

MARIAN UNIVERSITY 2021 ANNUAL SECURITY AND FIRE SAFETY REPORT

Prepared by the Marian University Police Department and Student Affairs

THE JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT LEGAL REQUIREMENTS FOR THE ANNUAL SECURITY REPORT

The Clery Act requires universities and colleges to disclose campus crime statistics and security information. This act requires higher education institutions to give timely warnings of crimes that represent a threat to the safety of students or employees and to make public their campus security policies. It also requires that crime data is collected, reported, and disseminated to the campus community and the Department of Education. The act is intended to provide students and their families, as higher education consumers, with accurate, complete, and timely information about safety on campus so that they can make informed decisions. The Marian University Police Department and the Office of Student Affairs are responsible for preparing this institutional report.

The Clery Act requires Marian University to:

- Publish and distribute an annual security report containing three years of campus crime statistics and certain campus security policy statements;
- Keep a daily crime log and provide public access to the crime log during normal business hours;
- Provide the Marian University community with information necessary to make informed decisions about their safety by providing “emergency and timely warnings” of any crime that might represent an ongoing threat to the safety of students, employees, or visitors;
- Inform the campus community where to obtain information about registered sex offenders;
- Collect and report information regarding incidents of dating violence, domestic violence, sexual assault, and stalking that occur on the institution’s Clery Geography and are reported to a Campus Security Authority or to local law enforcement agencies;
- Disclose statistics of such incidents in their Annual Security Reports (ASRs) and the Campus Safety and Security Survey and to maintain credible documentation that substantiates the institution’s crime statistics;
- Have policies and procedures for victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the institution’s crime statistics;
- Clarify the very limited circumstances in which an institution may remove reports of crimes that have been “unfounded” by law enforcement officials and require institutions to report to the Department and disclose in the ASR the number of crimes that were “unfounded” and subsequently withheld from their crime statistics;
- Provide information on culturally relevant, inclusive prevention awareness programs to incoming students and new employees, as well as describe these programs in their ASRs. These programs must include: a statement that the institution prohibits the crimes of dating

violence, domestic violence, sexual assault, and stalking; the definitions of these terms in the applicable jurisdiction; the definition of “consent,” in reference to sexual activity, in the applicable jurisdiction; a description of safe and positive options for bystander intervention; information on risk reduction; and information on the institution's policies and procedures after a sex offense occurs;

- Provide, and describe in their ASRs, ongoing prevention and awareness campaigns for students and employees. These campaigns must include the same information as the institution's primary prevention and awareness programs;
- Define the terms “awareness programs,” “bystander intervention,” “ongoing prevention and awareness campaigns,” “primary prevention programs,” and “risk reduction”;
- Describe each type of disciplinary proceeding used by the institution in cases of alleged dating violence, domestic violence, sexual assault, or stalking; the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding; how to file a disciplinary complaint; how the institution determines which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault, or stalking; and the standard of evidence that will be used during the disciplinary proceeding;
- List all of the possible sanctions that the institution may impose following the results of any institutional disciplinary proceedings for an allegation of dating violence, domestic violence, sexual assault, or stalking;
- Describe the range of protective measures that the institution may offer following an allegation of dating violence, domestic violence, sexual assault, or stalking;
- Provide students or employees who report being victims of dating violence, domestic violence, sexual assault or stalking with a written explanation of their rights and options, regardless of whether the offense occurred on campus, including written notification of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims both within the institution and in the community, and the availability of changes to academic, living, transportation, and working situations, or protective measures regardless of whether the victim reports to law enforcement;
- Provide a prompt, fair, and impartial disciplinary proceeding in cases of alleged dating violence, domestic violence, sexual assault, or stalking in which: (1) officials are appropriately trained and do not have a conflict of interest or bias for or against the complainant or the respondent; (2) the complainant and the respondent have equal opportunities to have others present, including an advisor of their choice; (3) the complainant and the respondent receive simultaneous notification, in writing, of the result of the proceeding and any available appeal procedures; (4) the proceeding is completed in a reasonably prompt time frame; (5) the complainant and respondent are given timely notice of meetings at which one or the other or both may be present; and (6) the complainant, the respondent, and appropriate officials are given timely and equal access to information that will be used during informal and formal disciplinary meetings and hearings.

Law Enforcement Authority and Jurisdiction

Members of the Marian University Police Department support the rules and regulations of Marian

University including the Code of Student Rights and Responsibilities, the Indiana State Code, and the constitution of the United States of America. Marian University Police Department officers are required to attend the Indiana Law Enforcement Academy and have jurisdiction throughout the state of Indiana. MUPD is created and authorized under IC 21-17-5-5. The Marian University Police Department has a written memorandum of understanding with the Indianapolis Metropolitan Police Department and the Marion County Sheriff's Department.

