

## **2021 Annual Security Report Holy Cross College**

Holy Cross College is committed to the safety and security of all of our students, and all who are employed at or visit our campus.

While Holy Cross College is a welcoming and caring community, each student must take responsibility for his or her own personal safety and security by learning and practicing basic precautions, making community awareness and cooperation essential elements to maintaining Holy Cross College as a safe place to live and learn. This, along with the guidance and support of a well-trained safety and security staff, contributes to a positive campus environment.

This report is published to provide information about safety and security policies, procedures, and statistical information as required by law. Please read this report, as it will also outline individual responsibilities for all as members of our community. If you have any questions concerning this publication, please contact Vice President of Student Life Andrew Polaniecki at 574-239-8315 or [apolaniecki@hcc-nd.edu](mailto:apolaniecki@hcc-nd.edu).

### **Holy Cross College Department of Safety and Security**

**Mission Statement:** The Campus Safety and Security Department at Holy Cross College exists to serve the campus community. Our mission is to support the College's primary objective of educating and forming global citizens with the competence to see and the courage to act, which is best done in an environment of trust and safety, by helping to create, promote, maintain a safe, secure, and enjoyable campus environment for all members of the College community and its guests. We are dedicated to helping the College create a civil place based on Catholic values and common good, and we are committed to do all we can to contribute to this objective.

Uniformed safety and security officers are on duty constantly: 24 hours a day for 365 days a year. Officers are available to provide assistance to students, employees, and visitors, and enforce College regulations. Since our campus is private property, officers have the authority to ask any person for identification and to determine whether individuals have legitimate reasons to be on the Holy Cross College campus. Safety and security officers do not possess arrest power, but they may detain individuals/groups of concern and issue tickets for violations of parking and driving regulations. Tickets issued to students are billed to their student financial accounts.

Holy Cross College does not have a law enforcement department, and there is no written memorandum of understanding (MOU) between the College and state or local law enforcement. However, the College lies within the jurisdiction of the St. Joseph County police department, and Holy Cross College's Office of Safety and Security maintains a highly professional working relationship with the Saint Joseph County Police Department, South Bend and Roseland Police, the University of Notre Dame Security Police, and Saint Mary's College Safety and Security Dept.

The College recognizes that laws and rules are necessary for society to function, and the College supports the enforcement of law by governmental agencies and rules by officials of the College. All persons on the campus are subject to these laws and rules at all times. While the College is private property, law enforcement officers may enter the campus to conduct business as needed. Additionally, officers are welcome to patrol the campus and to assist Campus Security in deterring crime. Law enforcement officers are expected to check in with Campus Security when on campus.

Holy Cross College also participates in the Community Campus Advisory Coalition (CCAC), an organization comprised of representatives from area colleges and universities, municipal governments, law enforcement agencies, and involved members of the community (property owners, etc.) and devoted to constructive collaboration to improve safety and security for all in the greater South Bend area.

### **Reporting A Crime on Campus**

Community members, students, faculty, staff and guests are encouraged to report all crimes, emergencies, violations of the Code of Student Conduct, and public safety related incidents and concerns to Campus Safety and Security, either in person or by telephone as these types of issues may arise. Campus Safety and Security can be reached by dialing 574-239-8312 (312 from a campus phone).

In an emergency, the St. Joseph County Police can be reached by dialing 911. Prompt reporting will assure an appropriate response, which may include timely warning notices on campus and disclosure of crime statistics. If

assistance is required from the St. Joseph County Police Department or the Notre Dame Fire Department, Campus Safety and Security will contact the appropriate unit.

All security incident reports are forwarded to the office of the Vice President of Student Life for review and potential referral for student conduct proceedings. Campus Safety and Security officers will further investigate reports as is deemed appropriate. Additional information obtained via the investigation will be forwarded to the office of the Vice President of Student Life.

In accordance with the requirements of the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (Clery Act), Holy Cross College gathers and publishes statistics on a variety of crimes that are reported to have occurred on or adjacent to campus. The statistics are reported to the Department of Education each October. Complete definitions are contained later in this report. Historical data is provided for comparison purposes.

## Confidential Reporting of a Crime

If you are a victim of or a witness to a crime and do not want to pursue action within the College's student conduct system or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Vice President of Student Life or Campus Safety and Security can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to maintain your own anonymity while also taking steps to ensure the future safety of yourself and others. With such information, the College can keep an accurate record of the number of incidents involving students to determine if there is a pattern of concerning/criminal behavior with regard to a particular location, time period, or person(s), and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime report for the institution.

