

Applies to: Faculty, staff, students, student employees, volunteers, vendors, and visitors

Responsible Office

Human Resources

POLICY STATEMENT

Members of the college community have the right to be free from all forms of sexual misconduct which impede the realization of the college’s mission. All members of the college community are expected to conduct themselves in a manner that maintains an environment free from sexual misconduct.

Sexual misconduct violates the dignity of individuals and will not be tolerated. The college community seeks to eliminate sexual misconduct through education and by encouraging everyone to report concerns or complaints, including third parties when the accused is a member of the college community. The college is committed to stopping sexual misconduct, preventing its recurrence, eliminating any hostile environment, and remedying its discriminatory effects. This policy defines expectations for the college community and establishes mechanisms for determining when those expectations have been violated.

Purpose of the Policy

To maintain an environment for work and study free from sexual misconduct.

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Definitions

Term	Definition
Sex- and gender-based discrimination	Unfairly treating an individual or group of individuals differently than others on the basis of sex or gender. Sexual misconduct is a form of sex- and gender-based discrimination.
Sexual misconduct	Conduct of a sexual nature or conduct based on sex or gender that is nonconsensual or has the purpose or effect of threatening, intimidating, or coercing a person. Includes sexual harassment, sexual violence, and relationship violence. Sexual misconduct is a form of sex- and gender-based discrimination.
Sexual harassment	In the employment context, sexual harassment is unwelcome, sex- or gender-based verbal or physical conduct that unreasonably interferes with an individual’s work performance or creates an intimidating,

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	<p>hostile or offensive work environment. It can take two forms: power differentials (quid pro quo) or hostile environment.</p> <p>In the education context, sexual harassment is unwelcome, sex- or gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it interferes with, denies or limits an individual's ability to participate in or benefit from the college's educational programs and activities.</p> <p>A. <i>Quid pro quo</i> sexual harassment exists when:</p> <ol style="list-style-type: none"> 1. There are unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature; and 2. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status; or 3. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions adversely affecting such individual. <p>B. <i>Hostile environment</i> in the employment context includes any situation in which there is harassing conduct that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment; hostile environment in the education context includes any situation in which there is harassing conduct that limits, interferes with or denies educational benefits or opportunities, from both a subjective (the complainant's) and an objective (reasonable person's) viewpoint.</p> <ol style="list-style-type: none"> 1. The determination of whether an environment is "hostile" is based on a totality of circumstances. These circumstances may include: <ol style="list-style-type: none"> a. The degree to which the conduct interfered with the complainant's educational or work performance; b. The type, frequency, and duration of the conduct; c. The identity of and relationship between the accused and the complainant(s); d. The number of individuals involved; e. The age and sex of the accused and the complainant(s); f. The location of the incident(s) and the context in which it occurred; g. The nature and severity of the conduct; h. Whether the conduct was physically threatening; i. Whether the conduct was humiliating; j. The effect of the conduct on the complainant's mental or emotional state; k. Whether the conduct arose in the context of other discriminatory conduct; l. Whether the speech or conduct deserves the protections of academic freedom or the first amendment. 2. A single or isolated incident of sexual harassment (e.g., rape) may be severe enough to create a hostile environment. <p>All such acts of sexual harassment are forms of sexual misconduct covered under this policy.</p>
Sexual violence	<p>Sexual acts perpetrated against an individual's will or when an individual is incapable of giving consent. All such acts of sexual violence are forms of sexual misconduct covered under this policy.</p>
Sexual assault	<p>Non-consensual sexual contact and non-consensual sexual intercourse. All such acts of sexual assault are forms of sexual violence, and therefore sexual misconduct, covered under this policy.</p>
Non-consensual sexual contact	<p>Any intentional sexual touching, however slight, with any body part or object, by any individual upon another individual that is without consent and/or by force or coercion.</p> <p>Sexual contact includes: intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts or object, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth, or other orifice.</p> <p>All such acts of non-consensual sexual contact are forms of sexual assault, and therefore sexual misconduct, covered under this policy.</p>