The primary area of jurisdiction for of the Marian University Police Department shall be the geographical boundaries of the Marian University campus, adjacent properties, the Bishop Simon Brute Seminary, and any building or property owned or controlled by Marian University. MUPD's area of jurisdiction shall include the Lake Sullivan area, the Major Taylor Velodrome and all public property, including thoroughfares, streets, sidewalks, and parking facilities, that are within the campus, or immediately adjacent to and accessible from the campus. Other agencies that have jurisdictional authority within the boundaries of Marian University include, but may not be limited to, the following: Indianapolis Metropolitan Police Department, Marion County Sheriff's Department, Indiana State Police, Indiana State Excise Police, Indiana Department of Natural Resources (Law Enforcement Division); and federal agencies that have enforcement powers by virtue of the United States Code.

Daily Crime Log

The Marian University Police Department maintains a daily crime log that lists, by date reported, all crimes reported to campus police. The log is updated daily as crimes are reported. The crime log is made available for public inspection during normal business hours. To review the Daily Crime Log, contact the Marian University Police Department at 317.955.6789.

Emergency Notification and Timely Warning Notices

Marian University will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus. In the event of a suspected significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees, the Marian University Police Department Chief of Police or his designated representative will confirm that there is a significant emergency or dangerous situation and determine the appropriate segment or segments of the campus community to receive a notification. In addition, the Marian University Police Department Chief of Police or his designated representative will determine the content of the notification and initiate the notification system.

Marian University will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Emergency notifications, timely warning notices, and follow-up information will be made available via: the Campus Shield app, Marian University e-mail, Marian University residence life staff, and/or Marian University building coordinators. Marian University may not issue a timely warning based on the same circumstances; however, Marian University will provide adequate follow-up information to the community as needed. Marian University tests the emergency notification and evacuation procedure at least once per calendar year. This test may be announced or unannounced and publishes Marian University's emergency response and evacuation procedures during the test.

List of Marian University Drug and Alcohol Abuse Education Programs

- Alcohol “**e check up to go**”, an on-line tool to assist students in reflecting on their alcohol use and its potential impact on their life and work, is offered through the Counseling and Consultation Services office. Students are invited to utilize counseling services to review further.
- The Athletic Department performs random drug testing each semester.
- Resources about alcohol and drug counseling services are available to all students. Students are reminded monthly.
- The Dean of Students reminds students each semester (in writing) of the campus, state and national laws and policies regarding alcohol and drugs. This message also reminds them of the **Indiana Lifeline law**.
- Violations of campus, state, and federal laws are included in Code of Student Rights and Responsibilities and Residence Hall Policies.
- Health Services reminds students regularly about alcohol/drug interactions with prescription medicines through individual appointments.
- The Exchange discusses social media presence and alcohol/drug related content during various individual and group presentations throughout the year.
- Welcome Week events include two major programs that incorporate alcohol use and personal safety (**Dating and Relating in a Title IX World** and **Rachael's First Week**).
- Housing and Residence Life reminds students about expectations to follow all housing and university policies as well as state and federal laws through housing contracts, assignment notifications, and informational emails sent to residential students.
- Articles regarding alcohol and drug use and prevention are sent to all students **through Student Health 101**, a student newsletter, once each month.
- Examples of Larger Campus Programs Include:
 - Root Beer Kegger, Hosted by Housing and Residence Life, This program offers students the opportunity to wear “beer goggles” and interact with police officers to learn about alcohol-related impairment through a variety of active exercises and passive scenarios. Root beer floats and music are offered to encourage student attendance and engagement.
 - Alternative Break, Facilitated by Campus Ministry, This program offers students the opportunity to engage in service learning around the country and world as an alternative to traditional spring break options.
 - Annual Health Fair and Student Health Center Pop Up Tables, Hosted by Health Services and Counseling and Consultation Services, This program highlights alcohol and drug use, prevention, and education to all students.
 - Bystander Intervention Writing, Hosted by the Writing Center. This program helps students learn how to be a good bystander through considering writing prompts.
- Examples of Housing and Residence Life programs include:

- First All-Hall Meetings of the Year, Include review of alcohol and drug policies
- First Floor Meetings of the Year, Include review of alcohol and drug policies
- Bulletin Boards and Flyers, Passive programming in the residence halls includes various bulletin boards and flyers regarding alcohol and drug policies and education.

University Alcohol Policy, Section 4 Expectations and Rules, Code of Student Rights and Responsibilities

Responsibility: Marian University students are given and accept a high level of responsibility to self, to others, and to the community. Behavior that violates this value includes, but is not limited to:

Alcohol. Use, possession, or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law and university policy. (see Appendix A)

Appendix A: Alcohol

When students choose to consume alcoholic beverages, Marian University encourages responsible practices and behavior in accordance with campus policies, and the laws of the State of Indiana and the City of Indianapolis. On- and off-campus violations of university policy and local and state laws related to alcohol will result in disciplinary action.

