

In Brief

Updates from the Office of Legal Affairs



Volume 8, Issue 1 | Fall 2022

New Anti-Hazing Policy and Training Requirements Under Ohio Law



John Carroll University remains committed to maintaining a safe and welcoming environment on campus by continuing to prohibit hazing by students and student organizations. In furtherance of this objective, JCU recently updated the University's Anti-Hazing Policy in response to Collin's Law, which became law in Ohio in the Fall of 2021 after Ohio University freshman Collin Wiant died after a hazing event at a fraternity house. The revised policy was developed and supported by JCU's Anti-Hazing Task Force. JCU's updated Anti-Hazing Policy can be found [here](#). The Anti-Hazing Policy contains numerous revisions aimed at ensuring compliance with the law and keeping our University safer by preventing and responding to hazing.

Of primary importance, all JCU students are now required to complete mandatory training and education regarding hazing, consistent with JCU's updated Anti-Hazing Policy and Ohio Law. JCU is providing at least one opportunity for students to complete this training during Streak Week each year, and may provide additional training opportunities throughout the year. Any student who fails to attend the mandatory training is not permitted to participate in any JCU organization, group, or team, and may be subject to sanctions as provided in JCU's Community Standards Manual, including but not limited to

monetary fines or additional training.

Hazing training is also mandatory for all employees and volunteers who advise or coach a student organization and who have direct contact with students. Employees and volunteers who fail to attend the mandatory training are not permitted to advise or coach an organization or team, and may be subject to appropriate corrective action as provided in applicable University policies.

The mandatory anti-hazing training will be conducted initially with online training, and each session will educate participants on the following components: 1) Awareness; 2) Prevention; 3) Intervention; and 4) JCU's Anti-Hazing Policy. Advisors and coaches will be contacted by email with information regarding how to log onto the online training.

Collin's law also prescribes additional definitions, record keeping obligations, and reporting requirements for the University. To comply with Collin's Law, JCU has revised its Anti-Hazing Policy to include a broader definition of hazing, which now includes the forced consumption of drugs and alcohol. Under the revised Policy, JCU will maintain documents relating to hazing violations for five (5) consecutive years, and each year a report on hazing will be issued and posted on JCU's website. Additionally, any employee, consultant, alumnus/a, or volunteer of JCU, who is acting in an official and professional capacity, must immediately report any hazing to JCUPD or another appropriate law enforcement agency.

The JCU Anti-Hazing Task Force continues to review hazing prevention and training activities. Questions can be directed to the [JCU Director of Community Standards](#) or the [Office of Legal Affairs](#).

"The Anti-Hazing Policy contains numerous revisions aimed at ensuring compliance with the law and keeping our University safer by preventing and responding to hazing."



OFFICE OF LEGAL AFFAIRS

Rodman Hall, Room 115

Colleen Trembl

General Counsel

ctrembl@jcu.edu

216-397-1595

Mike TouVelle

Assistant General Counsel

mtouvelle@jcu.edu

216-397-1994

Marissa Mozden

Paralegal/Coordinator for The Office of Legal Affairs

mmozden@jcu.edu

216-397-1590

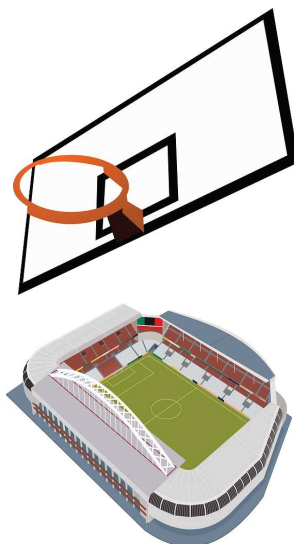
NCAA New Campus Sexual Violence Initiative

JCU is devoted to preventing sexual violence and other forms of violence on our campus. Consistent with a new directive promulgated by the National Collegiate Athletic Association (NCAA) Board of Governors, JCU and the Department of Athletics has developed a plan to ensure that student-athletes and athletics personnel are educated about sexual violence prevention and to ensure that JCU reviews any issues related to incoming and current student-athletes who have previously engaged in acts of sexual violence or other forms of violence.

Prior NCAA directives required NCAA member institutions to submit an annual attestation that JCU has taken steps to educate all student-athletes and athletics personnel about sexual violence prevention. JCU complies with this requirement by requiring all athletics teams and team personnel to participate in sexual violence educational sessions.

