

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

Responsible Office

Office of the President

POLICY STATEMENT

Members of the **college community** have the right to be free from all forms of sexual misconduct that 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 incidents occur in the college’s education program or activity. 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.

This policy will be interpreted in compliance with applicable law and exceptions provided by applicable law. Nothing in this policy is intended to detract from rights guaranteed to bargaining unit members under their current collective bargaining agreement.

Purpose of the Policy

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

Definitions

Term	Definition
College community	Faculty, staff, students, student employees, volunteers, vendors (suppliers/contractors), program participants and visitors.
Complaint	A broad term that encompasses two types of complaints: a non-Title IX complaint and a Title IX complaint .
Non-Title IX complaint	Under this policy, a document filed by a complainant or signed by the human resources director, associate dean of students, or designee alleging sexual misconduct against a respondent and requesting that the college investigate the allegation that does not fall under Title IX. For the purpose of filing a non-Title IX complaint, designees include associate dean of students; director of diversity, equity & inclusion; and manager of disability services.
Title IX complaint	A document filed by a complainant or signed by the Title IX coordinator alleging sexual harassment (Title IX) against a respondent and requesting that the college investigate the allegation of sexual harassment. This definition is intended to comply with the definition of formal complaint in 34 C.F.R. § 106.30.
Consent	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. 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. 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).

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Term	Definition
	<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, etc.).</p> <ol style="list-style-type: none"> 1. Substantial impairment is a state when an individual cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). 2. This 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. Being impaired by alcohol or other drugs will never function as a defense for any behavior that violates this policy. <p>E. It is the obligation of the person initiating the sexual activity to obtain consent.</p> <p>F. Consent cannot be given by an individual 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> <ol style="list-style-type: none"> 1. Force. Violence, compulsion, or constraint; physically exerted by any means on or against a person. 2. Coercion. The application of pressure by the respondent that unreasonably interferes with the complainant's ability to exercise free will. Factors to be considered include, but are not limited to, the intensity and duration of the conduct. <p>G. A person who does not want to consent to sex is not required to resist or verbally object.</p> <p>H. Withdrawal of consent can be manifested through conduct and need not be a verbal withdrawal of consent (i.e., crying, pulling away, pushing away, not actively participating, lying there, uncomfortable or upset facial expression).</p> <p>I. Consent may not be given by an individual who has not reached the legal age of consent under applicable law.</p>
Education program or activity	Locations, events, or circumstances over which the college exercises substantial control over both the respondent and the context in which the sexual harassment occurs, including employment, and also includes any building owned or controlled by a student organization that is officially recognized by the college.
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. This does not include persons under the age of 18 who are enrolled in academic credit or have been accepted for enrollment. When handling incidents involving minors as defined in this policy, local, state and federal laws must be followed.
Party	A broad term that encompasses complainant(s) and respondent(s) in a matter.
Complainant	An individual who is alleged to be the victim of conduct prohibited by this policy. An individual may be a complainant regardless of whether that individual makes a report or participates in the review of that report by the college.
Respondent	An individual who has been reported to be the perpetrator of conduct prohibited by this policy.
Prohibited relationships	Romantic and/or sexual relationships that are not allowed due to power differentials. A power differential exists when one party is responsible, at least in part, in their official capacity for supervising, evaluating, teaching, advising, coaching, or counseling the other party. An employee in any of their official capacities must not exercise responsibility for supervising, evaluating, teaching, advising, coaching, or counseling any student with whom the employee has a consensual romantic and/or sexual relationship. An employee must not make decisions regarding the hiring, performance evaluation, promotion, tenure, compensation, or termination of a person with whom they have a consensual romantic and/or sexual relationship.
Retaliation	An adverse action against any person by any other, such as intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by this policy, or because the individual has made a report or complaint, testified,

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	<p>assisted, participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.</p> <p>Intimidation, threats, coercion, or discrimination, including charges against an individual for policy violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by this policy, constitutes retaliation.</p> <p>Examples of retaliation include: discrimination or harassment as defined by this policy, job termination, adjustment in pay or responsibilities, or any other action that has a materially adverse effect on the working environment of an employee, that hinders or prevents an employee from effectively carrying out their college duties, or that has a materially adverse impact on the academic or living environment of a student. Any person or group within the scope of this policy who engages in retaliation is subject to a separate complaint of retaliation under this policy. A good faith pursuit by a party of civil, criminal, or other legal action, internal or external to the college, does not constitute retaliation.</p>
Sexual misconduct	A broad term that encompasses relationship violence, sexual assault, sexual exploitation, sexual harassment (Title IX and non-Title IX), and stalking.
Relationship violence	A broad term encompassing dating violence and domestic violence.
Dating violence	<p>Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant.</p> <p>A. The existence of such a relationship will be determined based on the reporting party's statements and with consideration of the length of the relationship, type of relationship, and the frequency of interaction between the persons involved in the relationship.</p> <p>For the purposes of this definition:</p> <p>1. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.</p> <p>Dating violence does not include acts covered under the definition of domestic violence.</p>
Domestic violence	Conduct that would meet the definition of a felony or misdemeanor crime of violence committed by a complainant's current or former spouse or intimate partner, a person with whom the complainant shares a child, a person who is cohabitating or has cohabitated with the complainant as a spouse or intimate partner, or a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction receiving grant monies, or any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
Sexual assault	Any sexual act directed against another person, without the consent of the complainant including instances where the complainant is incapable of giving consent. Sexual assault is an umbrella term that includes: non-consensual sexual contact, non-consensual sexual penetration, incest, and statutory rape.
Incest	Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
Non-consensual sexual contact	The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the complainant, including instances where the complainant is incapable of giving consent. Sexual contact includes: intentional contact with the breasts, buttock, groin, or genitals; touching another with any of these body parts or an object; or making another touch you or themselves with or on any of these body parts. Non-consensual sexual contact includes forcible fondling.