### Confidential Resources

If a student wishes the details of an incident to be kept confidential, the student can speak with:

- Director of Counseling and Health Services or other College Health Counselor.
- health providers, such as [University Health Services](#) and local hospitals.
- off-campus rape crisis resources, such as [S-O-S](#), the rape crisis center for St. Joseph County; and/or
- vowed religious (priests, deacons, and religious sisters and brothers) working at the College and who are operating in that role.

These individuals will honor confidentiality unless there is an imminent danger to the student or to others. In addition, a student's disclosure during the Sacrament of Reconciliation (confession) will not be revealed by the priest for any reason, which is a sacred obligation protected by law.

### Parameters of Privacy and Confidentiality for Investigations

In all instances and to the extent possible, the College will protect the privacy of all parties to a report of sexual assault, sexual misconduct, dating violence, domestic violence, stalking, and/or conduct that creates a hostile environment. That said, under federal law, campus officials (with the exception of those listed under Confidential Resources, above) who receive a report of sexual assault, sexual misconduct, dating violence, domestic violence, stalking, and/or conduct that creates a hostile environment, whether from the student involved or a third party, must share that information with the appropriate University authorities for investigation and follow-up.

### Parameters of Privacy and Confidentiality Related to Crime Alerts Issued by the College

In an effort to provide timely notice to the Holy Cross College community, and in the event of a serious crime that occurs on campus and poses a serious, ongoing threat to members of the Holy Cross College community, a mass email Crime Alert will be sent to all students, faculty, and staff on campus, posted for a time on the Holy Cross college website, and may also be posted in residence halls and various other buildings on campus. Crime Alerts and any updates will be drafted and disseminated in a way that protects the confidentiality of complainants. Such alerts and updates shall not include identifying information about the complainant in any publicly available recordkeeping to the extent permitted by law.

## Counselors and Confidential Crime Reporting

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus "Pastoral Counselors" (Director of Campus Ministry) and Campus "Professional Counselors" (Director of Student Counseling and Health Services), when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. This confidentiality will not be maintained if it is judged that there is a potential for imminent harm to self or others. As a matter of policy, these individuals are

encouraged, if and when they deem it appropriate, to inform persons being counseled and or sharing information of a sensitive and perhaps criminal nature of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

Using the rulemaking committee guidelines, Holy Cross College defines counselors as:

Pastoral Counselor

An employee of an institution who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling, and who is functioning within the scope of that recognition as a pastoral counselor.

Professional Counselor

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

## Bystander Intervention and Risk Reduction Information

**What is a Bystander?** A **BYSTANDER** is a person who is present at an event or incident *but does not* take part.

**Five Steps Toward Taking Action:**

1. Notice the event along a continuum of actions: *Social Norms -> Individual Belief Systems -> Invasion of Space -> Unwanted Sexual Touch -> Harassment -> Sexual Assault -> Rape.*
2. Consider whether the situation demands your action.
3. Decide if you have a responsibility to act.
4. Choose what form of assistance to use.
5. Understand how to implement the choice safely.

**How to Intervene**

**DIRECT:** If comfortable, approach the person(s) directly yourself.

**DELEGATE:** Find friends of the victim (or perpetrator) to intervene. Call Holy Cross hall staff, campus security, or 911.

**DISTRACT:** Divert attention away from the situation.

SAFETY is the first priority.

**Awareness Programs**

Awareness programs are defined as "community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration." The College sponsors the following awareness programs:

- Take Back the Night
- Annual Sexual Assault Awareness Month activities.
- Green Dot

**Bystander Intervention**

Bystander intervention is defined by the regulations as "safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene." The College sponsors the following bystander intervention and awareness activities:

- Periodic Bystander intervention and awareness events.

**Ongoing Prevention and Awareness Campaigns**

Ongoing prevention and awareness campaigns "means programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution and including information [such as a statement that the institution prohibits dating violence, domestic violence, sexual assault, and stalking; the definitions of dating violence, domestic violence, and stalking; the definition of consent; bystander intervention; and risk reduction]. The College sponsors the following ongoing prevention and awareness activities:

- Periodic speakers
- SGA awareness activities and events
- Social marketing campaign
- Distribution of printed and electronic material.

