel advisor will decide whether it is valid. If bias is found, or is unable to be determined, the hearing will be rescheduled.

(iv) The conduct officer may ask questions of any party at any time throughout the hearing.

(v) The chair and hearing panel advisor are responsible for determining the relevancy of questions asked during a hearing and may deem certain questions irrelevant and not allow them to be answered. The chair must explain to the party proposing questions any decision to exclude a question as not relevant.

(vi) The chair may exclude persons from the hearing if they are disruptive or postpone the hearing because of disruptive behavior by participants or observers.

(b) Introduction.

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

(ii) The chair will then explain the process and procedures for the hearing.

(iii) All witnesses will then be dismissed from the room.

(c) Presentation of information.

(i) Following the introduction, the chair will present the respondent with the charges against them. The respondent will respond to each charge by acknowledging that they are responsible for the charge or by denying responsibility for the charge.

(ii) The conduct officer will explain why the case was referred for a hearing and will provide a detailed summary of the incident and any subsequent investigation undertaken.

(iii) If there is a complainant, they will then have an opportunity to provide the hearing panel with a summary of their role and perspective on the incident.

(iv) The hearing panel 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.

(v) The conduct officer, complainant, and respondent will then present any relevant witnesses or documentary information. The conduct officer, complainant and respondent will each, in turn, have the opportunity to ask questions regarding the information presented.

(vi) The complainant and respondent, in turn, will have the opportunity to cross-examine one another. If the complainant and respondent have mutual no-contact orders against one another, questions for opposing parties will be submitted to the hearing panel chair in writing.

(vii) The conduct officer will have an opportunity to make a summary statement including any sanctioning recommendations.

(viii) The complainant will have an opportunity to make a summary statement including any sanctioning recommendations.

(ix) The respondent will have an opportunity to make a summary statement including any sanctioning recommendations.

(d) Deliberation and finding.

(i) The hearing panel will go into closed session to determine by the preponderance of evidence whether the respondent will be found responsible for the charge(s) pending in this matter. Student conduct hearing panels determine findings by majority vote.

(ii) If the respondent is found responsible for a violation of one or more of the pending charges, the hearing panel will proceed to sanctioning. At this time, the hearing panel will be presented with any relevant information pertaining to the respondent's prior student conduct cases and sanctions.

(iii) The hearing will reconvene for the announcement of the findings and any subsequent sanction(s).

(iv) Written notification of the decision will be sent to the complainant and respondent simultaneously via their official university email addresses.

(5) Student rights and responsibilities. The following rights and responsibilities apply to those involved in a matter being addressed by the student conduct process to uphold due process.

(a) Rights of respondent. All respondents in the student conduct process have the following rights:

- (i) Written notice of the charge(s) made against them and the basis of the allegation that led to the charge(s).
- (ii) 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.
- (iii) The right to an advisor. It is the respondent's responsibility to communicate all necessary information regarding the student conduct process and proceedings with the advisor, unless the respondent signs an authorization for the release of information, thus allowing the office of community standards and student conduct to communicate directly with the advisor. The advisor may not actively participate in the student conduct process on behalf of the student.
- (iv) To request reasonable accommodations due to disability. See paragraph (E)(6) of this policy, "Reasonable accommodation for students with disabilities."
- (v) To make a request for a change of date for a student conduct proceeding, so long as the request is made no less than two university working days in advance of the initially scheduled proceeding. Rescheduled proceedings will generally occur within five university working days of the initially scheduled proceeding.
- (vi) Reasonable access to inspect and review their own case file, which includes all information that would be used during the student conduct process, including hearing audio/video, to the extent permitted by confidentiality laws.
- (vii) Explanation of the resolution options available to them through the student conduct process.
- (viii) To be presumed not responsible for an alleged violation until found in violation by a preponderance of the evidence.
- (ix) To speak or not speak on their own behalf.
- (x) The opportunity to respond to information used as part of the decision-making process.
- (xi) To deny responsibility for the charge(s) facing them and request that the case be referred to a student conduct board hearing.
- (xii) To question any witness who participates as part of a hearing.
- (xiii) The right to appeal.

- (xiv) To waive any of the above stated rights provided that the waiver is made freely and in writing.
- (b) Rights of the complainant. All complainants in the conduct process have the following rights:
  - (i) To pursue criminal or civil charges where a legal case exists (without university assistance).
  - (ii) Explanation of the resolution options available to them through the conduct process.
  - (iii) To be free from harassment and intimidation from respondents and others as they engage in this process.
  - (iv) The right to an advisor. It is the complainant's responsibility to communicate all necessary information regarding the student conduct process and proceedings with the advisor, unless the complainant signs an authorization for the release of information, thus allowing the office of student conduct to communicate directly with the advisor. The advisor may not actively participate in the student conduct process on behalf of the student.
  - (v) Reasonable access to inspect and review their own case file, which includes all information that would be used during the student conduct process, including hearing audio/video, to the extent permitted by confidentiality laws.
  - (vi) To request reasonable accommodations due to disability. See paragraph (E)(6) of this policy, "Reasonable accommodation for students with disabilities."
  - (vii) To make a request for a change of date for a student conduct proceeding, so long as the request is made no less than two university working days in advance of the initially scheduled proceeding. Rescheduled proceedings will generally occur within five university working days of the initially scheduled proceeding.
  - (viii) 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.
  - (ix) The opportunity to appear at any hearing that may take place to provide relevant information.
  - (x) The opportunity to submit a written or recorded impact statement for use in a hearing, even if the complainant chooses not to attend the hearing.

- (xi) To question any witness who participates as part of a hearing.
- (xii) The right to appeal.
- (c) Responsibilities of respondents, complainants, and witnesses. All respondents, complainants, and witnesses in the conduct process have the following responsibilities:
  - (i) To be honest and forthright in all information they provide during the student conduct process. Presenting false and misleading information during this process is a violation of student conduct standards as outlined in this policy.
  - (ii) To attend all scheduled meetings, conferences, or hearings, unless alternate arrangements are made (in the case of witnesses) or notice is provided in advance (in the case of complainants and respondents).
  - (iii) To refrain from disruption of the hearing process. Disruption of this process is a violation of this policy. See paragraph (D) of this policy, “Student conduct standards/ prohibited conduct.”
  - (iv) Complainants and 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.
- (6) Reasonable accommodation for students with disabilities. Any student with a disability involved in the student conduct process has the right to request reasonable accommodation to ensure their full and equal participation. Students wishing to request reasonable accommodations should make those requests directly to accessibility services. Students do not have to disclose information about the complaint or charge 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 accessibility services staff and implemented in consultation with the office of community standards and student conduct. Examples of reasonable accommodation include 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.

- (7) Sanctions. If the student or student group/organization is found responsible for a violation of a policy, sanctions will be issued in accordance with the office of community standards and student conduct’s sanctioning rubric. The student conduct administrator may adjust recommended sanctions on a case-by-case basis, as appropriate.



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 sent to the respondent's official university email account. In cases involving a student group/organization, notification will be sent to the official university email account for the president or student group/ organization leader.

The decision of a student conduct body may be appealed, as outlined in paragraph (E)(9) of this policy. If the respondent files a request for appeal, and if the appeal is denied, the sanction 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.

(a) The following sanctions may be imposed upon any student who 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 many factors, including the severity of a violation and the impact of the violation on the campus community, will be taken into consideration in determining sanctioning.

(i) 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 increased sanctioning.

(ii) Conduct probation. Notice in writing that the violation of "The Student Code of Conduct" is serious and that any subsequent violation(s) of university regulations may result in imposition of additional restrictions or conditions, suspension, or expulsion.

(iii) Conduct probation with loss of good standing. Notice in writing that the violation of university regulations is serious and 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.

(iv) Restitution. Compensation for loss, damage, or injury. This may take the form of appropriate service or monetary or material replacement.

(v) Educational sanctions. Other sanctions may be imposed instead of, or in addition to, those specified above. These may include community service, educational assignments, referrals to student outreach and support and other campus offices, or other similar sanctions designed to assist the respondent in reflecting upon their behavior and the impact of their behavior on self or others.

- (vi) Residential probation. Issued to students living in university-owned or university-sponsored housing. Notice in writing that the violation of “The Student Code of Conduct” is serious and that any subsequent violation of university regulations and/ or resident handbook/lease policies may result in imposition of additional restrictions or conditions, residential suspension, or residential expulsion.
- (vii) Guest restriction. Issued to students living in university-owned or university-sponsored housing. Residential students are restricted from signing in to other residential communities as guests for a designated period.
- (viii) Host restriction. Issued to students living in university-owned or university-sponsored housing. Residential students are restricted from hosting other guests for a designated period.
- (ix) Relocation. Issued to students living in university-owned or university-sponsored housing. Requiring a student to move to another floor, residence hall, or apartment because of community disruption.
- (x) Deferred residential suspension. Issued to students living in university-owned or university-sponsored housing. Separation of the student from the residential community is deferred for a specified period. If the student is found responsible for any subsequent violations of “The Student Code of Conduct,” residential suspension is automatically issued as a sanction.
- (xi) Residential suspension. Issued to students living in university-owned or university-sponsored housing. Separation of the student from the residence halls for a specified period after which time the student is eligible to return. During the suspension period, the student is prohibited from accessing any university housing facilities. This may include residential dining facilities.
- (xii) University suspension. Separation of the student from the university for a specified period 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. This may include residential dining facilities. A university suspension is noted on an addendum attached to a student’s transcript during the period of suspension.
- (xiii) Residential expulsion. Issued to students living in university-owned or university-sponsored housing. Permanent separation of the student from the residential community. An expulsion denies the student access to all university housing facilities on a permanent basis. This may include residential dining facilities.

(xiv) University expulsion. Permanent separation of the student from the university. An expulsion denies the student access to the university, including any campus facilities, any campus programs or activities, and any class sessions on a permanent basis. A university expulsion is permanently noted on a student's transcript.

(xv) 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.

(xvi) 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.

(xvii) 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 dean of students, or designee, who will submit a list of the fines structure to the university 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.

(xviii) No-contact order. The student is restricted from making contact in any verbal, written, electronic, third-party, or physical manner with a designated individual. If a student is found in violation of the no contact order, they may be subject to arrest and removed from campus. No-contact orders are always issued mutually to involved parties.

(xix) Parental/guardian notification. The office of community standards and student conduct staff will coordinate parental/guardian notification in cases of alcohol use or drug use when the student is under twenty-one years of age, their behavior demonstrates a risk of harm to self or others, or constitutes a violation of law involving a controlled substance.

(b) More than one of the sanctions listed in paragraph (E)(7) of this policy may be imposed for any single violation.

(c) The following sanctions may be imposed upon student groups/organizations:

(i) Those sanctions as outlined in paragraph (E)(7) of this policy.

(ii) Deactivation. Loss of all privileges, including university recognition, for a specified period.

(d) The student conduct administrator shall be responsible for ensuring that sanctions imposed by hearing panels and conduct officers are consistent with the violation and sanctions imposed for similar violations in other similar cases.

(8) Interim measures. In certain circumstances, the dean of students, or designee, may impose an interim measure prior to a student conduct proceeding or in the event of a safety-related emergency. This includes university or residential suspension.

(a) Interim measures may be imposed only:

(i) To ensure the safety and well-being of members of the university community or to preserve university property;

(ii) To ensure the respondent's own physical or emotional safety and well-being;

(iii) If the respondent poses a threat of disruption or interference with the normal operations of the university; or

(iv) If the respondent is charged with the commission of a criminal offense as defined in section 2901.01 of the Revised Code.

(b) In the event that an interim measure is imposed, the student or student group/organization will be notified either in person or by regular U.S. or certified mail of the cause for the interim measure. The respondent will also be notified via their official university email address. The interim measure becomes effective immediately upon notification and will remain in place until it is determined to no longer be necessary. Interim measures may be determined to no longer be necessary when:

(i) There is no longer a risk to the safety and well-being of members of the university community or a risk to university property;

(ii) Interim measures are no longer needed to ensure the respondent's physical or emotional safety and well-being; or

(iii) The respondent no longer poses a threat of disruption or interference with the normal operations of the university.

(c) Any alterations, amendments, or modifications to the interim measures shall be documented. Notice of modification of interim measures will be served to affected parties in the same manner in which the original notice of interim measures was served. If student conduct proceedings are required, a student conduct body will convene as expeditiously as possible to review the case.

Student conduct hearings will follow the procedures outlined in paragraph (E)(4) of this policy and may proceed before, during, or after any criminal proceedings.

(d) In the case of an interim suspension, the student or student group/organization shall be denied access to all housing facilities and/or to the campus (including physical classes) and/or all other university activities or privileges for which the student or student group/organization might otherwise be eligible, unless determined otherwise by the student conduct administrator.

(9) **Appeals**

(a) The decision or sanction imposed by a student conduct body may be appealed by the respondent or complainant (the appellant) within five university working days of notification of the decision. If an appeal is not received by five p.m. Eastern time on the fifth university working day of this time frame, the decision reached by the student conduct body will be final.

(b) Requests for appeals shall be made in writing and shall be submitted via electronic form to the office of community standards and student conduct. The request for appeal should indicate the grounds on which the decision is being appealed, referencing at least one of the grounds for the appeal (see paragraph (E)(9)(d) of this policy) along with supporting information.

(c) Once a request for appeal has been submitted and until the appeal decision has been communicated to the appellant, all sanctions except any active interim measures, such as interim suspensions, will be held in abeyance.

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

(i) 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.

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

(iii) A claim that the sanction(s) imposed was/were disproportionate and without basis to the violation of “The Student Code of Conduct” for which the respondent was found responsible.