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Non-consensual sexual penetration	<p>Penetration, no matter how slight, of the vagina or anus (including genital or anal opening) with any body part or object, or oral penetration by a sex organ of another person, without the consent of the complainant.</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>Non-consensual sexual penetration includes forcible rape, forcible sodomy, and sexual assault with an object.</p> <p>Forcible Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the complainant.</p> <p>Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age of consent in the applicable jurisdiction or because of temporary or permanent mental or physical incapacity.</p> <p>Sexual Assault with an Object: The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.</p>
Statutory rape	Non-forcible sexual intercourse with a person who is under the statutory age of consent in the applicable jurisdiction.
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. 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; F. Non-consensual pictures, video-recording or audio-recording of sexual activity, or the non-consensual distribution of; G. Possession, use and/or distribution of alcohol or other drug (e.g., Rohypnol ("roofies"), Ketamine, GHB, Benadryl, Xanax, Ambien etc.) for the purpose of engaging in or facilitating any activity prohibited under this policy; and H. Prostituting another. <p>Sexual exploitation that meets the definition of sexual harassment (Title IX) will be addressed pursuant to that definition and associated procedures.</p>
Sexual harassment (non-Title IX)	<p>In the <u>employment</u> context, sexual harassment is unwelcome verbal or physical conduct based on sex (including gender and sexual orientation) that unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.</p> <p>In the <u>education</u> context, sexual harassment is unwelcome, sex- or gender-based verbal or physical conduct that interferes with, denies, or limits an individual's ability to participate in or benefit from the college's educational programs and activities.</p> <p>Sexual harassment can take two forms: power differentials (<i>quid pro quo</i>) or hostile environment.</p>

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Term	Definition
	<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 in the employment context</i> includes any situation in which there is harassing conduct that is sufficiently severe or pervasive that it unreasonably interferes with an individual's work performance or creates an intimidating, hostile or abusive work environment. <i>Hostile environment in the education context</i> includes any situation in which there is harassing conduct that is sufficiently severe, persistent or pervasive that it 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 respondent and the complainant(s); d. The number of individuals involved; e. The age and sex of the respondent 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 may be severe enough to create a hostile environment. Minor slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of sexual harassment. To violate this policy, the conduct must create an environment that would be intimidating, hostile, or offensive to a reasonable person. <p>C. All such acts of sexual harassment are forms of sexual misconduct covered under this policy.</p>
Sexual harassment (Title IX)	<p>Conduct on the basis of sex that satisfies one or more of the following:</p> <ol style="list-style-type: none"> A. An employee of the college conditioning the provision of an aid, benefit, or service of the college on an individual's participation in unwelcome sexual conduct (i.e., <i>quid pro quo</i>); B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the education program or activity; or C. Sexual assault, dating violence, domestic violence, or stalking as defined in this policy.
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 their own 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> <p>When stalking is not based on sex or gender, it may violate other college policies including but not limited to the Code of Student Conduct or the Workplace Violence 2.5.10 policy.</p>

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Student	<p>An individual to whom an offer of admission has been extended and who has paid an acceptance fee, registered for classes, or otherwise entered into another agreement with the college to take instruction. Student status lasts until an individual graduates, is permanently dismissed, or is not in attendance for two complete, consecutive terms, and includes those with a continuing educational relationship with the college. "Student" also includes registered student organizations. A student organization remains a "student" for purposes of this policy for one calendar year following the expiration of the organization's most recent registration. A student organization is not a "student" for the purposes of Title IX complaints under this policy.</p> <p>The college reserves the right to administer this policy and proceed with any process provided by this policy even if the student withdraws from the college, is no longer enrolled in classes, or subsequently fails to meet the definition of a student while a disciplinary matter is pending.</p>
Supportive measures	<p>Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment or deter sexual harassment.</p>
Title IX coordinator	<p>The associate dean of students is designated as the college's Title IX coordinator and is the authorized 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. The Title IX coordinator oversees the delegation of tasks as necessary to effectuate all regulatory responsibilities.</p>
Volunteer	<p>Any individual working in an unpaid capacity in an activity or program.</p>

Policy Details

I. Scope

A. Medium

1. This policy applies to alleged sexual misconduct in any medium. Sexual misconduct may manifest in many evolving forms including, but not limited to: physical, verbal, visual and online/electronic/social media.

B. Jurisdiction

1. Under this policy, non-Title IX complaints will cover alleged sexual misconduct that:
 - a. Occurs at an event, program, or endeavor operated, conducted, or organized by the college; and/or
 - b. Occurs anywhere off-campus, including virtual spaces, when the **Title IX coordinator** determines that the alleged sexual misconduct could reasonably create a hostile environment in the **education program or activity**.
 - i. For an employee, the above may include off-duty conduct. When an employee engages in conduct in violation of this policy and the conduct is committed off-duty and not on college property or in the context of an educational program or activity, the college may discipline the employee, up to and including termination, whenever the conduct undermines the credibility of the employee to perform the employee's job or is otherwise connected to employment at the college; has the effect of substantially interfering with the work or educational

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performance of **students**, faculty, or staff; or the conduct demonstrates that the individual poses a reasonable threat to campus safety and security. Employee conduct that is off duty but on college property or that is directed toward college students, employees, affiliates, or property is always connected to employment at the college. Likewise, employee conduct that is on duty but off college property is always connected to employment at the college.

