

CEDARVILLE UNIVERSITY
POLICY PROHIBITING RACIAL, RELIGIOUS,
ETHNIC HARASSMENT AND INTIMIDATION

I. PROHIBITION, SCOPE, AND EFFECTIVE DATE

- A. Harassment and intimidation on the basis of race, religion, and/or ethnicity is prohibited on any property owned, leased, or otherwise used by the University.
- B. This policy is intended to comply with Ohio's CAMPUS Act; however, Cedarville University exercises all rights protected by the First Amendment to the United States Constitution including, but not limited to, its right to the free exercise of its religious beliefs. Accordingly, nothing in this policy shall prohibit Cedarville University from acting consistently with its religious tenets, bylaws, doctrinal statement, and policies.
- C. This policy shall be effective October 24, 2024.

II. DEFINITIONS

- A. Harassment: Unwelcome conduct based on a person's race, religion, and/or ethnicity that is so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to the University's educational program or activity.
- B. Intimidation: An act based on a person's race, religion, and/or ethnicity that constitutes Aggravated Menacing (Ohio Revised Code § 2903.21), Menacing (Ohio Revised Code § 2903.22), Criminal Damaging or Endangering (Ohio Revised Code § 2909.06), Criminal Mischief (Ohio Revised Code § 2909.07) and/or Telecommunications Harassment (Ohio Revised Code § 2917.21(A)(3), (4), or (5)). Full definitions of the criminal statutes are provided in Appendix "A".
- C. Policy Coordinator: The position responsible for coordinating and ensuring compliance with this policy is the University's Director of Campus Security.
- D. Task Force: A Committee comprised of the University's Director of Campus Security, Title IX Coordinator, and General Counsel. If a member of the Task Force is unavailable or has a conflict of interest in a specific matter, then the Task Force will, in its own discretion, select a replacement for the time period that a member is unavailable and/or has a conflict of interest.
- E. University: Cedarville University, Cedarville, Ohio.

III. COMPLAINTS, PROCESS, TRAINING, AND SECURITY

- A. Students may file a Complaint of allegations of racial, religious, or ethnic harassment or intimidation against any student, staff, or faculty member of the University. A Complaint should be in writing and submitted to the Policy Coordinator. A Complaint may be submitted by email. Complaints may be filed anonymously; however, the University's ability to respond to, and resolve, the harassment/intimidation may be impaired by an anonymous Complaint.
- B. If a Complaint is filed, the Grievance Procedure described herein will be followed:
 1. Initial Review:
 - a. If the Policy Coordinator determines that, if the allegations were true, then harassment/intimidation on the basis of race, religion, and/or ethnicity occurred on property owned, leased, or used by the University, then the Grievance Procedure will proceed.
 - b. If the Policy Coordinator determines that, even if the allegations are true, harassment/intimidation on the basis of race, religion, and/or ethnicity did not occur on property owned, leased, and/or used by the University, then the Policy Coordinator will dismiss the Complaint. Notice of dismissal will be provided to the Complainant.
 - c. If the Complaint is dismissed, the Policy Coordinator may refer the allegations to another division or department of the University to address any violations of University policy or standards of conduct.
 2. The Policy Coordinator will appoint an Investigator to investigate the allegations of harassment/intimidation, which will include the gathering of all available relevant evidence including, but not limited to, interviewing of the Parties and available, willing witnesses.
 3. At the conclusion of the investigation, the Investigator will write an investigative report that summarizes all relevant evidence.
 4. Within 5 business days of the completion of the Investigator's report, the report will be provided to the Policy Coordinator and to Parties.
 5. The Parties may, within 10 business days of receiving the Investigator's report, submit to the Policy Coordinator a written response to the Investigator's report.