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Non-consensual sexual intercourse	<p>Any sexual penetration, however slight, with any body part or object, by any individual upon another individual that is without consent and/or by force or coercion.</p> <p>Sexual penetration includes: vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact); no matter how slight the penetration or contact.</p> <p>All such acts of non-consensual sexual intercourse are forms of sexual assault, and therefore sexual misconduct, covered under this policy.</p>
Sexual exploitation	<p>Occurs when an individual takes non-consensual or abusive sexual advantage of another for that individual's own advantage or benefit, or to benefit or advantage anyone other than the individual being exploited, and that behavior does not otherwise constitute one of the other sexual violence offenses. Examples of sexual exploitation include, and are not limited to:</p> <ul style="list-style-type: none"> A. Engaging in voyeurism; B. Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals; C. Going beyond the boundaries of consent (such as letting others hide in a closet to watch you having consensual sex); D. Invasion of sexual privacy; E. Knowingly transmitting a sexually transmitted infection (STI) to another individual; F. Non-consensual pictures, video-recording or audio-recording of sexual activity; G. Possession, use and/or distribution of alcohol or other drug (e.g., Rohypnol, Ketamine, GHB, Burundanga, etc.) for the purpose of engaging in or facilitating any activity prohibited under this policy; H. Prostituting another individual. <p>All such acts of sexual exploitation are forms of sexual violence, and therefore sexual misconduct, covered under this policy.</p>
Relationship violence	<p>Dating violence, domestic violence, and stalking.</p> <p>All such acts of relationship violence are forms of sexual misconduct covered under this policy.</p>
Domestic violence	<p>Conduct that would meet the definition of a felony or misdemeanor crime of violence committed by the complainant's current or former spouse or intimate partner, a person with whom the complainant shares a child in common, a person who is or has cohabitated with the complainant as a spouse or intimate partner, or individual similarly situated to a spouse under domestic or family violence law, or anyone else protected under the domestic or family violence law of the jurisdiction in which the offense occurred. An individual need not be charged with or convicted of a criminal offense to be found responsible for domestic violence pursuant to this policy.</p>
Dating violence	<p>Violence or threat of violence by an individual who has been in a social relationship of a romantic or intimate nature with the complainant. Whether there was such relationship will be determined based on the parties' statements and with consideration of the length and type of relationship, and the frequency of interaction of the persons involved in the relationship.</p>
Stalking	<p>A course of conduct directed at a specific individual that would cause a reasonable person under similar circumstances and with similar identities to the complainant to fear for her, his, or others' safety, or to suffer substantial emotional distress. A course of conduct includes two or more acts, including but not limited to, those in which the alleged perpetrator directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about the complainant, or interferes with the complainant's property.</p>
Consent	<p>Permission that is clear, knowing, voluntary, and expressed prior to engaging in and during an act. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.</p> <ul style="list-style-type: none"> A. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. B. Consent may be withdrawn at any time.

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Term	Definition
	<p>C. Previous relationships or prior consent cannot imply consent to future sexual acts; this includes “blanket” consent (i.e., permission in advance for any/all actions at a later time/place).</p> <p>D. Consent cannot be given by an individual who one knows to be – or based on the circumstances should reasonably have known to be – substantially impaired (e.g., by alcohol or other drug use, unconsciousness or blackout, etc.).</p> <ol style="list-style-type: none"> 1. Substantial impairment is a state when an individual cannot make rational, reasonable decisions because she/he lacks the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). 2. This policy also covers individuals whose impairment results from other physical or mental conditions including mental disability, sleep, involuntary physical restraint, or from the consumption of alcohol or other drugs. 3. Use of alcohol or other drugs will never function as a defense for any behavior that violates this policy. <p>E. An individual cannot consent who has been coerced, including being compelled by force, threat of force, or deception; who is unaware that the act is being committed; or who is coerced by a supervisory or disciplinary authority.</p>
Title IX coordinator	The designated college official with primary responsibility for coordinating the college’s compliance with Title IX. This individual provides leadership for Title IX activities; offers consultation, education, and training; and helps to ensure that the college responds appropriately, effectively, and equitably to all Title IX issues.
Deputy coordinator	Individual responsible for supporting the Title IX coordinator and accessible to any community member for consultation and guidance. A deputy coordinator is housed in Offices of Human Resources, and Student Life.
College community	Faculty, staff, students, student employees, volunteers, vendors, and visitors.
Appointees	An individual deemed to have an affiliation with the college in a non-compensatory capacity as designated in the applicable Human Resources Information System.
Minor	Any individual under the age of 18 or under 21 years old and incapable of self-care because of a mental or physical disability who is a participant in an activity or program with minors.
Volunteer	Any individual working in an unpaid capacity in an activity or program.

Policy Details

- I. Scope
 - A. Medium
 1. This policy applies to **sexual misconduct** in any medium. Sexual misconduct may manifest in many evolving forms (e.g., physical, verbal, visual, online/electronic/social media, etc.).
 - B. Location
 1. This policy applies to sexual misconduct that take place on college property or at college-sponsored events, regardless of their location.
 2. This policy may also apply to sexual misconduct that occur off-campus, including virtual spaces, when the Title IX coordinator or deputy coordinator determines that the alleged off-campus conduct could reasonably create a hostile environment.
 - C. Jurisdiction
 1. The college has a compelling obligation to address allegations and suspected instances of sexual misconduct when it knows or should have known information that would lead a reasonable person to believe that this policy has been violated. The college may take appropriate action including informing the accused of the allegations and pursuing an investigation even in cases when the complainant is reluctant to proceed. The complainant will be notified in advance when such action is necessary.

