

**BELLARMINE UNIVERSITY**  
**THE JEANNE CLERY ACT REPORT FOR 2009**  
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**CAMPUS SECURITY AUTHORITY**

Campus security authorities at Bellarmine University include the Chief of the Department of Public Safety, Public Safety Officers and staff members and any official of the university who has significant responsibility for student and campus activities including student discipline, student housing, student judicial affairs and student life. Designated university officials are: President,, Vice President for Business Affairs, Vice President for Academic and Student Life, Dean of Students, Assistant Deans of Students, Student Life Coordinator, Director of Residence Life, Assistant Director of Residence Life, Graduate Hall Directors, Athletic Director, Assistant Athletic Director, Basketball Coach, Baseball Coach, Volleyball Coach, Cross Country Coach, Track Coach, Softball Coach, Golf Coach, Field Hockey Coach, Cheerleading Coach and Dance Team Coach, Head Athletic Trainer and Assistant Athletic Trainer. The president or his designee may identify other officials if necessary.

**ENFORCEMENT AUTHORITY**

*Department of Public Safety* officers have the responsibility to enforce university policies and regulations and to report crime violations to local and state authorities. The Department of Public Safety enforces university policies such as weapons possession, alcohol and the controlled substance use violations.

Public Safety Officers are responsible for crime reports, fire and weather related emergencies, medical emergencies and traffic accidents. They also enforce parking laws and regulations. They are trained in emergency medical procedures and CPR, including the use of defibrillators that are stationed in campus buildings and in the Department of Public Safety vehicle.

**Policy on Alcohol and Illicit Drugs**

The use and especially the abuse of alcohol can pose a serious threat both to the full development of the individual person and the educational environment, which includes not only the campus community but the neighborhood and surrounding community.

Federal regulations (Federal Drug Free Schools and Communities Amendments of 1989) require notification of the following: unauthorized distribution, possession, or use of any controlled substance or illegal drug as defined by the Kentucky Revised Statutes; Providing alcoholic beverages to individuals under twenty-one (21) years of age; possession or use of alcoholic beverages by individuals under twenty-one (21) years of age; and unauthorized possession of an open container of an alcoholic beverage; public intoxication; unauthorized distribution of alcoholic beverages or possession of alcoholic beverages for purposes of illegal distribution on Bellarmine University premises or at Bellarmine University sponsored activities. This policy and the related procedures outline the University's responsibilities and the responsibilities of those who work, study, or congregate at the University. This policy applies to students in all academic-related activities and environments on and off campus. Care has been taken to outline these responsibilities so as to allow each member and guest of Bellarmine University to assume the respective responsibilities attendant to his or her status with Bellarmine University.

Risks Associated with Alcohol and Drug Use

All substance use poses some degree of health risk. The level of risk is dependent on the type of substance, frequency, and amount used; interactions with other medications/substances, and individual risk factors

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including family history, previous substance abuse history, and health conditions (e.g. depression, pregnancy, diabetes, heart disease). For more information about alcohol and drugs and/or to take a free alcohol abuse screening, please visit the following site:

[www.bellarmino.edu/studentaffairs/counselingcenter/alcoholdrugs.asp](http://www.bellarmino.edu/studentaffairs/counselingcenter/alcoholdrugs.asp).

Counseling and Treatment Resources

- Bellarmine University Health Services / 502.452.8493/  
[www.bellarmino.edu/studentaffairhe/shealthservices/](http://www.bellarmino.edu/studentaffairhe/shealthservices/)
- Bellarmine University Counseling Center /  
502.452.8480/[www.bellarmino.edu/studentaffairs/counselingcenter](http://www.bellarmino.edu/studentaffairs/counselingcenter)
- Alcoholics Anonymous / 502.582.1849/[www.louisvilleaa.org](http://www.louisvilleaa.org)
- Jefferson Alcohol & Drug Abuse Center /  
502.583.3951/[www.sevencounties.org/alcohol\\_and\\_drugs.htm](http://www.sevencounties.org/alcohol_and_drugs.htm)

Alcoholic Beverage Policy

The following information and guidelines apply to all Bellarmine University students, friends, and guests attending events sponsored by the University. They have been established to provide for the growth of the individuals as persons and to provide for the preservation and enhancement of the environment and communities within which this growth occurs. Those who engage in substance abuse may be referred to appropriate internal and external assistance programs. The University provides counseling and referral services to employees and students through the Counseling Center and Human Resources. Information on this program can be picked up in the Human Resources Office, extension 502.452.8236, or in the Counseling Center, extension 502.452.8480.

State and City Laws

Members of the University community are expected to be aware of and obey state and municipal laws or ordinances regulating the use, possession or sale of alcoholic beverages. Alcohol concentration of or above 0.08 is the definition of intoxication in the State of Kentucky.

Students who are cited for violations of such laws or ordinances by state or municipal authorities also may face University disciplinary proceedings and/or be required to pursue counseling or treatment as a condition of continued enrollment at the University. The laws of the Commonwealth of Kentucky are applicable to every person on the Bellarmine University campus, regardless of his or her state or country of origin. The following are important Kentucky and City of Louisville laws or ordinances:

1. It is illegal for any person under twenty-one (21) years of age to attempt to purchase, consume, possess or transport any alcoholic beverages.
2. It is illegal for any person under twenty-one (21) years of age to knowingly and falsely present himself or herself to be twenty-one (21) years of age for the purpose of procuring any intoxicating beverage.
3. It is illegal for any person to represent to a dealer or any other person that a minor is over twenty-one (21) years of age for the purpose of inducing the dealer or other person to serve alcoholic beverages to that minor.
4. It is illegal for any person to request anyone over twenty-one (21) years of age to purchase or offer to purchase any alcoholic beverage from a licensed dealer for a minor.
5. It is illegal for any person to sell, furnish or give away any alcoholic beverage to a person under twenty-one (21) years of age or to any person who is visibly intoxicated.
6. It is illegal to operate or control a motor vehicle while under the influence of alcohol.
7. It is illegal for any person, whether or not a minor, to sell alcoholic beverages without a license.

