



Applies to: Faculty, staff, students, student employees, graduate associates, appointees, volunteers, vendors, & visitors.

Responsible Office

Office of Human Resources

POLICY

Issued: 10/01/1980
Interim Revised: 09/01/2015

Members of the university community, vendors, and visitors have the right to be free from all forms of sexual misconduct. Sexual misconduct is conduct of a sexual nature that is nonconsensual, or has the effect of threatening, intimidating, or coercing a person. Sexual misconduct includes sexual harassment, sexual violence, and relationship violence. Sexual misconduct impedes the realization of the university’s mission of distinction in education, scholarship, and service. All members of the university community are expected to conduct themselves in a manner that does not infringe upon the rights of others and maintain an environment free from sexual misconduct.

Sexual misconduct violates the dignity of individuals and will not be tolerated. The university 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 university community. The university is committed to stopping sexual misconduct, preventing its recurrence, eliminating any hostile environment, and remedying its discriminatory effects. This policy defines expectations for the university 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.

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 effect of threatening, intimidating, or coercing a person. Includes sexual harassment, sexual violence, relationship violence, and stalking. Sexual misconduct is a form of sex- and gender-based discrimination.
Sexual harassment	<p>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, hostile or offensive work 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 university’s educational programs and activities.</p> <p>It can take two forms: power differentials (<i>quid pro quo</i>) or hostile environment:</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</p>



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	<p>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>
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> <ol 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);



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	<p>D. Invasion of sexual privacy;</p> <p>E. Knowingly transmitting a sexually transmitted infection (STI) to another individual;</p> <p>F. Non-consensual video or audio-taping of sexual activity;</p> <p>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.</p> <p>H. Prostituting another individual;</p> <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 and domestic violence.</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 reporting party's statement 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> <p>A. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.</p> <p>B. Consent may be withdrawn at any time.</p> <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 substantial 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. 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	<p>The designated university official with primary responsibility for coordinating the university's compliance with Title IX. This individual provides leadership for Title IX activities; offers consultation, education, and</p>



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	training; and helps to ensure that the university 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, Athletics, and Student Life. Only the deputy coordinators in Offices of Human Resources and Student Life oversee investigative functions; the deputy coordinator in Athletics does not.
University community	Faculty, staff, students, student employees, graduate associates, appointees, volunteers, vendors, and visitors.
Appointees	An individual deemed to have an affiliation with the university in a non-compensatory capacity as designated in the applicable Human Resources Information System.

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 (e.g., physical, verbal, visual, online/electronic/social media, etc.).
 - B. Location
 - 1. This policy applies to alleged sexual misconduct that takes place on university property or at university-sponsored events, regardless of their location.
 - 2. This policy may also apply to alleged sexual misconduct that occur off-campus 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 university 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 university may take any action it deems appropriate, 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.
 - 2. The university’s disciplinary response may be limited if the accused is a visitor or other third-party or is not subject to the university’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 **university community** who exercise their legitimate first amendment rights.
 - F. Policy maintenance
 - 1. This policy is coordinated through the efforts of the Title IX coordinator and deputy coordinators.
 - 2. This policy and the associated procedures will be updated, revised, and edited only by a working group comprised of the Offices of Human Resources, Legal Affairs, Student Life, and University Compliance and Integrity.
- 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.



University Policy

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- 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 university 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/graduate associates/undergraduate TAs and students, and between attending physicians and medical residents/interns/fellows, cannot 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 cannot 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 cannot continue.
 - 3. Notification responsibilities to avoid prohibited relationships
 - a. University faculty/staff/graduate associates/undergraduate TAs must notify their supervisor (e.g., dean, chair, vice president, direct supervisor, etc.) 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 section of this 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 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 university policies, faculty rules, 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.



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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 university discourages romantic and/or sexual relationships between faculty and students due to the possibility of a power differential.
6. The university strongly discourages romantic and/or sexual relationships between faculty and graduate students when in the same department; between faculty and undergraduate 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 university 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 university 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 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;
 3. Chair/director; and
 4. Faculty member.
- C. Employees with a duty to report may make such reports in the following formats:
 1. To report any information regarding sexual misconduct, contact the [Title IX coordinator](#) by emailing titleix@osu.edu; or
 2. To report allegations of employee sexual misconduct, contact the deputy Title IX coordinator in the [Office of Human Resources](#) by calling 614-292-2800 (medical center employees contact 614-293-4988), filing a [Discrimination and Harassment Complaint](#) form; or emailing sexualharassment@osu.edu; or
 3. To report allegations of student sexual misconduct, contact the deputy Title IX coordinator in the [Office of Student Life, Student Conduct Department](#) by calling 614-292-0748 or emailing studentconduct@osu.edu.



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- D. 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 university 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 university 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 university, but are under contract to provide counseling at the university. 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 university.
 - 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. 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.
 2. 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.
- E. 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. Confidentiality
- A. The university 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 university functions, or when the university is required to provide information under the law.
 - B. When requests for confidentiality arise, they will be evaluated by the Title IX coordinator to determine whether the university can 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 university's ability to respond fully to the incident, including pursuing disciplinary action against the accused.
 2. In cases not involving or impacting students, the university 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 university 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. University 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 university approves; and only with the assistance of a university official such as a counselor, trained mediator, or designated



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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 university to discuss issues directly with the accused.
4. In all cases, the university will inform the complainant of her or his right to end the informal 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 university requires formal investigation of alleged sexual misconduct, the university 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.
 - e. 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.