- ii. For students, this policy also applies in circumstances described in the prohibited conduct section of the Code of Student Conduct.
2. Under this policy, **Title IX complaints** will cover alleged sexual misconduct that:
 - a. Takes place in the context of an education program or activity of the college; and
 - b. Occurs against a person in the United States, and
 - c. Where the **complainant** is participating in or attempting to participate in the education program or activity of the college; and
 - d. Meets the regulatory definition of sexual harassment in 34 CFR § 106.30, and
 - e. Where the respondent is an individual the college has authority to discipline.
 - f. For the purpose of this policy, Title IX complaints refer to all matters that fall within the scope of the procedural requirements provided by 34 CFR § 106.45.
3. Under some circumstances, the Title IX coordinator may file a complaint, such as when there is a risk to the campus community, and the complainant will be informed if such action is taken.
4. Nothing in this policy detracts from any legal right of a parent or guardian to act on behalf of a complainant, respondent, or other individual, subject to Family Educational Rights and Privacy Act (FERPA), including but not limited to filing a formal complaint.
5. 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.
6. The college's disciplinary response may be limited if the respondent is a visitor or other third-party or is not subject to the college's jurisdiction.
- C. 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.
- D. Policy maintenance
 1. This policy is managed by the Title IX coordinator.
 2. This policy and the associated procedures will be revised by a working group comprised of the Office of the President, the Office of Human Resources and the Office of Student Life.

II. Prohibited Relationships

- A. In order to maintain the integrity of the college's mission, the college has identified **prohibited relationships**. To avoid prohibited relationships, alternative arrangements may be made as described in this section.
- B. Alternative arrangements and self-disclosure
 1. Making acceptable alternative arrangements means addressing the power differential by removing supervisory, teaching, evaluation, advising, coaching, or counseling responsibilities between the individual with greater institutional power and the other party. It is the responsibility of the individual with institutional power to take immediate steps to make acceptable alternative arrangements in consultation with their supervisor.
 2. If acceptable alternative arrangements are not feasible, the relationship cannot continue.

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3. The Office of Human Resources is available to facilitate or consult on making a self-disclosure of a possible prohibited relationship and/or acceptable alternative arrangements.
 4. Alternative arrangements should avoid negative consequences for the party with lower institutional power.
- C. Accountability
1. Allegations of prohibited relationships that have elements of sexual misconduct will be handled in accordance with the procedures set forth in this policy. The Title IX coordinator will refer all other allegations of prohibited relationships to the Office of Human Resources for assessment, investigation, and response as appropriate, in accordance with the Investigation Resolution Standards.
 2. 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 prohibited relationship section of this policy.
 3. Employees may be subject to corrective action, in accordance with college policies and applicable collective bargaining agreements for any of the following:
 - 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 the prohibited relationships section of this policy.
- D. Advisory statement
1. Even when not otherwise prohibited, the college discourages any romantic and/or sexual relationships between faculty and students due to the possibility of a power differential, including but not limited to such relationships between faculty and students when in the same department and between faculty and students majoring in the faculty member's area of expertise.
- III. Employee duty to report
- A. The college is committed to stopping sexual misconduct, preventing the recurrence, eliminating any hostile environment, and remedying its discriminatory effects. All college employees have reporting responsibilities to ensure the college can take appropriate action.
 - B. All college employees, except those exempted by legal privilege of confidentiality (see Policy Details III.G.) or expressly identified as a confidential reporter, have an obligation to report incidents of **sexual assault**. Any employee who receives a disclosure of a sexual assault or 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 all known information immediately.
 - C. In addition to the requirement of reporting incidents of sexual assault, the following members of the college community have an additional obligation to report all other incidents of sexual misconduct when they receive a disclosure of sexual misconduct or become aware of information that would lead a reasonable person to believe that sexual misconduct may have occurred involving anyone covered under this policy. These individuals must report the incident as soon as practicable but at most within five workdays of becoming aware of such information:
 1. Any human resource professional;
 2. Anyone who supervises faculty, staff, students, or volunteers; and
 3. Faculty members.
 - D. Unless the individual is explicitly seeking assistance from the college, employees are not required to report disclosures of information regarding sexual misconduct pursuant to this policy in the following circumstances:
 1. At public survivor support events including, but not limited to: "Take Back the Night," candlelight vigils, protests, and survivor speak-outs;

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2. When disclosures are made to student employees when they are operating outside of their official work capacity.
- E. Employees with a duty to report should refer to Policy Details IV (Reporting Allegations of Sexual Misconduct).
- F. Employees may have additional reporting obligations provided by law and/or other college policies.
- G. 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 and their college employment. 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 (e.g., 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 minister or priest who is functioning as an athletic director or as a student advocate would not be exempt from the reporting obligations.
 2. Other employees with a professional license requiring confidentiality who are functioning within the scope of that license or certification and their college employment. For example, an individual with dual appointments (college mental health therapist in the Office of Student Life and professor) would be required to report instances of sexual harassment and sexual assault of which they become aware of in the scope of their employment as a professor, but while operating as a college mental health therapist may keep such information confidential unless there is a mandatory reporting requirement under state law.
 3. 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 cannot disclose confidential information but must follow reporting requirements for any non-confidential information.
- H. 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.

IV. Reporting Allegations

- A. Contacting the Title IX coordinator to share all known information will satisfy the employee duty to report. The Title IX coordinator has the authority to institute corrective measures on behalf of the college. Reports can also be made voluntarily by any college community member or individual who is directly involved in, observes, or reasonably believes that sexual misconduct, process abuse, or retaliation may have occurred. This includes allegations by third parties against any individual covered by this policy.
 1. Phone: 740-366-9219

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2. Address: Warner Center Suite 226, 1179 University Drive, Newark, Ohio 43055
- B. Making a report to the college does not preclude the individual from filing a report of a crime with law enforcement nor does it extend time limits that may apply in criminal processes. Individuals may request assistance from the Title IX coordinator or designee to notify law enforcement.