- (iv) A claim that there is new information, sufficient to alter a decision or other relevant facts not presented in the original hearing because such information and/or facts were not known by the appellant at the time of the original hearing.
- (e) The burden of proof rests with the appellant.
- (f) The appellant may, in preparing the request for appeal, have access to records of the case, which may be reviewed electronically via secure link sent by the office of community standards and student conduct.
- (g) A request for appeal in a case adjudicated by a student conduct board hearing panel will be reviewed by an appellate hearing panel. An appellate hearing panel is composed of three members from the student conduct board selected by the student conduct administrator.
- (h) Once a request for appeal has been submitted by the complainant or respondent, the other party shall receive a copy of the request for appeal and may submit a written response to the request for appeal to the office of community standards and student conduct, which will be considered alongside the request for appeal. Any written response must be submitted within five university working days of notification of the submission of a request for appeal.
- (i) The appellate hearing panel will review the appeal to determine whether one of the grounds listed in this policy has been met.
- (j) If an appellate hearing panel determines that a request for appeal has met one or more of the grounds, the following options are available:
  - (i) Remand the case to the original panel for reconsideration if new information sufficient to alter a decision or other relevant facts not presented in the original hearing becomes available because such information and/or facts were not known by the appellant at the time of the original hearing.
  - (ii) Uphold the original decision.
  - (iii) Alter the findings/sanctions issued by the original hearing panel.
- (k) If the appellate hearing panel determines that the request for appeal does not meet one of the grounds, the appeal will be dismissed and the original decision will be upheld.
- (l) The decision of the appellate hearing panel is final.

(10) Conduct procedures for university housing. Deputy conduct officers have been designated by the student conduct administrator to assist in the review of alleged violations of policy originating within university housing.

(a) The responsibility for the enforcement of rules and regulations governing student conduct in the residence halls, as outlined in the “Resident Handbook,” is delegated by the student conduct administrator to a conduct officer. This may be a deputy conduct officer, as described in this paragraph.

(b) Any student, faculty member, or university official may file a written report against any student living in a residence hall for alleged violations of policy within the residence hall, campus dining facilities, or at any residence hall function.

(c) Upon receipt of a written report, the conduct officer will investigate to determine whether there is reasonable cause to believe that a violation of “The Student Code of Conduct” may have occurred. If the conduct officer believes that such a violation did occur they will follow the procedures outlined in paragraph (E)(4) of this policy to address the alleged violation.

(11) Student conduct record. The student conduct administrator shall maintain all student conduct records of information received and action taken by the respective student conduct bodies.

(a) Student conduct records shall be expunged seven years after final disposition of the case, excluding students who were sanctioned with residential suspension, residential expulsion, university suspension, or revocation or withholding of a degree, which shall be expunged fifteen years after final disposition of the case resulting in such action. Sanctions of university expulsion will remain on a student’s conduct record indefinitely. Upon graduation, the student may petition the student conduct officer for immediate removal of all files contained in their student conduct records if the following conditions are met:

(i) The violation(s) was determined to not have threatened or endangered the health or safety of any person, including sexual misconduct.

(ii) University or residential suspension and/or expulsion or revocation or withholding of a degree were not issued as sanctions.

(iii) All sanction requirements, including associated probationary periods, have been completed.

(iv) An online petition form is completed and submitted to the office of community standards and student conduct.

The student may appeal a negative response of the student conduct officer to the student conduct administrator.

(b) Records regarding university suspension or university expulsion of a student group/organization shall be kept indefinitely.

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

(d) Student conduct records are maintained only in the names of respondents found responsible for violations of university policy, or local, state or federal law.

(12) 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 adjudicate 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.

(13) Responsible action exemption. The university encourages students to seek immediate medical attention for themselves or others during alcohol and/or drug-related emergencies. When students act as responsible bystanders, the university may choose to resolve alcohol and/or drug violations informally rather than through the student conduct process. The office of community standards and student conduct determines when students are eligible for responsible action exemption on a case-by-case basis. In instances involving possible sexual misconduct, the office of community standards and student conduct may seek input from the Title IX office before making a determination. For exemption to be considered, the following must occur:

(a) Students must directly contact law enforcement, medical personnel, or university staff to request medical assistance.

(b) Students must identify themselves and the student(s) of concern to first responders.

(c) Students must comply with specific instructions given by responding personnel.

Students exempted from alcohol and/or drug charges will not face formal sanctions, but are required to meet with a conduct officer to discuss the incident and learn about campus and community resources. If a student is under twenty-



one years of age at the time of the incident, the conduct officer may notify parents or guardians of the exemption.

Documentation of exemptions will be maintained by the office of community standards and student conduct as informational records and are not considered part of a student's conduct record. Incident information will not be released by the office of community standards and student conduct when contacted for background checks/transfer verifications.

The university reserves the right to deny exemption for any case in which violations are repeated or egregious, including activities related to hazing. Students will only receive one exemption during their tenure at the university.

Members of student organizations that actively seek medical assistance during alcohol and/or drug-related emergencies may be granted exemption from organizational conduct charges. Incidents involving student organization intervention will be considered on a case-by-case basis. The same standards outlined in this paragraph apply.

(14) Serious misconduct policy. "Serious misconduct" is defined as "any act of sexual assault, domestic violence, dating violence, stalking, sexual exploitation, any assault that employs the use of a deadly weapon," as defined in division (A) of section 2923.11 of the Revised Code, or causes serious bodily injury.

Students found responsible for violations of the serious misconduct policy will face, at minimum, a sanction of conduct probation with loss of good standing for one calendar year, preventing the student from participating in any extracurricular functions including athletics, student organizations, and student employment. After one year, students may petition the dean of students, or designee, for permission to participate in extracurricular activities and employment.

Students returning from a sanction of suspension will automatically be placed on conduct probation with loss of good standing for one calendar year, preventing the student from participating in any extracurricular functions including athletics, student organizations, and student employment. After one year, students may petition the dean of students, or designee, for permission to participate in extracurricular activities and employment.

(F) Article V. Title IX sexual harassment procedures (per university policy and rule 3356-2-05 of the Administrative Code).

(1) Grievance process.

(a) Time frame. The process outlined below is expected to occur within ninety calendar days from the date a complaint is filed. The Title IX coordinator, or designee, may extend this time period by providing written notice to the parties citing the reason(s) for the extension. The complainant or respondent may request a temporary delay of the grievance process for good cause by written request to the Title IX coordinator. Good cause includes, but is not limited to, the absence of party, a party's advisor or a witness, or the accommodation for disabilities.

(b) Report. Information, however received, alleging sexual harassment, as defined in this policy, and provided to a person with the authority to initiate corrective action. A report may lead to further action, including the filing of a formal complaint, depending on the alleged facts and circumstance.

(c) Formal complaint. A formal complaint is a verbal or written account which alleges a conduct which could violate this policy and is made to a person with authority to initiate corrective action. A complaint may be submitted by mail, email, in person, by telephone or electronically at TitleIX@ysu.edu.

(2) Notice.

(a) Upon receipt of a formal complaint, the university shall provide the following written notice to the parties who are known: notice of this grievance process, including any informal resolution process; and notice of the allegations of sexual harassment as defined in this paragraph, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview.

(b) If in the course of an investigation the university decides to investigate allegations about the complainant or respondent that are not included in the notice provided, the university shall provide notice of the additional allegations to the parties whose identities are known.

(c) Notice to the university staff listed below of sexual harassment or allegation of sexual harassment constitutes actual notice to the university and triggers the university's obligation to respond.

(i) Title IX coordinator and deputy Title IX coordinators.

(ii) Executive director of equal opportunity and policy development.

(iii) Vice presidents and associate vice presidents.

(iv) Academic deans and chairpersons.

- (v) Supervisors/managers.
- (vi) Coaches and assistant coaches.

(3) Consolidation of formal complaints. The university may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Where a grievance process involves more than one complainant or more than one respondent, references in this policy to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.

(4) Dismissal of formal complaint. The Title IX coordinator shall dismiss formal complaints that do not meet the following criteria.

(a) Mandatory dismissal.

(i) Would not constitute sexual harassment as defined in this policy even if proved.

(ii) The alleged sexual harassment did not occur in the university’s education program or activity.

(iii) The alleged conduct did not occur in the United States.

(b) Discretionary dismissal.

(i) Complainant notifies the Title IX coordinator in writing that they would like to withdraw the formal complaint.

(ii) The respondent is no longer enrolled or employed by the university.

(iii) Specific circumstances prevent the university from gathering sufficient evidence.

(c) The dismissal of a formal complaint shall be done simultaneously and in writing to the parties.

(d) A dismissal of a formal complaint may be appealed pursuant to paragraph (F)(10) of this policy.

(e) A formal complaint which is dismissed pursuant to this policy may be considered under a different university policy, 3356-2-03, “Discrimination/ harassment,” rule of 3356-2-03 of the Administrative Code, or 3356-7-04, “Workplace and off-campus violence, threats, and disruptive behavior,” rule of 3356-7-04 of the Administrative Code, or under “The Student Code of Conduct.”

(5) Informal resolution. At any time prior to reaching a determination regarding responsibility, the university may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication.

(a) Both parties’ voluntary, written consent to the informal resolution process is necessary. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

(b) Informal resolution is not an option for resolving allegations that an employee or faculty member sexually harassed a student.

(6) Investigation. The Title IX coordinator or designee is responsible for investigating formal complaints which meet the criteria of this policy.

(a) The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the investigator and not on the parties.

(b) The respondent is not considered responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

(c) The university shall not access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the university obtains that party’s voluntary, written consent to do so for a grievance process under this section or as permitted by law.

(d) The parties shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence during the course of the investigation. All parties are free to discuss the allegations under investigation or to gather and present relevant evidence.

(e) All parties shall have the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice including an attorney.

However, the advisor may not speak during any interview or proceedings, with the exception of the cross-examination portion of any hearing.

(f) Any party whose participation is invited or expected shall receive written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with sufficient time for the party to prepare to participate.

(g) Both parties shall receive an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

(h) Prior to completion of the investigative report, the investigator shall send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties shall have ten calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.

(i) The investigator shall make all evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

(j) The investigator shall create an investigative report that fairly summarizes relevant evidence and shall provide a copy, in electronic or hard copy format, to the parties and their advisors at least ten calendar days prior to any hearing. Either party can submit a written response to the investigator during these ten days.

(7) Hearings. Formal complaints that are not resolved informally or dismissed will result in a live hearing.

(a) The hearing will be scheduled by the office of student conduct and will be held before a Title IX decision-maker. Where the complainant and respondent are both employees and/or faculty members, the Title IX coordinator will convene the hearing.

(b) Live hearings may be conducted with all parties physically present in the same geographic location, or participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

(c) The decision-maker shall permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing shall be conducted directly, orally, and in real-time by the party's advisor of choice and never by a party personally.

- (d) At the request of either party, the hearing may occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.
- (e) Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker shall first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Parties may not challenge the relevancy determination of the decision-maker, except on appeal.
- (f) Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- (g) If a party does not have an advisor present at the live hearing, the university shall provide, without fee or charge to that party, an advisor of the university's choice to conduct cross-examination on behalf of that party.
- (h) If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) shall not rely on any statement of that party or witness in reaching a determination regarding responsibility, provided, however, that the decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
- (i) Credibility determinations shall not be based on a person's status as a complainant, respondent, or witness.
- (j) Parties are not required to divulge any medical, psychological, or similar privileged records as part of the hearing process.
- (k) The decision-maker shall create an audio recording for a live hearing and an audiovisual recording for a virtual live hearing. Such recording will be available to the parties for inspection and review upon written request to the convener.
- (8) Findings.

- (a) The hearing decision-maker shall issue a written determination simultaneously to the parties regarding responsibility/policy violation(s) and sanctions/discipline when responsibility/policy violation is found to have occurred. To reach this determination, the preponderance of the evidence standard (whether it is more likely than not that the alleged conduct occurred) will be used.
- (b) The determination regarding responsibility and sanction(s)/ discipline becomes final either on the date that the university provides the parties with the written determination of the result of the appeal, if an appeal is filed; or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
- (c) The written determination shall include:
  - (i) Identification of the allegations potentially constituting sexual harassment.
  - (ii) A description of the procedural steps which were followed starting with the formal complaint and continuing through determination.
  - (iii) The finding of facts that support the determination.
  - (iv) A conclusion applying the appropriate definition of the university's policy to the facts.
  - (v) A rationale for the result of each allegation regarding the determination of responsibility.
  - (vi) For respondents who are students, the hearing decision-maker shall consult with the vice president of student experience or their designee regarding sanctions. For respondents who are employees or faculty members the hearing decision maker shall consult with the chief human resources officer, or their designee, regarding discipline.
  - (vii) Information regarding whether remedies designed to restore or preserve equal access to the university's education program or activity will be provided to the complainant. The Title IX coordinator is responsible for effective implementation of any remedies.
  - (viii) The procedures and bases for the complainant and respondent to appeal the determination.
- (9) Sanctions/discipline.
  - (a) Students.

(i) Possible sanctions for student respondents: warning, conduct probation with or without loss of good standing, restitution, educational sanctions, residential suspension, university suspension, residential expulsion, university expulsion, revocation of admission and/ or degree, withholding degree, and fines.

(ii) Serious misconduct is defined as any act of sexual assault, domestic violence, dating violence, stalking, sexual exploitation, or any assault that employs the use of a deadly weapon, as defined in division (A) of section 2923.11 of the Revised Code, or causes serious bodily injury. Students found responsible for violations of the serious misconduct policy will face, at minimum, a sanction of conduct probation with loss of good standing for one calendar year, preventing the student from participating in any extracurricular functions including athletics, student organizations, and student employment. After one year, students may petition the dean of students, or designee, for permission to participate in extracurricular activities and employment.