A. General Guidelines

1. Alcohol is permitted on the Marian University campus only at (a) officially scheduled, catered events which have been scheduled through the Office of Conferences and Events; (b) in designated areas during tailgating events or other campus events as announced by the chief of university police; and (c) in designated residential living spaces where all residents of the private room and all present are 21 years of age or older.
2. Any person who is (a) intoxicated; (b) knowingly distributing alcohol to a person under the age of 21 or (c) under the age of 21 and found in possession of or consuming alcohol on campus property may face civil, criminal, and/or university disciplinary action.
3. Illegal purchase, consumption, or possession of alcoholic beverages by any student under 21 years of age is prohibited wherever it may occur.
4. Adverse behavior as a result of alcohol consumption, including disruption, disorderly conduct, and public intoxication shall be a violation of the code.
5. The sale of alcoholic beverages by any person without a license is strictly prohibited.
6. Students hosting parties where (a) minors are allowed to consume alcohol, (b) alcohol is provided to minors, (c) provided in excess to others, or (d) otherwise distributed in violation of the law are subject to sanctions outlined in the Code of Student Rights and Responsibilities up to and including suspension or expulsion from the university.
7. Drinking games and other behaviors designed for the purpose of rapid and/or excessive consumption of alcohol are prohibited.
8. Bulk alcohol containers (kegs and other bulk containers, etc.) are prohibited.

B. Residential Units

1. With respect to the service, possession, or consumption of alcoholic beverages on the Marian University campus, state statutes and city ordinances will be enforced in addition to the following regulations: residents who are of legal age to possess or consume alcoholic beverages, who reside in university-operated employee apartments/houses or university apartment/house units, and their guests of legal age may possess and consume such alcoholic beverages in the privacy of their residences.
2. Alcoholic beverages are prohibited from all substance-free living environments, regardless of a student's age. This includes but is not limited to Doyle Hall, Clare Hall, and the Dorothy Day House for Peace and Justice.
3. Consumption and possession of alcohol may be permitted in some residence halls (Drew Hall and University Hall) where residents and their guests are of legal age to possess or consume alcoholic beverages. Such use of alcoholic beverages will not be permitted in the public lounges, study lounges, recreation areas, dining rooms, or any area other than the private student rooms.
4. In rooming situations in Drew Hall and University Hall where one resident is over the age of 21 and the other resident is not yet 21 years of age, possession or consumption of alcoholic beverages is prohibited. This applies to student guests in addition to residents.
5. Alcoholic beverages are prohibited in all public areas of the residence halls. All areas in a residence hall except for private rooms are considered public areas. When the door of a private room is propped open, it is to be considered a public area.
6. No student under the age of 21 may be present where possession or consumption of alcoholic beverages is occurring within the residence halls, apartments, or houses.
7. Alcoholic beverage containers (cans, bottles, kegs, etc.) are not allowed in substance free living environments for any purpose. This includes empty or decorative containers.

Disciplinary actions for any student or guest found in violation of the alcohol policy may result in any of the sanctions noted within the code. The university will notify parent(s)/legal guardians(s) of alcohol violations under certain circumstances.

Student health and well-being is of primary concern to the university. Please see the Lifeline-Good Neighbor Policy in Appendix C regarding emergency assistance and support.

The university encourages students who are experiencing substance abuse problems to seek assistance from resources available to them on campus, as well as from agencies and self-help groups available in the community. A list of these resources is available from the Office of Health and Wellness and Counseling and Consultation Services located in Clare Hall.

University Drug Policy, Section 4 Expectations and Rules, Code Student of Rights and Responsibilities

Responsibility: Marian University students are given and accept a high level of responsibility to self, to others, and to the community. Behavior that violates this value includes, but is not limited to:

Drugs. Use, possession, or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted by the university's drug policy; (see Appendix B).

Appendix B-Drugs

The illegal or abusive use of alcohol and other drugs by members of the campus community jeopardizes the safety of the individual and the community and is contrary to the academic learning process. Marian University is committed to having a campus that is free of the illegal or abusive use of alcohol and other drugs. In keeping with this commitment, it is the policy of the university that the illegal or abusive use of alcohol and other drugs is prohibited at all times. In order to inform all university students of their responsibilities as set forth in the Drug-Free Schools and Communities Act Amendments of 1989, the following information is provided:

1. The use, abuse, possession, sale, distribution, manufacture, or transfer of narcotics, illegal drugs as defined by state or federal law, or any controlled substance is prohibited at all times. Controlled substances include, but are not limited to, marijuana, hash oil, hashish, inhalants, and abuse of over-the-counter drugs and prescription drugs, and/or the use of over-the-counter drugs or prescription drugs, or any other immediate precursor to be used to manufacture any other illegal drug, including without limitation, methamphetamine.
2. Possession or manufacture of drug paraphernalia which is to be used for any one of the following purposes: (a) to introduce into a person's body a drug, marijuana, or any controlled substance, (b) to test the strength, effectiveness or purity of a drug, marijuana, or any controlled substance, or (c) enhances, or is perceived to enhance, the physiological effect of a drug, marijuana, or any controlled substance, is also a violation of this policy.