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8. It is illegal for any person to induce anyone under twenty-one (21) years of age to commit any of the above criminal acts.

A City of Louisville ordinance prohibits the consumption of alcoholic beverages and the possession of open containers of alcoholic beverages in public streets, sidewalks, highways, buildings, lanes, parking lots, recreation or park areas or other public property within the City of Louisville. The penalties for violating the above laws and ordinance are severe. Moreover, individuals may face severe financial consequences from a civil lawsuit arising out of the use or misuse of alcohol.

University Regulations Governing the Use of Alcohol

The following regulations govern the use of alcohol on the Bellarmine University campus:

1. The use or possession of alcoholic beverages is allowed at on-campus and off-campus student sponsored events or at University-sponsored activities for students when approved by the Director of Student Activities and the Dean of Students. A student-sponsored event includes, but is not limited to, private parties and events at which University or student organization funds or resources are used. This policy applies, therefore, to all out-of-state travel or travel abroad, regardless of the alcohol policies/laws that exist elsewhere.
2. Intoxication and/or alcohol abuse shall not be permissible as an excuse for unlawful behavior or misconduct. Public drunkenness, as commonly defined by slurred speech, erratic behavior and physical coordination difficulties, is prohibited. In addition, disorderly conduct, property destruction, intimidation, verbal abuse or harassment, or other infringements of the rights of others as a result of alcohol use is prohibited.
3. Alcoholic beverages of any kind are prohibited at University-sponsored athletic events on and off campus. Such beverages may be served to adult groups (guests of the University) within the controlled environment of the Booster Room or one of the rooms provided for entertaining guests.
4. No driver shall consume alcoholic beverages in any University vehicle or in a University sponsored vehicle. State law prohibits alcohol consumption in any vehicle on public highways.

Alcohol Policy Violations and Sanctions

Each violation of the University Alcohol Policy will be reviewed according to the University's judicial process. The following sanction per alcohol policy offense will be used as guidelines and are not requirements. The sequence of sanctions below might not be followed for more severe alcohol policy violations (e.g. excessive amounts of alcohol). Failure to meet the terms of any sanction in the allotted time period will result in further disciplinary actions, including additional sanctions and/or fines.

*First offense* – Warning and completion of AlcoholEDU for Sanctions at cost to student within the time frame allotted by Hearing Officer.

*Second offense* – University On-Notice, Educational Sanction, Alcohol Education Fund Fine of \$120, Parental Notification\*, Completion of an alcohol screening and assessment through the University Counseling Center.

*Third offense* – University Probation and Parental Notification\*

*Fourth offense* – University Suspension

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Additional sanctions may be assigned as deemed necessary by the appropriate judicial body. Additional sanctions may include, but are not limited to, assignment of community service hours, residence hall probation, educational sanctions, restitution, etc.

*\*In accordance with the Family Educational Rights and Privacy Act, which is part of the Higher Education Act, the University has a right to notify parents/legal guardians if a student under the age of 21 violated an alcohol or drug policy or is accused of a violent crime. Bellarmine University may inform parents/legal guardians of students who have received the sanction of University or Residence Hall Probation or higher.*

Illegal Drug Use Policy

Bellarmino does not allow the use of illegal substances. Because the use of illegal drugs is dangerous to the well being of individual users, and to the goals of this educational community, the following regulations are in effect. Students involved in the manufacture, sale, offering to sell, delivery, use or possession of a controlled substance or paraphernalia will be referred to the Dean of Students. Such conduct could entail suspension or expulsion from the University and/or a requirement that the student enroll and actively participate in a drug counseling and rehabilitation program as a condition of continued enrollment or readmission. The University reserves the right to evict a resident student involved in any of the above-mentioned behaviors from its residence halls at any time during the academic year. These regulations are not substitutes for criminal sanctions provided for by state and federal statutes.

Laws Concerning Illicit Drugs

The following laws concerning specific illicit drugs are drawn from the Controlled Substance Act of the Commonwealth of Kentucky. A representative listing of specific drugs and the violations inherent in illegal activities related to such drugs is provided below. The failure to list all drugs included in the above act does not exonerate individuals from responsibility for their actions as it relates to illegal drugs, nor does it preclude the University from taking steps to address illegal activity in terms of its own internal counseling and referral system or its judicial system. Among others, the following acts and the causing thereof are prohibited within the Commonwealth of Kentucky: the manufacture, sale or delivery, holding, offering for sale, or possession of any controlled substance or drug paraphernalia. The penalty for violation of these acts is based upon the nature or schedule of the drug involved and the weight of the substance.

Possession of Marijuana

1. A person is guilty of possession of marijuana when he/she knowingly and unlawfully possesses marijuana. Possession of marijuana is a class A misdemeanor.
2. A person is guilty of marijuana cultivation when he/she knowingly and unlawfully possesses marijuana plants with the intent to sell. Possession of 5 or more plants of marijuana is a class D felony.

Criteria for Classification of a Schedule 1 Narcotic

A Schedule 1 narcotic is one that has high potential for abuse and has no accepted medical use in treatment in the United States. Possession of a Schedule 1 narcotic is a class D felony.