Agency	Contact Information
Newark Campus Public Safety	740-366-9237
Emergencies and off-campus crimes	9-1-1

V. Confidentiality and privacy

- A. The college recognizes the importance of confidentiality and privacy. See the Resources section for a list of confidential support, non-confidential support, and medical resources. Information received in connection with the reporting, investigation, and resolution of allegations will be treated as private and will only be shared with individuals whom the college determines are necessary to conduct an appropriate investigation, provide assistance and resources to parties, perform other appropriate college functions, or in accordance with applicable law.
- B. The college will maintain as confidential any **supportive measures** provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the college to provide the supportive measures and is consistent with applicable law or college policy.
- C. The college will keep confidential the identity of any individual who has made a report or complaint of sexual misconduct; any complainant; any individual who has been reported to be the perpetrator of sex discrimination; any respondent; and any witness, except in accordance with applicable law.
- D. If an incident is disclosed or reported to the college and the individual requests that no investigation be conducted or disciplinary action taken, the Title IX coordinator will explain that the college prohibits retaliation and explain the steps the college will take to prevent and respond to retaliation if the individual participates in a resolution process. The Title IX coordinator will evaluate the request to determine whether the college can honor the request while still providing a safe and nondiscriminatory environment. In compliance with the college's legal obligations, the college may initiate a resolution process (informal, investigative, and/or other) and take appropriate remedial action irrespective of the reporting party's request.
- E. A decision to proceed despite an individual's request will be made on a case-by-case basis after an individualized review, and the complainant will be notified if such a decision is made.
- F. All individuals involved in the process should observe the same standard of discretion and respect for everyone involved in the process.

VI. Supportive measures

- A. Upon receipt of a report of sexual misconduct, the Title IX coordinator will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The college treats complainants and respondents equitably by offering supportive measures to both parties, if and when a respondent is identified.
- B. The Title IX coordinator will conduct an individualized assessment and will review requests from either **party** to determine supportive measures that are appropriate and reasonably available. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual misconduct.
- C. Supportive measures may include, but are not limited to:

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1. Mutual no-contact directives;
 2. Referral to campus and community resources for advocacy, counseling, disability services, financial aid services, health services, immigration services, safety and transportation services;
 3. Extensions of deadlines or other course-related adjustments;
 4. Modification of work or class schedules;
 5. Change in work or housing locations;
 6. Change in reporting relationship;
 7. Consideration of leave requests;
 8. Assistance with academic petitions;
 9. Removal of a program participant, vendor/supplier/contractor, volunteer, or visitor; and
 10. Additional options as provided in the Process Standards.
- D. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures. Parties will not be required to arrange such measures by themselves but may need to participate in communication with supervisors, faculty, and other college employees with a need to know.
- E. The college will follow the process standards before the imposition of any disciplinary sanctions or other actions that are not supportive measures as defined in this policy against a respondent.
- VII. Emergency removal
- A. The college may remove a respondent from a college's education program or activity on an emergency basis pursuant to conduct prohibited by this policy. If, after an individualized safety and risk analysis involving a review of relevant information known at the time, the college determines that the respondent presents an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual misconduct and removal is justified, the college may remove the respondent from the college's education program or activity or any part of the college's education program or activity.
 - B. The college will provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.
 - C. Nothing in this policy precludes the college from imposing an interim suspension as provided by the [Code of Student Conduct](#), if applicable.
 - D. Nothing in Policy Details VII.A or B above precludes the college from placing faculty or staff on paid or unpaid administrative leave or reassignment during an investigative resolution process as provided by applicable college policies or procedures.
 - E. Nothing in this policy precludes the college from taking other appropriate action under separate college processes, if applicable.
- VIII. Informal Resolution, Investigative Resolution, and Other Resolution Options
- A. Initial assessment
 1. The Title IX coordinator reviews all reports of sexual misconduct, retaliation, false allegations, and process abuse under this policy for an initial assessment of the reported information.
 2. Upon completion of an initial assessment, the Title IX coordinator will determine the available options for resolution and will communicate options to the parties.
 3. The available resolution options will be guided by: the availability of information or evidence suggesting that a policy violation may have occurred; the Title IX coordinator's decision to investigate and provide appropriate remedies to eliminate, prevent, and address the effects of the prohibited conduct; and the availability or desire of the complainant to participate in an investigation or other resolution. There may be instances where the Title IX coordinator

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

moves forward with an investigative or other resolution without the participation of a complainant as outlined in Policy Details V.D. above and considering factors outlined in the Process Standards.

B. Informal resolution

1. Informal resolution may be utilized in some circumstances where the college deems it appropriate, a complaint is filed, and all parties consent in writing. At any time prior to reaching a determination regarding responsibility, the college may facilitate an informal resolution process that may not involve a full investigation and hearing or other adjudication. In these circumstances, the college will:
 - a. Provide to the parties a written notice disclosing the allegations and the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations;
 - b. Inform all parties of the right to withdraw from the informal resolution process and resume the investigative resolution process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and
 - c. Obtain the parties' voluntary, written consent to the informal resolution process.
2. Informal resolution is voluntary for all parties. The college does not require anyone to waive the right to an investigation and adjudication of a formal complaint consistent with this policy as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right.
3. The college does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.
4. Informal resolutions include instances where the respondent accepts responsibility for any or all allegations in a complaint.

C. Investigative resolution

1. The college may resolve a complaint of sexual misconduct through an investigative resolution when: the alleged misconduct, if true, would be prohibited under applicable college policy and informal resolution is inappropriate; a party requests an investigative resolution; or the college determines an investigative resolution is required. In such circumstances, the college will consider the concerns and rights of all parties and provide a prompt, fair, impartial, and equitable process.
2. Parties have an equitable right to:
 - a. Receive notice before participating in an interview with sufficient time to prepare for meaningful participation;
 - b. Participate in a process with reasonably prompt timeframes and extensions for good cause, as described in the Process Standards;
 - c. Present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
 - d. Discuss the allegations under investigation and to gather and present relevant evidence;
 - e. Receive timely and equal access to any relevant information or documentation gathered during the investigation;
 - f. Have investigators who are adequately trained to resolve cases of alleged sexual misconduct, are familiar with applicable policies and procedures, and who do not have a conflict of interest or bias for or against either party or bias for or against complainants and respondents generally; and

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- g. Have the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

3. Advisors

- a. The college may not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the college may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. Should a party not have an advisor, one will be appointed by the college.
- b. An advisor may only provide counsel or support for a party and not actively participate in the process, except to conduct cross-examination during hearings, unless clarification is needed as determined by the college. The advisor may not engage in any conduct that would constitute harassment or retaliation against any person who has participated in an investigation and may be denied further participation if such conduct occurs.