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

VII. Remedies

A. When the university 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 accused 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 accused's educational records, prior notice will be given.
3. When the accused is an employee, corrective actions may be taken pursuant to the [Corrective Action and Involuntary Termination](#) policy, [Student Employment](#) policy, and/or the [Rules of the University Faculty 3335-5-04](#). 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.



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4. Student employees may be subject to corrective action and sanctions under both sections 1 and 3 above. For instance, a student employee who is dismissed from the university under section 1 may also be subject to termination or other corrective action under section 3.
- C. Interim measures
1. Interim measures may be available before the final outcome of an investigation to ensure equal access to the university'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 university. 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, and
 - i. Consideration of leave requests.
 2. The Title IX coordinator, deputy coordinator, and other specifically designated university employees will coordinate the provision of interim measures. Complainants will not be required to arrange such measures by themselves. When providing interim measures, the university will minimize the burden on the complainant.
- D. Other remedial measures
1. When the university 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 university 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, 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.



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PROCEDURE

Issued: 10/01/1980
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- 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 university community have a duty to report such information; see Employee Duty to Report section above.
 - 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 614-292-2800 (medical center employees contact 614-293-4988), filing a [Discrimination and Harassment Complaint](#) form; or emailing sexualharassment@osu.edu; or
 2. To report allegations of student sexual misconduct, contact the deputy Title IX coordinator in the [Office of Student Life, Student Conduct Department](#) by calling 614-292-0748 or emailing studentconduct@osu.edu.
 3. [University Anonymous Reporting Line](#); and/or
 4. [University Police](#) (to report criminal activity only).
 - C. While reports may be made to any of these channels, the employee duty to report is not fulfilled by using the University Anonymous Reporting Line or University Police. See Policy Details section III.C. for employee duty to report.
 - D. Filing a report with the university 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 university 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 university community, as appropriate, and issuing written notice of the finding of the investigation (10 days).



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- 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 and/or the Office of University Compliance and Integrity, the investigator will prepare a written case report that typically provides a summary of facts, analysis, 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, Student Conduct Department, a student charged with one or more violations of [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 or board for a hearing. In such situations, the student waives the right to a hearing and the related procedural guarantees provided by a hearing officer or board hearing. In cases of sexual misconduct, the university conduct board consists only of faculty and staff representatives.
- 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, Student Conduct Department, 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 university rules, parties will retain all rights afforded under applicable federal, state, or local laws.

Responsibilities

Position or Office	Responsibilities
Title IX coordinator	<ul style="list-style-type: none"> 1. Oversee all Title IX reports and investigations. 2. Oversee the maintenance of comprehensive documentation of the receipt of a report, investigation, and resolution. 3. Oversee the communication of investigation findings to the complainant and accused. 4. Ensure appropriate action steps, corrective action, and/or sanctions are issued. 5. Monitor action steps, corrective action, and/or sanctions to ensure behavioral change and compliance. 6. Address all concerns promptly and thoroughly. 7. Respect the confidentiality and reputation of all parties. 8. Refer individuals to available university and/or community resources if counseling assistance is needed. 9. Ensure that individuals delegated the responsibility for receiving and/or investigating reports receive ongoing training on the substantive requirements of Title IX. 10. Coordinate investigations with University Police as necessary. 11. Ensure that the Title IX coordinator’s other job responsibilities do not create a conflict of interest in regard to their Title IX responsibilities.



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Position or Office	Responsibilities
	<ol style="list-style-type: none"> 12. Periodically review reports to identify any patterns of sex- or gender-based discrimination. 13. Develop and implement regular university-wide events to raise awareness about all forms of sex- and gender-based discrimination. 14. Retain ultimate oversight responsibility for any responsibilities designated to Title IX deputy coordinators. 15. Develop and implement periodic Title IX training for the university community. 16. Periodically review Title IX related policies and procedures to ensure that they are an efficient resource for the university.
Deputy coordinators	<ol style="list-style-type: none"> 1. Oversee all Title IX reports and investigations. 2. Oversee the maintenance of comprehensive documentation of the receipt of a report, investigation, and resolution and provide to the Title IX coordinator. 3. Oversee the communication of investigation findings to the complainant and accused. 4. Ensure appropriate action steps, corrective action, and/or sanctions are issued. 5. Monitor action steps, corrective action, and/or sanctions to ensure behavioral change and compliance. 6. Address all concerns promptly and thoroughly. 7. Respect the confidentiality and reputation of all parties. 8. Refer individuals to available university and/or community resources if counseling assistance is needed. 9. Ensure that individuals delegated the responsibility for receiving and/or investigating reports receive ongoing training on the substantive requirements of Title IX. 10. Coordinate investigations with University Police as necessary. 11. Ensure that the deputy's other job responsibilities do not create a conflict of interest in regard to their 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, Student Conduct Department. 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. Monitor action steps and/or corrective action to ensure behavioral change and compliance. 6. Address all concerns promptly and thoroughly. 7. Respect the confidentiality and reputation of all parties. 8. Refer individuals to available university and/or community resources if counseling assistance is needed.
Office of Student Life, Student Conduct Department	<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. 5. Monitor action steps and/or sanctions to ensure behavioral change and compliance. 6. Address all concerns promptly and thoroughly. 7. Respect the confidentiality and reputation of all parties. 8. Refer individuals to available university and/or community resources if counseling assistance is needed.
Human resource professional (HRP)	<ol style="list-style-type: none"> 1. Report sexual harassment within five work days when you become aware of information that would lead a reasonable person to believe that sexual harassment may have occurred. 2. Report sexual assault immediately when you become aware of information that would lead a reasonable person to believe that sexual assault may have occurred. 3. Address all concerns promptly and thoroughly. 4. Respect the confidentiality and reputation of all parties. 5. Refer individuals to available university and/or community resources if counseling assistance is needed.