Conduct sanctions the university may employ for violations of the university drug and alcohol policies include dismissal, suspension, probation, restitution, suspension from university housing, forfeiture of financial assistance, or such other sanctions as deemed appropriate by the university. Students may be accountable to both civil 40 authorities and the university for acts that constitute violations of law and university policy. Student conduct action at the university will normally proceed during pending criminal proceedings and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.

Students need to be aware that any student convicted of a state or federal drug violation that occurred while enrolled and while receiving federal financial aid may be declared ineligible for future federal student aid for up to one year. Individuals convicted of both possession and selling may face a longer period of ineligibility. Students should contact the Office of Financial Aid to understand the full policy.

The university will notify parent(s)/legal guardians(s) of drug violations. The university encourages students who are experiencing substance abuse problems to seek assistance from resources available to them on campus, as well as from agencies and self-help groups available in the community. A list of these resources is available from the Student Health Center or Counseling and Consultation Services located in Clare Hall.

Written Requests-Victim of a Crime of Violence

Marian University will, upon written request, disclose to the alleged victim of a crime of violence (as

that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the respondent of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Missing Student Notification Policy

Students, employees, or other individuals should report when a student has been missing for 24 hours to the Marian University Police Department. Each student has the option to identify a contact person or persons whom Marian University shall notify within 24 hours of the determination that the student is missing. This information can be registered in the Marian University Police Department office. Contact information is registered confidentially and is accessible only to authorized campus officials and law enforcement personnel in furtherance of a missing person investigation. In the event students are under 18 years of age and not emancipated, or the student has not identified a contact person, Marian University will notify a parent or guardian within 24 hours of the determination that the student is missing.

The Indiana Sheriff's Sex and Violent Offender Registry Site

Information regarding registered Indiana sex offenders can be accessed at:
<http://www.icrimewatch.net/indiana.php>.

Procedures for Reporting Criminal Incidents and Other Emergencies

All students, faculty, staff, employees, and guests should promptly report all criminal activity, medical incidents, accidents, fires, and other emergencies to the Marian University Police Department at 317.955.6789.

Anonymously Report Crimes

Marian University has a form to allow victims or witnesses to anonymously report crimes on a voluntary confidential basis for inclusion in Marian University's crime statistics. The form may be accessed from the bottom of any page of the Marian University website, see Title IX, or visit <https://www.marian.edu/title-ix>. These are sent to a private e-mail reviewed by the Title IX Coordinator and Deputy Title IX Coordinators.

Access to Campus Facilities and Residence Halls

Most campus facilities are open during business hours. Some areas have restricted access. Employees who need regular access to these areas should contact the Office of Human Resources. Faculty and staff who need to provide student access to labs, etc. must make prior arrangements with the Marian University Police Department. Visitors and guests needing access to campus facilities should contact the Office of Conferences and Events. In order to provide for student safety and protection, access to residence halls is very restricted. Certain doors are locked at all times. Students needing access should contact the appropriate residence hall staff. Maintenance personnel are provided limited access on an as needed basis.

Description of Programs Designed to Inform Students and Employees about the Prevention of Crimes

All new students attend an orientation session (multiple dates during January, June, July, and August), where the Marian University Campus Police Chief covers:

- Crime prevention tips (travel in groups, lock your doors, report suspicious activity)
- Escort services on campus
- Blue light phones
- Reporting suspicious activity: students are asked to put campus safety dispatch number in their phone: 317.955.6789
- Traveling using the buddy system
- Locking your doors
- Being aware of your surroundings
- Do not leave belongings unattended
- Do not prop doors
- Using the Campus Shield app

All new employees receive this information through Human Resources and supervisors.

Unfounded Crimes

There are very limited circumstances in which Marian University may remove reports of crimes that have been deemed “unfounded” by sworn law enforcement officials. Such determinations will be made only after a full investigation has occurred and only in circumstances where the crime report is found to be false or baseless. Marian University reports to the Department and discloses in the ASR the number of crimes that were “unfounded”, if any, and subsequently withheld from their crime statistics.

Risk Reduction Recommendations

The university recommends that students reduce the risk of sexual assault by clear communication, communicating personal boundaries, using the buddy system, drinking responsibly or not at all, awareness of ones surroundings and potential risks of leaving beverages unattended.

Reporting Options-In the Event of Sexual Assault:

1. Immediately contact campus police or local law enforcement and accept medical attention; report the attack and its location (Campus Police: 317.955.6789); Give a description of the assailant; height, age, speech, hair, clothes, facial features, scars, direction of escape, etc.
2. Contact the Title IX Coordinator using the reporting form located at <https://www.marian.edu/title-ix> (after hours call 317.924.2750).
3. Contact Health Services, Counseling and Consultation Services, or Chaplain confidentially.
4. Report using the online forms located on the Marian University website at <https://www.marian.edu/title-ix>.

Students may choose to utilize all options.

Preserving Evidence for Criminal and /or Campus Conduct Procedures

Preserve all physical evidence carefully. Do not bathe, douche, or change clothing. Try not to touch any objects that were handled by the attacker. During the medical examination, be sure to show the medical professional all cuts, bruises, scratches, or injuries. Medical treatment for the prevention of disease may be appropriate. Hospital personnel will also collect evidence for the police investigation.

