



Cleveland Institute of Art

SEXUAL VIOLENCE- SUPPORT, REPORTING POLICIES & PROCEDURES

Title IX of the Education Act Amendments of 1972 (“Title IX”) prohibits discrimination on the basis of sex in educational programs or activities operated by recipients of Federal financial assistance.

The Cleveland Institute of Art is committed to providing a learning, working and living environment that promotes personal integrity, civility, and mutual respect in an environment free of sexual misconduct and discrimination. Sexual violence is a form of sexual discrimination and violates an individual’s fundamental rights and personal dignity. The Cleveland Institute of Art regards sexual discrimination in all its forms to be a serious offense if practiced by students, faculty, or staff.

The Institute does not discriminate on the basis of gender, gender identity, or sexual orientation in its educational programs or in any other activities sponsored by the Institute, as required by Title IX of the Education Act Amendments of 1972 and Title VII of the Civil Rights Act of 1968. Through its policies on sexual violence, the Institute supports everyone: male, female, gay, lesbian, bisexual, transgender, and questioning individuals. This non-discrimination policy extends to all applicants for admission to the Institute, as well as all students who are full- or part-time, matriculated for a degree or not, and visiting students.

The Institute’s Title IX Administrator is Ray Scragg, Vice President of Human Resources and Inclusion (rscragg@cia.edu or 216.421.7312), 11610 Euclid Ave., Cleveland OH 44106. Inquiries concerning the application of Title IX requirements may be directed to Mr. Scragg. You may also contact the Office for Civil Rights, US Department of Education, 1350 Euclid Avenue, Suite 325, Cleveland, OH 44115, 216.522.4970, or OCR.Cleveland@ed.gov

Definitions

- **Sexual violence** refers to physical sexual acts perpetrated **against a person’s will or where a person is incapable of giving consent due to the age of the person who has experienced sexual violence, or use of drugs or alcohol.**
- Sexual violence includes **rape, sexual assault, sexual battery, and sexual coercion.**
- **Sexual harassment** of students, which includes acts of **sexual violence**, **is a form of prohibited sex discrimination.**
- **Gender-based harassment**, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature, **is also prohibited** and addressed in a separate policy in the Student Handbook.

- **“Consent” is a critical factor in sexual assault.** Consent must be given through a clearly expressed and mutually understood agreement for specific sexual behavior. **The responsibility for obtaining consent lies with the person initiating the sexual act.** Consensual sex is only possible when both parties are able to give consent. A person who is under age 18, or is incapacitated by drugs and/or alcohol, or is unconscious, asleep, or mentally impaired CANNOT give consent. The threat of or use of violence, force, intimidation, or other coercion negates any previous consent or subsequent assumptions of consent. **“No” means no.**

Reporting

The Institute strongly encourages persons who experience sexual violence to immediately report this, seek assistance, and pursue Institute action for their own protection and that of the entire CIA community. In addition, any members of the CIA community who witness or learn of alleged sexual violence from the person who experienced same, or through another party, have the obligation to report this to one of the three persons at CIA who are obliged to take action as a result of receiving the report: Ray Scragg, Lisa Schumann, or Nancy Neville (see contact information below). Consult the following FAQs to learn more about the CIA reporting process and procedures.

FAQs

What should a person who has experienced sexual violence do first?

- Get to a safe place
- Tell a trusted person about the incident
- Call 911 or University Circle Police (216-791-1234) or Case Police (216-368-3333) and/or go directly to the emergency room at any local hospital for medical attention. The closest hospital to CIA’s facilities is:
 - University Hospitals, 11100 Euclid Avenue, 216-844-3722
- It is important that the physical evidence of the violence be preserved. Do not wash hands, shower or douche, urinate, consume liquids or food, brush hair or teeth, or change clothes immediately following the incident.
- The person who has experienced sexual violence can request an advocate or other support person during an examination at a hospital. An advocate is available from the Cleveland Rape Crisis Center (216-619-6192).
- The person who has experienced sexual violence is not obligated to talk to the police, but the police will be called to the emergency room.
- Making sure evidence is collected does not obligate the person who has experienced sexual violence to pursue any action, but does leave all options open.
- Hospitals are required to report felony crimes (rape is a felony crime) but if the person who has experienced sexual violence is over 18, his/her name does not have to be disclosed.

Who are the people on campus who can receive a report of sexual violence?