Criteria for Classification of a Schedule 2 Narcotic

A Schedule 2 narcotic is one that has a high potential for abuse and has a current medical use in treatment in the United States. Possession of a Schedule 2 narcotic is a class A misdemeanor.

Trafficking in narcotics or marijuana within one-thousand (1000) yards of any school is a class D felony.

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Drug Conviction & Financial Aid

If a student is convicted in a court of law for possessing or selling illegal drugs while receiving federal student aid, this action may negatively affect the student's future eligibility to receive such aid. Please contact the financial aid office to discuss students' aid eligibility.

Possession of Drug Paraphernalia

Possession of any drug paraphernalia is a class A misdemeanor; however, the presence of any illegal controlled substance in/on this paraphernalia may change this to a class D felony.

**Sexual Assault and Sexual Misconduct Policy**

Philosophy

Sexual assault is a serious violent crime. It is a crime of hostility and aggression, as well as a violation of human dignity. Sexual assault is also a very sensitive crime which is unique in its physical and mental impact upon the victim. When it occurs at Bellarmine University, it is also a flagrant violation of University standards. The Bellarmine University community expects its members to treat other persons with respect and dignity and will not tolerate any form of sexual assault or sexual misconduct. Sexual activity should be explicitly agreed upon by both parties. The responsibility to obtain consent rests with the initiator of the activity. Consent is defined as informed, freely and actively given, mutually understandable words or actions. A person has the right AT ANY TIME to say "no" to sexual activity and that "no" means "no." Verbal communications of nonconsent, nonverbal acts of resistance or rejection, or mental incapacitation of the victim due to any cause including the victim's use of alcohol or drugs constitute a lack of consent. The same holds whether the assailant is a stranger or an acquaintance. The use of alcohol or drugs will not be accepted as an explanation for the actions of any person charged with the violation of this policy. In addition, the use of alcohol or other mind-altering substances by either party does not have to be known by both parties for the offense to be considered sexual assault or sexual misconduct. Wanton, unacceptable conduct will be addressed severely for the good of the students and the academic community.

Students who violate this policy will be disciplined under the University's Code of Conduct and may be prosecuted under Kentucky's criminal statutes. Whether or not a criminal prosecution occurs, Bellarmine retains the right to proceed with disciplinary action at any time, and the University need not await the dispensation of any such criminal prosecution. Appropriate disciplinary action may include counseling, educational sanctions, disciplinary probation, suspension, expulsion, and referral to the proper law enforcement authorities for prosecution.

Definitions

The following definitions are offered to inform the Bellarmine University community of the various types of sex offenses that occur most frequently on college campuses.

*Forcible Sex Offenses*

Forcible sex offenses include any sexual act directed against another person, 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 (e.g. under the influence of alcohol or other mind-altering substances). This includes forcible rape, sodomy, sexual assault with an object, and forcible fondling. Sexual assault serves primarily nonsexual needs; regardless of the form, sexual assault is an act of aggression and control, rather than of sexual desire. **The defining issue in sexual assault is the lack of consent by the victim.**

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*Non-Forcible Sex Offenses*

Non-forcible sex offenses include incest and statutory rape. Depending on the circumstances, acquaintance rape could be in either category.

*Sexual Misconduct*

Sexual misconduct is a more comprehensive term that includes forcible and nonforcible sex offenses, but is not limited to: rape, sexual assault, indecent exposure, obscene phone calls, sexual abuse, forcible fondling, sexual battery, conduct that contributes to sex offenses, as well as *attempts* to perform such acts. Verbal consent to any form of sexual activity by both parties, without force, threat of force or intimidation, or coercion is required. Sexual acts against a person who is unconscious, sleeping, or otherwise unable to give consent are prohibited. Acts of complicity (e.g. spiking drinks, getting someone drunk for the purpose of committing a sex offense, being a silent bystander, etc.) also violate the policy.

Grievance Procedure for Sexual Assault

If an assault occurs, it should be reported to the Office of Public Safety, the Dean of Students, Residence Life, Health Services, or the Counseling Center. Confidentiality will be maintained unless another student is involved or a potential risk of harm to self or others exists. Information will be shared only with relevant medical and/or therapeutic personnel until such time that a decision is made or temporary, indirect, or direct action taken. Assaults that occur by an assailant not affiliated with the University and/or off-campus should be reported to local police (911). If law enforcement officials are notified first, it is still recommended to contact a campus resource person so that appropriate measures can be taken and support provided.

When an alleged sexual assault is reported, campus resource persons will notify the victim of the range of resources and alternatives available to him/her both on campus and in the Louisville community. The discussion should include encouraging the victim to report the incident to law enforcement authorities. The University can help arrange a meeting with law enforcement authorities and will accompany and support the victim during the meetings.

*Informal Action*

1. Immediate medical attention (U of L Hospital has the most comprehensive rape response unit). Refer to subsection on Medical Attention.
2. Referral to free, trained therapists.
3. Access to legal advocacy.
4. Access to printed information to enable informed decisions regarding crime and assistance, and criminal and disciplinary proceedings.

*Formal Procedures*

The victim is encouraged to file a formal report, not only in order to deter such assaults from happening to others, but also to receive services that enhance recovery. However, the choice as to how to proceed after the assault belongs to the victim.

A student who has been sexually assaulted may pursue a complete professional investigation before making a decision about how to proceed with the case. Not all incidents of sexual assault result in criminal proceedings. In some cases, the victim chooses not to press criminal charges. In other cases the prosecutor may decide that there is insufficient evidence to meet the burden of proof “beyond a reasonable doubt.”