Starting with the 2022-23 academic year, the NCAA directive requires all NCAA member institutions to also submit an annual attestation stating that JCU is requiring all prospective and current student-athletes to disclose

See "Sexual Violence Initiative" (continued on Page 2)



Sexual Violence Initiative (continued from Page 1)

prior or pending sexual violence or other violence-related criminal matters or university conduct processes and to require due diligence by universities as to student-athletes' prior or pending sexual violence matters or other violent misconduct.

Some of the new requirements of the NCAA directive and required attestations include:

- All incoming, continuing, and transferring student-athletes must complete a disclosure form that asks about any history of criminal charges for crimes of violence, or high school or university Title IX matters and sanctions regarding sexual violence.
- JCU has adopted a written procedure that directs Athletics personnel to take additional steps to gather information about student-athletes' histories of criminal charges or Title IX matters and sanctions regarding acts of sexual violence or other forms of violence.
- JCU's written procedure provides a process for reviewing and making athletics eligibility determinations based on student-athletes' histories of criminal charges or Title IX matters and sanctions regarding acts of sexual violence or other violent acts.

JCU is required to attest to these items starting this academic year, and then must submit an annual attestation every year after that.

If you have any questions regarding this new initiative, please feel free to reach out to the [Department of Athletics](#) or the [Office of Legal Affairs](#).

Do you need a contract reviewed by the Office of Legal Affairs?



To help streamline the contract review process, please submit contracts in need of review by the Office of Legal Affairs using a [Contract Intake Form](#). Doing so creates a workflow that tracks the contract review process and captures important information on the University's contracts.

In general, the contract review process works as follows:

- 1) Contract intake form is completed online,
- 2) Contract request is assigned to an attorney,
- 3) Contract is reviewed/drafted by the assigned attorney,
- 4) Reviewed contract is shared with University officers who need to approve and sign it.

Please also submit a copy of the fully signed contract to the Office of Legal Affairs for University record-keeping in the contract workflow.

For more information regarding contract approval and review and the University contract signatory process, please visit the [Contract Approval and Review](#) page on the Office of Legal Affairs website.

Updated Purchasing Policy – Procedures for Making University Purchases

John Carroll University frequently purchases goods and services for University operations. In order to provide an updated process for making these purchases, the University is implementing an updated Purchasing Policy (found [here](#)) that identifies procedures for University purchases. The policy is also intended to assist the University in obtaining equipment, goods and services at price points that appropriately balance the financial cost with other indirect costs or that meet the University's mission, goals, and interests. The updated policy has been finalized by the HR Policy Review Committee, following the community comment period.

The policy provides that JCU will solicit competitive bids, enter into reasonable contracts, and establish vendor relationships that are favorable to the University. Business is awarded to vendors who offer the best value while maintaining the University's desired characteristics for vendors.

In summary, the policy provides guidelines for:

- Preferred vendors and the factors that are important to establishing a relationship
- Purchases that require contracts
- Correct methods of purchase
- Purchases that require a purchase order or purchase requisitions
- How to make purchases that are above \$5000
- How to make emergency purchases
- How to make capital purchases
- Rules for obtaining bids for purchases
- How to document purchases



Guidelines for bids are one of the most important aspects of the policy. Written bids or quotes need to be obtained to verify that the pricing provided by the vendor is competitive for non-capital purchases that exceed \$5,000 and capital purchases that exceed \$10,000. Competitive quotes also may be solicited for purchases below established limits if it would best serve the interests of the University. Exceptions may be made for the bidding process, but must be made in accordance with details listed in the policy.

Under the policy, the University Controller and the Supervisor of Purchasing oversee the purchasing process and may authorize purchasing needs with certain departments involving routine procurement of non-technology related goods and services, such as consumable goods. Such individuals can be delegated authority for making purchases if done consistent with purchasing guidelines.

For questions about the updated policy, please contact the [Business Office](#) or the [Office of Legal Affairs](#).

Legal Changes Related to Violence Against Women Act and Title IX Regulations

This year, two federal legal developments were announced that will impact the University's policies relating to violence against women and Title IX of the Education Amendments of 1972 (Title IX).

In March of 2022, the Violence Against Women Reauthorization Act of 2022, designed to provide new provisions to strengthen the Violence Against Women Act ("VAWA"), was signed into law. A few months later, the U.S. Department of Education (DOE) released proposed changes to the regulations implementing Title IX, which will alter the process all universities may use to address

sexual harassment and sexual violence.