D. Other resolutions

- 1. The college reserves the right to have educational conversations and conduct informal coaching with anyone covered under this policy outside of the investigative process. Having an educational conversation does not preclude the college's ability to move forward in an investigative resolution process. Having an educational conversation does not relieve the college of the requirement of conducting an investigative resolution if required by law.
- 2. Such conversations are not considered an informal resolution and are not disciplinary actions.
- 3. Other resolutions are not limited to educational conversations and informal coaching.

IX. Remedies

- DI. A finding of a policy violation will result in a remedy, which may include corrective action/sanctions. The college will take steps, whether individual or systemic, to stop the prohibited sexual misconduct, prevent its recurrence, eliminate any hostile environment, and remedy the discriminatory effects on the complainant and others, as appropriate.
- DII. Remedies must be designed to restore or preserve equal access to the college's education program or activity. Such remedies may include the same individualized services described as supportive measures; however, remedies may be disciplinary or punitive and need not avoid burdening the respondent.
- DIII. For Title IX complaints, the Title IX coordinator is responsible for effective implementation of any remedies. For non-Title IX complaints, the associate dean of students (student complaints) or human resources director (employee complaints) is responsible for effective implementation of any

X. Corrective actions/sanctions

- A. 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.
- B. In the event that a record of such sanction will become a part of the respondent's academic transcript, notice will be provided to the respondent.
- C. When the respondent is an employee, corrective actions may be taken pursuant to the Corrective Action and Involuntary Termination 2.4.05 policy, Student Employment 2.2.05 policy, and/or the *Agreement Between COTC and The United Faculty/COTC, AFT/OFT*. Disciplinary corrective actions include reduction in supervisory duties and leadership responsibilities, changes in salary, termination, and other appropriate corrective actions.

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

- D. A record of such corrective action will become a part of the respondent's personnel records and notice will be provided to the respondent.
- E. Student employees may be subject to corrective action and sanctions under both Policy Details X.A and X.C above. For instance, a student employee who is dismissed from the college under section X.A may also be subject to termination or other corrective action under section X.C.
- F. Restoring or preserving equal access to the college's education program or activity is one consideration in determining appropriate sanctions and/or corrective actions.
- G. Other remedial measures
 - 1. When the college is unable to proceed with investigative resolution (e.g., a lack of information in the report or request by the complainant that an investigation not move forward), the college may take other remedial measures as 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, but that the behavior did not rise to the level of a policy violation.
 - 2. Remedial measures may include but are not limited to:
 - a. Providing training on sexual misconduct,
 - b. Increasing security in a designated space,
 - c. Changing policy or procedure, and/or
 - d. Conducting climate checks.

XI. Retaliation

- A. Retaliation is prohibited by college policy and law. 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 sexual misconduct.
- B. Retaliation is a serious violation that can subject the offender to discipline, up to and including termination of employment and/or suspension or dismissal of a student, independent of the merits of the underlying allegation.
- C. The college may take action under college policy as long as it is not done for the purpose of interfering with any rights and privileges provided by this policy.

XII. Process abuse

- A. It is a violation of this policy for anyone to:
 - 1. Obstruct, prohibit, exert improper influence over, or interfere with any individual making a report, participating in a process, or carrying out a responsibility covered by this policy;
 - 2. Falsify or misrepresent information in or related to a process covered by this policy;
 - 3. Make a false allegation;
 - 4. Disrupt or interfere with the orderly conduct of any proceeding conducted under this policy; or
 - 5. Fail to comply with any directive, sanction, or corrective action issued pursuant to this policy.
- B. False allegations
 - 1. 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.
 - 2. The absence of a finding of a policy violation is not equivalent to a false allegation.
- C. Allegations of process abuse will be investigated as provided in the Process Standards.

XIII. Training

- A. All faculty, staff, student employees, and students are required to take annual sexual misconduct training as directed by the college.

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

- B. All individuals who are responsible for effectuating any part of this policy are required to be trained on the substantive requirements of Title IX.
- XIV. Account holds and notations
 - A. The college may, within its discretion, place a hold on a student's account or place a notation on a student's transcript while any investigation or proceeding conducted pursuant to this policy is pending.
- XV. Directives
 - A. The college may issue directives when necessary to effectuate this policy.

PROCEDURE

- I. Initial assessment
 - A. The Title IX coordinator reviews all reports of sexual misconduct, process abuse, and retaliation under this policy.
 - 1. If the initial assessment indicates a report of a prohibited relationship without any other elements of sexual misconduct, the Title IX coordinator will refer the report to the director of human resources for assessment, investigation, and response as appropriate, in accordance with the Process Standards.
 - B. Reports may be informal (e.g., verbal or anonymous) or formal (through the reporting channels as described in this policy).
 - C. The Title IX coordinator will provide rights and options to all complainants, including supportive measures, resolution options, and how to file a complaint, if desired.
 - D. The Title IX coordinator may take preliminary steps to fully assess the reported and related information to determine jurisdiction or if the Title IX coordinator will file a complaint.
 - E. Upon completion of an initial assessment, the Title IX coordinator may file a Title IX complaint, or the human resources director may file a non-Title IX complaint for employees and the associate dean of students may file a non-Title IX complaint for students. When the Title IX coordinator files a complaint, the Title IX coordinator and/or the college does not become the complainant. The complainant retains their rights and will receive all notices and information as outlined in this policy.
- II. Review of complaint
 - A. Written notice
 - 1. Upon the filing of a complaint, the Title IX coordinator will provide written notice to the parties who are known. That written notice must:
 - a. Explain the college's investigative resolution process, including any informal resolution options;
 - b. Describe the allegations potentially constituting misconduct, including sufficient details known at the time;
 - c. Include sufficient details, including the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual misconduct, and the date and location of the alleged incident, if known;
 - d. Include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
 - e. Inform the parties that they may have an advisor of their choice who may be, but is not required to be, an attorney, and may inspect and review evidence;
 - f. Inform the parties of provisions in this policy that prohibit retaliation and process abuse, which includes knowingly making false statements or knowingly submitting false information during the grievance process; and