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Whether or not criminal proceedings are initiated, campus disciplinary proceedings will be started when the evidence warrants. The judicial process will be discussed with the student. A victim's identity will be kept confidential as much as possible and only released on a need to know basis. **The Louisville Metro Police may be involved. Even if charges are not pursued, reporting the assault is a way to regain a sense of personal power and control by enabling the victim to do something about the offense committed. Furthermore, information provided helps in the prevention of sexual assault and the protection of other potential victims. Most sex offenders are repeat offenders.**

*Rights of Victims*

The victim's rights include, but are not necessarily limited to, the following:

1. The right to remain silent. If the victim decides to exercise his/her right, the process will continue and a decision will be made based on the remaining evidence.
2. The right to confer with an advocate of not more than one person to be chosen by the victim from the Bellarmine University campus community (student, faculty, or staff member) to help prepare information to present at the hearing. This advocate may be present at the hearing, but only to answer questions that the victim may have during the course of the proceedings. The advocate may not speak at the hearing unless specifically requested to do so by the chairperson of the Hearing Panel.
3. The right to make his or her statement without being in the presence of the accused in the hearing.
4. The right to make a "Victim Impact Statement," which is an oral statement that describes the effect that the incident has had on the victim emotionally or physically. The right to not have his or her past sexual history with other persons other than the accused discussed during the hearing.
5. The right to call witnesses (other than character witnesses) to testify at the hearing. However, the Hearing Panel may establish a reasonable limit to the number of witnesses.
6. The right to read the written statements of all involvement.
7. The right to have witnesses (other than character witnesses) submit written statements.
8. The right to withdraw a complaint at any time prior to the imposition of sanctions.
9. The right to appeal the decision to the Vice President of Academic and Student Life, according to the regular judicial procedures.

*Rights of Accused*

The rights of the accused include, but are not necessarily limited to, the following:

1. The right to remain silent. If the accused decided to exercise this right, the process will continue and a decision will be made based on the remaining evidence.
2. The right to confer with an advocate of not more than one person to be chosen by the accused from the Bellarmine University campus community (student, faculty, or staff member) to help prepare information to present at the hearing. This advocate may be present at the hearing, but only to answer questions that the accused might have during the course of the proceedings. The advocate may not speak at the hearing unless specifically requested to do so by the chairperson to the Hearing Panel.
3. The right to make his or her statement without being in the presence of the victim in the hearing.
4. The right to be informed of the charges in writing, the time and place of the offense, and his or her victim.
5. The right to not have his or her past sexual history with other persons other than the victim discussed during the hearing.
6. The right to call witnesses (other than character witnesses) to testify at the hearing. However, the Hearing Panel may establish a reasonable limit to the number of witnesses.

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7. The right to read the written statements of all involved.
8. The right to have witnesses (other than character witnesses) submit written statements.
9. The right to appeal the decision to the Vice President of Academic and Student Life, according to the regular judicial procedures.

*Campus Disciplinary Procedures*

Refer to the Community Standards and Obligations section of the *Student Handbook* for a complete outline of the disciplinary procedures. The adjudication of sexual assault cases is complicated by several factors including: the nature of the offense; the fact that the alleged victim and perpetrator may know one another, have classes together, or live in the same residence hall, apartment complex, or living unit; the event may have occurred some time before it was reported, and, in some cases, the use/abuse of alcohol or drugs by either or both individuals. Both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceeding alleging a sex offense. However, in accordance with the provisions of the Family Educational Rights and Privacy Act, the victim must be informed that the information provided may not be shared with any other person without the assailant's signed written consent.

*Interim Protective Orders* - The University owes a duty to care for the students within its charge and, for this reason, must make every effort to ensure the safety and well-being of all students. When a report has been filed and both parties have been informed of the charges, the University may remove the alleged assailant from his or her living arrangement, pending the hearing. In addition, the Dean of Students or his/her designee may issue an interim "no contact" order to help ensure that the victim is not harassed by the alleged assailant. All forms of contact between the alleged victim and assailant will be prohibited. Harassment by either party or their acquaintances will also be prohibited. Such interim measures will be in effect through the end of the disciplinary hearing process, and may be extended after the hearing.

*Living Arrangements* - When the victim and the alleged assailant in a sexual assault case live in campus housing, alternative living arrangements for the accused and/ or the victim may be made when reasonably available and if so requested by the victim. Unless requested by the victim, the alleged assailant will, most likely, be the one to move as the victim can be further victimized by having to move.

*Academic Considerations* - Should the victim and alleged assailant be enrolled in the same class, alternative class assignments may be made when reasonably available, and if requested by the victim.

Recommended Action

The purpose of this material is to provide information and assistance to victims of sexual assault and sexual misconduct, and persons who may come in contact with a victim. The University encourages reporting all incidents of assault to Security. On-campus sexual assault or sexual misconduct should also be reported as quickly as possible to a campus resource person.

Campus Resources

Office of Public Safety: 502.473.3333

Vice President for Academic & Student Life: 502.452.8304

Dean of Students: 502.452.8150

Counseling Center: 502.452.8480

Health Services: 502.452.8493

Director of Residence Life: 502.473.3000

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Resident Assistants:

Anniversary Hall: 502.899.8607  
Petrik Hall: 502.899.8601  
Kennedy/Newman Halls: 502.899.8600  
Siena Primo Hall: 502.473.3500  
BU Properties (1816 Norris): 502.899.8606

The best **off-campus resource** is the Center for Women and Families, 1.877.803.7577 (24 hour Domestic Violence and Rape Crisis Line). There an individual can receive counseling and/or be directed to a safe place if the individual feels they are in danger of further harm.

Making decisions and regaining control are important to the healing process after an offense. The choice of how to proceed after the assault belongs largely with the victim. The following are a number of factors to consider.