Ongoing Primary Prevention and Awareness Campaigns to Prevent Dating Violence, Domestic Violence, Stalking, and Sexual Assault

Awareness programs specifically focus on awareness of sexual harassment and sexual assault; defining sexual harassment and assault; national statistics related to sexual assault; means of preventing, responding to, and reporting stalking, dating violence, domestic violence and any form of sexual harassment, including sexual assault.

Primary prevention programs are as follows:

1. Orientation programs designed for new students and employees to introduce them to university policies regarding Title IX, sexual harassment, sexual assault, and discrimination as well as a discussion of what constitutes sexual harassment and sexual assault. These orientation programs include information about policy, reporting, and how to report in person to the Title IX Coordinator or online. Victims and witnesses, who are impaired or are under-age drinkers, will not be penalized for reporting sexual misconduct.
2. Intentional, consistent, and scheduled programs and materials are provided to the university community. These involve varied creative messages and methods (fliers; door hangers; speakers; vignettes; articles; statistics; floor programs; campus wide programs; athletic team programs; club and organization programs). Restroom stalls on campus exhibit a poster outlining steps to Prevent, Report, and Respond. Articles are provided to students and families in separate monthly campus newsletters. Awareness programs are scheduled monthly throughout the year.
3. The university provides student programs, such as, **“Dating and Relating in a Title IX World,”** to address crimes of dating violence, domestic violence, sexual assault, and stalking; definition of consent, relative to sexual behavior (clear “yes” NOT the absence of “no”); must be sober to provide consent; safe and positive options for bystander intervention; information on risk reduction; and information on the university’s policies and procedures after a sex offense occurs. Students also discuss policies and preventive measures at floor meetings in each residential area. This information and responsibilities of employees as *mandatory reporters* is provided to new employees at orientation.

In addition, **Rachael’s First Week** is a program designed to alert students to the challenges of beginning college and the importance of seeking assistance, as well as preventive safety measures, in the event of injury, harassment, alcohol, and drug concerns.

4. Monthly education programs are provided as well as monthly articles in the faculty/staff newsletter, “In a Glance” and the student newsletter, “Student Health 101.”
5. The Title IX Coordinator or Deputy Title IX Coordinator meets with department/schools, student organizations, faculty assembly, and athletic teams to review policies and procedures relative to sexual harassment, sexual violence, and mandatory reporting, including answering questions and providing clarification.
6. Programs such as “It’s on us”, viewing and discussion of “The Hunting Ground”, and programs during National Sexual Assault Awareness month occur annually.

Disciplinary Proceeding Used in Cases of Alleged Dating Violence, Domestic Violence, Sexual Assault, or Stalking

In cases of alleged dating violence, domestic violence, sexual assault, or stalking, a Title IX investigation will proceed. Investigations will typically be completed within 60 days; interim measures may be enacted, as needed, for the safety of the community. An investigator, note taker, and advisor(s) for complainant and respondent will be assigned upon receiving a report of alleged misconduct. The investigator will report findings and recommend referral to the conduct or human resources processes as indicated. In conduct hearings, the standard of evidence will be the preponderance of evidence (“is it more likely than not”). Marian University will follow the steps outlined in the university’s formal conduct procedures. These are accessible online via the Marian University at <https://www.marian.edu/studentrights>. These procedures include special hearing provisions for sexual misconduct, discrimination, and other complaints of a sensitive nature.

How to File a Title IX Complaint

Marian University supports Title IX of the Education Amendments of 1972, which prohibits discrimination based on gender in educational programs receiving federal financial assistance. Title IX also protects students and employees, both male and female, from unlawful sexual harassment (unwelcome conduct of a sexual nature, unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature). Sexual harassment also includes sexual violence (sexual assault, battery, coercion, or rape) in school programs and activities.

Individuals with questions or concerns regarding monitoring of compliance or those who wish to file a complaint of non-compliance may contact the university’s Title IX coordinator or deputy Title IX coordinators. Information about the Office of Civil Rights and Title IX compliance can be found at <http://www.ed.gov/about/offices/list/ocr/index.html>.

Primary Contacts

Karen Candlish, Title IX Coordinator,
Dean of Students
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The following student sanctions may be imposed following the results of any institutional disciplinary proceedings for an allegation of dating violence, domestic violence, sexual assault, or stalking:

- Warning
- Restitution
- Fines
- Community/University Service Requirements
- Loss of Privileges
- Confiscation of Prohibited Property
- Behavioral Requirement
- Educational Program
- Restriction of Visitation Privileges
- University Housing Probation
- University Housing Reassignment
- University Housing Suspension
- University Housing Expulsion
- University Probation
- Eligibility Restriction
- University Suspension
- University Expulsion
- Other Sanctions: Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Dean of Students or designee.