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2. The college's disciplinary response may be limited if the accused is a visitor or other third-party or is not subject to the college's jurisdiction.
 - D. **Title IX coordinator and deputy coordinator**
 1. Alleged sexual misconduct involving any individual covered by this policy is addressed by the Title IX coordinator or deputy coordinator.
 2. See Responsibilities section for a complete list of responsibilities.
 - E. This policy is not intended for, and will not be used to, infringe on academic freedom or to censor or punish members of the **college community** who exercise their legitimate first amendment rights.
- II. Romantic and/or sexual relationships
- A. Romantic and/or sexual relationships between individuals in a supervisory, teaching, evaluation, advising, coaching, or counseling relationship constitute a conflict of interest. The individual in the position of higher institutional authority has the responsibility to eliminate the conflict of interest. The conflict of interest must be eliminated in a way which minimizes potential for harming the individual with lower institutional authority.
 - B. Faculty, staff, and students who are in the position to influence academic or employment decisions about others with whom they are in a romantic and/or sexual relationship should recuse themselves from such decisions.
 - C. In the event of an allegation of **sexual harassment**, the college will strictly scrutinize a defense based upon consent when the facts establish that an institutional power differential existed within the relationship.
 - D. Prohibited relationships
 1. Romantic and/or sexual relationships between faculty/staff/students may not continue whenever there are supervisory, teaching, evaluation, advising, coaching, or counseling responsibilities for the student. Alternative academic/supervisory arrangements must be made to avoid being in a prohibited relationship. If acceptable alternative arrangements are not feasible, the relationship may not continue.
 2. Romantic and/or sexual relationships between supervisor and employee are prohibited. No individual involved in a romantic and/or sexual relationship will have direct responsibility for evaluating the performance or for making decisions regarding the hiring, promotion, tenure, compensation, or termination of the other party to the relationship. Supervisors, including faculty supervisors, must take immediate steps to make acceptable alternative arrangements regarding their supervisory responsibility for the other party to avoid an actual or apparent conflict of interest. If acceptable alternative arrangements are not feasible, the relationship may not continue.
 3. Notification responsibilities to avoid prohibited relationships
 - a. College faculty, staff, and student employees must notify their supervisor of any prohibited relationship in which they are involved, and, have a duty to cooperate in making acceptable alternative arrangements. The Office of Human Resources is available to facilitate or consult with parties about notification and making acceptable alternative arrangements.
 - b. Individuals who engage in prohibited relationships (i.e., who do not notify their supervisors and do not make acceptable alternative arrangements) are in violation of this policy. Supervisors, including faculty supervisors, who obtain information that would lead a reasonable person to believe that the Romantic and/or Sexual Relationships section of this policy has been violated, have an institutional duty to report the violation to the Office of Human Resources.
 - c. Individuals in positions of power, who engage in a series of exploitive sexual or romantic relationships, whether or not notification has occurred, may be held in violation of the romantic and/or sexual relationship policy.
 4. Making acceptable alternative arrangements means removing any supervisory, teaching, evaluation, advising, coaching, or counseling responsibilities between the individual with institutional power and the

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student or employee. The alternative arrangements should avoid negative consequences for the student or employee. If acceptable alternative arrangements are not feasible, the relationship cannot continue.

E. Corrective action for prohibited romantic and/or sexual relationships

1. After a thorough review of the facts, corrective action will be taken with any faculty/staff/student employee who violates the romantic and/or sexual relationship section of this policy by:
 - a. Entering into or engaging in a prohibited relationship without notification and without making immediate acceptable alternative arrangements, or
 - b. Failing to follow any part of this policy, or
 - c. Failing to implement any responsibility of supervisors as identified in this policy. This applies to all supervisors, including faculty who serve in supervisory roles.
2. The corrective action process will be in accordance with college policies, or Code of Student Conduct.
3. An individual who promptly provides notification of a prohibited relationship and cooperates in making acceptable alternative arrangements in a timely manner will not be held in violation of the romantic and/or sexual relationship section of this policy.

F. Important advisory statement on romantic/sexual relationships

1. Individuals in positions of power must be aware that romantic or sexual relationships with students are fraught with danger for exploitation and pose a legal risk to both the individual and the institution.
2. There are special risks in any sexual or romantic relationship between individuals in inherently unequal positions of power. These relationships may be subject to concerns about the validity of consent and unfair treatment of other students or employees. Such relationships can undermine the atmosphere of trust essential to the educational process and the employment relationship. They may, moreover, be less consensual than the individual whose position confers power believes. The apparent consensual nature of the relationship is inherently suspect due to the fundamental asymmetry of power in the relationship and it thus may be difficult to establish consent as a defense to a charge. Even when both parties consented at the outset to a romantic or sexual involvement, this past consent does not remove grounds for or preclude a charge or subsequent finding of sexual harassment based upon subsequent unwelcome conduct.
3. The greater the institutional power differential that exists the greater risk there is for exploited consent. Exploited consent exists when consent to a relationship is given as a function of the position of power one individual occupies over another within an institution.
4. Many international students, faculty, and staff come from cultures in which deference to any authority figure is important and sexual harassment laws do not exist. Some individuals may be especially vulnerable to exploitive relationships given cultural, language, and immigration/visa issues. Faculty, staff, and students should be very careful to avoid relationships that may be exploitive in nature.
5. The college discourages romantic and/or sexual relationships between faculty and students due to the possibility of a power differential.
6. The college strongly discourages romantic and/or sexual relationships between faculty and students when in the same department; between faculty and students majoring in the faculty member's area of expertise; when the faculty member has any influence over academic judgments about the student; and in any context when the perceived power differential may be significant.

III. Employee duty to report

- A. All college employees, except those exempted by legal privilege of confidentiality or expressly identified as a confidential reporter, have an obligation to report incidents of **sexual assault**. Any employee who becomes aware of information that would lead a reasonable person to believe that sexual assault may have occurred involving anyone covered under this policy, must report such information immediately.
- B. The following members of the college community have an additional obligation to report incidents of sexual harassment as well as sexual assault when they become aware of information that would lead a reasonable

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person to believe that sexual harassment may have occurred involving anyone covered under this policy. These individuals must report the incident within five work days of becoming aware of such information:

1. Any human resource professional (HRP);
2. Supervisor, including faculty supervisors and volunteer supervisors; and
3. Faculty member.