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Position or Office	Responsibilities
Supervisor (including faculty supervisor and volunteer supervisor), chair/director, and faculty member	<ol style="list-style-type: none"> 1. Report sexual harassment within five work days when you become aware of information that would lead a reasonable person to believe that sexual harassment may have occurred. 2. Report sexual assault immediately when you become aware of information that would lead a reasonable person to believe that sexual assault may have occurred. 3. Address all concerns promptly and thoroughly. 4. Respect the confidentiality and reputation of all parties. 5. Refer individuals to available university and/or community resources if counseling assistance is needed.
All employees	Report sexual assault immediately when you become aware of information that would lead a reasonable person to believe that sexual assault may have occurred.

Resources

For more information:

Affirmative Action, Equal Employment Opportunity and Non-Discrimination/Harassment, Policy 1.10,

hr.osu.edu/public/documents/policy/policy110.pdf

Code of Student Conduct, studentaffairs.osu.edu/csc/

Corrective Action and Involuntary Termination, Policy 8.15, hr.osu.edu/policy/policy815.pdf

Discrimination and Harassment Complaint form, hr.osu.edu/public/documents/forms/shdisccomplaint.pdf

Frequently Asked Questions, hr.osu.edu/public/documents/policy/resources/115faq-general.pdf

Frequently Asked Questions: Romantic and/or Sexual Relations,

hr.osu.edu/public/documents/policy/resources/115faq-relations.pdf

General Records Retention Schedule, library.osu.edu/documents/records-management/general-schedule.pdf

Nondiscrimination Notice, hr.osu.edu/public/documents/policy/resources/110nondiscrimnotice.pdf

Rules for Classified Civil Service, hr.osu.edu/policy/ccs/

Rules of the University Faculty, 3335-5-04, trustees.osu.edu/university/facultyrules

Student Employment, Policy 10.10, hr.osu.edu/policy/policy1010.pdf

Task Force Examining the Policy on Consensual Relationships Report and Recommendations,

hr.osu.edu/policy/resources/115report.pdf

Workplace Violence, Policy 7.05, hr.osu.edu/public/documents/policy/policy705.pdf

For support and counseling:

Counseling and Consultation Service, 614-292-5766, ccs.ohio-state.edu

Office of Student Life, 614-292-9334, studentlife.osu.edu

Student Advocacy Center, Sexual Civility & Empowerment, 614-292-1111, advocacy.osu.edu/sexual-violence/

The Ohio State Employee Assistance Program, 614-292-4472, osuhealthplan.com/members/ohio-state-employee-assistance-program-eap

For issues of academic freedom:

Council on Academic Freedom and Responsibility (CAFR), senate.osu.edu/committees/CAFR/CAFR.html

Contacts

Subject	Office	Telephone	E-mail/URL
Policy consultation	Employee Relations, Office of Human Resources	614-292-2800	ohrc@hr.osu.edu hr.osu.edu/elr
To make a report	Title IX coordinator or deputy coordinator	See Title IX coordinators list at titleix.osu.edu/	titleix@osu.edu titleix.osu.edu



Sexual Misconduct, Sexual Harassment, and Relationship Violence, 1.15

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Anonymous report	Anonymous Reporting Line (does not satisfy employee duty to report)	866-294-9350	secure.ethicspoint.com
Criminal report	University Police (to report criminal activity only; does not satisfy employee duty to report)	911 (emergency) 614-292-2121(non-emergency)	ps.ohio-state.edu
Faculty issues	Office of Academic Affairs	614-292-5881	oaa.osu.edu/
Title IX	Title IX coordinator, Office of University Compliance and Integrity	614-247-5838	titleix@osu.edu titleix.osu.edu

History

Issued:	10/01/1980	Issued as Sexual Harassment
Revised:	01/06/1983	
Revised:	11/05/1993	
Edited:	01/15/1997	
Edited:	10/31/1997	
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Revised:	01/01/2004	
Revised:	07/01/2006	
Edited:	12/01/2013	
Interim revised:	09/01/2015	Renamed Sexual Misconduct, Sexual Harassment, and Relationship Violence