Students returning from a sanction of suspension will automatically be placed on conduct probation with loss of good standing for one calendar year, preventing the student from participating in any extracurricular functions including athletics, student organizations, and student employment. After one year, students may petition the dean of students, or designee, for permission to participate in extracurricular activities and employment.

(b) Possible sanctions/discipline for employee or faculty respondents: employment probation, demotion or reassignment, suspension with or without pay for a specific period of time, termination of employment, ineligibility for rehire, and/or other sanctions or remedies as deemed appropriate under the circumstances.

(10) The appeal process.

(a) Filing an appeal.

(i) Appeals are not a re-hearing of the allegation(s).

(ii) Only a complainant or respondent (referred to as party or parties) may request an appeal.

(iii) An appeal must be submitted in writing to the Title IX coordinator within five working days from receipt of a decision using the “Title IX Appeal Request Form” and include all supporting material.



- (iv) A party may appeal the determination regarding responsibility, sanctions/discipline and/or the university's dismissal of a formal complaint or any allegations therein.
- (v) There are four grounds for appeal:
  - (1) Procedural irregularity that significantly impacted the outcome of the matter (for example material deviation from established procedures). The appeal request must cite specific procedures and how they were in error; and/or
  - (2) New evidence that was not reasonably available at the time the original decision was made that could have affected the outcome. A summary of this new evidence and its potential impact must be included in the request. (Note: Failure to participate or provide information during an investigation or hearing, even based on concern over a pending criminal or civil proceeding, does not make information unavailable during the original investigation or hearing); and/or
  - (3) The Title IX coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. The appeal must cite specific examples of how the bias affected the outcome.
  - (4) The discipline/sanction(s) imposed are substantially outside the parameters or guidelines set by the university for this type of violation or the cumulative conduct record of the responding party.
- (b) Title IX appellate review officer (hereinafter referred to as appellate review officer). Upon receipt of a request for appeal, the Title IX coordinator will designate a Title IX appellate review officer as follows:
  - (i) Appeals where the respondent is a student, the appellate officer will be either the vice president for student affairs or their designee or a deputy Title IX coordinator who did not participate in the investigation or hearing.
  - (ii) Appeals where the respondent is a faculty member or employee, the appellate officer will be either the chief human resources officer or their designee or a deputy Title IX coordinator who did not participate in the investigation or hearing.
  - (iii) The appellate officer cannot be the investigator, Title IX coordinator, or the person who acted as the decision-maker regarding the determination of responsibility/policy violation, or dismissal.
- (c) Appeal procedures:

- (i) Generally, within five business days after receipt of the request for appeal by the appellate review officer, the appellate review officer will conduct an initial review of the appeal request(s) to determine whether the appeal is timely and satisfies the grounds for appeal.
- (ii) If the appeal request is not timely or does not satisfy the grounds for appeal, the appeal request will be denied, the parties will be notified, and the finding and sanction or responsive action/remedies will stand. The decision not to accept an appeal request is final and is not subject to further appeal.
- (iii) If the appeal request is timely and meets the ground for appeal, the Title IX coordinator will notify the parties that the appeal has been accepted and will notify the non-appealing party that they may file a response within three business days from notification.
- (iv) The appellate review officer will then review the issues presented in the appeal and any response(s).
- (v) The standard on appeal is whether there is relevant evidence/information such that a reasonable person would support the decision(s).
- (vi) The appellate review officer can take one of the following actions:
  - (1) Affirm the original findings;
  - (2) Remand the case to the original investigators or hearing panel for consideration of new evidence or to remedy a procedural irregularity;
  - (3) Remand the case to a new investigator in a case of bias. The appellate review officer, may order a new investigation with a new investigator or hearing panel; or
  - (4) Administratively alter the finding if bias, procedural irregularity or new evidence, unknown or unavailable during the original investigation, substantially affected the original finding, and the associated sanctions or responsive action.
- (vii) Decisions rendered by the appellate review officer or actions taken following the decisions appellate review officer's decision are final and not subject to further appeal.
- (viii) Cases that are sent back to the investigator or hearing panel are not eligible for a second appeal.

- **Title IX sexual harassment procedures (per university policy 3356-2-05).**

1. Grievance process.

1. Time frame. The process outlined below is expected to occur within ninety calendar days from the date a complaint is filed. The Title IX coordinator, or designee, may extend this time period by providing written notice to the parties citing the reason(s) for the extension. The complainant or respondent may request a temporary delay of the grievance process for good cause by written request to the Title IX coordinator. Good cause includes, but is not limited to, the absence of party, a party's advisor or a witness, or the accommodation for disabilities.
2. Report. Information, however received, alleging sexual harassment, as defined in this policy, and provided to a person with the authority to initiate corrective action. A report may lead to further action, including the filing of a formal complaint, depending on the alleged facts and circumstance. The university encourages individuals to report any allegations as defined in the policy. A report may be submitted by mail, e-mail, in person by telephone or electronically at [TitleIX@ysu.edu](mailto:TitleIX@ysu.edu).
3. Formal complaint. A formal complaint is a verbal or written account which alleges a conduct which could violate this policy and is made to a person with authority to initiate corrective action. A complaint may be submitted by mail, email, in person, by telephone or electronically at [TitleIX@ysu.edu](mailto:TitleIX@ysu.edu).

2. Notice.

1. Upon receipt of a formal complaint, the university shall provide the following written notice to the parties who are known: notice of this grievance process, including any informal resolution process; and notice of the allegations of sexual harassment as defined above, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview.
2. If in the course of an investigation the university decides to investigate allegations about the complainant or respondent that are not included in the notice provided, the university shall provide notice of the additional allegations to the parties whose identities are known.
3. Notice to the university staff listed below of sexual harassment or allegation of sexual harassment constitutes actual notice to the university and triggers the university's obligation to respond.
  - (i) Title IX coordinator and deputy Title IX coordinators.

- (ii) Director of equal opportunity and policy development.
  - (iii) Vice presidents and associate vice presidents.
  - (iv) Academic deans and chairpersons.
  - (v) Supervisors/managers.
  - (vi) Coaches and assistant coaches.
3. Consolidation of formal complaints. The university may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Where a grievance process involves more than one complainant or more than one respondent, references in this policy to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.

4. Dismissal of formal complaint. The Title IX coordinator shall dismiss formal complaints that do not meet the following criteria.
- 1. Mandatory dismissal.
    - (i) Would not constitute sexual harassment as defined in this policy even if proved.
    - (ii) The alleged sexual harassment did not occur in the university’s education program or activity.
    - (iii) The alleged conduct did not occur in the United States.
  - 2. Discretionary dismissal.
    - (i) Complainant notifies the Title IX coordinator in writing that they would like to withdraw the formal complaint.
    - (ii) The respondent is no longer enrolled or employed by the university.
    - (iii) Specific circumstances prevent the university from gathering sufficient evidence.
  - 3. The dismissal of a formal complaint shall be done simultaneously and in writing to the parties.

4. A dismissal of a formal complaint may be appealed pursuant to paragraph (F)(10) of this policy.
5. A formal complaint which is dismissed pursuant to this policy may be considered under a different university policy, such as policy 3356-2-3, "Discrimination/ harassment" or 3356-7-04, "Workplace and off-campus violence, threats, and disruptive behavior," or under "The Student Code of Conduct."
5. Informal resolution. At any time prior to reaching a determination regarding responsibility, the university may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication.
  1. Both parties' voluntary, written consent to the informal resolution process is necessary. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.
  2. Informal resolution is not an option for resolving allegations that an employee or faculty member sexually harassed a student.
6. Investigation. The Title IX coordinator or designee is responsible for investigating formal complaints which meet the criteria of this policy.
  1. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the investigator and not on the parties.
  2. The respondent is not considered responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
  3. The university shall not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the university obtains that party's voluntary, written consent to do so for a grievance process under this section or as permitted by law.
  4. The parties shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence during the course of the investigation. All parties are free to discuss the allegations under investigation or to gather and present relevant evidence.

5. All parties shall have the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice including an attorney. However, the advisor may not speak during any interview or proceedings, with the exception of the cross-examination portion of any hearing.
  6. Any party whose participation is invited or expected shall receive written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with sufficient time for the party to prepare to participate.
  7. Both parties shall receive an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
  8. Prior to completion of the investigative report, the investigator shall send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties shall have ten calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.
  9. The investigator shall make all evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
  10. The investigator shall create an investigative report that fairly summarizes relevant evidence and shall provide a copy, in electronic or hard copy format, to the parties and their advisors at least ten calendar days prior to any hearing.
7. Hearings. Formal complaints that are not resolved informally or dismissed will result in a live hearing.
1. The hearing will be scheduled by the office of student conduct and will be held before a Title IX decision-maker. Where the complainant and respondent are both employees and/or faculty members, the Title IX coordinator will convene the hearing.
  2. Live hearings may be conducted with all parties physically present in the same geographic location, or participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and

hear each other.

3. The decision-maker shall permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing shall be conducted directly, orally, and in real-time by the party's advisor of choice and never by a party personally.
4. At the request of either party, the hearing may occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.
5. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker shall first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Parties may not challenge the relevancy determination of the decision-maker, except on appeal.
6. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
7. If a party does not have an advisor present at the live hearing, the university shall provide, without fee or charge to that party, an advisor of the university's choice to conduct cross-examination on behalf of that party.
8. If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) shall not rely on any statement of that party or witness in reaching a determination regarding responsibility, provided, however, that the decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
9. Credibility determinations shall not be based on a person's status as a complainant, respondent, or witness.
10. Parties are not required to divulge any medical, psychological, or similar privileged records as part of the hearing process.

11. The decision-maker shall create an audio recording for a live hearing and an audiovisual recording for a virtual live hearing. Such recording will be available to the parties for inspection and review upon written request to the convener.

8. Findings.

1. The hearing decision-maker shall issue a written determination simultaneously to the parties regarding responsibility/policy violation(s) and sanctions/discipline when responsibility/policy violation is found to have occurred. To reach this determination, the preponderance of the evidence standard (whether it is more likely than not that the alleged conduct occurred) will be used.
2. The determination regarding responsibility and sanction(s)/ discipline becomes final either on the date that the university provides the parties with the written determination of the result of the appeal, if an appeal is filed; or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
3. The written determination shall include:
  - (i) Identification of the allegations potentially constituting sexual harassment.
  - (ii) A description of the procedural steps which were followed starting with the formal complaint and continuing through determination.
  - (iii) The finding of facts that support the determination.
  - (iv) A conclusion applying the appropriate definition of the university's policy to the facts.
  - (v) A rationale for the result of each allegation regarding the determination of responsibility.
  - (vi) For respondents who are students, the hearing decision-maker shall consult with the vice president of student experience or their designee regarding sanctions. For respondents who are employees or faculty members the hearing decision maker shall consult with the chief human resources officer, or their designee, regarding discipline.
  - (vii) Information regarding whether remedies designed to restore or preserve equal access to the university's education program or activity will be provided to the complainant. The Title IX coordinator is responsible for effective implementation of any remedies.



(viii) The procedures and bases for the complainant and respondent to appeal the determination.

9. Sanctions/discipline.

1. Students.

(i) Possible sanctions for student respondents: warning, conduct probation with or without loss of good standing, restitution, educational sanctions, residential suspension, university suspension, residential expulsion, university expulsion, revocation of admission and/ or degree, withholding degree, and fines.

(ii) Serious misconduct is defined as any act of sexual assault, domestic violence, dating violence, stalking, sexual exploitation, or any assault that employs the use of a deadly weapon, as defined in division (A) of section 2923.11 of the Ohio Revised Code, or causes serious bodily injury. Students found responsible for violations of the serious misconduct policy will face, at a minimum, a sanction of conduct probation with loss of good standing for one calendar year, preventing the student from participating in any extracurricular functions including athletics, student organizations, and student employment. After one year, students may petition the Dean of Students for permission to participate in extracurricular activities and employment.

Students returning from a sanction of suspension will automatically be placed on conduct probation with loss of good standing for one calendar year, preventing the student from participating in any extracurricular functions including athletics, student organizations, and student employment. After one year, students may petition the Dean of Students for permission to participate in extracurricular activities and employment.

2. Possible sanctions/discipline for employee or faculty respondents: employment probation, demotion or reassignment, suspension with or without pay for a specific period of time, termination of employment, ineligibility for rehire, and/or other sanctions or remedies as deemed appropriate under the circumstances.

10. The appeal process:

1. Filing an appeal.

(i) Appeals are not a re-hearing of the allegation(s).

(ii) Only a complainant or respondent (referred to as party or parties) may

request an appeal.

(iii) An appeal must be submitted in writing to the Title IX coordinator within five working days from receipt of a decision using the “Title IX Appeal Request Form” and include all supporting material.

(iv) A party may appeal the determination regarding responsibility, sanctions/discipline and/or the university’s dismissal of a formal complaint or any allegations therein.

(v) There are four grounds for appeal:

(1) Procedural irregularity that significantly impacted the outcome of the matter (for example material deviation from established procedures). The appeal request must cite specific procedures and how they were in error; and/or

(2) New evidence that was not reasonably available at the time the original decision was made that could have affected the outcome. A summary of this new evidence and its potential impact must be included in the request. (Note: Failure to participate or provide information during an investigation or hearing, even based on concern over a pending criminal or civil proceeding, does not make information unavailable during the original investigation or hearing); and/or

(3) The Title IX coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. The appeal must cite specific examples of how the bias affected the outcome.