6. Within 10 business days of the due date for the written response by the Parties to the Investigative Report, the Task Force will meet, in person or virtually, to do the following:
 - a. Review the Investigator's report and any written responses by the Parties.
 - b. Determine, with a majority vote, whether an act(s) of harassment/intimidation occurred.
 - c. If it is determined that an act(s) of harassment/intimidation occurred, then determine the appropriate discipline/sanctions against the responsible Respondent(s). In determining discipline/sanctions, the Task Force may consult with Student Life, Human Resources, or any other department/division in order to determine appropriate discipline/sanctions.
 - d. After the determination of whether harassment/intimidation occurred and the appropriate discipline/sanctions (if necessary), the Policy Coordinator will communicate a written decision, and basis for the decision, to the Parties. In addition, the University may, but is not required to, make a public statement regarding the allegations of harassment/intimidation and the decision. Furthermore, the University may, but is not required to, include educational information on the institution's policy against racial, religious, and ethnic harassment and intimidation.
7. If it is determined that a faculty member engaged in prohibited harassment and/or intimidation, the faculty member may, within 5 business days, appeal the decision pursuant to the procedures provided in the Faculty Handbook, 5.2.6.
8. If it is determined that a student or staff member engaged in prohibited harassment and/or intimidation, he or she may, within 5 business days, appeal the decision with written/email notice to the Policy Coordinator and the appeal will follow the procedures described hereunder:
 - a. The only grounds for an appeal are the following:
 - i. Procedural irregularity that affected the outcome of the matter;
 - ii. New evidence that was not reasonably available at the time the determination regarding responsibility was made and that could affect the outcome of the matter; and
 - iii. The Policy Coordinator, investigator, and/or Task Force had a conflict of interest or bias that affected the outcome of the matter.

- b. Within 5 business days after an appeal is filed, all Parties may file a written statement supporting or opposing the decision with the Policy Coordinator.
 - c. The Policy Coordinator will appoint a decision-maker for the appeal, who must not have been involved in making the initial decision.
 - d. After the due date for the statements from the Parties, the Policy Coordinator will transmit the investigator's report, the written responses by the Parties (if any), initial decision, the appeal, and the written statements regarding the appeal (if any) to the decision-maker for the appeal.
 - e. The decision-maker for the appeal will, within 10 business days of receiving the documents related to the appeal, issue to the Policy Coordinator a written decision describing the result of the appeal and the basis for the decision. The Policy Coordinator will immediately provide the written decision to all Parties.
 - f. The decision by the decision-maker for the appeal is final.
- C. Potential disciplinary actions that may be taken through an informal resolution or after a determination that harassment or intimidation occurred include, but are not limited to, a warning, reprimand, educational interventions, counseling, community service, restitution, probation, no contact orders, suspension, dismissal, termination, and other restrictions to the access and use of University facilities, property, and/or activities.
 - D. The Policy Coordinator will ensure that all University Employees are trained in how to respond to hate incidents or incidents of harassment that occur during a class or event held at the University at the time the incident occurs. Said training may be provided online.
 - E. Campus Security will, to the extent possible and as needed, collaborate with local law enforcement, the state highway patrol, and student communities to provide security functions for institutionally sanctioned student organizations that face threats of terror attack or hate crimes.

IV. TASK FORCE

- A. The Task Force is created to combat antisemitism, Islamophobia, anti-Christian discrimination, and hatred, harassment, bullying, or violence toward others on the

basis of their actual religious identity or what is assumed to be their religious identity at the University.

- B. The Policy Task Force will determine how individuals should be trained on how to respond to hate incidents or incidents of harassment that occur during a class or event held at the University at the time the incident occurs.

- V. Pursuant to Ohio Law, the University will submit an annual report to the Chancellor of the Ohio Department of Higher Education of all harassment and intimidation reports that are submitted to the federal government consistent with the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act,” 20 U.S.C. 1092(f).

- VI. The University will publicize on its web site any time, place, and manner restriction it places on expressive activities.

APPENDIX A

DEFINITION OF CRIMINAL OFFENSES RELATED TO INTIMIDATION

Aggravated Menacing (Ohio Revised Code § 2903.21) – (A) No person shall knowingly cause another to believe that the offender will cause serious physical harm to the person or property of the other person, to the other person’s unborn, or a member of the other person’s immediate family. In addition to any other basis for the other persons belief that the offender will cause serious physical harm to the person or property of the other person, the other person’s unborn, or a member of the other person’s immediate family, the other persons belief 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 to which the other person belongs.

Menacing (Ohio Revised Code § 2903.22) – (A) No person shall knowingly cause another to believe that the offender will cause physical harm to the person or property of the other person, the other person’s unborn, or a member of the other person’s immediate family. In addition to any other basis for the other person’s belief that the offender will cause physical harm to the person or property of the other person, the other person’s unborn, or a member of the other person’s immediate family, the other persons belief 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 to which the other person belongs.