Protective measures following an allegation of dating violence, domestic violence, sexual assault, or stalking include:

- Timely warning
- Campus no contact agreements
- Protective orders
- Temporary suspension of respondent
- Providing medical services
- Providing counseling services
- Providing academic support services such as tutoring
- Residence hall reassignment of the complainant and/or the respondent
- Ensuring that the complainant and respondent do not attend the same classes
- Reassigning the complainant and/or the respondent to another section of a course
- Arranging for the complainant to retake a course or withdraw from a course without penalty
- Providing an escort so that the complainant can move safely between classes

Written Explanation of Rights and Options

Students or employees who report being victims of dating violence, domestic violence, sexual assault, or stalking are provided with a written explanation of their rights and options, regardless of whether the offense occurred on campus, including written notification of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims both within the institution and in the community, and the availability of changes to academic, living, transportation, and working situations, or protective measures regardless of whether the victim reports to law enforcement.

Counseling and Consultation Services Policy Supporting Recent Victims of Sexual Assault, Harassment, or Violence

1. Explain that clinician is legally obligated to protect the confidentiality of their communication with clients
2. Inform student of their right to file a Title IX complaint with the university. Inform student where form is located on university website. Explain option of anonymous reporting (no action/response wanted), allowing information to be included in the annual disclosure of crime statistics. Explain option of reporting with expectation of action/follow-up from university. Explain who receives reporting forms.
3. Inform student that clinician is available to assist student in filing complaint if requested.
4. Explain to student that Title IX includes protections against retaliation, and the university officials will take steps to prevent retaliation as well as take strong responsive action if retaliation occurs.
5. Inform student of right to file a separate complaint with campus or local law enforcement.
6. Inform student of on-campus resources for counseling, medical and academic support and provide appropriate contact information for each office.
7. Discuss options for medical care off campus and collection of evidence if appropriate – provide information regarding local Centers for Hope.

Confidentiality

Marian University will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Prompt, Fair, and Impartial Disciplinary Proceeding

Marian University provides for a prompt, fair, and impartial disciplinary proceeding (term used to describe a conduct hearing or human resources procedure for employees) in cases of alleged dating violence, domestic violence, sexual assault, or stalking. The complainant and the respondent have equal opportunities to have others present, including an advisor of their choice. The complainant and the respondent receive simultaneous notification, in writing, of the result of the proceeding and any available appeal procedures. Marian University ensures there is not a conflict of interest or bias for or against the complainant or the respondent. The proceeding is completed in a reasonably prompt time frame. The complainant and respondent are given timely notice of meetings at which one or the other or both may be present; and the complainant, the respondent, and appropriate officials are given timely and equal access to information that will be used during informal and formal disciplinary meetings and hearings. The result of a hearing/procedure is the decision whether it is “more likely than not” that a violation occurred and sanctions applied, if appropriate. The complainant and the respondent are both notified in writing the results of the proceeding. Compliance with these provisions does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

Crime Statistics

Crime statistics under the Clery Act are categorized by type and location. The following rules and definitions for the geographical and crime categories are taken from *The Handbook for Campus Safety and Security Reporting* published by the U.S. Department of Education:

Definitions of Clery Geography

On-Campus: 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 any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

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

Non-campus: Any building or property owned or controlled by a student organization that is officially recognized by the institution; or 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.

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.

Bystander Intervention

A bystander is a witness to or participant in an act of potential harm or misconduct who acts to stop, intervene, or protect in the situation. Members of the Marian University community are encouraged to find ways to successfully intervene to support and help each other.

To encourage students to offer help and assistance to others, Marian University pursues a policy of amnesty for minor violations when students offer help to others in need

Appropriate ways for bystanders to address situations may include:

- a. Intervening or confronting the violation in an effort to stop it;
- b. Contacting the appropriate staff members to address the violation; or
- c. Leaving the area where the violation was occurring. Where a risk of serious harm exists, merely leaving will not be appropriate.

Dating Violence, Domestic Violence, Sexual Assault, Stalking, and Consent, Code of Student Rights and Responsibilities, Section Five: Title IX Policy

Dating violence: defined as violence committed by a person (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors:

1. The length of the relationship.
2. The type of relationship.
3. The frequency of interaction between the persons involved in the relationship

Domestic violence: defined as 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, or by any other person against an adult or youth victim who is protected from that person's acts.

Sexual assault: defined as any nonconsensual sexual act, including when the victim lacks capacity to consent.

Stalking: defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to (i) fear for their safety or the safety of others; or (ii) suffer substantial emotional distress.

Consent: Permission that is clear, knowing, voluntary, and expressed prior to engaging in and during an act. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in and the conditions of sexual activity.

a. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.

b. Consent may be withdrawn at any time.

c. Previous relationships or prior consent cannot imply consent to future sexual acts; this includes "blanket" consent (i.e., permission in advance for any or all actions at a later time or place).

d. Consent cannot be given by an individual who one knows to be – or based on the circumstances one should reasonably have known to be – substantially impaired (e.g., by alcohol or other drug use, unconsciousness, etc.).