(4) The discipline/sanction(s) imposed are substantially outside the parameters or guidelines set by the university for this type of violation or the cumulative conduct record of the responding party.

2. Title IX appellate review officer (hereinafter referred to appellate review officer). Upon receipt of a request for appeal, the Title IX coordinator will designate a Title IX appellate review officer as follows:

(i) Appeals where the respondent is a student, the appellate officer will be either the vice president for student affairs or their designee or a deputy Title IX coordinator who did not participate in the investigation or hearing.

(ii) Appeals where the respondent is a faculty member or employee, the appellate officer will be either the chief human resources officer or their

designee or a deputy Title IX coordinator who did not participate in the investigation or hearing.

(iii) The appellate officer cannot be the investigator, Title IX coordinator, or the person who acted as the decision-maker regarding the determination of responsibility/policy violation, or dismissal.

3. Appeal procedures:

(i) Generally, within five business days after receipt of the request for appeal by the appellate review officer, the appellate review officer will conduct an initial review of the appeal request(s) to determine whether the appeal is timely and satisfies the grounds for appeal.

(ii) If the appeal request is not timely or does not satisfy the grounds for appeal, the appeal request will be denied, the parties will be notified, and the finding and sanction or responsive action/remedies will stand. The decision not to accept an appeal request is final and is not subject to further appeal.

(iii) If the appeal request is timely and meets the ground for appeal, the Title IX coordinator will notify the parties that the appeal has been accepted and will notify the non-appealing party that they may file a response within three business days from notification.

(iv) The appellate review officer will then review the issues presented in the appeal and any response(s).

(v) The standard on appeal is whether there is relevant evidence/information such that a reasonable person would support the decision(s).

(vi) The appellate review officer can take one of the following actions:

(1) Affirm the original findings;

(2) Remand the case to the original investigators or hearing panel for consideration of new evidence or to remedy a procedural irregularity;

(3) Remand the case to a new investigator in a case of bias. The appellate review officer, may order a new investigation with a new investigator or hearing panel; or

(4) Administratively alter the finding if bias, procedural irregularity or new evidence, unknown or unavailable during the original investigation, substantially affected the original finding, and the associated sanctions or

responsive action.

(vii) Decisions rendered by the appellate review officer or actions taken following the decisions appellate review officer's decision are final and not subject to further appeal.

(viii) Cases that are sent back to the investigator or hearing panel are not eligible for a second appeal.

# YSU STUDENT CODE OF CONDUCT VIOLATIONS

## Key Terms

*Interim measures* include any protective measures that are deemed necessary pending the outcome of the investigation into the alleged charges against the respondent.

A *respondent* is any student or student organization charged with an alleged violation of *The Student Code of Conduct*.

*Charges* are the specific sections of *The Student Code of Conduct* that the respondent is alleged to have violated.

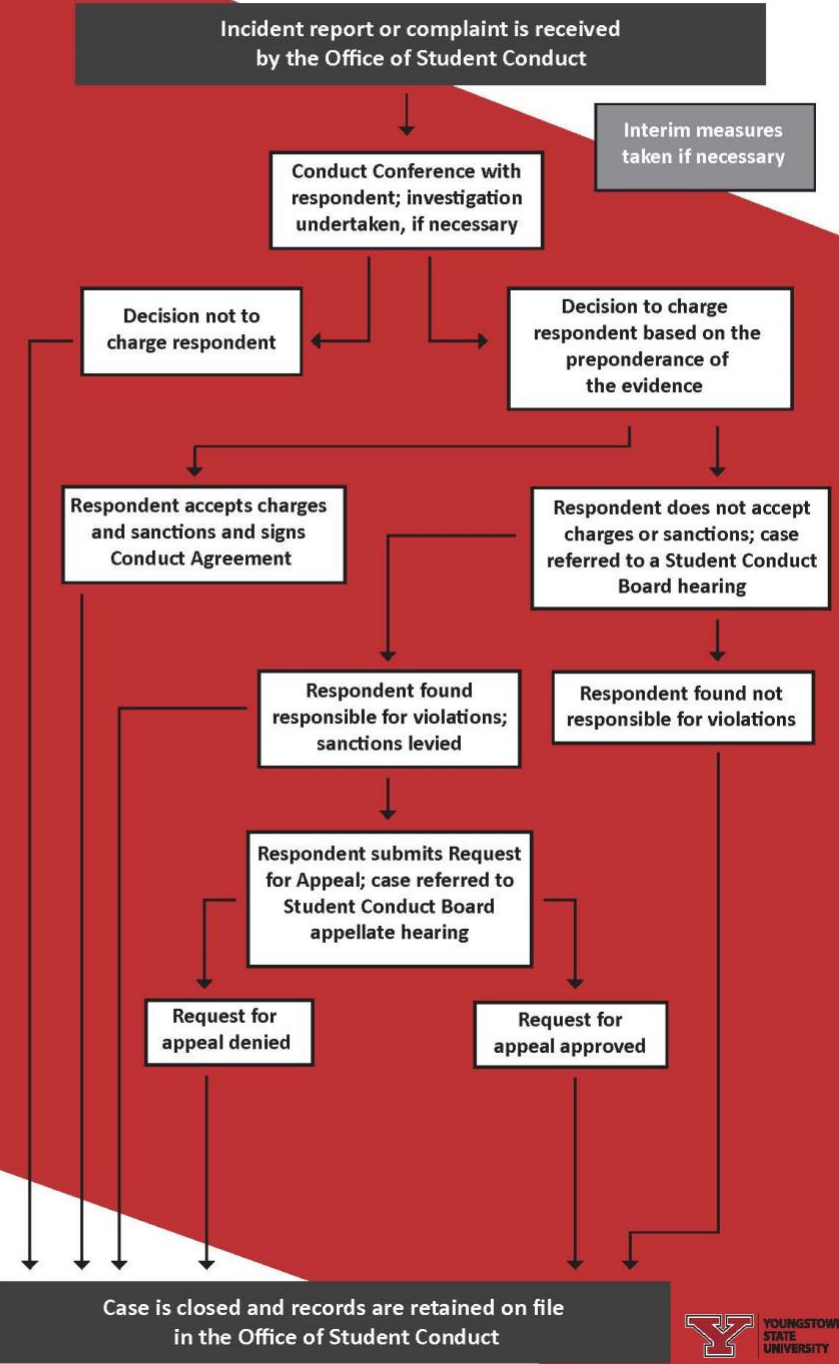
*Preponderance of the evidence* is met when it is determined that it is more likely than not that the alleged violation occurred.

*Sanctions* are the penalties, restrictions, or requirements assessed to a respondent as the outcome of a conduct case against them.

A *Conduct Agreement* is a form that a student may sign to acknowledge that they take responsibility for the charges against them and the sanctions levied upon them.

A *hearing* includes a panel of three members of the Student Conduct Board, who will weigh all information presented and determine an outcome for the case.

A *Request for Appeal* can be submitted by a respondent, so long as it is based in one of the four grounds for appeal outlined in *The Student Code of Conduct*.



## Section 8: Registered Sex Offender 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: <https://ohio.gov/residents/resources/sex-offender-search>.
- 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.

State of Ohio Offender Search

Mahoning County Offender Search

## Section 9: Emergency Response and Evacuation Notifications

### 9-1 Emergency Notifications and Processes in Determining Content; Segments; and Initiation

**Scope:** Wide focus on any significant emergency or dangerous situation (may include Clery Act crimes)

**Why:** An emergency notification is triggered by an event that is currently occurring on or imminently threatening the campus. YSU Police will initiate emergency notification procedures for any significant emergency or dangerous situation occurring on or near the campus involving an immediate threat to the health or safety of students, staff, or faculty.

**When:** Initiate procedures immediately upon confirmation that a dangerous situation or emergency exists or threatens.

It is the University's policy to immediately notify the campus community, without delay, of any confirmed significant emergency or dangerous situation which poses a threat to the health or safety of individuals including, but not limited to, an armed intruder, an outbreak of serious illness, a fire or a chemical spill on or near campus. An emergency can be confirmed by any university official (i.e. University Housing staff, a faculty member, or building coordinator) using first-hand information which may include, but is not limited to, the presence of flames, sound of gunshots, noxious odors, video feeds of the area, activation of alarms, or the presence of several injured persons. The YSU Police Chief or designee will confirm that a significant emergency or dangerous situation exists, determine the emergency notification content, identify the segments of the campus community to receive the notification, and initiate the notification system, unless doing so will, based on the Chief or the designee's professional judgement, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. YSU Police has the authority to issue emergency notifications, as it deems necessary, to maximize public safety.

For an emergency response to fires and ill or injured persons, YSU relies upon the municipal Fire Department emergency services in the city. Therefore, the Incident Commander may be a member of the local fire department. They will utilize the Incident Command System but follow their own agency's policies and procedures while responding to the emergency. An Incident Commander has the authority on scene and should be consulted to determine the content of the notification. There are other local, county, state and federal agencies which may be consulted during an emergency, such as FEMA during a dangerous weather event, or the Public Health Department to confirm a serious virus outbreak.

A determination regarding what segment of the campus community will receive the notification shall be based on the nature, severity, and location of the emergency. The same procedures will be used to notify the larger campus community.

Given the severe consequences that could result, every member of the community is encouraged to report emergencies immediately. Dial 911 to reach police. The police department answering the call will notify the police department with jurisdiction so emergency services can be dispatched. Your first priority is to get to safety; your second priority is to call 911.

Depending on the nature of the emergency, methods that may be used include:

- **PenguinAlert:** Allows the university to notify students and employees via text message and email. (Responsibility: YSU Police and Office of Marketing and Communications)
  - Penguin Alert is the emergency notification system for Youngstown State University. It is used by YSU as a way to instantly reach mobile devices when an urgent situation needs to be communicated. In the event of an emergency, a message will be sent to the mobile number and/or email registered with the system. This service is provided by YSU at no cost; however, message and data rates may apply.
  - To sign up for the PenguinAlert, visit <http://alert.ysu.edu>
- Campus-wide mass communications and alarm system
- YSU homepage
- My YSU Portal
- Campus Marquees
- Social Media
- WYSU-FM WYSU 88.5
- News Media

All YSU email addresses are automatically subscribed to receive emailed emergency notifications, My YSU webpage alerts, and digital bulletin board posts. Because each situation will present individual challenges, some or all of these communication methods will be used in an emergency. Follow-up messages to the university and broader audiences such as parents and alumni will be sent as needed.

Depending on the severity of the incident, YSU Police has the authority to send an emergency notification without prior approval. If the incident is a large-scale emergency, as determined by the incident commander – typically the top fire or police official at the scene – the incident commander will be responsible for making these decisions. 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. There will be a continual assessment of the situation, and if it is warranted, additional segments of the campus community may be notified.

For messages, other than those sent by YSU Police, the Director of Marketing and Communications or designee can determine the content of the notification. While YSU Police are the primary agency confirming significant emergencies on campus via notifications from 911 calls or personal observations by its officers or other security personnel, other departments at YSU such as Risk and Emergency Management or Environmental Health and Safety may also confirm a significant emergency.

The notification system's purpose is to provide brief and immediate instructions to the campus community and to provide other resources where additional information can be obtained. YSU Police work closely with surrounding police agencies to help facilitate the sharing of incidents reported to them that might constitute the issuance of an emergency notification.



**Confirming a significant emergency or dangerous situation exists:**

The YSUPD will receive information (calls to dispatch, emergency phones, fire alarm) about an incident and then send an officer, and or the shift supervisor to the location of the reported incident. Once on scene, the officer and or shift supervisor will confirm that there is a significant emergency or dangerous situation and relay the information back to dispatch, who will in turn notify the Lieutenants and Chief of Police.

**Determining the appropriate segment(s) of the campus that will receive the notification:**

Once the significant emergency or dangerous situation has been confirmed, the Chief of Police or Lieutenant immediately will determine the content of the notification and authorize (initiate) an emergency notification be sent to the affected area and or surrounding areas of the campus that may be affected by the situation. This could be a small segment of campus (the immediate affected area) or the entire campus. This is accomplished by using the paging system (addressing the affected and surrounding segment) to mass email and PenguinAlert (addressing the entire campus).

The emergency notification information will be disseminated to the larger community via statements from the YSU Chief of Police, University Marketing and Communications or Chief Information Officer via local media outlets, social media, or the YSU website.

The content of the notification will depend on the situation. Generally, the content will indicate the situation, the location of the situation, to avoid the area of the situation, and situation specific information. There will also be follow up information sent regarding the situation.

<b>Process</b>	<b>Responsible</b>	<b>Specifically</b>
Confirmation of significant emergency/situation	YSU Police	Officers/Command Staff
Determining segments to receive notification	YSU Police	Command Staff
Determining content of notification	YSU Police	Command Staff
Initiating Notification	YSU Police	Command Staff

Before or while YSUPD personnel confirm the existence of an emergency or dangerous situation, the Communications Center personnel will notify first responders and will request their assistance at the scene. First responders called to a scene typically are the University Police. Depending on the nature of the incident, other Ohio State departments or other local, state, or federal agencies could be involved in responding to the incident. Youngstown State University Police will work in cooperation with these agencies to manage the incident.

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.

**Emergency Procedures**

Emergency and evacuation procedures are disseminated with the annual security and fire safety report notification. They can be found at <https://ysu.edu/eohs/emergency-procedures>.