*Emotional Trauma* is severe after a sexual assault. The violation, loss of trust, and loss of control can have a serious long-term impact. It is not unusual for a person to withdraw, feel guilty or distrustful. However, there are many people who understand and places where support is available while one is recovering. The University Counseling Center is the best on-campus resource for students.

*Medical Attention* is critical. Even if the victim ultimately decides not to report the assault, it is still very important to seek immediate medical attention for possible internal injuries or sexually transmitted diseases. Also, the collection of medical evidence becomes critical in the event of prosecution. Therefore, it is important to seek medical attention promptly and to refrain from:

1. Taking a shower or washing any part of the body;
2. Douching;
3. Brushing teeth;
4. Drinking liquids;
5. Changing clothes or changing sheets before seeking medical help; and
6. Putting anything in the mouth (gum, cigarettes, mints).

A particularly well-equipped emergency room with a Sexual Assault Response Team is located at University of Louisville Hospital.

At the Emergency Room, the doctor will collect hair samples, semen samples, and other evidence, including clothing. A victim should bring a change of clothing to wear home. The police will be contacted to take possession of the samples until the victim makes a decision about whether or not to press charges.

*University of Louisville Hospital*

530 S. Jackson St. Louisville, KY 40202

Directions: Turn right onto Newburg Rd. /KY 1703 and continue to follow northwest 1.6 miles. KY 1703 becomes Baxter Ave. Turn left onto E. Broadway and follow for 1 mile. Turn right onto S. Jackson St. and end at 530 S. Jackson St.

*Counseling* is a very important step in helping someone who has been sexually assaulted regain control of his/her life. Sexual assault is an extremely traumatic experience that needs professional attention. The University urges students involved in a sexual assault to meet with a counselor. Among other things, counselors

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can help victims decide what further steps may be taken following an assault. The best resources are the Center for Women and Families and the University Counseling Center.

*Note to Friends, Faculty, and Staff*

If someone who has been sexually assaulted comes to you, encourage the person to report the incident, seek medical attention, and pursue counseling. If the victim will not report the offense, anyone with knowledge of the assault may inform the Dean of Students and/or the University Counseling Center that a sexual assault has occurred.

*Campus Statistics*

In compliance with the Campus Security Act and the Higher Education Amendments of 1998, Bellarmine University annually publishes statistics on campus crimes, including reported sex offenses. These statistics are located in the back of the *Student Handbook*.

**Educational Programs**

To foster awareness of sex offenses, unhealthy relationships, and victims' options, and to promote responsible behavior, Bellarmine University offers educational sessions through the S.O.S. program (Support Our Students), which is comprised of representative from the following areas: Office of Public Safety, Health Services, Counseling Services, Campus Ministries, the Dean of Students Office, and the Center for Women and Families. These programs are offered to Bellarmine University student, faculty, and staff on an ongoing basis. Additional programs are offered specifically to residential students.

**Sexual Harassment Policy**

Sexual harassment will not be tolerated in the University community. It subverts the mission of the University and threatens the well-being, educational experiences, and careers of students, faculty, and staff. It is especially threatening in the context of a teacher-student or supervisor-subordinate relationship, in that it can exploit the power inherent in the position of teacher or supervisor regarding grades, recommendations, wage status, or promotion. However, sexual harassment can also occur by subordinates against supervisors, by those of equal status, or by students, thereby creating an environment that is intimidating or offensive in a variety of settings. Any member of the faculty, staff, or student body of the University who believes that he or she has been or is being subjected to sexual harassment should utilize the mediation procedures. The aggrieved individual can utilize the formal grievance procedures that are promulgated for the various constituencies (*Student Handbook* for students; *Policies and Procedures Manual* for employees).

Definition of Sexual Harassment Prohibited Actions

It is a violation for any member of the University community to engage in sexual harassment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or status in a program, course or activity;
2. submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting an individual; and/or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance, or creating an intimidating, hostile or offensive work or educational environment.

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Examples of Sexual Harassment:

Any sexual attention that is unwelcome could constitute sexual harassment. Specific acts of sexual harassment include, but are not limited to:

1. physical assault;
2. propositions of a sexual nature;
3. direct or implied threats that submission to sexual advances is a condition of employment, promotion, good grades, recommendations, etc.; and
4. unwelcome physical or verbal conduct of a sexual nature which an individual regards as undesirable, or offensive, including but not necessarily limited to sexually explicit jokes, statements, and questions or unsolicited remarks about sexual activity or experience.

Inadvertent and Isolated Offenses

A member of the University community who exhibits a singular or isolated act of conduct expressed in the above cited example number 4 may simply lack the sensitivity to know that these actions or statements are creating discomfort or may be humiliating to others. Any member of the University community who becomes aware of such activity is encouraged to caution the individual directly about the questionable conduct in a discreet and confidential manner

Procedures

The underlying philosophy of this sexual harassment policy is one of correction rather than punishment, although specific sanctions, depending on the nature and severity of the incident(s), ranging from a letter of reprimand, suspension, or termination of employment, are possible outcomes if the formal grievance procedures of the University are invoked. Nevertheless, the guiding principles of this policy are to:

1. respond in a timely manner to a reported incident of sexual harassment;
2. take whatever measures are appropriate; and
3. take all reasonable measures to prevent the incident from recurring.

The University has established mediation and resolution procedures in order to respond immediately to a sexual harassment complaint and investigate it fully. The procedure is designed to mediate and resolve such complaints promptly and fairly. Similarly, a formal grievance structure for handling complaints that cannot be resolved through mediation is also available. In general, any individual with supervisory authority who obtains knowledge of an incident of sexual harassment occurring within his or her area is expected to take the proper steps immediately to address the situation.