### **Primary Prevention Programs**

Primary prevention programs include “programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.” The College sponsors the following awareness programs:

- Information and awareness activities regarding consent
- social marketing campaign
- incorporation of violence prevention education into training for RAs

### **Risk Reduction**

Risk reduction involves “options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.” The College encourages and sponsors the following risk reduction activities and programs:

- Personal self-defense classes
- Encouragement to travel in groups and be/remain aware of surroundings.
- Periodic safety and light audits around campus areas
- HCC-ND Safe Ride program (in conjunction with ND O’Snap and SMC)
- Transpo

## **Crime Statistics Report**

Holy Cross College Crime Statistics are submitted annually to the Department of Education. The Office of the Vice President of Student Life prepares this report to comply with the *Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act*. This report is prepared in cooperation with the local law enforcement agencies surrounding our main campus, the Office of Residence Life and Housing, and the Department of Campus Safety and Security. Campus crime, arrest, and referral statistics include those reported to designated College officials (including but not limited to directors, deans, advisors to students/student organizations, and athletic coaches), and local law enforcement agencies. Each entity provides updated information to comply with the Act.

This report may be found via a link located on the Holy Cross College web site at <http://www.hcc-nd.edu/student-life/1/Safety-and-Security>. An annual e-mail notification is made to all enrolled students that provides the web site to access this report. Copies of the report may also be obtained upon request at the Office of the Vice President of Student Life.

Holy Cross College does not have any officially recognized student organizations with off-campus locations, and therefore, has no policy for monitoring of off-campus criminal activity.

## **Timely Warnings and Evacuation Procedures**

Upon confirmation that a dangerous or significant emergency situation arises either on or off campus that may constitute an immediate or continuing threat to the health or safety of students or staff, a campus-wide warning will be issued without delay. The warning, normally issued from the office of the Vice President of Student Life, may consist of messages through the College email system and/or text message to emergency contact numbers of all students, faculty, and staff, and include emergency response and/or evacuation instructions as necessary. Depending on the particular circumstances of the situation, especially one that could pose an immediate threat to the community and individuals, the Vice President of Student Life may also post a copy of the notice in each residence hall and at various locations in the Driscoll and Vincent Classroom Buildings. Warnings may be withheld or delayed if in the judgment of responsible authorities, they would compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. Anyone with information warranting a timely warning should report the circumstances to Campus Safety and Security officials at 574-239-8312 (312 from a campus phone). The Office of Campus Safety and Security is located on the first floor in James Hall.

In situations where Holy Cross College must evacuate the campus, the Coordinator of Media/Public Relations will notify the public that the campus is closed, and that traffic will not be allowed to enter. This notification will be through the College website and by communication with the local media. Any evacuation decision will be made by the College president or designated official in accordance with the Emergency Response Plan.

If an emergency occurs prior to the start of classes, notification of the College community will occur according to normal weather closing policies and procedures.

## **Security Awareness and Crime Prevention**

During orientation, students are informed of ways to maintain personal safety and residence hall security including crime prevention and sexual assault prevention information. Residence Life staff receives training and disseminates information to students during scheduled programs and hall meetings on issues such as crime prevention awareness, sexual assault, abuse of alcohol and other drugs, theft and vandalism, as well as issues of personal safety and residence hall security. A common theme of all awareness and crime prevention programs is to encourage students to be aware of their responsibility for their own security and the security of others.

## **Access Policy**

During business hours, Holy Cross College (excluding certain areas of the residence halls/housing facilities) will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to all College facilities is by key, if issued, or by admittance via the Campus Safety and Security officers or Residence Life staff. The interior doors of the residence halls are secured 24 hours a day. Some facilities may have individual hours, which may vary at different times of the year. Examples are the Library and Bookstore. In these cases, the facilities will be secured according to published schedules.

Safety and Security Officers make regular interior and exterior patrols of the campus, ensuring such things as proper lighting, security, and maintenance of campus facilities.

## **Missing Student Notification Policy**

In accordance with the Higher Education Opportunity Act of 2008, Holy Cross College has developed a policy for notifying the designated emergency contact for students who are determined to be missing.

All students will be asked to provide the College with the name and phone number of an individual to be contacted if it is determined that the student is missing. It is the responsibility of each student to provide this information to the College. Only authorized College officials and law enforcement officers in furtherance of a missing person investigation will have access to this information.