- (i) Substantial impairment is a state when an individual cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why, or how" of their sexual interaction).
- (ii) This also covers individuals whose substantial impairment results from other physical or mental conditions including mental disability, sleep, involuntary physical restraint, or from the consumption of alcohol or other drugs.
- (iii) Being impaired by alcohol or other drugs will never function as a defense for any behavior that violates this policy.

e. It is the obligation of the person initiating the sexual activity to obtain consent.

f. An individual cannot consent who has been coerced, including being compelled by force, threat of force, or deception; who is unaware that the act is being committed; or who is coerced by a supervisory or disciplinary authority.

g. Force is defined as violence, compulsion, or constraint; physically exerted by any means upon or against a person.

h. Coercion is defined as the application of pressure by the respondent that unreasonably interferes with the complainant's ability to exercise free will. Factors to be considered include, but are not limited to, the intensity and duration of the conduct.

- i. A person who does not want to consent to sex is not required to resist or verbally object.
- j. Withdrawal of consent can be manifested through conduct and need not be a verbal withdrawal of consent (i.e. crying, pulling away, pushing away, not actively participating, laying there, uncomfortable or upset facial expression).
- k. Consent may not be given by an individual who has not reached the legal age of consent under applicable law.

Clery Definitions VAWA

Domestic Violence: The term “domestic violence” includes 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 receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

Dating Violence: The term “dating violence” means 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 a consideration of the following factors:

- (i) The length of the relationship.
- (ii) The type of relationship.
- (iii) 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 directed at a specific person that would cause a reasonable person to—(A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

Definitions of Reportable Clery Crimes

Murder and Non-negligent Manslaughter: The willful (non-negligent) killing of one human being by another (counted as one offense per victim).

Negligent Manslaughter: The killing of another person through gross negligence (counted as one offense per victim).

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.

Sodomy: Oral or anal sexual intercourse with another 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.

Sexual Assault with an Object: To use an object or instrument to unlawfully penetrate, however

slightly, the genital or anal opening of the body of another 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.

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

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

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

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

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

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

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. Motor vehicle theft is classified as any case where an automobile is taken by a person not having lawful access, even if the vehicle is later abandoned, including joy riding.

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc. (counted as one offense per distinct operation originating in the reporting jurisdiction).

Liquor Law Violations: The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned activities (drunkenness and driving under the influence are not included in this definition).

Drug Law Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Weapon Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: the manufacture, sale, or possession of deadly weapons; the carrying of deadly weapons, concealed or openly; the furnishing of deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned acts.

Hierarchy Rule

When counting Clery reportable crimes, if multiple crimes occurred in the same incident, only the most serious crime is counted according to the following order:

1. Criminal Homicide
 - a. Murder and Non-negligent Manslaughter
 - b. Manslaughter by Negligence
2. Sexual Assault
 - a. Rape
 - b. Fondling
 - c. Incest
 - d. Statutory Rape
3. Robbery
4. Aggravated Assault
5. Burglary
6. Motor Vehicle Theft
7. Arson*
8. Arrests for Liquor, Drug, or Weapons Law Violations
9. Referrals for Disciplinary Action for Liquor, Drug, or Weapons Law Violations

There are **exceptions** to using the Hierarchy Rule when counting offenses. They apply to Arson, Sexual Assaults, Hate Crimes and VAWA Offenses

*Incidents involving arson are counted under the Arson category, and any additional crimes occurring in the same incident are counted according to the hierarchy rule in addition to the arson. Any injuries or deaths occurring as a direct result of arson are counted as an additional crime.

Attempted crimes are counted the same as completed crimes. However, attempted murders are counted as aggravated assaults.

Any incident involving multiple liquor, drug, or weapons law violations is counted in only one of those categories. In these cases, arrests are counted over disciplinary actions, and it is the officer's or Marian University Police Department's discretion whether to count the incident under the Liquor, Drug, or Weapons Law categories.

Hate Crime Statistics

Crime statistics are kept for all Clery-reportable crimes as well as Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property that are found, upon investigation, to be hate crimes.

A hate crime is defined as a *criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias*. Bias is defined as a *preformed negative opinion or attitude toward a group of persons based on their race, gender identity, religion, disability, sexual orientation, ethnicity, or national origin*.

Marian University had no reported hate crimes in 2018, 2019, or 2020.

| Marian University Clery Crime Statistics | Year | On-Campus Property | On-Campus Student Housing Facilities (subset) | Non- campus Property | Public Property |
|---|------|-----------------------|---|----------------------------|--------------------|
| Murder/Non-negligent Manslaughter | 2018 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 |
| Negligent Manslaughter | 2018 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 |
| Rape | 2018 | 2 | 1 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 |
| | 2020 | 1 | 0 | 0 | 0 |
| Fondling | 2018 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 |
| | 2020 | 2 | 2 | 0 | 0 |
| Incest | 2018 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 |
| Statutory Rape | 2018 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 |
| Robbery | 2018 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 |