Violence Against Women Act Updates

The Violence Against Women Reauthorization Act of 2022 updates VAWA in the following important ways:

- Updates the definition of domestic violence

See "Legal Changes" (continued on Page 3)

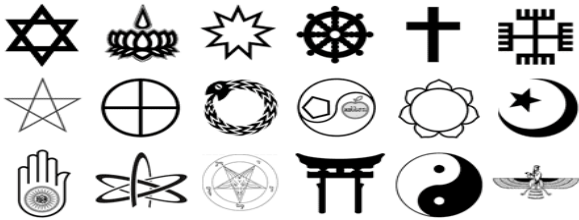


New: JCU's Religious Accommodation Policy for Faculty and Staff

John Carroll University's mission includes welcoming individuals of all or no faiths. Consistent with its practice of providing accommodations to its employees seeking religious accommodations, the University is adopting a Religious Accommodation Policy in order to outline the process for employees to request religious accommodations. The policy has been reviewed by the HR Policy Review Committee and was posted for community comment prior to becoming final. The final policy is available [here](#).

Federal law requires an employer to provide a reasonable accommodation for an employee's religious beliefs if the employee's beliefs conflict with a work requirement and the accommodation does not pose an undue hardship to the employer. Religious accommodations are available under the law for "sincerely held" religious beliefs, observances, and practices. This includes:

- Traditional, organized religions (such as Christianity, Judaism, Islam, etc.),
- New or uncommon beliefs, even if the beliefs are not a part of a formal church, or
- Moral or ethical beliefs which are held with the strength of traditional religious views.



Accommodations include any change or adjustment to a job or work environment that adequately addresses a conflict between an

employee's sincerely held religious belief and a University work-related requirement or University policy. Examples of accommodations may include:

- Providing an employee with a time and place to pray
- Permitting flexible scheduling when feasible
- Permitting employees to wear certain religious garb, beards, or hairstyles
- Granting leave/vacation requests for religious observances

Federal law does not require employers to accommodate a religious belief if the religious accommodation poses an undue hardship on the employer. An undue hardship in this context means more than a minimum cost or burden to the employer. Examples of an undue hardship may include an accommodation that would require the University to permanently pay overtime to another employee or hire another full time employee; denying other employees their preferred shifts and positions of employment, or pose an unfair hardship on others; requiring more than a minimum amount of cost; or compromising the image of the University or requiring action that would be inconsistent with or denigrate the University's Jesuit Catholic identity.

Under the new policy, the employee requesting a religious accommodation should contact Human Resources to complete a religious accommodation form with the details of what accommodation they are requesting. Once a request has been made, the University will engage in interactive dialogue with the employee about the request and separately with the employee's supervisor, as appropriate. Each request for a religious accommodation is evaluated on a case-by-case basis, and Human Resources considers feasible accommodations that do not pose an undue hardship.

For requests or questions related to religious accommodations, please contact [Human Resources](#) or the [Office of Legal Affairs](#).

Legal Changes (continued from Page 2)

and makes unlawful additional methods of abuse of individuals, including technological abuse and economic abuse.

- Requires institutions to utilize a mandatory national survey regarding sexual violence on campus (once it is issued).
- Provides new funds for colleges and universities to develop and implement programs to prevent and address sexual violence.
- Creates an interagency task force on sexual violence.
- Mandates the creation of reports relevant to sexual violence.

Most of these changes provided in the updated statute took effect on October 1, 2022. JCU's Sexual Harassment and Interpersonal Violence Policy has been updated to address relevant new requirements.

Title IX Proposed Regulations

The proposed Title IX regulations, if implemented, will alter the process that educational institutions will use to respond to and prevent sexual harassment related to students, faculty and staff. The U.S. Department of Education ("DOE") has received 235,000 comments to the proposed regulations from various individuals, organizations, and educational institutions. Following the DOE's review and response to the comments, a final set of regulations will be issued. New regulations are expected to be issued in 1 to 1.5 years. The proposed changes from the DOE that could remain in the final regulations includes:

- The prohibition of all forms of sex discrimination (including discrimination on the basis of sexual orientation, gender identity, and sex characteristics).
- The expansion of term "sexual harassment" to include all "sex-based" harassment
- The inclusion of off-campus conduct to be actionable under Title IX when the conduct is under the school's disciplinary authority.
- Alternative approaches for running grievance procedures, and new requirements on what grievance procedures must contain, including the possible elimination of the requirement for hearings and/or cross examination in hearings.
- New requirements for accommodating students and employees who are pregnant or experiencing related conditions
- Modifications to requirements relating to designating a Title IX Coordinator and changes to the Coordinator's obligations.

The Office of Legal Affairs and the Title IX Office will continue to monitor the proposed changes and prepare for their potential implementation. Questions about either VAWA or the proposed Title IX Regulations can be directed to the [Office of Legal Affairs](#) or the [Title IX Coordinator](#).