A student may be deemed missing if it is reported to appropriate College officials (Campus Safety and Security, Hall Director, Director of Residence Life and Housing, or Vice President of Student Life) that the student has been unreachable via personal contact, telephone, e-mail, or other means of electronic communication for 24 hours or more. Upon receipt of such a report, Campus Safety and Security and the Vice President of Student Life must be immediately notified.

Upon determination that a student is missing, the designated emergency contact person or persons will be notified by the Vice President of Student Life or other designated official as soon as possible but no later than 24 hours after that determination. The student's custodial parent or guardian will also be notified if that person is not the designated emergency contact, and the student is under 18 years of age and not an emancipated individual.

Regardless of whether a student has registered a contact person, appropriate law enforcement agencies will also be notified no later than 24 hours after it has been determined that the student is missing.

Students are to provide the College with updates as changes occur in their emergency contact information.

## **Annual Testing of Emergency Response and Evacuation Procedures**

The College will test their response to emergency incidents by conducting at least one table-top exercise per calendar year that is related to a crisis or emergency event on campus. This will allow the Emergency Response Team an opportunity to test current crisis management plans in this simulation exercise. In addition, at least one time per year the College will conduct and document fire drills for each building to assess evacuation procedures.

## **Policy on Alcohol Use**

The possession, distribution, or consumption of alcoholic beverages by students is prohibited on the campus of Holy Cross College. Empty alcoholic beverage containers and collections of alcoholic beverage containers are not permitted on campus. Intoxication will not be tolerated: the inability to exercise care for one's own safety or the safety of others due in whole, or in part to being under the influence of alcohol and/or drugs is an infraction of College policy. Violators will be subject to the College Disciplinary process and any sanctions that may result from this process, which may include mandatory alcohol education/treatment programs. Repeated violations of this policy may be grounds for removal from the

residence halls and suspension or expulsion from the College. Underage drinking or making alcohol available to underage drinkers on or off campus is a violation of the law and of the Code of Student Conduct.

## Policy on Drugs

Possessing, distributing, or providing medications for which students have no prescription, illegal drugs (for example marijuana, cocaine, or ecstasy), or paraphernalia (bongs, pipes, hookahs, etc.) is strictly prohibited. Violators will be subject to the College Disciplinary process and any sanctions that may result from this process, which may include mandatory drug education/treatment programs, and may also be subject to removal from residence halls, and suspension or expulsion from the College. Students suspected of being under the influence of drugs and/or alcohol may be subject to urine analysis. Professional counseling is available to all students through the Director of Student Counseling and Health Services. Students convicted of possession or sale of a controlled substance may no longer be eligible to receive Federal or State Financial Aid.

## Drug and Alcohol Abuse Prevention

The College has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and alcohol abuse, including dissemination of informational materials, educational programs, counseling services, referrals and College disciplinary actions.

## Sexuality Code

The College embraces the Catholic Church's teaching that a genuine and complete expression of love through sex requires a commitment to a total living and sharing together of two persons in marriage. Therefore, sexual abstinence for unmarried students is an expectation that is consistent with the College's Catholic educational mission.

## Policy on Sexual Based Offenses

**Holy Cross College prohibits all forms of violence, and specifically those identified as crimes by the Violence Against Women Act (VAWA), including dating violence, domestic violence, sexual assault, and stalking.** The specific definitions of these particular crimes are as follows:

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 the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition –

- 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."
- Dating violence is explicitly prohibited by our Code of Student Conduct and our employee policies and is subject to adjudication accordingly.

Domestic Violence: "A felony or misdemeanor crime of violence committed –

- By a current or former spouse or intimate partner of the victim.
- By a person with whom the victim shares a child in common.
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred."

Sexual Assault: "An offense that meets the definition of Rape, Fondling, Incest, or Statutory Rape as used in the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) program." The notion of consent is of particular importance to this offense.

Stalking: "Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition –

- *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.
- *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling."

## **Important Violence Against Women Act Definitions**

Consent: "The affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter." This means that, "Under this definition, an individual who was asleep, or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or who was under duress, threat, coercion, or force, would not be able to consent. Further, one would not be able to infer consent under circumstances in which consent was not clear, including but not limited to the absence of 'no' or 'stop,' or the existence of a prior or current relationship or sexual activity."

Fondling: "The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instance 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 where in marriage is prohibited by law."

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

Statutory Rape: "Sexual intercourse with a person who is under the statutory age of consent." In the state of Indiana, the age of consent is 16.