## 9-2 Tabletop Exercises, Tests, and Drills

Youngstown State University completes a test of its Emergency Response and Comprehensive Emergency Management Plan at least once per year. The CEMP (Comprehensive Emergency Management Plan) is activated and is tested during the exercise. This included a test of the Penguin Alert notification system. The test messages will go out to the entire campus community registered in the system. If you did not receive the alert, go to [alert.yosu.edu](http://alert.yosu.edu) and register to receive these important alerts.

Tests and drills are coordinated by the YSU Police Department along with various other campus departments at least once per year. The purpose of drills is to familiarize the campus community with emergency procedures. These tests, drills or scenarios may be either unannounced or announced. Tests and Drills are documented; indicating a description of the test or drill, the date and times it took place, who was involved, what was done, the outcome, a critique of the drill, and whether it was announced or unannounced to the campus community.

In conjunction with the exercises, evacuation procedures will be included in an email regardless if the test is announced or unannounced. The email will include how to evacuate from the campus and will include the campus evacuation map. This information is also included in the Departmental Emergency Operation Plans. The Exercise is documented recording the date, time, description, people/departments involved, and whether the exercise was announced or un-announced.

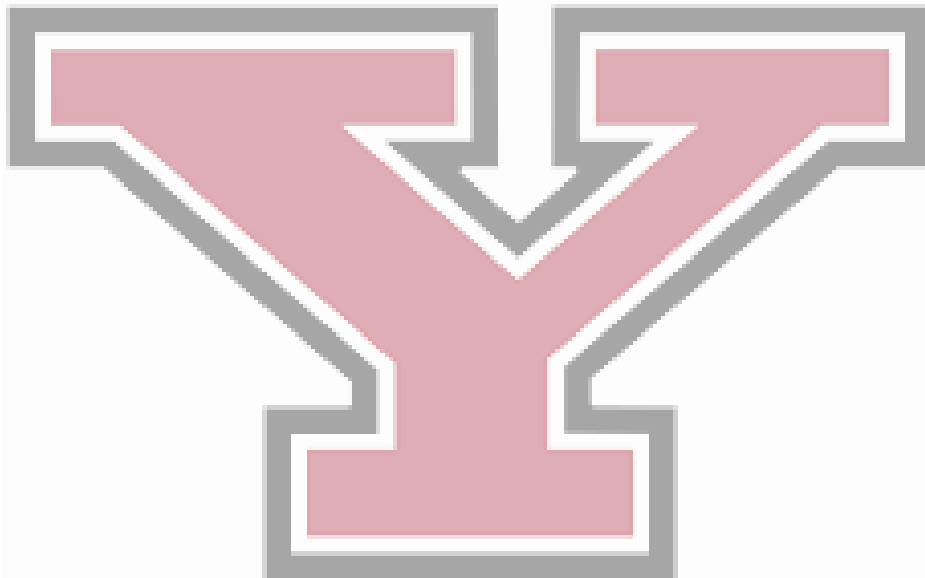
Annual Fire Safety Report

**YOUNGSTOWN STATE UNIVERSITY**

**ANNUAL FIRE SAFETY REPORT**

**2024**

**Statistics for 2023, 2022, and 2021**



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## F-1 Fire Statistics for 2023, 2022, and 2021

Facility	Property Owned by YSU/Managed by YSU	Year	Fire Incident	Cause	Injuries	Deaths	Value of Damage \$
Cafaro House 205 Madison Ave.	Yes/Yes	2023	0		0	0	
		2022	0		0	0	
		2021	0		0	0	
Flats at Wick 139 Madison Ave.	No/No	2023	0		0	0	
		2022	0		0	0	
		2021	0		0	0	
Kilcawley House 111 University Plaza	Yes/Yes	2023	0	Smoking <sup>2</sup>	0	0	\$0-100
		2022	0		0	0	
		2021	1		0	0	
Lyden House 251 Madison Ave.	Yes/Yes	2023	0		0	0	
		2022	0		0	0	
		2021	0		0	0	
University Courtyard 100 Building 91 Wick Oval	Yes/Yes	2023	0	Arson <sup>1</sup>	0	0	\$1000-9999
		2022	1		0	0	
		2021	0		0	0	
University Courtyard 200 Building 93 Wick Oval	Yes/Yes	2023	0		0	0	
		2022	0		0	0	
		2021	0		0	0	
University Edge Building 1 348 West Rayen	Yes/No	2023	0		0	0	
		2022	0		0	0	
		2021	0		0	0	
University Edge Building 2 351 Lincoln Ave.	Yes/No	2023	0		0	0	
		2022	0		0	0	
		2021	0		0	0	
University Edge Building 3 260 Fifth Ave.	Yes/No	2023	0		0	0	
		2022	0		0	0	
		2021	0		0	0	
Weller House 656 Wick Ave.	Yes/Yes	2023	0		0	0	
		2022	0		0	0	
		2021	0		0	0	
Wick House 656 Wick Ave.	Yes/Yes	2023	0		0	0	
		2022	0		0	0	
		2021	0		0	0	

The Enclave <i>310 Wick Ave.</i>	Yes/No	2023	0		0	0	
		2022	0		0	0	
		2021	0		0	0	

Arson<sup>1</sup>: The arson was a result of a student setting fire to various papers and paper towels in the corner of the room.

Smoking<sup>2</sup>: A cigarette ignited material in the room.

## F-2 University Housing Facilities Fire Safety Systems and Future Improvements

Facility	Year	Fire/Evacuation Drills/Year	Fire Alarm System/Monitoring	Sprinkler System	Fire Extinguishers
Cafaro House <i>205 Madison Ave.</i>	2023	4	Yes/ YSUPD	Yes	Yes
	2022	4			
	2021	4			
Flats at Wick <i>139 Madison Ave.</i>	2023	0	Yes/ Howland Alarm	Yes	Yes
	2022	0			
	2021	0			
Kilcawley House <i>111 University Plaza</i>	2023	4	Yes/ YSUPD	Yes	Yes
	2022	4			
	2021	4			
Lyden House <i>251 Madison Ave.</i>	2023	4	Yes/ YSUPD	Yes	Yes
	2022	4			
	2021	4			
University Courtyard 100 Building <i>91 Wick Oval</i>	2023	2	Yes/ YSUPD	Yes	Yes
	2022	2			
	2021	2			
University Courtyard 200 Building <i>93 Wick Oval</i>	2023	2	Yes/ YSUPD	Yes	Yes
	2022	2			
	2021	2			
University Edge Building 1 <i>348 West Rayen</i>	2023	0	Yes/ Howland Alarm	Yes	Yes
	2022	0			
	2021	0			
University Edge Building 2 <i>351 Lincoln Ave.</i>	2023	0	Yes/ Howland Alarm	Yes	Yes
	2022	0			
	2021	0			
University Edge Building 3 <i>260 Fifth Ave.</i>	2023	0	Yes/Howland Alarm	Yes	Yes
	2022	0			
	2021	0			
Weller House <i>656 Wick Ave.</i>	2023	4	Yes/ YSUPD	Yes	Yes
	2022	4			
	2021	4			
Wick House <i>656 Wick Ave.</i>	2023	4	Yes/ YSUPD	Yes	Yes
	2022	4			
	2021	4			
The Enclave <i>310 Wick Ave.</i>	2023	0	Yes/ Howland Alarm	Yes	Yes
	2022	0			
	2021	0			

Youngstown State University maintains a prioritized list of projects to upgrade older fire systems, enhance the capabilities of existing systems, or install new systems in existing buildings while providing comprehensive maintenance and testing schedules.

### F-3 University Housing Policy Regarding Appliances, Smoking and Open Flames

Each resident room is equipped with a micro/fridge unit. Additional refrigerators or microwaves are not permitted. Other cooking appliances are prohibited, with the exception of Keurig (or Keurig-like) systems, hot air popcorn poppers, hot pots and toasters, which are permitted. Each residence hall has a kitchen. It contains a stove, oven, and refrigerator. You are responsible for cleaning the kitchen when you are finished using the space. If you are irresponsible regarding fire safety (repeated fire alarms due to burnt food), you may be subject to disciplinary action.

The following items are prohibited and include, but are not limited to, hot plates, microwave ovens (except as provided by University Housing), space heaters, air conditioners, refrigerators, toaster ovens, extension cords, halogen torchiere' lamps (above 50 watts) and George Foreman grills. Equipment not in compliance with safety standards will not be permitted in rooms. If you have a question about an item, you should ask your RA or Housing Coordinator prior to storing it on-campus. Additionally, you may not burn or ignite any object. Candles, incense, and the like are fire hazards and are prohibited. Live Christmas trees are also prohibited. E-cigarettes, vape pens, and hookahs are not permitted due to the sensitivity of our fire safety equipment and YSU's status as a smoke and tobacco-free campus. To view the resident handbook, you can visit the University Housing website [https://ysu.edu/housing-and-residence-life/ysu-2020-2021-resident-handbook - fire hazards](https://ysu.edu/housing-and-residence-life/ysu-2020-2021-resident-handbook-fire_hazards).

### F-4 Evacuation Procedures

All persons are required to evacuate from and exit the building any time the fire or evacuation alarm sounds; an evacuation announcement is made; or a university official order you to evacuate. When evacuating, remember to:

- Close any open windows in your room.
- Take jackets or clothing needed for protection from the weather if it is safe to do so.
- Feel the top of your door for heat before opening it.
- Stay low and open the door slowly checking for signs of smoke or fire in the corridor.
- Proceed quickly to the nearest exit.
- Move away from the building, and stay clear of equipment and personnel working to fight the fire.
- If you have information about the emergency or individuals who need assistance with evacuation report it to emergency responders.
- If you are unable to exit the building due to disability or fire conditions, take refuge to a safe location and call 911 from your cell phone or campus phone. If possible, signal out a window to emergency responders.

When a Fire Alarm Sounds:

- Evacuate the building immediately via the nearest available exit. Go to a location out of the path of emergency response vehicles, away from fire hydrants, approximately 50 feet away from the building, and account for the people that are in your room or suite. If you know that someone is unable to evacuate the building, relay that information to emergency responders.
- If you cannot evacuate the building due to mobility impairment, the intensity of the fire, or smoke, then shelter in place by:
  - Closing the doors to the room you are in.
  - Calling 911 to give your location and information.
  - Stopping all cracks (e.g., with wet towels) to block smoke.
  - Open window to the outside for fresh air, and stay next to the floor to avoid breathing hot gases and smoke.
- In order to slow the spread of the fire, doors and if possible, windows should be closed during the evacuation.
- Do not use elevators, use the building stairwells.
- Do not re-enter the building or return to your room until the all-clear signal is given by the YSU Police Department, or Youngstown Fire Department.

## F-5 Fire Safety

Resident assistants are trained each year in fire safety during RA training. Every resident is required to review and comply with the requirements outlined in the student housing handbook which includes information on fire safety and actions to take during a fire alarm or fire emergency. There are evacuation maps posted on each floor of the dormitories and referenced in this report. Illegal or unauthorized use of any fire-warning or fire-fighting equipment on university-owned or controlled property is prohibited. All fires must be reported to YSU Police or Residence Life staff. The fire alarm should be sounded, regardless of the nature and the size of the fire. The building will be evacuated each time an alarm sounds, even if a false alarm is suspected. You should not return to the building until an authorized all-clear signal is given or you are told by a police officer that you can return.

If you use a fire extinguisher for any purpose, you must report it to Residence Life Staff so that the extinguisher can be refilled. Tampering with or disabling smoke detectors is prohibited. You should familiarize yourself with all building exits so that you can vacate the building by the nearest exit. Two fire drills will be conducted each semester. Failure to evacuate the building during a fire alarm or drill may result in disciplinary action.

All on-campus student housing rooms are equipped with smoke alarms that are connected to the building fire alarm system for power and monitoring purposes. The campus dorms such as Kilcawley House, Lyden House, Cafaro House, Weller House and Wick House are all monitored by the YSU Police Dispatch Center. Apartment style dorms such as the Enclave and the University Edge are monitored by an alarm company who will notify the YSU Police. The facilities have automatic sprinkler systems and audible and visual fire signaling appliances.



Report malfunctioning smoke alarms or fire equipment to Facilities Management by calling (330) 941-3239. Covering, removing, or tampering with a fire safety device is against university policy and State law.