C. The following categories of employees are exempt from the duty to report sexual assault and sexual harassment, due to their legal or professional privilege of confidentiality or their designation by the college as a confidential reporter.

1. Professional and pastoral counselors

- a. A professional counselor is a person whose official responsibilities include providing mental health counseling to members of the college community and who is functioning within the scope of that license or certification. This definition applies even to professional counselors who are not employees of the college, but are under contract to provide counseling at the college. This also includes an individual who is not yet licensed or certified as a counselor, but is acting in that role under the supervision of an individual who is licensed or certified. An example is a Ph.D. counselor-trainee acting under the supervision of a professional counselor at the college.
- b. A pastoral counselor is a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition and their role at the college. In this context, a pastor or priest who is functioning as an athletic director or as a student advocate would not be exempt from the reporting obligations.
- c. Other employees with a professional license requiring confidentiality or who are supervised by such a person, such as Student Health Services employees and medical center employees, and who are functioning within the scope of that license or certification. For example, a physician with dual appointments (clinician and professor) would be required to report instances of sexual harassment and sexual assault of which she or he becomes aware of in the scope of her or his employment as a professor, but while operating as a clinician may keep such information confidential unless there is a mandatory reporting requirement under law.
- d. Employees who are functioning within the scope of their college employment and who are supervised by or performing duties for college employees with a professional license requiring confidentiality. Such employees may not disclose confidential information but must follow reporting requirements for any non-confidential information.

D. Corrective action may be taken against any individual who has a duty to report and who fails to respond in a manner consistent with the provisions of applicable laws, regulations, policies, and procedures.

E. Employees with a duty to report may make such reports in the following formats:

1. To report allegations of employee sexual misconduct, contact the deputy Title IX coordinator in the Office of Human Resources by calling 740-366-9360, filing a Discrimination and Harassment Complaint form, or emailing ralston.87@mail.cotc.edu; or
2. To report allegations of student sexual misconduct, contact the Title IX coordinator in the Office of Student Life by calling 740-366-9219 or emailing mason.536@mail.cotc.edu.

IV. Confidentiality

A. The college recognizes the importance of confidentiality. To the extent possible, information received in connection with the filing, investigation, and resolution of allegations will be treated as confidential except when necessary to conduct an appropriate investigation, to provide assistance and resources to complainants, to perform other appropriate college functions, or when the college is compelled to provide information under the law.

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- B. When requests for confidentiality arise, they will be evaluated by the Title IX coordinator to determine whether the college may honor the request while still providing a safe and nondiscriminatory environment.
 - 1. When a complaint involves or impacts students, complainants will be advised that honoring a request for confidentiality may limit the college's ability to respond fully to the incident, including pursuing disciplinary action.
 - 2. In cases not involving or impacting students, the college may have a compelling responsibility to pursue an investigation regardless of the complainant's request for confidentiality.
 - C. All individuals involved in the process should observe the same standard of discretion and respect for everyone involved in the process.
- V. Retaliation
- A. The college will not tolerate retaliation in any form against any individual who makes an allegation, files a report, serves as a witness, assists a complainant, or participates in an investigation of discrimination or harassment. College policy and state and federal law prohibit retaliation against an individual for reporting discrimination or harassment, or for participating in an investigation.
 - B. Retaliation is a serious violation that can subject the offender to discipline, up to and including termination of employment and/or student status, independent of the merits of the underlying allegation.
- VI. Investigation and Resolution Options
- A. Early resolution
 - 1. Early resolution may be appropriate in some circumstances if all parties agree; the college approves; and only with the assistance of a college official such as a counselor, trained mediator, or designated administrator. Early resolution is encouraged when the parties desire to resolve the situation cooperatively and/or when a formal resolution is not likely to yield a satisfactory outcome. Participation in early resolution is voluntary. Early resolution may include an inquiry into the facts, informal discussion with the parties, mediation, referral to counseling, conducting targeted preventative educational and training programs, and/or providing remedies for the individual harmed by the offense. Early resolution may be appropriate for responding to anonymous reports and/or third-party reports. Steps taken in early resolution must be documented.
 - 2. In cases of alleged **sexual violence**, mediation is never an appropriate option for resolution, even on a voluntary basis.
 - 3. Complainants are never required by the college to discuss issues directly with the accused.
 - 4. In all cases, the college will inform the complainant of her or his right to end the early resolution process at any time and either choose to begin the formal stage of the report process or choose not to further pursue the matter.
 - B. Formal investigation and resolution
 - 1. In instances when early resolution is inappropriate or unsuccessful, when any party requests, or when the college requires formal investigation of alleged sexual misconduct, the college will consider the concerns and rights of all parties and provide an equitable process.
 - 2. In cases when the complainant states she or he does not want to pursue a formal investigation, the complainant will be informed that the ability to investigate may be limited. When determining whether to move forward with a formal investigation, the Title IX coordinator or deputy coordinator may consider:
 - a. The seriousness of the allegation;
 - b. In the case of a student complainant, the age of the student;
 - c. Whether there have been other complaints or reports against the accused; and
 - d. Privacy concerns of the complainant.
 - 3. Under some circumstances, the Title IX coordinator or deputy coordinator may have an obligation to formally investigate a complaint, such as when there is a risk to the campus community, and the complainant will be informed as such.