Mediation and Resolution Procedures

*Step 1- Unofficial*

It is often the case that a student, faculty, or staff member of the University, believing that he/she may be experiencing a form of sexual harassment, will attempt to resolve the situation on one's own, or consult with another individual within the University community such as a colleague, supervisor, department or division head, faculty or student advisor, or a member of the student affairs or counseling staff. With the requested aid of an advisor, the individual may attempt to resolve the situation in an informal and unofficial manner. The advisor, acting with discretion and in confidence, may assist the individual in reviewing the situation in the context in which it occurred, aid the individual in identifying the problem, and review the options for resolution that are available.

*Step 2- Official*

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If the matter cannot be resolved through the unofficial, informal method cited in Step 1, or if the individual chooses not to obtain the help of an unofficial advisor, the complainant may seek the assistance of one of the official University resource persons appointed by the President or his designee. The role of the official University resource persons will be to fact-find, mediate, and resolve the complaint, if possible. The official University resource persons will handle complaints independently and follow these procedures:

1. be available to dialogue with the complainant or other concerned individuals and the individual accused to determine the nature of the incident related to sexual harassment and the context in which it occurred;
2. conduct a discreet inquiry into the complaint, gathering and examining all relevant facts;
3. mediate and resolve the complaint informally if possible;
4. inform the parties of the formal grievance procedures available when no resolution is forthcoming or if either party is dissatisfied with the progress of the mediation;
5. keep confidential all information gathered during the investigation, and all processes of mediation and resolution; and
6. prepare a record of the complaint, the investigation and findings, the mediation and resolution, if any.

The official University resource persons will forward their records to the Director of Human Resources to retain for three years from the date of the complaint. If the matter has been resolved through mediation, and no further incident occurs regarding the accused individual within this period, the record will be destroyed. After a successful mediation, if the behavior is reported as continuing, the record will be retained and can be made available to the appropriate formal grievance body.

If the matter has not been successfully mediated and either party wishes to proceed with formal grievance procedures, the official University resource person will submit the record of the attempted mediation to the formal grievance structure to be utilized in the particular case.

#### Grievance Procedures

In as much as a formal grievance procedure is expected to be used as a last resort, it is assumed that all efforts to resolve the complaint through the mediation and resolution procedures cited above have been conducted. Formal grievance procedures are found in various handbooks and other documents or publications relating to the various University constituencies (e.g., faculty, administrators, staff and students). Student grievances are handled through the Student Code of Conduct.

#### Confidentiality

Sexual harassment is a matter of grave concern for both the complainant and the accused; therefore all procedures designed to deal with sexual harassment should be handled with the utmost sensitivity. All mediations/resolution procedures, as well as formal grievance procedures, shall be held in strict confidence to reasonably insure the privacy of all parties concerned (complainant, accused, and witnesses, if any) and to offer as much protection of the careers and reputations of the parties involved as possible.

#### Retaliation

Faculty, staff, and students are encouraged to express their feelings in a responsible manner regarding a problem of sexual harassment. Any member of the University community who attempts to interfere, restrain, coerce, discriminate against, or harass (whether overtly or covertly) any individual responsibly pursuing a complaint of sexual harassment will be subject to prompt and appropriate disciplinary action.

#### False and Malicious Charges

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The use of this policy for false or malicious purposes is strictly prohibited. Any student, faculty, or staff member who exercises bad faith and brings a false, malicious charge of sexual harassment against another member of the University community will be subject to appropriate disciplinary action.

Dissemination of Policy

It is the responsibility of the Director of Human Resources to distribute the sexual harassment policy to all vice presidents for clear and regular communication, and to all employees within their respective areas. The Vice President for Academic & Student Life will make the policy available to all students as may be appropriate during orientation and registration periods.

Educational Resources and Assistance

The Human Resources Office and the Vice President for Academic and Student Life provide educational materials regarding sexual harassment and act as a resource for any questions regarding this policy.

Official University Resource Persons

Dr. Helen-Grace Ryan, CC-225, 502.452.8150

Dr. Hannah Clayborne, CC-225, 502.452.8150

Ms. Lynn Bynum, H-204, 502.452.8236

Ms. Joan Hughes, H-204, 502.452.8435

Dr. Fred Rhodes, CC-231, 502.452-8304

**RELATIONSHIP WITH LAW ENFORCEMENT AGENCIES**

Department of Public Safety works closely with the Louisville Metro Police Department and other local, state, and federal law enforcement agencies. Every crime violation is reported promptly to the local police department. The director of Department of Public Safety meets regularly with the police officials to discuss common crime problems and criminal activity on and near campus. Security provides assistance to local law enforcement agencies when they are conducting an investigation that may involve a university student or employee.

**CRIME REPORTING**

The main office of The Department of Public Safety is located on the ground floor of the Campus Center in Horrigan Hall.

The Department of Public Safety can be reached from on campus telephones at the four digit number 3333. Off campus, local callers can reach The Department of Public Safety at 473-3333; callers from long distance areas should dial (502) 473-3333.

Bellarmine Campus is equipped with seven outdoor emergency telephones that are programmed to call The Department of Public Safety automatically when activated. Pressing the red button initiates an emergency call.

Courtesy phones, free of charge, are located in the lobbies or inside public areas of most university buildings. Students and employees can use these accessible telephones to call The Department of Public Safety at the four digit number 3333. The number is printed by or on the telephone.

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The contact number of The Department of Public Safety is listed in the online office directory at <http://www.bellarmino.edu/contactus.asp>. It is included in the department's brochures and university handbooks. The number is also published on the home page of The Department of Public Safety at <http://www.bellarmino.edu/security/contact.asp>.