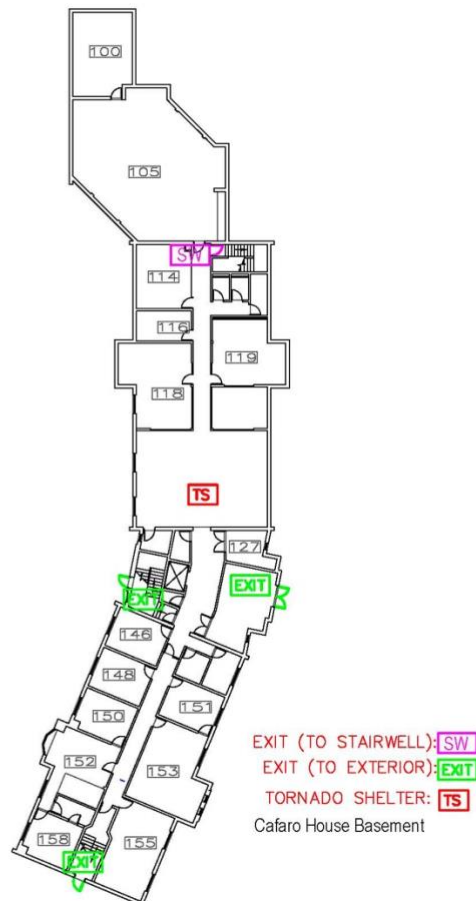
### F-6 Reporting Fires on Campus

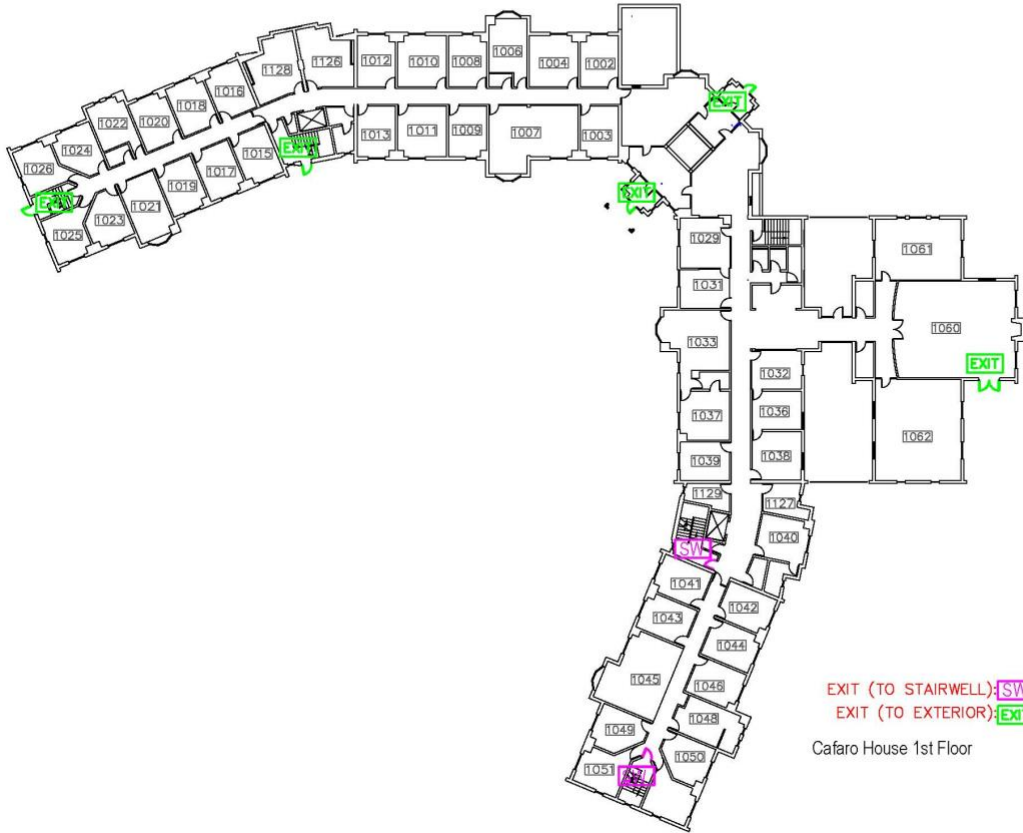
If you discover a fire, immediately report it to the YSU Police by calling 911 from a campus phone or (330) 941-3527 from your cell phone.

- Activate the building fire alarm via the nearest pull station. The pull stations are strategically located near all of the doors.
- Assist any person in immediate danger to safety, if that can be accomplished without risk to you or other persons.
- Do not try to fight large fires yourself; call 911 and be prepared to give your name, location, and fire information. If the fire is small enough and you know how to properly use a fire extinguisher, you may use a nearby fire extinguisher to control and extinguish the fire after calling 911 and sounding the building alarm.

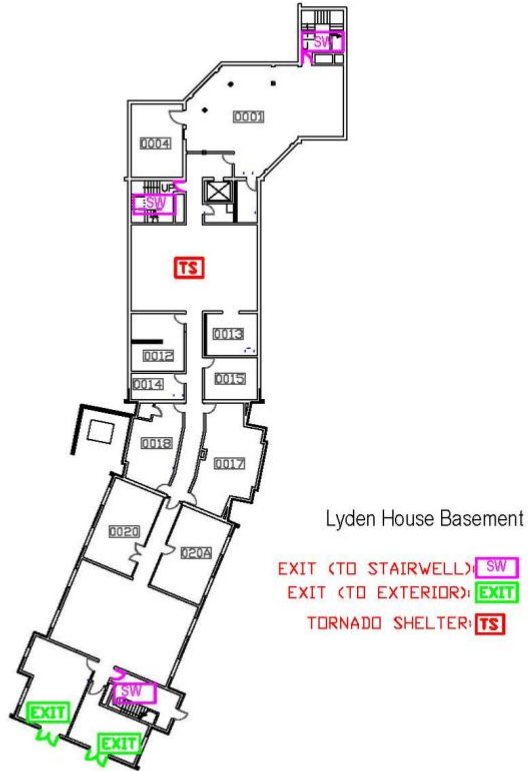
### F-7 Building Evacuation Maps

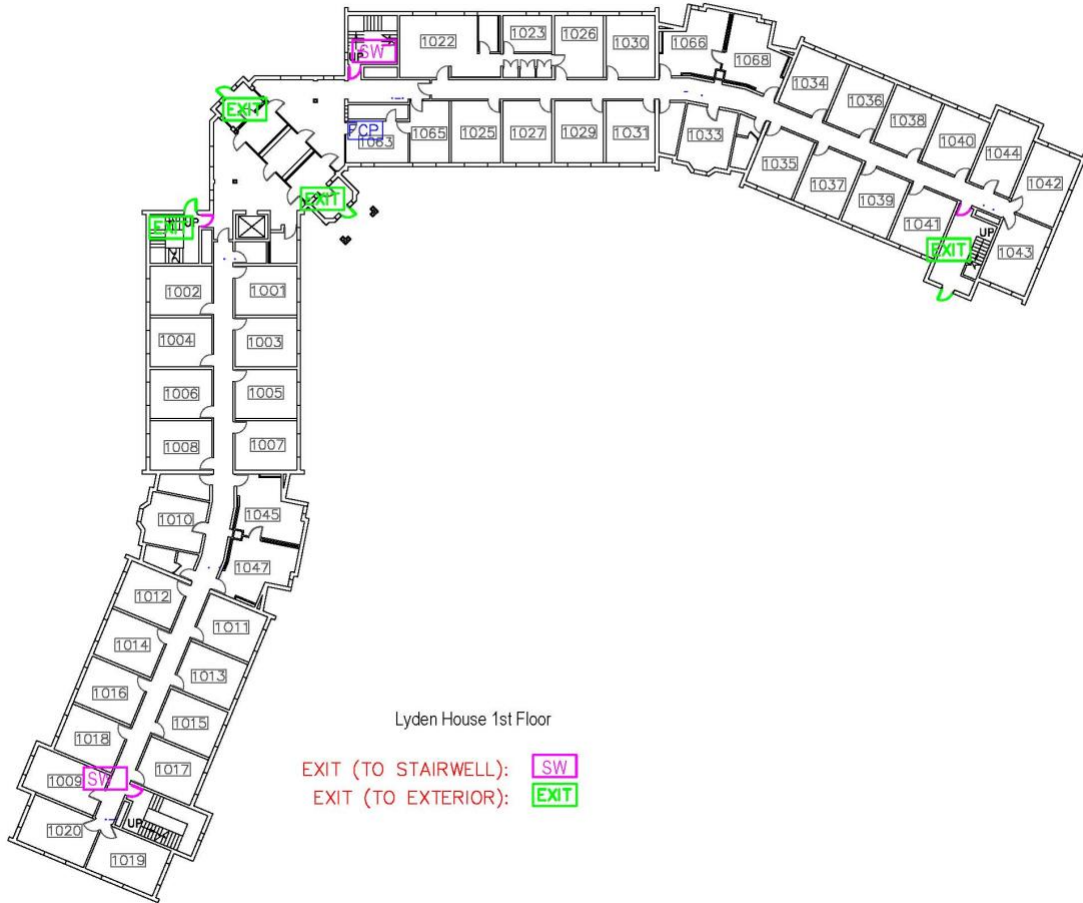
The map is provided to illustrate the building exits. You should familiarize yourself with the exits on your floor as well as the main building exits and alternative exits.

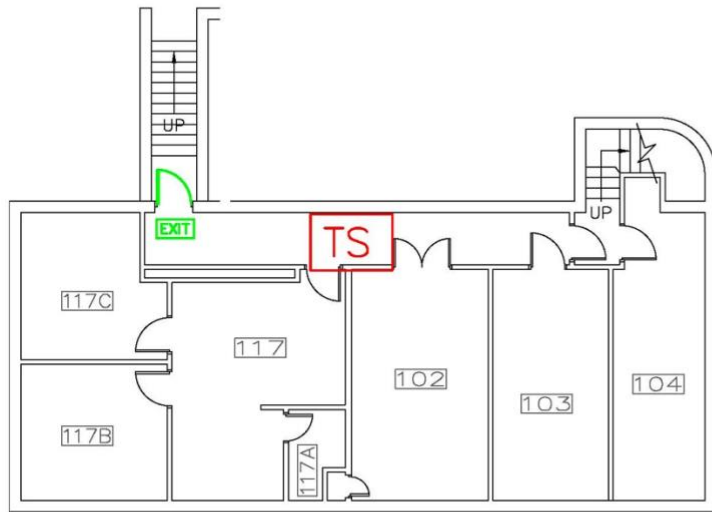




EXIT (TO STAIRWELL): SW  
EXIT (TO EXTERIOR): EXIT  
Cafaro House 1st Floor







Weller House 1st Floor

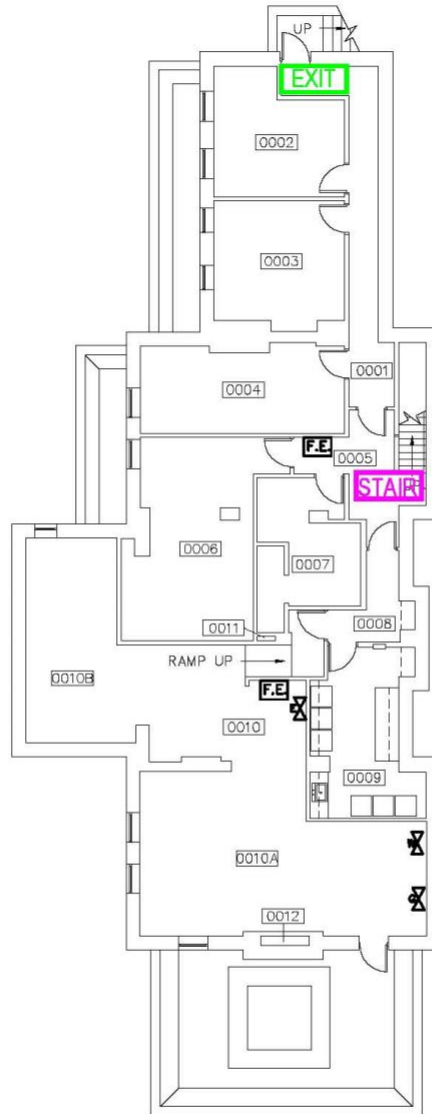
EXIT (TO EXTERIOR): **EXIT**

TORNADO SHELTER: **TS**

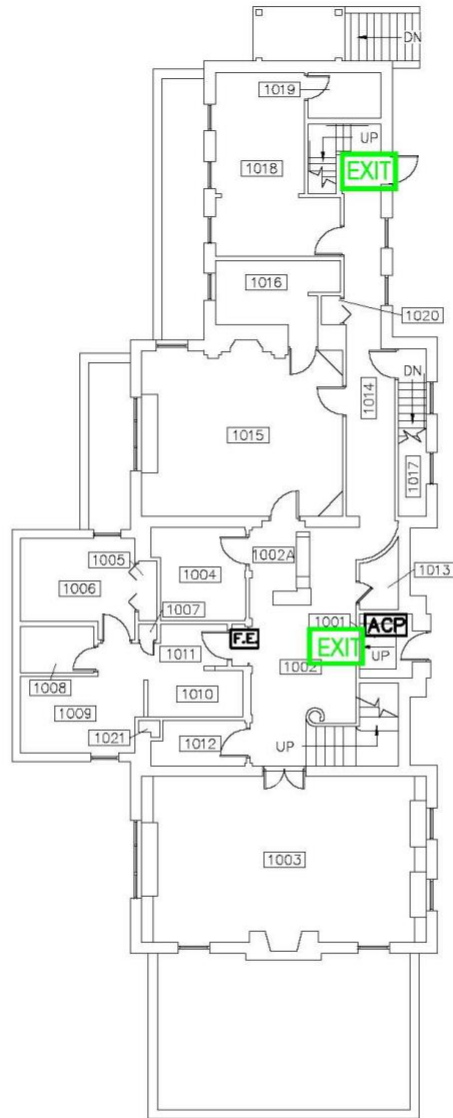
Weller House 2nd Floor  
EXIT (TO EXTERIOR): EXIT