Criminal Damaging or Endangering (Ohio Revised Code § 2909.06) – (A) No person shall cause, or create a substantial risk of physical harm to any property of another without the person’s consent:

- (1) knowingly, by any means;
- (2) recklessly, by means of fire, explosion, flood, poison gas, poison, radioactive material, caustic or corrosive material, or other inherently dangerous agency or substance.

Criminal Mischief (Ohio Revised Code § 2909.07) – (A) No person shall:

- (1) Without privilege to do so, knowingly move, deface, destroy, or otherwise improperly tamper with either of the following:
 - (a) The property of another;
 - (b) One’s own residential real property with the purpose to decrease the value of or enjoyment of the residential real property, if both of the following apply:
 - (i) The residential real property is subject to a mortgage.
 - (ii) The person has been served a summons and complaint in a pending residential mortgage loan foreclosure action relating to that real property.
- (2) With the purpose to interfere with the use or enjoyment of property of another, employ a tear gas device, stink bomb, smoke generator, or other device releasing a substance that is harmful or offensive to person exposed or that tends to cause public alarm;

- (3) Without privilege to do so, knowingly move, deface, damage, destroy, or otherwise improperly tamper with a benchmark, triangulation station, boundary marker, or other survey station, monument, or marker;
- (4) Without privilege to do so, knowingly move, deface, destroy, or otherwise improperly tamper with any safety device, the property of another, or the property of the offender when required or placed for the safety of others, so as to destroy or diminish its effectiveness or availability for its intended purpose;
- (5) With purpose to interfere with the use or enjoyment of the property of another, set a fire on the land of another or place personal property that has been set on fire on the land of another, which fire or personal property is outside and apart from any building, other structure, or other personal property that is on that land;
- (6) Without privilege to do so, and with intent to impair the functioning of any computer, computer system, computer network, computer software, computer program, knowingly do any of the following:
 - (a) In any manner or by any means, including, but not limited to, computer hacking, alter, damage, destroy, or modify a computer, computer system, computer network, computer software, or computer program or data contained in a computer, computer system, computer network, computer software, or computer program;
 - (b) Introduce a computer contaminant into a computer, computer system, computer network, computer software, or computer program.
- (7) Without privilege to do so, knowingly destroy or improperly tamper with a critical infrastructure facility.

Telecommunications Harassment (Ohio Revised Code § 2917.21(A)(3), (4), or (5)) – (A) No person shall knowingly make or cause to be made a telecommunication, or knowingly permit a telecommunication to be made from a telecommunications device under the person’s control, to another, if the caller does any of the following:

- (3) During the telecommunication violates section 2903.21 [Aggravated Menacing, defined above] of the revised code;
- (4) Knowingly states to the recipient of the telecommunication that their caller intends to cause damage to or destroy public or private property, and the recipient, any member of the recipients family, or any other person who resides at the premises to which the telecommunication is made owns, leases, resides, or works in, will at the time of the destruction or damaging be near or in, has the responsibility of protecting, or insures the property that will be destroyed or damaged;
- (5) Knowingly makes the telecommunication to the recipient of the telecommunication, to another person at the premises to which the telecommunication is made, or to those premises, and the recipient or another person at those premises previously has told the caller not to make a telecommunication to those premises or to any person at those premises.

PUBLIC DEMONSTRATIONS, SOLICITATIONS, AND DISTRIBUTIONS

Cedarville University will permit only those demonstrations, solicitations, or distributions that, in the judgment of the University administration, are orderly and peaceful. Demonstrations will be restricted to members of the University community. In addition, the University will restrict demonstrations, solicitations, or distributions to those that support views that are consistent with Scripture and with the mission of Cedarville University. Demonstrations, solicitations, or distributions that, in the opinion of the University, involve advocacy of unscriptural positions, are disorderly, or that interrupt or disrupt the primary teaching, research, service, ministry, and/or administrative functions of the University, or any other activity or proceeding on campus that is generally accepted as a legitimate University function, are prohibited. Students wishing to organize a demonstration, make solicitations, or distribute materials must secure permission in advance from Student Life Programs.

Cedarville University reserves the right to consider any and all participants who are not members of the Cedarville University student body to be trespassers and therefore subject to arrest by local law enforcement. Any activity that, in the opinion of the University, interrupts or disrupts campus life is prohibited.