Dating Violence: Many sexual assaults on college campuses are perpetrated by acquaintances.

- In most cases, at least one of the persons involved is under the influence of alcohol or other drugs. About 75% of male students who take part in acquaintance rapes had been drinking; about 55% of female students had. The best defense is not to drink alcohol.
- Don't assume that anyone is "too nice" to commit sexual assault.
- Carry a cell phone at all times to call for help if needed.
- Avoid being alone especially in unsafe situations and with strangers and persons you don't know well or with whom you don't feel safe.
- Never leave a drink unattended because of "date rape" drugs, which have no odor or color when mixed with drinks.

## **Sexual Harassment**

**Sexual harassment, which includes sexual violence, is prohibited by College.** Student complaints of sexual discrimination against College employees, other students, or third parties are to be filed with Campus Safety and Security. Accusations of sexual discrimination, sexual harassment, sexual misconduct, or sexual violence against Holy Cross College students, regardless of where the conduct occurred, will be adjudicated in accordance with the policies and procedures outlined in the Student Handbook. Such accusations against College employees or third parties will be addressed by the College administration in accordance with employment law. All such complaints will be investigated impartially, and both parties will have equal opportunity to bring witnesses, evidence, make statements, to be informed simultaneously with the complainant/respondent of the outcome, and to appeal the outcome.

For the purposes of this policy, "proceeding" refers to the standardized and specific process to investigate and adjudicate a complaint, and "result" refers to outcome of the proceeding.

A "preponderance of evidence" standard (i.e., "more likely than not") is used to resolve complaints of sexual discrimination. The College will take steps to stop the harassment, prevent recurrence of harassment, and correct its discriminatory effects on the complainant and others, if appropriate. The College will also take steps to prevent retaliation, and take strong responsive action if it occurs.

Harassment occurs when a person who, with intent to harass, annoy, or alarm another person:

- makes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature.
- makes a telephone call, whether or not a conversation ensues.
- communicates by mail or other form of written communication.
- uses a computer network or other form of electronic communication to transmit an obscene message, or indecent or profane words to a person referring to sexual conduct in an offensive way.

## **Sexual Offenses**

Sexual offenses are forms of sexual harassment prohibited by Title IX. Sexual behavior of any kind that occurs forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent, is considered to be a sexual offense. Holy Cross College neither tolerates nor condones any form of sexually abusive behavior on the part of its community members, whether physical, mental, or emotional.

More specifically, the Violence Against Women Act (VAWA) identifies the following actions as crimes – dating violence, domestic violence, sexual assault, and stalking – and **these actions**, along with any actions that are demeaning to others including, but not limited to, verbal/written harassment, **are specifically, explicitly, and expressly prohibited by the College.**

## **Information & Support Services for Victims of Rape & Sexual Offenses**

The first priority of a student who has experienced a sexual offense is to get to a place of safety. The student should then obtain necessary medical treatment. The College strongly recommends that a victim of a sexual offense report the incident in a timely manner. A sexual offense should be reported directly to Campus Security, Hall Director, Vice President of Student Life, or if the offense occurred off-campus, the local police. Speaking with the police **does not obligate** the student to press charges. Filing a police report will ensure that the victim of a sexual offense receives the necessary medical treatment and tests. It also provides the opportunity for timely collection of evidence helpful in prosecution. The victim should avoid showering, douching, using the toilet, or changing clothes before seeking help at the emergency room, as this may destroy physical evidence that could be obtained during the exam.

### **Sex Offense Services (S-O-S) Rape Crisis Center, South Bend**

S-O-S is St. Joseph County's rape-crisis center, housed within the Family Justice Center (FJC) of St. Joseph County. S-O-S is **staffed by trained professionals and volunteer advocates** who are **available 24 hours a day/7 days a week.**

S-O-S staff can provide **confidential counseling and recovery services**, as well as support and information about communication with the police, family and friends. S-O-S Volunteer Advocates provide emotional support and information **on the phone and in person at area hospital Emergency Rooms** around the clock. Specially trained professionals offer confidential counseling, group therapy, information, and referrals. S-O-S Advocates can act as a liaison between the victim and the legal process, and **can accompany the victim to court, if desired.**

**You can reach S-O-S by calling 574.289.HELP (574.289.4357).**

### **St. Joseph County Prosecutor's Office, Special Victim's Unit**

This specially trained unit of the St. Joseph County Prosecutor's Office consists of **victim advocates, law enforcement investigators, prosecutors, paralegals**, and other **prosecutorial support staff**. Twelve detectives who are trained and experienced in domestic violence, sexual assault, and child abuse cases come together from the three major police departments in St. Joseph County--the South Bend Police Department, Mishawaka Police Department, and the St. Joseph County Police Department--to **coordinate their efforts and to concentrate on these specific crimes**. They work under a Commander and Assistant Commander and a prosecutorial staff whose expertise is these types of crimes as well.