Anonymous Crime Report, which doesn't require a name when reporting a policy violation or crime, is available at <http://www.bellarmino.edu/security/report/>.

### **ACCESS TO CAMPUS FACILITIES**

**1. Non-residential Buildings:** Most non-residential buildings and facilities are accessible to members of the campus community and visitors during normal business hours. Access to any building during the holidays is restricted to faculty, staff and administrators pre-authorized by their department heads to enter during that time. Maintenance and custodial personnel are exceptions to this policy. Safety and Security officers patrol regularly through non-residential buildings. Security officers, who are on duty 24 hours a day, also observe video monitors which are connected to cameras located throughout the campus in public access or circulation areas.

**2. Residential Buildings:** The exterior doors to residence halls are locked 24 hours a day. Access to the residence halls is limited to residents and their guests. Residents gain access to their buildings by using an electronic card access control system.

The Director of Residence Life, Assistant Director, Graduate Hall Directors and Resident Assistants live in the residence halls, or in close proximity to the halls, and serve in a duty rotation. All Residence Life staff members undergo thorough training in enforcing residence hall safety and security policies. As part of their responsibility for residence hall security, the Residence Life staff participates in workshops associated with the safety and security of the campus conducted by university administrators and security officers.

Bellarmino University has both single-sex and co-ed residence halls, each with inter-visitation from 11:00 a.m. to 2:00 a.m. All residence hall entrance doors are self-closing and locked 24 hours a day. Overnight guests in the residence halls may only be students of the same sex. All windows have locking devices. Special security procedures are in effect for students during low occupancy periods.

Resident students have special responsibilities to keep room and entrance doors locked at all times, to lock windows when out of the room, and to deny entrance to any building or room by unauthorized individuals.

Security officers provide security coverage through regular rounds in the residence halls. The officer will patrol the buildings, identifying and addressing safety, security, and behavioral problems. The security officers work in conjunction with the Residence Life staff members.

### **MAINTENANCE AND SECURITY OF CAMPUS FACILITIES**

When patrolling, security officers survey exterior lighting, building exterior doors and campus grounds. All maintenance problems are reported to Facilities Management, which maintains the university's buildings and grounds. The Facilities Management inspects promptly makes repairs affecting safety and security, and responds immediately to reports of potential safety and security hazards, such as broken windows, locks and lighting.

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The Department of Safety and Security provides the availability of a dusk-to-dawn escort service around the campus. Anyone may request use of this service.

**CRIME PREVENTION PROGRAMS**

Escort Program: The Department of Public Safety's escort service to all campus locations is available to students and employees 24 hours a day, 7 days a week.

Emergency Telephones: Exterior emergency code blue phones are directly linked to The Department of Public Safety's contact line.

Surveillance Cameras: The Department of Public Safety monitors 99 cameras placed around the campus.

Daily Building/Lighting Checks: When patrolling, officers survey exterior lighting, building exterior doors and campus grounds. All maintenance problems are reported to Facilities Management.

Crime Prevention Publicity: Crime prevention articles are printed in the student newspaper and the employee daily e-mail.

World Wide Web Site: The Department of Public Safety's Web site contains safety and crime prevention tips at <http://www.bellarmino.edu/security/tips.asp>.

Shuttle Transportation Program: The Department of Public Safety oversees a Shuttle Bus operation, transporting students, faculty and staff to campus locations. The hours of operation vary. Information on route times and drop off locations is available at <http://www.bellarmino.edu/security/shuttlebus.asp>.

Security Awareness and Workplace Violence Training: Each semester, the director provides detailed information on how to prevent workplace violence, how to identify possible offenders and what to do if violence occurs. The course covers warning signs information, reporting mechanisms and sources of counseling when possible offenders are identified.

Safety Alerts: Timely warning policy is in place to notify the university community of potentially harmful situations and to provide information about precautionary measures. The university community is warned of unsafe, threatening and harmful conditions in the university and surrounding community by a campus wide e-mail alert on password protected university page. Text messaging, voice intercom system, megaphones and other means will be used during the crisis. The current policy of the security department is to deliver messages personally to Building Coordinators, who are trained to inform students and employees about emergency situations. To ensure that the university's public information response to an emergency is quick, accurate, sensitive and responsible, the Office of Communication and Public Affairs coordinates all crisis communications with campus and off-campus constituencies.

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<b>Category</b>	<b>Venue</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>
Murder and Non-Negligent Manslaughter	➤ On Campus**	0	0	0
	➤ In residence halls or conference facilities	0	0	0
	➤ Non-campus building or property	0	0	0
	➤ On public property	0	0	0
Negligent Manslaughter	➤ On Campus**	0	0	0
	➤ In residence halls or conference facilities	0	0	0
	➤ Non-campus building or property	0	0	0
	➤ On public property	0	0	0
SEX OFFENSE Forcible	➤ On Campus**	0	1	0
	➤ In residence halls or conference facilities	0	1	0
	➤ Non-campus building or property	0	0	0
	➤ On public property	0	0	0
SEX OFFENSE Non-forcible	➤ On Campus**	0	0	0
	➤ In residence halls or conference facilities	0	0	0
	➤ Non-campus building or property	0	0	0
	➤ On public property	0	0	0
Robbery	➤ On Campus**	0	0	0
	➤ In residence halls or conference facilities	0	0	0
	➤ Non-campus building or property	0	0	0
	➤ On public property	0	0	0
Aggravated Assault	➤ On Campus**	0	0	2
	➤ In residence halls or conference facilities	0	0	2
	➤ Non-campus building or property	0	0	0
	➤ On public property	0	0	0
Burglary	➤ On Campus**	4	1	5
	➤ In residence halls or conference facilities	1	1	5
	➤ Non-campus building or property	1	0	0
	➤ On public property	0	0	0
Arson	➤ On Campus**	1	1	0
	➤ In residence halls or conference facilities	0	0	0
	➤ Non-campus building or property	0	0	0
	➤ On public property	0	0	0
Motor Vehicle Theft	➤ On Campus**	0	0	0
	➤ In residence halls or conference facilities	0	0	0
	➤ Non-campus building or property	0	0	0
	➤ On public property	0	0	0