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C. Investigators will be trained to address cases of alleged sexual misconduct and will be familiar with applicable policies and procedures.

VII. Remedies

A. When the college makes a finding of a policy violation it will take steps, whether individual or systemic, to stop the alleged sexual misconduct, prevent its recurrence, eliminate any hostile environment, and remedy the discriminatory effects on the complainant and others, as appropriate.

B. Corrective action/sanctions

1. When the respondent is a student, sanctions may be taken pursuant to the Code of Student Conduct. Potential sanctions under the Code of Student Conduct include formal reprimand, disciplinary probation, suspension, dismissal, and other appropriate educational sanctions.
2. In the event that a record of such sanction will become a part of the respondent's educational records, prior notice will be given.
3. When the respondent is an employee, corrective actions may be taken pursuant to the Corrective Action and Involuntary Termination policy, Student Employment policy, and/or the *Agreement between COTC and The United Faculty/COTC, AFT/OFT*. Potential corrective actions include coaching, development plans, reduction in supervisory duties and leadership responsibilities, changes in salary, termination, and other appropriate corrective actions.
 - a. In the event that a record of such corrective action will become a part of the accused's personnel records, prior notice will be given.
 - b. Corrective action may also be taken against any individual with a duty to report under this policy who fails to report alleged sexual misconduct in a manner consistent with the provisions of this policy.
4. Student employees may be subject to corrective action and sanctions under both sections VII. B.1 and 2 above. For instance, a student employee who is dismissed from the college under section VII.B.1 may also be subject to termination or other corrective action under section VII.B.2.

C. Interim measures

1. Interim measures may be available before the final outcome of an investigation to ensure equal access to the college's education and employment programs and activities, and to protect the complainant when necessary. Interim measures may be available to the complainant whether or not formal investigation is used. Interim measures may continue past the duration of the investigation as deemed appropriate by the college. Interim measures may include and are not limited to:
 - a. No contact order;
 - b. Victim advocacy;
 - c. Housing assistance/relocation;
 - d. Counseling;
 - e. Health services;
 - f. Safety resources;
 - g. Academic support,;
 - h. Change in work schedule/location;
 - i. Change in reporting relationships; and
 - j. Consideration of leave requests.
2. The Title IX coordinator, deputy coordinator, and other specifically designated college employees will coordinate the provision of interim measures. Complainants will not be required to arrange such measures by themselves. When providing interim measures, the college will minimize the burden on the complainant.

D. Other remedial measures

1. When the college is unable to conduct a full investigation into a particular incident due to a lack of specificity in the report or request for confidentiality, the college may take other remedial measures as

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appropriate to remedy the effects of the alleged sexual misconduct and/or prevent its recurrence. Remedial measures may also be implemented when it is determined that inappropriate behavior occurred, and that the behavior did not rise to the level of a policy violation. Remedial measures may include and are not limited to:

- a. Providing training on sexual misconduct,
- b. Increasing security in a designated space,
- c. Changing policy or procedure, and
- d. Conducting climate checks.

VIII. False allegations

- A. The absence of a finding of a policy violation is not equivalent to a false allegation.
- B. It is a violation of this policy for anyone to knowingly or with reckless disregard for the truth make false allegations of sexual misconduct. Corrective action/sanctions may be imposed on individuals who knowingly or with reckless disregard for the truth make false allegations of sexual misconduct.

IX. Use of sexual misconduct allegations in employment or academic actions

- A. When making decisions affecting an individual's employment or academic status, allegations of sexual misconduct may be considered only if they have been addressed through this policy or procedure, a court of law, or other administrative proceeding.

X. Duty to report child abuse or neglect

- A. Any faculty, staff, students, student employees, volunteers, vendors, and visitors who in the course of their duties witnesses child abuse, including sexual abuse of a **minor**, or neglect, or has information that would lead a reasonable person to believe the minor faces a substantial threat of such abuse or neglect must immediately make two calls and within one business day submit one report:

1. Call: 911 (child in imminent danger) or Children Services Agency (not imminent danger)
 - a. If child is in imminent danger (life threatening or abuse is being witnessed), call the local law enforcement authority at 911;

OR

- b. If child is not in imminent danger, call Children Services Agency: 855-O-H-CHILD (855-642-4453), which is a 24-hour automated telephone directory that will link callers directly to a child welfare or law enforcement office in their county. Local peace officers may be contacted as an alternative to Children Services.
 2. Call: University Police/Campus Safety and Security at 740-366-9237
 - a. Campus Safety and Security must notify the vice president for institutional planning and human resources.
 3. Report: The faculty, staff, student, student employee, volunteer, vendor, or visitor must then complete a Child Abuse, Sexual Abuse, or Neglect Incident Report and submit it to the Office of Human Resources within one business day.
- B. If consultation is needed regarding reporting, or if there are questions on the process or other support needed, please contact the vice president for institutional planning and human resources at 740-366-9407.

PROCEDURE

I. Reporting allegations of sexual misconduct

- A. A report can be made by any individual who is directly involved in, who observes, or who reasonably believes that sexual misconduct may have occurred. This includes allegations by third parties against any individual covered by this policy. Members of the college community have a duty to report such information; see Employee Duty to Report section above.