The **SVU is located on the 2<sup>nd</sup> floor of the Family Justice Center of St. Joseph County (FJC) at 711 E. Colfax, South Bend, Indiana.** The SVU is open 8:00 - 4:30, Monday - Friday. **Phone: 574.235.7818.**

## **Victim Rights and Options**

Whether occurring on or off-campus, the College will support student requests for assistance in reporting sexual offenses to local police and/or College officials charged with investigating such conduct. The victim of a sexual offense may choose for the investigation to be pursued through the criminal justice system and the College Student Conduct process, or only the latter. When making the decision of how to proceed, the victim of a sexual offense may wish to consult with and discuss options with his or her hall director, the Director of Residence Life and Housing, the Vice President of Student Life, the Campus Minister,



the Director of Counseling and Health Services, his or her parents, close friends, or legal counsel, none of which obligates the student to pursue a particular course of action. In the end, the decision of when, how, and to whom to report an incident and pursue legal action rests entirely with the victim of a sexual offense.

Because a sexual offense is a traumatic experience, the student is encouraged to seek counseling services to help his/her recovery. The College offers counseling to students through the Director of Counseling and Health Services. S.O.S. (Sex Offense Services) is a 24-hour sexual offense crisis agency, with both trained volunteers and professional staff to assist recovery through confidential counseling and other support services.

If a student requests, the College will honor changes in class schedule and/or housing assignment, if reasonably possible and available. Requests for changes should be made through the Vice President of Student Life.

## **Prompt, Fair, and Impartial Investigation and Resolution**

The College processes to address allegations of sexual assault, sexual misconduct, dating violence, domestic violence, stalking, and/or conduct that creates a hostile environment provide a prompt, fair, and impartial investigation and resolution of such allegations and will be conducted by College officials who receive annual training on issues related to sexual assault, sexual misconduct, dating violence, domestic violence, stalking, and conduct that creates a hostile environment and on how to conduct an investigation and resolution process that protects the safety of complainants and promotes accountability. These processes will be conducted in a manner that is consistent with the College's policies and that are as transparent as possible to the complainant and respondent, while also striving to maintain the confidentiality and dignity of those involved.

Complainants and respondents can expect to receive timely notice of meetings at which either the complainant or respondent, or both, may be present. The College's processes are designed to provide equal and timely access to the complainant, respondent, and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings. The College will make every effort to ensure that these proceedings are conducted by College officials who do not have a conflict of interest and/or bias for or against the complainant or respondent.

## **College Response to Reports**

When a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the College will provide the student or employee a written explanation of the student's or employee's rights and options and go over them verbally to ensure they are acknowledged and understood.

The College's response to reports of sexual assault, sexual misconduct, dating violence, domestic violence and stalking includes the following:

### **1. No Contact Orders Issues to the Complainant and the Respondent**

The Assistant Vice President of Student Life (or designee) shall issue no contact orders to the complainant and respondent. These orders are in no way indicators of guilt or suspicion; rather, they are administrative measures.

### **2. Assignment of a Title IX Point of Contact**

The complainant and the respondent will be referred to the appropriate Title IX point of contact, who is a trained Holy Cross College official who will serve as resource persons to identify, explain and navigate the reporting options and the available support services. This can include referrals to counseling, educational support, pastoral care, and medical treatment, and information about College and legal processes.

The title IX point of contact will disclose all rights that a complainant and respondent have to obtain an order of protection, let them know what legal options are available to them, inform the complainant and respondent about how to request information about the available options and provide specific contact information, provide instructions for how to file a request for each available option, disclose the institution's responsibilities for honoring such requests and complying with such orders, tell what the complainant and respondent should do to enforce an order of protection, and provide information on the available options in our jurisdiction.

The Title IX points of contact can also provide guidance about the process for requesting the interim measures and relief outlined below.