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- g. Be provided with sufficient time for the parties to prepare a response before any initial interview.
 2. If, in the course of an investigation, the college decides to investigate allegations about the complainant or respondent that are not included in the notice, the college must provide notice of the additional allegations to the parties whose identities are known.
- B. Dismissal of a non-Title IX complaint
 1. If the alleged behavior in a non-Title IX complaint, if true, does not meet the definition of a policy violation, the associate dean of students (for students) or the human resources director (for employees) may dismiss the complaint.
 2. The college, at its discretion, may dismiss a non-Title IX complaint or any allegations therein, if at any time during the investigation or hearing a complainant notifies the associate dean of students (for students) or human resources director (for employees) in writing that the complainant would like to withdraw the complaint or any allegations therein; the respondent is no longer enrolled at or employed by the college; specific circumstances prevent the college from gathering evidence sufficient to reach a determination as to the complaint or allegations therein; or there is no reasonable cause to believe that a policy violation may have occurred. However, when the college is on notice of behavior that violates this policy or the law, it may be required to proceed with an investigative resolution irrespective of the complainant's desire to withdraw from the process.
 3. If the complaint is dismissed, the investigative process will cease, but the matter may be referred to other resolution processes or other appropriate college processes or action.
- C. Dismissal of a Title IX complaint
 1. The college must investigate the allegations in a Title IX complaint. If the conduct alleged in the Title IX complaint would not constitute sexual harassment under Title IX even if proved, did not occur in the college's education program or activity, did not occur against a person in the United States, or the complainant is not an individual participating or attempting to participate in the education program or activity of the college, then the college must dismiss the Title IX complaint with regard to that conduct for purposes of sexual harassment under Title IX. Such a dismissal does not preclude action under another provision of this policy or another college policy.
 2. The college, at its discretion, may dismiss a Title IX complaint or any allegations therein, if at any time during the investigation or hearing a complainant notifies the Title IX coordinator in writing that the complainant would like to withdraw the complaint or any allegations therein; the respondent is no longer enrolled at or employed by the college; or specific circumstances prevent the college from gathering evidence sufficient to reach a determination as to the complaint or allegations therein.
 3. Upon dismissal of a Title IX complaint, the college must promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties. The matter may proceed under the non-Title IX complaint process or be referred to another appropriate college process.
- D. Consolidation of complaints
 1. The college, at its discretion, may consolidate complaints as to allegations against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances. This consolidation may include some or all of the investigation, resolution, or hearing.
- E. Conduct that may violate other college policies

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1. When reported conduct may violate this policy and other college policies, the Title IX coordinator will consult with the appropriate college office(s) to determine how the matter should be investigated and adjudicated. This may, but is not required to, involve a joint investigation by more than one office.
2. The office or process used to investigate and adjudicate the matter is within the sole discretion of the college except as required by other applicable college rules or policies, but procedures set forth in this policy will be used to investigate and adjudicate alleged violations of this policy. The Title IX coordinator may refer possible violations of other college policies to an appropriate office at any time.

III. Investigation of a complaint

- A. A typical investigation will be completed within a reasonably prompt timeframe as described in the Process Standards.
- B. The investigation generally will include interviews with the parties, relevant witnesses, and a review of relevant documents and other available evidence.
- C. When investigating a complaint and throughout the investigative resolution process, the college will:
 1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility both rest on the college and not on the parties.
 2. For Title IX matters, only access, consider, disclose, or otherwise use a party's records, with a party's voluntary written consent, that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, in the investigative resolution process.
 3. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
 - a. Evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such evidence about the complainant's prior sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the evidence concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove **consent**.
 - b. Exculpatory evidence may include evidence that a party acted in self-defense, as described in the Process Standards.
 4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
 5. Provide parties the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit such choice or presence for either party.
 - a. The college may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
 6. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings or proceedings with sufficient time for the party to prepare to participate.
 7. Provide parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the college does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether

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obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

- a. Prior to completion of the investigative report, the college must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format.
 - b. The parties must have at least 10 business days to submit a written response, which the investigator will consider prior to completion of the investigative report.
8. Provide an investigative report that fairly summarizes relevant evidence, in a format determined by the college, at least 10 business days prior to a hearing or other time of determination regarding responsibility to each party and each party's advisor, if any, for their review and written response.

IV. Hearings

- A. Hearings are available for non-Title IX complaints involving student respondents and Title IX complaints involving student or employee respondents.
- B. A college-appointed resolution/hearing officer (diversity, equity, and inclusion officer/chief diversity officer) will preside over the hearing.
- C. At the hearing, the resolutions officer will permit cross-examination of a party and any witnesses, which includes all relevant questions and follow-up questions, including those challenging credibility.
 1. The college must make all evidence previously provided to the parties available for inspection and review at the hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
 2. For Title IX matters, cross-examination at the hearing must be conducted by the party's advisor of choice and never by a party personally.
 3. The college prohibits advisors from participating in the hearing outside of conducting cross examination.
- D. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the resolution officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
- E. If a party does not have an advisor present at the hearing, the college will provide, without fee or charge to that party, an advisor of the college's choice to conduct cross-examination on behalf of that party for Title IX matters.
- F. The resolution officer cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross examination or other questions.