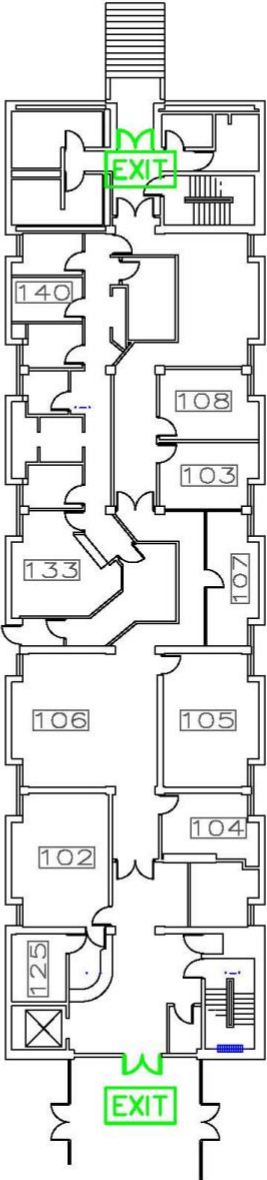
### Wick House Basement



### Wick House 1st Floor



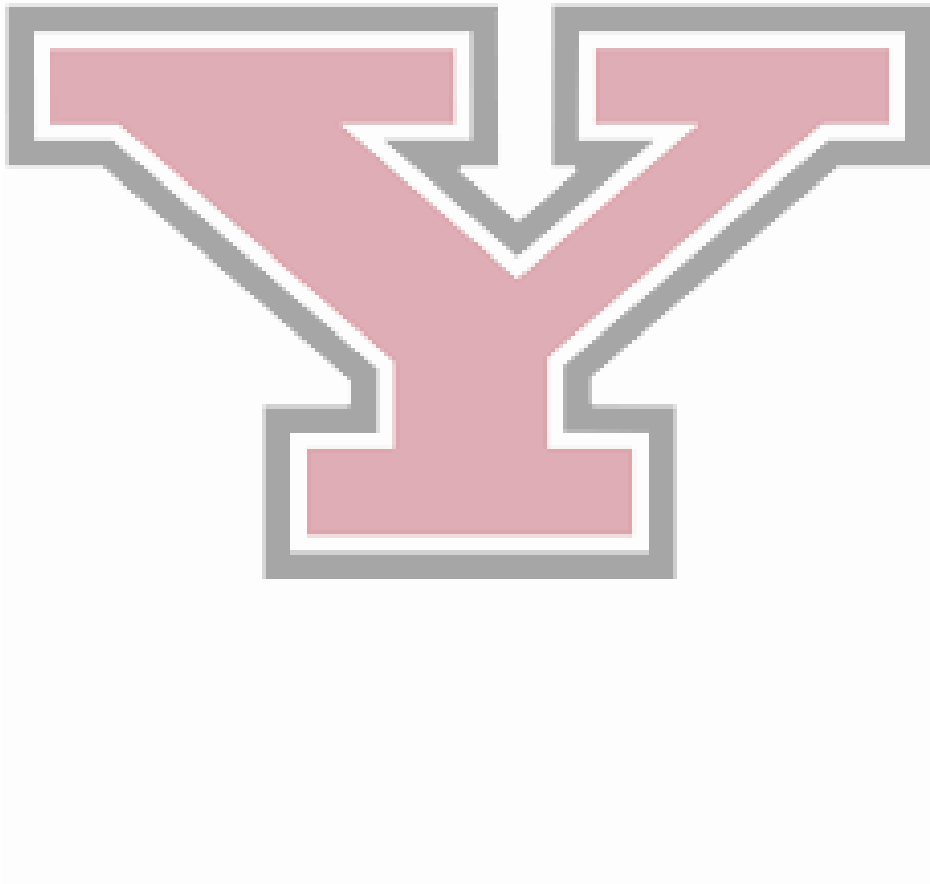




Kilcawley House 1st Floor

EXIT (TO EXTERIOR): **EXIT**

# Fire and Life Safety Guide



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FS-1 Introduction

Youngstown State University is committed to providing an environment that is safe for its students, faculty, staff, and visitors. The University is also committed to protecting its property through effective fire prevention, protection, preparedness and response. The purpose of this guide is to assist the university community in working together to maintain an environment that reduces the risk of fire hazards.

This guide will outline how Youngstown State University proposes to safeguard life and property from the hazards of fire and explosion arising from storage, handling, or materials, and from conditions hazardous to life and property.

FS-2 Responsibility

Each individual must follow the fire safety and emergency evacuation procedure specific for their area and any specific instructions given by emergency personnel. **All fire or smoke related incidents, regardless of their size must be reported to the YSU Police by dialing 9-1-1 or by calling 3527.**

FS-3 Important Contact Information

Youngstown State University Facilities Management.....	(330) 941-3233
Environmental Health and Safety.....	(330) 941-3700
YSU Police.....	(330) 941-3527
Clery Compliance/Campus Safety.....	(330) 941-7496

## FS-4 Fire Response Procedure

In case of a fire or fire alarm activation, the following procedure is to be followed. Use the RACE procedure as described below.

### **If you discover a fire or smoke condition; remember to RACE:**

- **R**escue any person in immediate danger, do not place yourself in danger.
- **A**larm; pull the fire alarm to alert the building occupants.
- **C**onfine the fire by closing all doors, where possible. Turn off electric and gas equipment as you evacuate if possible.
- **E**xtinguish small fire using a fire extinguisher, if trained on its use. Remember to PASS.
  - Pull the Pin.
  - Aim at the base of the fire.
  - Squeeze the handle.
  - Sweep from side to side.
- Report the incident to the YSU Police by calling 911 or (330) 941-3527 from a safe location.
- Report any discharged fire distinguishers and any first-hand information you may have.

### **If you hear or see a fire alarm signal or announcement:**

- Follow the announcements on the PA system or instructions from emergency personnel.
- Evacuate or stand by and stay alert as instructed on the PA system.
- Follow the exit signs; use stairs, do not use the elevators.
- Wait outside in the designated assembly areas or at least 50 feet or more away from the building as instructed.
- Only re-enter the building after the “all-clear” signal is given by emergency personnel.
- Remember, **NEVER IGNORE THE FIRE ALARM!** Evacuation is mandatory unless emergency personnel tell you otherwise.

### **Procedures for people with disabilities:**

- All occupants: report the presence of any person with a disability in the building to the YSU Police or to the fire department.
- Do not use the elevators unless assisted by emergency personnel.

### **Using a fire alarm pull station:**

Typically, pull stations are placed near exits, corridors, and stairwells. The stations are red, marked “FIRE ALARM”, and have a center handle that you pull to activate the alarm. In case of fire or smoke, just pull it down as indicated. An alarm will sound and an announcement will follow providing instruction and alert tones. The system will be activated automatically when a heat or smoke detector senses a fire or smoke condition. Once the alarm is activated, notification will go to the YSU Police Dispatch Center and to the Youngtown Fire Department.

To ensure the system will protect you, know where at least two stations are located in your area. Keep pull stations free of obstructions, and clearly visible at all times. Report any fire alarm concerns or repair requests to the YSU Police (330) 941-3527.

### **Clothing fire and burn injury response:**

The first few minutes of a burn injury can make a difference in the severity of the injury.

- Stop the burning process and remove the source of heat. If clothing catches fire, **STOP, DROP, and ROLL** to smother the flames.
- Remove all burned clothing as it may retain heat and cause a deeper injury. If clothing adheres to the skin, cut or tear around adherent area to preserve good tissue.
- Pour cool water over the burned areas. Keep pouring the cool water for at least 3-5 minutes or 30-40 minutes for a chemical injury. Do not pack the burned areas in ice; this can worsen the injury and introduce hypothermia.
- Remove all jewelry, tight clothing, etc. from the burned areas; swelling of burned areas occurs immediately.
- Do not apply ointments to wounds. This may cause infection due to their oil base and worsen wounds.
- Cover burns with a clean dry dressing, bandage or sheet.
- Keep the victim alert, and seek medical attention as soon as possible by calling YSU Police at (330) 941-3527 or by dialing 911.

### **Fire or smoke incident reporting:**

Students, faculty, staff, and visitors must immediately report all fire or smoke incidents regardless of size or type to the YSU Police by calling (330) 941-3527 or 911. **This notification must be made whether or not the fire has already been extinguished.** The scene should not be disturbed by removing any items from the fire or smoke scene without prior approval. This ensures that no evidence critical in the investigation will be lost or destroyed. The area affected cannot be re-occupied until emergency personnel give the “all clear” signal. If you have specific emergency related information, share it with the responding fire department or emergency personnel.

### FS-5 Preparedness for Fire Emergencies

Upon discovering a fire or smoke condition or upon hearing the fire alarm, each building occupant should follow the instructions as noted on the posted evacuation floor plans, department emergency plans, or emergency personnel. Emergency procedures may require total, partial, or campus evacuation. Shelter in place procedures may also be utilized depending on the situation. Event information will be relayed using the PenguinAlert or paging system. You should familiarize yourself with your area and building. There is a general emergency plan for all campus departments to follow; you can find the department emergency plans can be found here <https://ysu.edu/ehs/emergency-response>.

### **Fire Drills**

Fire drills are conducted to provide an opportunity for students, faculty, staff, and emergency responders to become familiar with the building fire safety features, to practice emergency procedures, and to ensure the efficient and safe use of exits.

An unscheduled fire alarm evacuation is not considered a fire evacuation drill. All deficiencies identified during the drills will promptly be addressed. All building related fire alarm issues should be reported to university facilities maintenance or the YSU police department.

### **Fire Extinguishers**

Portable fire extinguishers of appropriate type and size are provided as required in all areas. Extinguishers are inspected, tested, maintained and documented as required by the Ohio Fire Code. University Facilities Management ensures compliance with this requirement as applicable. Fire extinguishers are provided throughout all university buildings for use by students, faculty, and staff who know how to use them properly.

### *Safety Precautions*

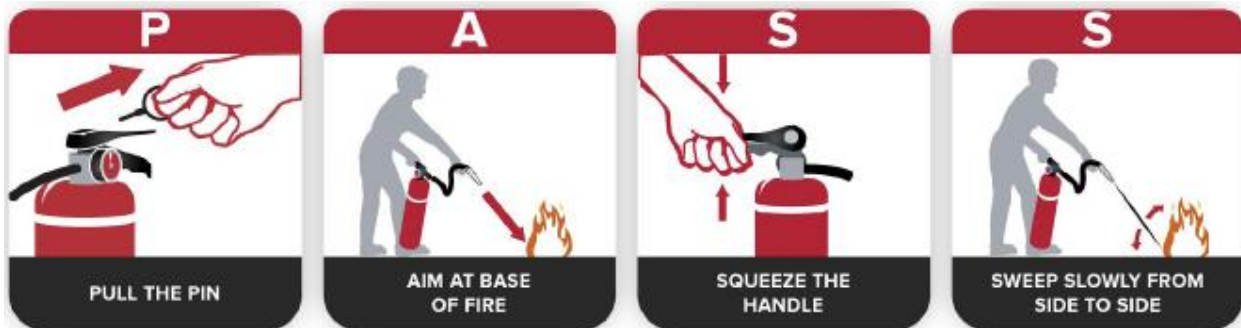
- Before using a fire extinguisher, always pull the building fire alarm.
- DO NOT attempt to use a fire extinguisher if the fire is large and spreading. Use it only for small fire defense such as a wastepaper basket.
- Do not use the fire extinguisher if the lock pin is tampered, the cylinder is damaged, or the pressure gauge is pointing to “recharge”.
- Do not use the fire extinguisher if you are not confident about using it.
- Read the extinguisher label to ensure it is the right type for the kind of fire at hand. The label indicates one or more of the fire classes and symbols, and specific applications for which it can be used.
- Protect yourself at all times.
- Never block your escape route.
- Stay low; avoid breathing the heated smoke and fumes.
- If the fire cannot be controlled, get out immediately to safety.

## Fire Extinguisher Types

Class	Symbol	Application	Identification/Description
<b>A</b>	Letter "A" in triangle	Ordinary combustibles. (e.g., wood, paper, cloth)	Stainless steel cylinder body with pressure gauge. Cools fire with pressurized water. Do not use for flammable liquids (B) or electrical (C) fire.
<b>B</b>	Letter "B" in square	Flammable liquids/gases. (e.g., gasoline, oil, paint)	Red cylinder body and horn, no gauge. Deprives the fire reaction of oxygen with carbon dioxide. Home kitchen fire use.
<b>C</b>	Letter "C" in circle	Energized electrical equipment. (e.g., powered appliances)	Interrupts chemical chain reaction. Both carbon dioxide and ABC type extinguishers can be used.
<b>ABC</b>	A, B, and C	All of the above applications. Multipurpose ABC, home use	Red cylinder body. Interrupts chemical chain reaction of fire with dry chemical powder. Most commonly used.
<b>K</b>	Letter "K"	Commercial cooking, deep-frying with oils and fats. Minimum rating: 2A: 1B: C: K	Stainless steel cylinder body with long safety wand. Cool and interrupts chemical reaction. Uses wet chemical with fine mist application. Relatively new.
<b>AC</b>	Water Mist Letter "A" Letter "C"	Trash, wood, paper, and electrical equipment. For clean rooms; minimum rating 2A: C	White paint finish cylinder with long safety wand. Preferred for clean rooms, telecom, electronics equipment areas. Relatively new.

### How to Use a Fire Extinguisher

- Position yourself as a safe distance from the fire.
  - 8-10 feet for ABC type unit.
  - 5-7 feet for CO2 unit.
  - 20-25 feet for pressurized water unit.
- Remember the **P-A-S-S** procedure:
  - **P**ull the pin: This unlocks the operating lever and allows discharge of the extinguisher.
  - **A**im low: Point the extinguisher nozzle at the base of the fire.
  - **S**queeze and hold the handle to discharge the extinguishing agent.
  - **S**weep slowly from side to side while depressing the handle.
- Move closer carefully as the fire gets smaller and as you continue spraying.
- Watch the fire area until it has completely cooled down.
- Report discharged extinguishers to your immediate supervisor, university facilities management, or the YSU Police.



## FS-6 Building Fire Protection Systems

### Fire Alarm Systems

As you walk in the hallways on your way to an exit; and usually near the stairwell door; you should locate at least one fire alarm pull station. In case of fire or smoke, always pull the fire alarm first, regardless of the size of the fire. Upon pulling the fire alarm, a tone will be heard from the speaker and verbal instructions will follow.