### **3. Interim Measures**

Holy Cross College is obligated to comply with a student's reasonable request(s) for living and/or academic situation change following an alleged sex offense. The Title IX point of contact will work with College officials to determine the extent of the institution's ability to comply with a student's request, and the Title IX Coordinator will have final decision-making authority in matters requiring decisions and/or discretion. The College will make all attempts to minimize the resulting burden (if any) on the complainant.

The College reserves the right to take immediate steps to protect complainants through the investigation and, if applicable, a resolution through the Student Conduct process. Interim measures may include alternative academic arrangements, adjustments to extracurricular activities or work schedules, transportation, housing and dining arrangements, and other interim measures. The goal of any adjustment will be to minimize the burden on the complainant's educational program. Where appropriate, to the extent that a student's requests are reasonable and can be adjusted, every effort will be made to do so. Adjustments will be administered by the appropriate Title IX point of contact (or designee).

The resources and measures outlined above will be offered when a student requests a formal resolution to an incident of conduct that creates a hostile environment, and may be offered when a student requests an informal resolution to an incident of a conduct that creates a hostile environment. Students may also Work with local law enforcement to obtain orders of protection, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal courts.

#### **4. Investigative Process**

Holy Cross College uses the same investigative process for reports of sexual assault, sexual misconduct, dating violence, domestic violence and stalking involving students and those involving members of the faculty and/or staff. Student incidents are overseen largely by the Vice President of Student Life, faculty incidents are overseen largely by the Dean of the College, and staff incidents are overseen largely by the Director of Human Resources.

All College officials involved in the investigation and hearing process receive annual training (either in person, via electronic means, or both) on issues related to sex offenses and their relevant portions of the process (e.g., how to conduct an investigation for the investigating officer; how to conduct a hearing for the Hearing Officer, etc.). This training addresses a variety of issues, including but not limited to how to collect statements and evidence, how relevant evidence should be used during a proceeding, proper hearing conduct procedures, and ways to ensure that bias and/or conflicts of interest are avoided.

## **Complaint Investigation and Adjudication Procedures**

In accordance with the Federal DOE guidelines, cases of alleged sexual offenses, including domestic violence, dating violence, sexual assault, and stalking, the same procedures governing investigations, conferences, and hearings will be observed (**see *Procedure for Dealing with a Title IX Related Incident***), with the same possible outcomes ranging from verbal or written reprimand to expulsion from the College, along with the two following additional procedures:

1. *The complainant and the respondent are entitled to the same opportunities to have an advisor present during a conference or hearing.*
2. *Both the complainant and the respondent will be simultaneously notified in writing of the results of any conference or hearing. This notification will normally take place within seven days of the conference or hearing. Both the respondent and complainant may also appeal the results, be informed of any changes to the results that may occur, and when the results become final.*

Appeals, which may be filed by either the respondent or complainant, must be submitted within three (3) working days of written notification of the conference or hearing outcome.

The Title IX prohibits any retaliatory action or harassment by the respondent (i.e., alleged perpetrator) or his/her associates against a complainant of sexual harassment or violence. Name-calling, taunting, making disparaging remarks, physical/emotional intimidation, and other such inappropriate actions of a harassing nature and/or which make the complainant feel uncomfortable, victimized, harassed, and or threatened – either in person and/or virtually – are among the prohibited actions. Incidents of this nature are to be reported to Campus Safety and Security or the Vice President of Student Life.

## **Retaliation and Intimidation Prohibited**

The Higher Education Opportunity Act establishes safeguards for “whistleblowers” by prohibiting any retaliatory action against any individual “with respect to the implementation of any provision” of the Clery Act and requiring the institution to take “strong action” against any violation.

The College strongly encourages students to report any incident of sexual assault, sexual misconduct, dating violence, domestic violence, stalking, and/or conduct that creates a hostile environment. Holy Cross College takes such reports very seriously. Any actual or threatened retaliation or any act of intimidation to prevent or otherwise obstruct the reporting of sexual assault, sexual misconduct, dating violence, domestic violence, stalking, and/or conduct that creates a hostile environment or the participation in proceedings relating to an incident by a respondent, witness, or other individual is itself prohibited and may result in a referral to the Student Conduct process.

An individual who is threatened in any way should immediately report these concerns to the Title IX Coordinator (call 574-239-8349 or e-mail [GDeMaegd@hcc-nd.edu](mailto:GDeMaegd@hcc-nd.edu)). In addition, all members of the College community may report actual or threatened retaliation to Holy Cross Campus Safety by calling 239-8312.