| Marian University Clery Crime Statistics | Year | On-Campus Property | On-Campus Student Housing Facilities (subset) | Non- campus Property | Public Property |
|---|------|-----------------------|---|----------------------------|--------------------|
| Aggravated Assault | 2018 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 |
| Burglary | 2018 | 0 | 0 | 0 | 0 |
| | 2019 | 3 | 3 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 |
| Motor Vehicle Theft | 2018 | 1 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 |
| Arson | 2018 | 0 | 0 | 0 | 0 |
| | 2019 | 1 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 |
| Arrests - Illegal Weapons Possession | 2018 | 1 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 |
| Arrests - Drug Abuse Violations | 2018 | 1 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 |
| Arrests - Liquor Law Violations | 2018 | 1 | 1 | 0 | 0 |
| | 2019 | 1 | 1 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 |

| Marian University Clery Crime Statistics | Year | On-Campus Property | On-Campus Student Housing Facilities (subset) | Non- campus Property | Public Property |
|---|------|-----------------------|---|----------------------------|--------------------|
| Disciplinary Actions/Judicial Referrals - Illegal Weapons Possession | 2018 | 0 | 0 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 |
| | 2020 | 2 | 2 | 0 | 0 |
| Disciplinary Actions/Judicial Referrals - Drug Abuse Violations | 2018 | 18 | 14 | 0 | 0 |
| | 2019 | 13 | 13 | 0 | 0 |
| | 2020 | 14 | 14 | 0 | 0 |
| Disciplinary Actions/Judicial Referrals - Liquor Law Violations | 2018 | 33 | 33 | 0 | 0 |
| | 2019 | 26 | 26 | 0 | 0 |
| | 2020 | 19 | 19 | 0 | 0 |
| Domestic Violence | 2018 | 1 | 1 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 |
| | 2020 | 3 | 0 | 0 | 0 |
| Dating Violence | 2018 | 2 | 1 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 |
| Stalking | 2018 | 2 | 2 | 0 | 0 |
| | 2019 | 0 | 0 | 0 | 0 |
| | 2020 | 3 | 0 | 0 | 0 |

| | | |
|-----------|------|---|
| Unfounded | 2018 | 1 |
| | 2019 | 1 |
| | 2020 | 0 |

FIRE SAFETY REPORT

Fire Statistics

There were no reported fires in any Marian University building, including Marian University student housing, in 2020. Consequently, there were no injuries, deaths, or property damage due to fires in student housing.

On-Campus Housing and Life Safety Systems

In 2020, Marian University had 4 on-campus residence halls, two undergraduate and one graduate apartment buildings, and 18 student houses. Marian University also contracted with an off-campus hotel for student housing in 2020. All on-campus housing units are equipped with smoke detectors and fire extinguishers. Clare Hall, Doyle Hall, Drew Hall, and University Hall are additionally equipped with pull box stations. Drew Hall and University Hall are fully suppressed with fire sprinklers.

Mandatory Supervised Fire Drills

Marian University Police Department conducts at least one mandatory fire evacuation drill each semester. The fire evacuation drills are supervised by a team of building coordinators. The fire evacuation drills are conducted by activating each individual fire alarm system in each on-campus student housing facility. The fire evacuation drills are conducted during daylight hours.

Fire Training

Marian University conducts fire training for Area Coordinators, Resident Assistants, and Building Coordinators and at orientation.

Fire Safety Policies and Rules

These policies compliment the Code of Student Rights and Responsibilities and the Residence Life Contractual Terms and Conditions by clarifying and expanding on important information regarding living on campus. Understanding and complying with fire safety policies and rules is the expectation and responsibility of all students living on campus. These policies are designed for any student who resides on campus and any guests they have. Violations of these policies or policies contained in the aforementioned documents may result in disciplinary actions including sanctions, fines, contract cancellation, or removal from the university. The following link explains the policies: <http://www.marian.edu/Campus-Life/housing-and-residence-life/residence-life-policies>.

Tampering

Tampering with fire safety equipment is a federal offense that may result in criminal charges, fines, and disciplinary action. Tampering with the smoke detectors in residential rooms or common areas is prohibited. This includes removal of the detector or battery.

Fire Inspections for On-Campus Student Housing

There is at least one inspection per residence hall per academic year. Residence hall staff members conduct four inspections per academic year of residence hall rooms. Inspections include ensuring that fire safety equipment is present and working appropriately.

Electrical/Hazardous Items

Students may not remove or alter electrical fixtures or hardware. The following items are prohibited in the residence halls: air conditioning units (unless supplied by Marian University), appliances with exposed heating elements (e.g. hot plates, toasters, George Foreman grills), candles/incense (lit or with burnt wick), extension cords; and halogen lamps unless they are equipped with a protective screen. Also prohibited are materials which are hazardous to the health and safety of residents including, but not limited to: gasoline, kerosene, and hazardous chemicals. Containers which have been used for storing gasoline are not permitted. Christmas lights may be used for decorative purposes in student rooms. Lights are limited to the indoor style and are to be kept to a minimum. Please exercise caution and care by not using extension cords and turning off lights when you depart your room. Students may decorate with artificial trees only. Real trees are not permitted. Trees are also not permitted in common areas or hallways.