The alarm system will also be activated automatically when heat or smoke detector senses a fire or smoke condition, protecting both people and property even when the fire is not noticed by an individual. Once the alarm is activated, notification goes to the YSU Police Department and Youngstown Fire Department. Your awareness and prompt use of the fire alarm system can minimize the loss of life and property because of fire. To ensure maximum protection, you must:

- Evacuate whenever you hear a fire signal. ***NEVER IGNORE THE FIRE ALARM!***
- Become familiar with your building's fire alarm system and alarm notification procedures.
- Know at least two fire alarm pull stations in your area.
- Know how to activate the fire alarm.
- Report if the fire alarm is malfunctioning or is not heard properly in your area to university facilities management or YSU Police.
- Some pull stations have covers that, when lifted produce a local warning sound. ***Note that this is not the fire alarm.*** To activate the fire alarm for the building, you must still pull the handle.

### Sprinkler Systems

Sprinklers are installed in many buildings to protect both life and property. In case of a fire, each sprinkler head detects temperature in the room and begins spraying water as soon as the room temperature exceeds a predetermined value. Not all buildings are equipped with sprinkler systems. Generally, hazardous locations, storage areas, and housing facilities are equipped with these systems.

As you store materials and boxes in your area, always maintain a minimum of two feet clearance between the ceiling and the storage. This clearance allows the sprinkler head to spray water uniformly and extinguish the fire effectively. If you notice any unsafe conditions, such as a sprinkler head that is covered, painted over, or blocked in any manner, report this to university facilities management, or the YSU Police.



## **Fire and Smoke Doors**

University buildings are equipped with fire rated doors and smoke barrier doors. These doors prevent smoke and heat from traveling up stairwells and through corridors. Do not block or impede these doors.

## **Fire Hose Connections**

In some buildings there may be cabinets marked “Fire Hose” or “Fire Hose Connection”. The fire department generally connects their fire hose to this connection. This area must be maintained free of obstructions and clearly visible at all times. If you see any cabinet that is open, or hose connection that is not capped, contact university facilities management or the YSU Police.

## [FS-7 Fire Prevention](#)

### **Avoid Fire Code Violations**

The University is required to comply with the fire safety regulations enforced by the State of Ohio and Youngstown City Fire Department. Therefore, YSU is subject to various inspections by these agencies. The following tips reflect the most commonly cited violations in fire safety. Look for these items or conditions in your area.

#### ***Maintain Safe Ingress/Egress Locations and Corridors***

- Maintain all ingress/egress locations and corridors in a safe condition, available for immediate utilization and free of all obstructions or impediments for full instant use in case of fire or other emergency.
- Do not store combustibles or hazardous materials in any egress corridors.
- Maintain fire alarm pull stations, fire extinguishers, hose connections, safety showers, eyewash stations, and other emergency response equipment free of obstruction and clearly visible at all times.
- Do not use doorstops, wedges, or other unapproved hold-open devices with fire-related or smoke-barrier doors.

#### ***Maintain Safe Ceiling Clearances in All Areas***

- Maintain at least 24” clearance between all material storage and the ceiling.

#### ***Maintain Safe Chemical Storage in Labs***

- Store flammable liquids not in active use in approved flammable storage cabinet. Storage of flammable liquids is not permitted outside of an approved flammable storage cabinet in labs.
- Consult Environmental Health and Safety for a safety review.
- Keep all chemical containers that are not in use properly capped.
- Do not store any empty or full chemical bottles or containers on the lab floor without proper containment.
- Do not store flammables in standard refrigerators, freezers, or cold rooms.

- Collect hazardous waste in appropriate containers and transfer to the designated hazardous waste storage area.

***Respect the Sleeping Giants: Compressed Gas Cylinders***

- Secure all cylinders (in service or storage, full or empty) adequately with chains to prevent falling or being knocked over.
- Store excess cylinders in a separate ventilated room approved for that use.
- Ensure all cylinders are marked properly with the name of the contained gas.
- Report any damaged cylinder or valve immediately to Environmental Health and Safety (Ext. 3700).

***Electrical Safety***

- Report any defective or damaged wiring or equipment immediately to university facilities management.
- Keep all wiring away from general traffic areas and secure properly to prevent falls or trips.
- Do not use extension cords as a substitute for permanent wiring.
- Plug heavy equipment like refrigerators or freezers directly into an outlet.
- Maintain proper clearances between electrical equipment and hazardous chemical storage.

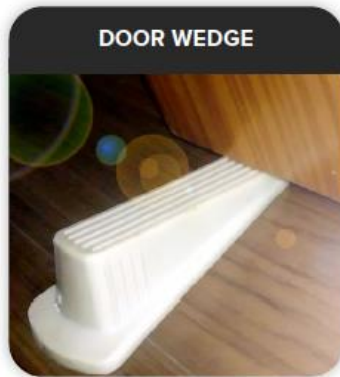
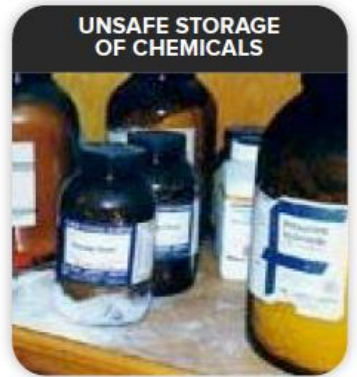
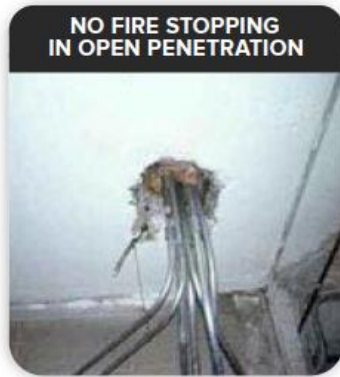
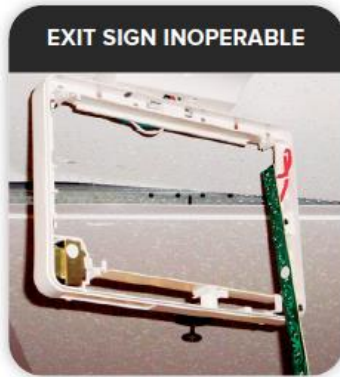
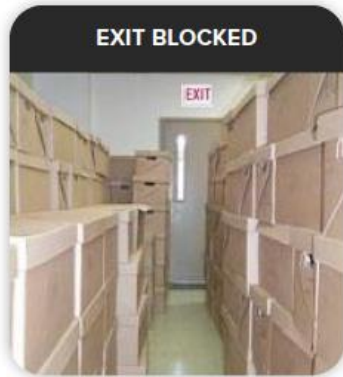
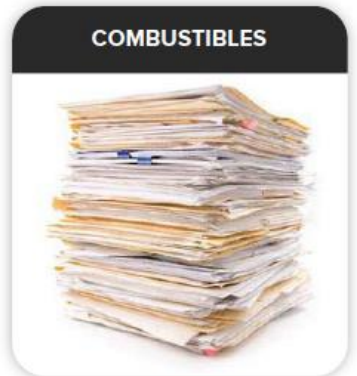
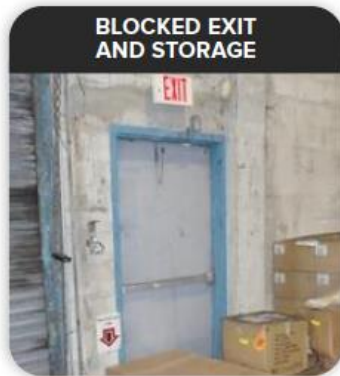
***Fire/Heat and Smoke Detectors***

- Smoke detectors are installed in your area to save life and property. If these devices are covered by plastic or other objects, report the condition to university facilities management.
- Covering or tampering with a fire apparatus or device is against the law and carries criminal penalties.

***Door Stops, Wedges, Hold-Open Devices***

- The use of doorstops, wedges, and certain types of hold-open devices are prohibited by the Ohio Fire Code.
- Where such devices are used to accomplish tasks such as moving furniture or materials through the doors, etc., they must be promptly removed once the task is completed.
- Report the use of such devices on a permanent basis in your area.
- Any individual or department creating a fire code violation by employing the use of unapproved doorstops, wedges, or hold-open devices is responsible for any fire or life safety hazards created by such use.

## MOST COMMON FIRE CODE VIOLATIONS



## **Construction, Renovation, and Demolition**

Fires during construction, renovation, or demolition operations are an ever-present threat. Inherently, greater fire potential exists on these sites because of the presence of large quantities of combustible materials, and debris, together with such ignition sources as temporary heating devices, hot work operations, open fires, and smoking by construction workers. Safety of the occupants during these projects is of great concern. Change in exit route or restricted exit, storage of materials in the corridors, restricted access to the emergency response equipment are some important things to look for. If you notice any unsafe condition, report it to university facilities management or the YSU Police Department.

## **Cooking Appliances and Sterno Heat Sources**

Cooking-related appliances utilizing gas, electric, or sterno heat, toasters, toaster ovens, hot plates, electric fry pans, woks, and crock pots are not permitted to be used inside any university building unless such use is necessary for conducting university business. Permission should be obtained from the appropriate college or unit administrative officer after consulting with university facilities management. When one or more of these appliances are used, appropriate safety precautions should be taken as outlined below. **Use of these devices in any housing unit is strictly prohibited.**

In facilities where the use of sterno heat is permitted, the following requirements must be complied with:

- When in use, sternos must be attended at all times.
- Keep all combustible materials, such as napkins and paper plates, away from any heat sources to avoid overheating or fire.
- Appropriate metal or ceramic trays must be used under the sterno cans to prevent accidental contact with any combustible material.
- Ensure that at least two individuals are trained in the use of fire extinguishers are designated to monitor any unsafe condition.

## **Holiday Trees, Wreaths, Decorations**

- Decorations and lighting must not be placed so as to obscure emergency exit paths or signs.
- All decorative materials should either be noncombustible or flame resistant, or treated with an approved fire retardant in accordance with the manufacturer's specifications, NFPA testing criteria.
- Live trees, natural wreaths, and other live greens are **not permitted** indoors in any university building or facility.
- Trees or decorations must not block or obstruct exits, aisles, corridors, vision panels on hallway doors, stairwells, fire extinguishers, fire alarm pull stations, exit signs, evacuation floor plans, and other emergency equipment/information.
- All decorations with powered electricity must be turned off when unattended or before leaving the area for the day.

### **Holiday Lighting**

- Carefully inspect new and previously used electrical light strips and replace damaged items before plugging set in.
- All holiday lighting and electrical decorations should be Underwriters Laboratories (UL) listed and should be plugged directly into wall-mounted outlets or UL-Listed power strips.
- Extension cords should not be used for holiday lighting. Instead, use UL-listed outlet power strips with built in fuse or circuit breaker protection.
- Electrical wires should not be extended through windows or under carpeting.
- All lighting must be turned off when unattended or before leaving for the day.

### **Candles, Incense, Open Flames**

- Candles, incense, and other objects that produce open flames or burning (outside of approved kitchens and labs) **are strictly prohibited** in all university facilities.

### **Space Heaters**

Portable space heaters can pose a major workplace fire safety hazard. Use of unapproved or unsafe space heaters- or use of space heaters in an inappropriate or unsafe manner- presents a significant fire risk. Also, if the size of the heater is too big for the area, it can be a source of pollution, energy waste and fire. Therefore, to ensure safety of life and property from the risks of space heater use at YSU, all students, faculty, and staff are required to comply with the following requirements.

- Portable space heaters are not permitted in any university owned or leased facility unless university facilities management has approved such use a temporary measure to address inadequate heating by the building's HVAC system. Space heaters should not be used as a substitute for any required repair or maintenance of the HVAC system. Where approved, only electric space heaters that meet the safety criteria are allowed.
- Space heaters of any kind are **strictly prohibited** in all laboratories, all university owned housing facilities, and all areas primarily used for the storage of combustible materials.

### **Requirements for Indoor Events**

- Use or storage of propane cylinders and propane or charcoal grills is prohibited.
- Maintain clear aisle width and keep all emergency exits accessible at all times. Avoid the use of emergency exit corridors for seating and tables.
- Observe maximum occupancy limits for specific areas.
- Maintain good housekeeping and keep areas free of clutter.

### Department Emergency Plan for People with Disabilities

<b>Department</b>	<b>Room Number and Building</b>
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<b>Supervisor</b>	<b>Email</b>	<b>Phone</b>
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Areas or Groups that should shelter in place		
Area or Group	Location	Approximate Number of People

Staff Designated as Evacuation Assistants		
Name	Room Number and Building	EXT/Email

<b>Primary Shelter-In-Place Area</b>	
<b>Secondary Shelter-In-Place Area</b>	

Plan Review and Update	
<b>Reviewed By</b>	
<b>Phone/Email</b>	
<b>Date</b>	

<b>Checklist</b>		
<b>Action Item</b>	<b>Yes/No</b>	<b>Comments</b>
1.) Department specific emergency plan for people with disabilities has been developed.		
2.) The plan has been provided to the Dean, Chair and Campus Safety Officer.		
3.) The plan has been incorporated to the Building/Department Emergency Plan.		
4.) Clear written directions have been provided to employees and students with disabilities; e.g., maps, evacuation routes, etc.		
5.) Have shown physically the path usable by the person with disabilities to arrive safely at the waiting area.		
6.) Primary Shelter-In-Place area has been identified.		
7.) Secondary Shelter-In-Place area has been identified.		

Once completed, add to your department emergency plan; and forward a copy to [whrogner@ysu.edu](mailto:whrogner@ysu.edu).