Any report of alleged retaliatory behavior related to an incident or report of sexual assault, sexual misconduct, dating violence, domestic violence, stalking, and/or conduct that creates a hostile environment will be investigated through an Administrative Investigation. After the Administrative Investigation, the matter may be referred to the Student Conduct process (see Procedure for Dealing with a Title IX Related Incident).

The reporting party should make every effort to submit a written report to the Title IX Coordinator within thirty (30) calendar days of the alleged conduct.

## Disclosures to Alleged Victims of Crimes of Violence or Sex Offenses

Holy Cross College will disclose to the complainant (i.e., alleged victim of a crime of violence or a sexual offense) the outcome of any conference or hearing conducted by the College in the case of a respondent (i.e., student who is the alleged perpetrator of the crime or offense). The outcome is to include the final determination of responsibility and any sanction(s) that may be imposed against the respondent. As with all violations, students found responsible for violating the College sexual misconduct policy may receive sanctions that range from verbal or written reprimand to expulsion from the College. If the alleged victim is deceased as a result of the crime or offense, Holy Cross College will provide the results of the conference or hearing to the victim's next of kin, if so requested. Appeals, which may be filed by either the respondent or complainant, must be submitted within three (3) working days of written notification of the decision.

## Sex Offense Prevention

The College educates the student community in awareness and prevention of domestic violence, dating violence, sexual assault, and stalking through mandatory freshman orientation sessions. Additional information on sexual assault education, risk reduction, and response is provided through regular programming and hall meetings.

## Sex Offender Registry

The "Campus Sex Crimes Prevention Act" of 2000 requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained.

In the State of Indiana, convicted sex offenders must register with the Indiana Sex and Violent Offender Registry maintained by the Indiana Sheriffs' Association. Information contained on this site provides no representation as to any offender's likelihood of re-offending or the nature of any future crimes that may be committed.

Information in this registry may not be used to harass or threaten sex offenders or their families. Harassment, stalking, or threats may violate Indiana law. To gain access to information about registered sex offenders in St. Joseph County, visit: [http://www.sheriffalerts.com/cap\\_main.php?office=54872](http://www.sheriffalerts.com/cap_main.php?office=54872)

Federal Law also requires state law enforcement agencies to provide notice to each institution of higher education in that state a list of registered sex offenders who have indicated that they are either enrolled, employed, or carrying on a vocation at the College. A registration list of sex offenders at the College will be maintained and available at two locations on campus: the Office of Campus Safety and Security located in James Hall, and the Office of the Vice President of Student Life.

## Additional Information

The Code of Student Conduct may be found in the Student Handbook, located at: <http://www.hcc-nd.edu/student-life/1/Student-Handbook>

## Important Telephone Numbers

Campus Safety and Security:	574-239-8312
Emergency:	911
Vice President of Student Life:	574-239-8315
Student Counseling Services:	574-239-8383
Campus Ministry:	574-239-8350
Residence Life:	574-239-8315
Family Medicine Center:	574-335-6500
Sexual Assault 24-hour help line:	574-289-HELP (289-4357)

### Crime Statistics Reporting Table 2021

OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
MURDER/NON-NEGLIGENT MANSLAUGHTER	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
Violence Against Women: Domestic violence, dating violence, stalking	2019	1	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
SEX OFFENSES, FORCIBLE	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
SEX OFFENSES, NON-FORCIBLE	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
ROBBERY	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
AGGRAVATED ASSAULT	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
BURGLARY	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
MOTOR VEHICLE THEFT	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
ARSON	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
ARRESTS: WEAPONS: CARRYING, POSSESSING, ETC	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
DISCIPLINARY REFERRALS: WEAPONS: CARRYING, POSSESSING, ETC.	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
DISCIPLINARY REFERRALS: DRUG BUSE VIOLATIONS	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	4	0	0
ARESTS: LIQUOR LAW VIOLATIONS	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2019	0	21	0	0
	2020	0	19	0	0
	2021	0	15	0	0

HATE CRIMES:

2019: 0

2020: 0

2021: 0

The 2021 Crime Statistics report which includes the above data for the 2020 calendar year is submitted to the DOE, and will be made available for viewing by the DOE after October 11<sup>th</sup>, 2021, at: <http://www.ope.ed.gov/security/Index.aspx>

The Annual Fire Safety Report may be found in Addendum C of the Student Handbook.