V. Adjudicating non-Title IX complaints not involving student respondents

- A. For all non-Title IX complaints not covered by Procedure IV above, following an investigation, a written determination will be issued as explained in Procedure VI below, excluding cases with respondents who are vendors/suppliers/contractors, volunteers, and visitors.
- B. The college reserves the right to take immediate action when the respondent is a program participant, vendor/supplier/contractor, volunteer, or visitor. The college's disciplinary response may be limited if the respondent is a visitor or other third-party or is not subject to the college's jurisdiction.

VI. Determination regarding responsibility for all complaints

- A. The resolution officer or designee(s) will issue a written determination regarding responsibility using the preponderance of evidence standard in all hearings. The investigator or designee will issue a written determination regarding responsibility using the preponderance of evidence standard in all adjudications of Title IX complaints not involving student respondents.

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- B. The written determination will include:
 - 1. Identification of the allegations potentially constituting sexual misconduct;
 - 2. For Title IX complaints only, a description of the procedural steps taken from the receipt of the Title IX complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
 - 3. Findings of fact supporting the determination;
 - 4. Conclusions regarding the application of the policy to the facts;
 - 5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
 - 6. For Title IX complaints, additional information as to any disciplinary sanctions the college imposes on the respondent and whether remedies designed to restore or preserve equal access to the college's education program or activity will be provided by the college to the complainant; and
 - 7. The college's procedures and bases for the parties to appeal.
 - C. The college must provide the written determination to the parties simultaneously.
 - D. For non-Title IX complaints, the sanctions and remedies may be issued at a subsequent time outside of the written determination, and the parties will be informed of the outcome and imposed sanction or corrective action in accordance with the *Family Educational Rights and Privacy Act (FERPA)* and other applicable law.
 - E. The determination regarding responsibility becomes final either on the date that the college provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
- VII. Implementing corrective action/sanctions
- A. In cases involving students, any subsequent sanctions will be implemented by the associate dean of students.
 - B. In cases involving staff, any subsequent corrective action will be implemented by the employee's supervisor and/or the human resources director as appropriate.
 - C. In cases involving faculty, complaints regarding policy violations or other inappropriate behavior must be pursued through the collective bargaining agreement process, as applicable, and non-disciplinary measures may be implemented if appropriate.
 - D. If an employee respondent is found not to be responsible for violating the policy, the Office of Human Resources may determine that the employee respondent engaged in conduct that was inappropriate or unprofessional and recommend appropriate action.
- VIII. Appeals of complaint resolution
- A. Both parties may appeal a determination regarding responsibility and a dismissal of a complaint or any allegations therein, on the following bases:
 - 1. Procedural irregularity that affected the outcome of the matter;
 - 2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or
 - 3. The Title IX coordinator, investigator(s), or resolutions officer or designee(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent specifically that affected the outcome of the matter.
 - B. The party requesting the appeal must clearly articulate that their request falls within one of the bases for appeal. The Title IX coordinator, so long as that person is not involved in the case as the assigned investigator or resolution officer, will perform an initial review of the appeal.

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- C. Where the Title IX coordinator finds that at least one of the bases is clearly articulated, the appeal will proceed through the appeals process, which includes:
 - 1. Assigning an appeals officer (vice president and chief of staff) who is adequately trained to review appeals in cases of alleged sexual misconduct, is familiar with applicable policies and procedures, and who does not have a conflict of interest or bias for or against either party or bias for or against complainants and respondents generally;
 - 2. Notifying the other party in writing when an appeal is filed and implementing appeal procedures equally for both parties;
 - 3. Giving both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
 - 4. Issuing a written decision describing the result of the appeal and the rationale for the result; and
 - 5. Providing the written decision simultaneously to both parties.
- D. Where the Title IX coordinator or designee does not find that one of the bases is clearly articulated, they will deny the appeal. In such instances, the findings will stand, and the rebuttal will be retained in the investigation file. A party must provide specific information to articulate that one or more of the grounds of appeal could be met. Vague or blanket assertions or assertions unsupported by specific facts or information will be denied.

IX. Additional guidance

- A. The Title IX coordinator establishes standard protocols for responding to and resolving complaints of sexual misconduct.

Responsibilities

Position or Office	Responsibilities
Advisor(s)	<ol style="list-style-type: none"> 1. Complete annual training on the substantive requirements of Title IX. 2. Accompany the complainant or respondent to related meeting or proceeding. 3. Provide counsel or support for a party as set forth in the policy. 4. Conduct cross-examination during hearings for Title IX matters as set forth in the policy.
Appeals officer (vice president and chief of staff)	<ol style="list-style-type: none"> 1. Complete annual training on the substantive requirements of Title IX. 2. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. 3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. 4. Issue a written decision simultaneously to both parties describing the result of the appeal and the rationale for the result.
Title IX coordinator (associate dean of students)	<ol style="list-style-type: none"> 1. Manage and maintain this policy. 2. Review and process all reports of sexual misconduct, retaliation, false allegations, and process abuse under this policy. 3. Provide rights and options to all complainants, including supportive measures, resolution options, and how to file a complaint, if desired. 4. Determines available options for resolution and communicate options to the parties upon completion of an initial assessment. 5. Conduct individualized assessments and review requests from either party, as needed, to determine supportive measures that are appropriate and reasonably available. 6. Coordinate the implementation of supportive measures. 7. Inform the complainant when a complaint is filed and discuss options as set forth in the policy. 8. Implement sanctions in cases involving students.

