



Cleveland Institute of Art
College of Art + Design

Sexual Assault Reporting

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.

Sexual violence is a form of sex-based discrimination and violates an individual’s fundamental rights and personal dignity and is therefore a violation of Title IX. The Cleveland Institute of Art regards sex-based discrimination in all its forms to be a serious offense if practiced by students, faculty, or staff. The College 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 College, 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 sex-based discrimination, the College supports everyone: male, female, gay, lesbian, bisexual, transgender, and questioning individuals. This non-discrimination policy extends to all applicants for admission to the College, as well as all students who are full- or part-time, matriculated for a degree or not, and visitors to any of our education programs or activities.

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, use of drugs/alcohol, or the presence of a mental or developmental disability. Sexual violence includes rape, sexual assault, sexual battery, and sexual coercion.

Sexual harassment, which includes acts of sexual violence, is also a form of prohibited sex discrimination under Title IX as addressed in the Title IX Policy in the Student Handbook.

Sex-based discrimination, 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 the Title IX 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 16, 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 College strongly encourages persons who experience sexual violence to immediately report this, seek assistance, and pursue College 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 a Title IX Coordinator:

Vivian R. Scott

Director, Title IX Compliance
Title IX Coordinator for Students (alleged perpetrator is a student)
216.421.7476
vrscott@cia.edu
or

Lisa Schumann

Associate Director, Human Resources
Title IX Coordinator for Faculty and Staff (alleged perpetrator is an employee)
216.421.7405
lschumann@cia.edu

The College's Title IX Officer is Vivian Scott, Director, Title IX Compliance (vrscott@cia.edu or 216.421.7476). You may make a report 24/7 via email, in person, or by mailing Ms. Scott at 11610 Euclid Ave., Cleveland OH 44106, Room 102. 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.

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 can receive a report of sexual violence?

Any member of the CIA community can receive a report or make a report, but notifying a Title IX Coordinator puts the College “on notice” and obligates the College to respond to a report of sexual violence.

Vivian Scott, Director, Title IX Compliance and Title IX Coordinator for Students (alleged perpetrator is a student)

Contact: vrscott@cia.edu or 216.421.7476

Lisa Schumann, Associate Director of Human Resources and Title IX Coordinator for Faculty and Staff (alleged perpetrator is an employee)

Contact: lschumann@cia.edu or 216.421.7405

Is the report confidential?

The Title IX Coordinator 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 in accordance with the Title IX Sexual Harassment Grievance Process. The reporter may request that a report be kept confidential, and the College will consider such requests. Students should be aware, however, that honoring such requests may limit the College's ability to fully investigate and respond to the report. The College 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 College 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 Title IX Coordinator 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 respond on behalf of the College 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 CWRU campus, 216.368.5872 (24/7)
- CWRU Flora Stone Mather Center for Women (and men), Tinkham Veale University Center, Suite 248 on CWRU 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 made anonymously?

Yes, if the College receives an anonymous report of sexual assault, it will conduct an inquiry into the matter. However, this may limit the College's ability to conduct an effective inquiry and investigation concerning the report.

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

Yes and no. The College 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 College receives a report of sexual violence?

The Title IX Coordinator will provide information regarding supportive services available to the victim, and will promptly and thoroughly investigate any complaint in accordance with the Title IX Sexual Harassment Grievance Process. 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.

Based on the outcome of the investigation, a hearing may take place. At the conclusion of the investigation and hearing, a determination will be made as to whether the policy has been violated and what actions are warranted. The College 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 of sexual violence 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 they are experiencing retaliation, they should report that activity to the Title IX Coordinator. The College will take appropriate action against anyone who retaliates, regardless of the outcome of the initial investigation.