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- B. Reports can be made by contacting the Title IX coordinator or by using the following resources:
 - 1. To report allegations of employee sexual misconduct, contact the deputy Title IX coordinator in the Office of Human Resources by calling 740-366-9360, filing a Discrimination and Harassment Complaint form, or emailing ralston.87@mail.cotc.edu; or
 - 2. To report allegations of student sexual misconduct, contact the Title IX coordinator in the Office of Student Life by calling 740-366-9219 or emailing mason.536@mail.cotc.edu, and/or
 - 3. The Ohio State University Police or Campus Safety & Security (to report criminal activity only).
 - C. Filing a report with the college does not preclude the individual from filing a report with an external law enforcement or other agency nor does it extend time limits with those agencies. Individuals may request assistance from the Title IX coordinator or deputy coordinator to notify such authorities.
- II. Reporting retaliation
- A. Allegations of retaliation should be directed to the Title IX coordinator or deputy coordinator.
- III. Conducting investigations
- A. All parties will be informed of the procedures of the investigation and all allegations being investigated.
 - B. Parties may have a support person of their choice present during any applicable investigation meeting, student hearing, or other disciplinary proceeding related to the investigation. The role of the support person is only to be present; they will not be provided documentation or allowed to interject during the meeting. If a support person is determined to be unreasonably interfering with the meeting or proceeding, she or he may be asked to leave.
 - C. Irrelevant prior sexual history of either party will not be allowed as evidence in any proceeding.
 - D. The investigator will apply a preponderance of the evidence standard to determine whether a violation of this policy has occurred.
 - E. A typical investigation will take approximately 60 calendar days following receipt of the complaint. This will vary depending on the complexity of the investigation and the severity and extent of the alleged sexual misconduct. When in an individual case the following timeframes cannot be met for legitimate reasons, the parties will be informed when and why they will not be met.
 - 1. The 60 calendar day timeframe refers to the entire investigation process, which includes and is not limited to:
 - a. Initiating the investigation including contacting the complainant for an intake interview (7 days);
 - b. Conducting the fact-finding investigation (33 days);
 - c. Holding a hearing or engaging in another decision-making process to determine whether a policy violation has occurred (10 days); and
 - d. Determining what actions the college will take to eliminate the hostile environment, prevent its recurrence, and remedy its discriminatory effects, including imposing sanctions against the accused and providing remedies for the complainant and college community, as appropriate, and issuing written notice of the finding of the investigation (10 days).
 - 2. Other factors may affect one or more parts of the timeframe, including and not limited to, the complexity, severity, and extent of the alleged sexual misconduct. The process may be extended if necessary due to illness, holidays, unavailability of parties or witnesses, complexity of the case, or competing demands on investigators or decision makers.
 - F. The investigation generally will include interviews with the parties if available, interviews with other witnesses as determined by the investigator, and a review of relevant documents as appropriate. In cases of alleged sexual assault, **relationship violence**, or stalking, parties will be given timely and equal access to information that will be used during disciplinary meetings and hearings.
 - 1. In cases of alleged sexual misconduct by an employee, investigated by the Office of Human Resources, the investigator will prepare a written case report that typically provides a summary of facts, analysis,

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- findings, and recommended corrective actions. This report is shared with the complainant and accused at the conclusion of the investigation.
2. In cases of alleged sexual misconduct by a student, investigated by the Office of Student Life, a student charged with one or more violations of the *Code of Student Conduct* has the right to a hearing. In a case when a charged student admits to such violation(s) in writing, the student may request in writing to have a decision as to appropriate action made administratively by a hearing officer rather than have the charges referred to a hearing officer for a hearing. In such situations, the student waives the right to a hearing and the related procedural guarantees provided by a hearing officer.
- G. Notification of findings
1. In all cases of alleged sexual misconduct, the accused will be informed in writing of the finding and any recommendation for sanctions or corrective action. The complainant will be informed in writing of the finding, any actions taken to resolve the complaint that are directly related to the complainant, and any disciplinary action or sanction imposed when the complainant needs to be aware of the sanction for it to be fully effective (e.g., restrictions on communication or contact with the complainant).
 2. In cases of sexual assault, relationship violence, or stalking, parties will receive notice of findings simultaneously, in writing, including notice of all sanctions or corrective actions imposed.
 3. In cases adjudicated by the Office of Student Life, the parties will be notified of the institution's procedures for appeal, the results of any appeal, any change to the result, and when such results become final.
- H. In cases involving employees subject to collective bargaining agreements or college rules, parties will retain all rights afforded under applicable federal, state, or local laws.