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

Position or Office	Responsibilities
	<ol style="list-style-type: none"> 9. Implement any remedies for Title IX complaints. 10. Provides leadership for Title IX activities; offer consultation, education and training; and help ensure the college responds appropriately, effectively, and equitably to all Title IX issues. 11. Oversee all Title IX reports and investigations. 12. Address all concerns promptly and thoroughly. 13. Respect the privacy of all parties. 14. Complete annual training on the substantive requirements of Title IX. 15. Complete an initial assessment and determine if a Title IX complaint should be filed. 16. Upon the filing of a complaint, provide written notice to the parties who are known. 17. In the course of an investigation, provide notice of additional allegations to the parties whose identities are known if allegations about the complainant or respondent that are not included in the notice are being investigated. 18. Dismiss a Title IX complaint as appropriate per guidelines and send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties. 19. Dismiss a non-Title IX complaint (for students) as appropriate in accordance with policy guidelines. 20. Consult with appropriate college office(s) when reported conduct may violate this policy and other college policies to determine how the matter should be investigated and adjudicated. 21. Perform initial review of appeals and assigns to appeals officer or deny as appropriate. 22. Establish standard protocols for responding to and resolving complaints of sexual misconduct. 23. Ensure that individuals who are responsible for effectuating any part of this policy are trained on the substantive requirements of Title IX. 24. Coordinate investigations with law enforcement as necessary. 25. Receive investigator's report and provide to parties separately to review and respond in writing. 26. Review report and parties' feedback, determine whether a Title IX hearing or non-Title IX resolution is appropriate and communicate decision to parties. 27. Periodically review reports to identify any patterns of sex or gender-based discrimination. 28. Develop and implement regular college-wide events to raise awareness about all forms of sexual misconduct. 29. Develop and implement regular and annual Title IX training for the college community. Administer annual Title IX training program for students. 30. Periodically review Title IX related policies and procedures to ensure that they are an efficient resource for the college. 31. Refer to Process Standards for detailed investigation rights, options, and procedures.
Director, human resources	<ol style="list-style-type: none"> 1. Administer annual Title IX training program for employees. 2. Complete annual training on the substantive requirements of Title IX. 3. Dismiss a non-Title IX complaint (for employees) as appropriate in accordance with policy guidelines. 4. Conduct all investigations when the accused is an employee and prepare investigative report. 5. Communicate investigation findings to the Title IX coordinator. 6. Implement corrective action/sanctions as appropriate. 7. Facilitate or consult on self-disclosures and acceptable alternative arrangements of possible prohibited relationships. 8. Issue written determinations regarding responsibility in all adjudications of non-Title IX complaints not involving student respondents.
Manager, Disability Services	<ol style="list-style-type: none"> 1. Complete annual training on the substantive requirements of Title IX. 2. Conduct all investigations when the accused is a student in the non-employment context and prepare investigative report. In cases when the student is also a student employee, collaborate with the Office of Human Resources. 3. Issue written determinations regarding responsibility in all adjudications of Title IX complaints involving student respondents. 4. Communicate investigation findings to the Title IX coordinator. 5. In cases involving students, implement sanctions as appropriate, in consultation with the associate dean of students.
Hearing officer/resolution officer (director of diversity, equity and	<ol style="list-style-type: none"> 1. Complete annual training on the substantive requirements of Title IX. 2. Preside over hearings as set forth in this policy. 3. Issue to the parties simultaneously a written determination regarding responsibility in all hearings.

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

Position or Office	Responsibilities
inclusion/chief diversity officer)	
Human resource professionals: anyone who supervises faculty, staff, students, or volunteers	<ol style="list-style-type: none"> 1. Report incidents of sexual misconduct within five workdays as set forth in the policy. 2. Report violations of the Sexual and/or Romantic Relationships section of the policy to the Office of Human Resources. 3. Respect the privacy and reputation of all parties.
Faculty, staff, student employees, and students	<ol style="list-style-type: none"> 1. Complete annual training as directed by the college.

Resources

For more information:

- Equal Employment Opportunity and Non-Discrimination/Harassment, Policy 2.1.10, <https://www.cotc.edu/sites/main/files/file-attachments/2.1.10.pdf?1614262691>
- Code of Student Conduct, https://www.cotc.edu/sites/main/files/file-attachments/cotc_code_of_student_conductrevisions_1.pdf?1599108114
- Corrective Action and Involuntary Termination, Policy 2.4.05, <https://www.cotc.edu/sites/main/files/file-attachments/2.4.05.pdf?1616166043>
- Discrimination and Harassment Complaint form, https://www.cotc.edu/sites/main/files/file-attachments/other_discriminationharassmentcomplaintform.pdf
- General Records Retention Schedule, <https://library.osu.edu/sites/default/files/2021-10/osu-general-schedule-compressed-20211019.pdf>
- Nondiscrimination Notice, https://www.cotc.edu/sites/main/files/file-attachments/non_discrimination_notice.pdf?1630419489
- Student Employment, Policy 2.2.05, <https://www.cotc.edu/sites/main/files/file-attachments/2.2.05.pdf?1628176849>
- Workplace Violence, Policy 2.5.10, <https://www.cotc.edu/sites/main/files/file-attachments/2.5.10.pdf?1616168493>
- Ohio Revised Code:
 - [2151.03, Neglected child defined, http://codes.ohio.gov/orc/2151.03;](http://codes.ohio.gov/orc/2151.03)
 - [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, https://www.cotc.edu/sites/main/files/file-attachments/2.1.20_abuse-incident-report.pdf?1604452414

For support and counseling:

- Counseling Services, 740-364-9578
- Office of Student Life, 740-364-9578, Warner Center Suite 226, 1179 University Drive, Newark, Ohio 43055
- The Ohio State Employee Assistance Program, 614-292-4472, <https://hr.osu.edu/benefits/eap/>
- Buckeye Region Anti-Violence Organization, survivor advocacy and assistance to LGBTQI survivors, 866-862-7286, www.bravo-ohio.org.

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

- 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	Title IX coordinator	Holly Mason, 740-366-9219	https://www.cotc.edu/office-student-life
Title IX questions	Title IX coordinator	Holly Mason, 740-366-9219	https://www.cotc.edu/post/title-ix-0
To make a report	Title IX coordinator Warner Center Suite 226, 1179 University Drive, Newark, Ohio 43055	Holly Mason, 740-366-9219	mason.536@mail.cotc.edu
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)	

History

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