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<b>ARRESTS FOR:</b>					
<b>Category</b>	<b>Venue</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>	
Alcohol Policy Violations	➤ On Campus**	0	0	0	
	➤ In residence halls or conference facilities	0	0	0	
	➤ Non-campus building or property	0	0	0	
	➤ On public property	0	0	0	
Drug Related Violations	➤ On Campus**	2	0	0	
	➤ In residence halls or conference facilities	2	0	0	
	➤ Non-campus building or property	0	0	0	
	➤ On public property	0	0	2	
Weapons Possession	➤ On Campus**	0	0	0	
	➤ In residence halls or conference facilities	0	0	0	
	➤ Non-campus building or property	0	0	0	
	➤ On public property	0	0	0	
<b>DISCIPLINARY REFERRALS FOR:</b>					
Alcohol Policy Violations	➤ On Campus**	153	153	93	
	➤ In residence halls or conference facilities	153	151	93	
	➤ Non-campus building or property	0	0	10	
	➤ On public property	0	0	7	
Drug Related Violations	➤ On Campus**	9	2	1	
	➤ In residence halls or conference facilities	5	0	0	
	➤ Non-campus building or property	0	0	0	
	➤ On public property	0	0	0	
Weapons Possession	➤ On Campus**	0	0	0	
	➤ In residence halls or conference facilities	0	0	0	
	➤ Non-campus building or property	0	0	0	
	➤ On public property	0	0	0	

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<b>HATE CRIMES</b>					
<b>Category</b>	<b>Venue</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>	
Murder and Non-Negligent Manslaughter	➤ On Campus**	0	0	0	
	➤ In residence halls or conference facilities	0	0	0	
	➤ Non-campus building or property	0	0	0	
	➤ On public property	0	0	0	
Negligent Manslaughter	➤ On Campus**	0	0	0	
	➤ In residence halls or conference facilities	0	0	0	
	➤ Non-campus building or property	0	0	0	
	➤ On public property	0	0	0	
SEX OFFENSE Forcible	➤ On Campus**	0	0	0	
	➤ In residence halls or conference facilities	0	0	0	
	➤ Non-campus building or property	0	0	0	
	➤ On public property	0	0	0	
SEX OFFENSE Non-forcible	➤ On Campus**	0	0	0	
	➤ In residence halls or conference facilities	0	0	0	
	➤ Non-campus building or property	0	0	0	
	➤ On public property	0	0	0	
Robbery	➤ On Campus**	0	0	0	
	➤ In residence halls or conference facilities	0	0	0	
	➤ Non-campus building or property	0	0	0	
	➤ On public property	0	0	0	
Aggravated Assault	➤ On Campus**	0	0	0	
	➤ In residence halls or conference facilities	0	0	0	
	➤ Non-campus building or property	0	0	0	
	➤ On public property	0	0	0	
Burglary	➤ On Campus**	0	0	0	
	➤ In residence halls or conference facilities	0	0	0	
	➤ Non-campus building or property	0	0	0	
	➤ On public property	0	0	0	
Arson	➤ On Campus**	0	0	0	
	➤ In residence halls or conference facilities	0	0	0	
	➤ Non-campus building or property	0	0	0	
	➤ On public property	0	0	0	
Motor Vehicle Theft	➤ On Campus**	0	0	0	
	➤ In residence halls or conference facilities	0	0	0	
	➤ Non-campus building or property	0	0	0	
	➤ On public property	0	0	0	
Larceny-Theft	➤ On Campus**	0	0	0	
	➤ In residence halls or conference facilities	0	0	0	
	➤ Non-campus building or property	0	0	0	
	➤ On public property	0	0	0	

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Simple Assaults	➤ On Campus**	0	0	0
	➤ In residence halls or conference facilities	0	0	0
	➤ Non-campus building or property	0	0	0
	➤ On public property	0	0	0
Intimidation	➤ On Campus**	0	0	0
	➤ In residence halls or conference facilities	0	0	0
	➤ Non-campus building or property	0	0	0
	➤ On public property	0	0	0
Larceny-Theft	➤ On Campus**	0	0	0
	➤ In residence halls or conference facilities	0	0	0
	➤ Non-campus building or property	0	0	0
	➤ On public Property	0	0	0
Larceny-Theft	➤ On Campus**	0	0	0
	➤ In residence halls or conference facilities	0	0	0
	➤ Non-campus building or property	0	0	0
	➤ On public property	0	0	0

\*\*This “On Campus” category includes all on-campus incidents, including those listed in the category, “In residence halls or conference facilities.” Therefore, the two categories are not cumulative, but duplicative.

#### HATE CRIME STATISTICS

Each statistic resulting in bodily injury that is motivated by a type of bias or prejudice will have a superscript notation for the type of bias. Numbers in superscripted parenthesis indicate the number out of the total number of incidents that were motivated by each type of bias.

#### Key to Hate Crime Notations by Type of Bias or Prejudice:

Race = ra

Sexual Orientation = s

Gender = g

Ethnicity = e

Religion = re

Disability = d