Responsibilities

Position or Office	Responsibilities
Title IX coordinator	<ol style="list-style-type: none"> 1. Oversee all Title IX reports and investigations. 2. Ensure that investigations are conducted consistent with procedures laid out in this policy. 3. Oversee the maintenance of comprehensive documentation of the receipt of a report, investigation, and resolution. 4. Provide and coordinate interim measures, in consultation with units. 5. Notify the complainant in advance when the college determines to pursue an investigation when the complainant is reluctant to proceed. 6. Notify the complainant of their right to end the early resolution process at any time, to begin the formal stage, or choose not to further pursue the matter. 7. Inform the complainant that the ability to investigate may be limited if they do not want to pursue a formal investigation. 8. Oversee the communication of investigation findings to the complainant and accused. 9. Ensure appropriate action steps, corrective action, and/or sanctions are issued. 10. Monitor action steps, corrective action, and/or sanctions to ensure behavioral change and compliance. 11. Address all concerns promptly and thoroughly. 12. Take remedial measures as appropriate, in consultation with units. 13. Respect the confidentiality and reputation of all parties. 14. Evaluate requests for confidentiality to determine whether the college can honor the request while still providing a safe and nondiscriminatory environment. 15. Refer individuals to available college and/or community resources if counseling assistance is needed. 16. Ensure that individuals delegated the responsibility for receiving and/or investigating reports receive ongoing training on the substantive requirements of Title IX. 17. Coordinate investigations with law enforcement as necessary.

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Position or Office	Responsibilities
	<ol style="list-style-type: none"> 18. Ensure that the Title IX coordinator's other job responsibilities do not create a conflict of interest in regard to the Title IX responsibilities. 19. Periodically review reports to identify any patterns of sex- or gender-based discrimination. 20. Develop and implement regular college-wide events to raise awareness about all forms of sex- and gender-based discrimination. 21. Retain ultimate oversight responsibility for any responsibilities designated to Title IX deputy coordinators. 22. Develop and implement periodic Title IX training for the college community. 23. Periodically review Title IX related policies and procedures to ensure that they are an efficient resource for the college.
Deputy coordinator for human resources	<ol style="list-style-type: none"> 1. Oversee all Title IX reports and investigations for their respective area. 2. Ensure that investigations are conducted consistent with procedures laid out in this policy. 3. Oversee the maintenance of comprehensive documentation of the receipt of a report, investigation, and resolution and provide to the Title IX coordinator. 4. Provide and coordinate interim measures, in consultation with units. 5. Notify the complainant in advance when the college determines to pursue an investigation when the complainant is reluctant to proceed. 6. Notify the complainant of their right to end the early resolution process at any time, to begin the formal stage, or choose not to further pursue the matter. 7. Inform the complainant that the ability to investigate may be limited if they do not want to pursue a formal investigation. 8. Oversee the communication of investigation findings to the complainant and accused. 9. Ensure appropriate action steps, corrective action, and/or sanctions are issued. 10. Monitor action steps, corrective action, and/or sanctions to ensure behavioral change and compliance. 11. Address all concerns promptly and thoroughly. 12. Take remedial measures as appropriate, in consultation with units. 13. Respect the confidentiality and reputation of all parties. 14. Refer individuals to available college and/or community resources if counseling assistance is needed. 15. Ensure that individuals delegated the responsibility for receiving and/or investigating reports receive ongoing training on the substantive requirements of Title IX. 16. Coordinate investigations with law enforcement as necessary. 17. Ensure that the deputy's other job responsibilities do not create a conflict of interest in regard to the Title IX responsibilities.
Office of Human Resources (OHR)	<ol style="list-style-type: none"> 1. Conduct all investigations when the accused is an employee, including student employees. In cases when the accused is a student employee, collaborate with the Office of Student Life. 2. Maintain comprehensive documentation of the receipt of a report, investigation, and resolution and provide to the Title IX coordinator. 3. Communicate investigation findings to the complainant and accused. 4. Issue appropriate action steps and/or corrective actions. 5. Give prior notice when sanctions will become a part of the accused's personnel records, as appropriate. 6. Monitor action steps and/or corrective action to ensure behavioral change and compliance. 7. Address all concerns promptly and thoroughly. 8. Respect the confidentiality and reputation of all parties. 9. Refer individuals to available college and/or community resources if counseling assistance is needed. 10. Facilitate or consult with parties about notification and making acceptable alternative arrangements regarding prohibited relationships.
Office of Student Life	<ol style="list-style-type: none"> 1. Conduct all investigations when the accused is a student in the non-employment context. In cases when the student is also a student employee, collaborate with the Office of Human Resources. 2. Maintain comprehensive documentation of the receipt of a report, investigation, and resolution and provide to the Title IX coordinator. 3. Communicate investigation findings to the complainant and accused. 4. Issue appropriate action steps and/or sanctions.

Applies to: Faculty, staff, students, student employees, volunteers, vendors, and visitors