Any member of the CIA community can receive a report or make a report, but three persons have been identified as “Designated Reporting Officers.” These persons receive reports of sexual violence and are legally required to take action as a result of a report. They are:

- Raymond Scragg, Vice President of Human Resources and Inclusion and Title IX Administrator, rscragg@cia.edu or 216-421-7312
- Lisa Schumann, Assistant Director of Human Resources and Title IX Coordinator for Faculty and Staff, lschumann@cia.edu or 216-421-7405
- Nancy Neville, Dean of Student Affairs and Title IX Coordinator for Students, nneville@cia.edu or 216-421-7427

Is the report confidential?

The Designated Reporting Officer who receives the report will make every effort to keep the report confidential to the extent possible and consistent with legal requirements and/or the requirement to investigate allegations and take action. The complainant (person who has made a report of sexual violence) may request that a report be kept confidential, and the Institute will consider such requests. Students should be aware, however, that honoring such requests may limit the Institute's ability to fully investigate and respond to the report. The Institute will maintain reports in a secure manner.

Will parents/guardians be notified?

In some instances when there is a health or safety concern involving a student, the Institute may need to notify the parent or guardian. In making this decision, the desire of the complainant will be considered along with the need to protect his/her safety and that of the campus community. If the person who experienced sexual violence is under the age of 18, or under 21 and physically or mentally impaired, the Designated Reporting Officer may be required to report the assault to the appropriate social service agency or the police.

Can a report of sexual violence be made to someone who is not required to take action as a result of the report?

Yes, a conversation without the requirement of follow-up action can be had with a "Confidential Reporting Officer." Confidential Reporting Officers provide advice, support, and guidance about how to manage the situation without instituting an investigative action. These resources are not required to report allegations of sexual misconduct unless the reporter is in imminent danger. The report to this person remains confidential. Confidential Reporting Officers are licensed professionals and include:

Mental health counselors, social workers, and medical professionals (doctors, nurses, and others with state licenses) who can be found at counseling centers, health centers, health care or social service agencies, hospitals, and clinics.

- CWRU Health Services, 2145 Adelbert Rd., 216-368-2450 (24/7)
- CWRU Counseling Services, Sears 220 on the Case campus, 216-368-5872 (24/7)
- CWRU Flora Stone Mather Center for Women (and men), Tinkham Veale University Center, Suite 248 on Case Campus (11038 Bellflower Road), 216-368-0985 M-F 8:30-5:00 and ask for the Licensed Professional Health Advocate
- Cleveland Rape Crisis Center, 216-619-6192 (24/7)
- The Domestic Violence Center (216-391-4357 (HELP) (24/7))

Can a report of sexual violence be given anonymously?

Yes, if the Institute receives an anonymous report of sexual assault, it will conduct an inquiry into the matter. This may limit the Institute's ability to conduct an effective inquiry and take action concerning the report.

Must an incident of sexual violence be reported to the police?

Yes and No. The Institute is not required to make a report but strongly encourages those who have experienced sexual violence to file a police report. Sexual violence may constitute a criminal act. A member of the police department has a responsibility to uphold and enforce the law even if the person reporting the violence does not want to participate in the process or make a complaint. If the person who has experienced sexual violence is at a hospital, the emergency room staff is required to report felony crimes to the police. If the person who has experienced sexual violence is 18 or older, his/her name does not have to be disclosed. If the person who has experienced sexual violence is under 18, a report must be made.

What happens after the Institute receives a report of sexual violence?

The Designated Reporting Officer will promptly and thoroughly investigate any complaint or report of a violation of this policy and/or retaliation. A thorough investigation can, in some cases, take several weeks. The general investigation procedures will include a review of all applicable documents, an interview of the person making the complaint, an interview of the alleged violator, and interviews of additional witnesses. Other investigatory actions may also be taken. The Designated Reporting Officers may conduct a hearing. At the conclusion of the investigation and hearing, the Designated Reporting Officers will make a determination as to whether the policy has been violated and what actions are warranted. The Institute may take interim measures before the conclusion of an investigation if circumstances warrant. An appeals process is available.

What if a false claim is made?

A complaint or report that the Institute's sexual violence policy has been violated is a serious matter. Dishonest complaints or reports are also against our policy, and CIA will take appropriate action up to and including expulsion or termination if its investigation determines that deliberately dishonest and/or bad faith accusations have been made. Note that insufficient proof that sexual assault has occurred is not the same as a false allegation.

What about retaliation?

If anyone involved in the investigative process (complainant, respondent, witness) feels that he/she is experiencing retaliation, they should report that activity to a Designated Reporting Officer. The Institute will take action against anyone who retaliates, regardless of the outcome of the investigation.

This document is on the CIA website at:

<http://www.cia.edu/student-life/student-services/sexual-violence-support-reporting-policies-procedures/overview>