Position or Office	Responsibilities
	<ol style="list-style-type: none"> 5. Give prior notice when sanctions will become a part of the accused's educational records, as appropriate. 6. Monitor action steps and/or sanctions to ensure behavioral change and compliance. 7. Address all concerns promptly and thoroughly. 8. Respect the confidentiality and reputation of all parties. 9. Refer individuals to available college and/or community resources if counseling assistance is needed.
Employing unit	Take steps to stop the alleged sexual misconduct, prevent its recurrence, eliminate any hostile environment, and remedy the discriminatory effects on the complainant, in consultation with the Office of Human Resources and/or the Office of Student Life.
Human resource professional (HRP)	<ol style="list-style-type: none"> 1. Report sexual assault immediately. 2. Report sexual misconduct (other than sexual assault) within five work days. 3. Address all concerns promptly and thoroughly. 4. Respect the confidentiality and reputation of all parties. 5. Refer individuals to available college and/or community resources if counseling assistance is needed.
Anyone who supervises faculty, staff, students, or volunteers	<ol style="list-style-type: none"> 1. Report sexual assault immediately. 2. Report sexual misconduct (other than sexual assault) within five work days. 3. Report violations of the Sexual and/or Romantic Relationships section of the policy to the Office of Human Resources. 4. Address all concerns promptly and thoroughly. 5. Respect the confidentiality and reputation of all parties. 6. Refer individuals to available college and/or community resources if counseling assistance is needed.
Faculty, staff, student employees, and appointees	<ol style="list-style-type: none"> 1. Conduct yourself in a manner that maintains an environment free from sexual misconduct. 2. Report sexual assault immediately. 3. Recuse yourself from influencing or making academic or employment decisions about others with whom you are in a romantic and/or sexual relationships. 4. Notify your supervisor of any prohibited relationship in which you are involved or considering starting; cooperate in making alternative arrangements; end the relationship if acceptable alternative arrangements cannot be made.
Students, volunteers, supplier/contractor, and visitors	<ol style="list-style-type: none"> 1. Conduct yourself in a manner that maintains an environment free from sexual misconduct. 2. Follow process to report allegations of sexual misconduct.

Resources

For more information:

- Equal Employment Opportunity and Non-Discrimination/Harassment, Policy 2.1.10, <http://www.cotc.edu/depts/HR%20Policies/2.1.10.pdf>
- Code of Student Conduct, http://www.cotc.edu/Life/Documents/COTC_Code_of_Student_ConductRevisions.pdf
- Corrective Action and Involuntary Termination, Policy 2.4.05, <http://www.cotc.edu/depts/HR%20Policies/2.4.05.pdf>
- Discrimination and Harassment Complaint form, http://www.cotc.edu/depts/HR%20Forms/other_DiscriminationHarassmentComplaintForm.pdf
- General Records Retention Schedule, library.osu.edu/documents/records-management/general-schedule.pdf
- Nondiscrimination Notice, <http://www.cotc.edu/depts/HR%20Policies/Non%20Discrimination%20Notice.pdf>
- Student Employment, Policy 2.2.05, <http://www.cotc.edu/depts/HR%20Policies/2.2.05.pdf>
- Workplace Violence, Policy 2.5.10, <http://www.cotc.edu/depts/HR%20Policies/2.5.10.pdf>
- Ohio Revised Code:
 - [2151.03, Neglected child defined, http://codes.ohio.gov/orc/2151.03;](http://codes.ohio.gov/orc/2151.03)

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- [2151.031, Abused child defined, http://codes.ohio.gov/orc/2151.031;](http://codes.ohio.gov/orc/2151.031)
- [2151.421, Reporting child abuse or neglect, http://codes.ohio.gov/orc/2151.421;](http://codes.ohio.gov/orc/2151.421)
- [2151.99, Penalty, http://codes.ohio.gov/orc/2151.99;](http://codes.ohio.gov/orc/2151.99)
- [2921.22, Failure to report a crime or knowledge of a death or burn injury, http://codes.ohio.gov/orc/2921.22](http://codes.ohio.gov/orc/2921.22)
- [Child Abuse, Sexual Abuse, or Neglect Incident Report](#)

For support and counseling:

- Counseling Services, 740-364-9578
- Office of Student Life, 740-364-9578
- The Ohio State Employee Assistance Program, 614-292-4472, osuhealthplan.com/members/ohio-state-employee-assistance-program-eap
- Buckeye Region Anti-Violence Organization, survivor advocacy and assistance to LGBTQI survivors, 866-862-7286, www.bravo-ohio.org.
- Sexual Assault Network of Central Ohio (SARNCO), 24/7 ER, helpline, law enforcement and aftercare advocacy, 614-267-7027 (24/7 helpline), www.ohiohealth.com/sexualassaultresponsenetwork.

Training

- *Report = Support! Individual login required. Employees contact Patsy Henderson, HR assistant, at 740-366-9367, or Henderson.385@mail.cotc.edu, for more information. Students contact the Office of Student Life.*

Contacts

Subject	Office	Telephone	E-mail/URL
Policy consultation	Office of Human Resources	740-366-9367	http://www.cotc.edu/depts/Pages/Office-of-Human-Resources-.aspx
To make a report	Title IX coordinator or deputy coordinator	<p>For Employees John D. Ralston, 740-366-9407</p> <p>For Students Holly Mason, 740-366-9219</p>	<p>ralston.87@mail.cotc.edu</p> <p>mason.536@mail.cotc.edu</p>
Criminal report	University Police/Campus Safety & Security (to report criminal activity only; does not satisfy employee duty to report)	911 (emergency) 740-366-9237(non-emergency)	
Child abuse or neglect report		9-1-1 (imminent danger to child) OR 855-O-H-CHILD (855-642-4453) (no imminent danger to child)	

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History

Issued:	12/01/2004
Revised:	02/01/2005
Edited:	10/01/2008, 09/01/2010, 05/29/2013
Reviewed:	08/04/2014
Edited:	08/06/2015
Interim revised:	09/01/2015 Renamed Sexual Misconduct, Sexual Harassment and Relationship Violence
Edited:	02/07/2017
Revised:	09/28/2017
Edited:	08/07/2018 (new template)
Revised:	11/13/2019