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## About the Policy

### 1. Why is this policy important?

- Ensuring a safe and healthy campus climate for our students and for all members of the university community is our top priority.
- 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 maintains an environment free from sexual misconduct.

### 2. Who is covered by this policy?

- This is a unified policy and applies to our entire university community: all employees (faculty, staff, student employees, and graduate associates) as well as students, appointees, volunteers, suppliers/contractors, and visitors.

### 3. What topics and behaviors does the policy cover?

- The policy covers key definitions, the role of the Office of Institutional Equity and Title IX coordinator, romantic and/or sexual relationships, employee duty to report sexual misconduct, confidentiality, retaliation, investigation and resolution options, remedies, interim measures, false allegations, and use of sexual misconduct allegations in employment or academic actions.
- The policy details procedures for reporting allegations of sexual misconduct, reporting retaliation, conducting investigations, and notification of findings.

### 4. What behaviors does the policy prohibit?

- The policy prohibits *sexual misconduct* which includes sexual harassment, sexual violence, relationship violence, stalking, and sexual exploitation.
- The policy also prohibits certain relationships between individuals in a supervisory, teaching, evaluation, advising, coaching, or counseling relationships.

### 5. What is sexual misconduct?

- The policy defines sexual misconduct as a broad term that encompasses sexual harassment, sexual violence, relationship violence, stalking, and sexual exploitation. .
- Sexual misconduct is a form of sex- and gender-based discrimination. As such, it's an umbrella term that includes:
  - Sexual harassment,
  - Sexual violence,
  - Relationship violence,
  - Stalking, and
  - Sexual exploitation.

### 6. What is sexual harassment?

- Sexual harassment is a form of sexual misconduct.
- Sexual harassment differs from the employment context (working for the university) to the education context (being a student of the university), so the policy defines sexual harassment in both contexts.
  - *Employment* context: 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.

- *Education* context: 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.
- No matter the context (employment or education), sexual harassment can take two forms:
  - Power differentials (commonly called "quid pro quo")
  - Hostile environment
- A single or isolated incident of sexual assault (non-consensual sexual penetration, commonly called "rape," or non-consensual sexual contact) can constitute sexual harassment if it is severe enough to create a hostile environment.

#### 7. Why are there two different definitions for sexual harassment?

- The definitions result from the different legal requirements for each type of setting. In the *employment* context, sexual harassment is covered by Title VII of the Civil Rights Act of 1964 (employment law) and Title IX of the Educational Amendments of 1972 (nondiscrimination law regarding sex and gender). In the *education* context, sexual harassment is covered by Title IX of the Educational Amendments of 1972 (nondiscrimination law regarding sex and gender).

#### 8. What are some examples of sexual harassment?

- Verbal
  - Making sexual comments about a person's body
  - Sexual jokes, comments, or innuendos
  - Unwanted flirtation, advances, or propositions
  - Whistling, cat calls
  - Asking about sexual fantasies, preferences, or history
  - Telling lies or spreading rumors about a person's sex life
- Non-Verbal
  - Leering or looking a person up and down (elevator eyes)
  - Sexual gestures with hands or through body movements
  - Facial expressions such as winking, throwing kisses, or licking lips
  - Display/transmission of sexually suggestive objects, visuals, or electronic content
- Physical
  - Any unwelcome physical contact of a sexual nature, such as:
  - Unwanted massages or touching a person's hair, clothing or body
  - Hugging, kissing, patting or stroking
  - Touching or rubbing oneself sexually around another person

#### 9. Why do all employees have a duty to report sexual assault?

- Ohio State relies on its employees and community members to report allegations of sexual assault so the university can connect those impacted by sexual assault with resources and options for investigation, including reporting to law enforcement. The university will take prompt and appropriate action to stop sexual assault and prevent its recurrence and relies on its employees to report when behavior like this has occurred so it can be addressed.
- All Ohio State employees have been designated as mandatory reporters or "responsible employees" for sexual assault under Title IX, and as such, they must immediately share all known information with the university in order to fulfill those obligations.

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**10. Why do some employees have an additional duty to report all other incidents of sexual misconduct?**

- Human Resources Professionals; anyone who supervises faculty, staff, students, and volunteers; chairs/directors; and all faculty members have an **additional** obligation to report known or suspected incidents of sexual misconduct. Because of their positions of authority, these individuals have always had a heightened responsibility to report all other incidents of sexual misconduct, including sexual harassment, relationship violence, stalking, and sexual exploitation.

**11. Who doesn't have to report?**

- Only those employees expressly identified as a confidential reporter are exempt from the duty to report.
- At Ohio State, this list includes:
  - Professional counselors,
  - Pastoral counselors,
  - Other employees with a professional license requiring confidentiality who are functioning within the scope of that license or certification and their university employment (e.g., physician with dual appointments as a clinician and a professor), and
  - Employees who are functioning within the scope of their university employment and who are supervised by or performing duties for university employees with a professional license requiring confidentiality (e.g., Student Health Center employees or Medical Center employees functioning within the scope of that license or certification).

**12. I am an employee who works in an office that provides confidential support resources for the university, and I am supervised by a clinician with professional privilege (i.e. Counseling and Consultation Service or Student Health Services). If I become aware that a patient/client has experienced a sexual assault in the course of my responsibilities as an employee, do I have a duty to report under the policy?**

- No. You are exempt from the duty to report sexual assault and sexual misconduct. Since you are engaging in duties that support the clinician with professional privilege, even if not directly supervised by such a person, you would be covered by the privilege as well.
- You are not exempt if someone makes a disclosure to you outside of your patient care responsibilities.

**13. What must employees report, when, and to whom?**

- All employees have an obligation to *immediately report* that a sexual assault has occurred and all known information that would lead a reasonable person to believe that *sexual assault* may have occurred involving anyone covered under the policy.
  - The policy covers faculty, staff, students, student employees, graduate associates, appointees, volunteers, suppliers/contractors, and visitors
- Anyone who supervises faculty, staff, students, and volunteers; chairs/directors; faculty members; and HRPs have an additional obligation to report all other incidents of *sexual misconduct* within *five business days*.
- It does not matter when or where the incident occurred; if you receive a disclosure or otherwise learn information regarding sexual misconduct, you must report.
- All reports of sexual misconduct should be directed to the Office of Institutional Equity.

**14. Are there any instances when an employee might not have to report?**

- Yes, under very limited circumstances, an employee is not required to report if information is disclosed:
  - At a public awareness event when individuals do not intend to make a disclosure such as "Take Back the Night," candlelight vigils, protests, survivor speak-outs, etc.;

- To student employees when they are operating outside of their official work capacity; or
- During an individual's participation as a subject in an Institutional Review Board (IRB)-approved human subjects research protocol.
- Employees who are confidential reporters are not required to report (see question 11).

**15. Is there training available on the policy and these topics?**

- Online training modules have been available since Fall 2015 for undergraduate students, graduate/professional students, and employees/volunteers. As of Fall 2018, online policy training is mandatory for all incoming employees, and online prevention and awareness training is mandatory for all employees and students.
- Mandatory training for employees
  - “Report = Support!” is an interactive, easy-to-follow course in BuckeyeLearn that takes less than 30 minutes to complete. It will continue to be assigned to every employee’s BuckeyeLearn transcript each year.
  - For new employees only: The “Understanding the Sexual Misconduct Policy” training can be completed [online in a 30-minute-module](#) or [in-person in a two-hour workshop](#).
- Mandatory training for students
  - All students are required to complete the online course, “U Got This!” annually. The interactive, easy-to-follow course takes approximately 45-60 minutes and is available in BuckeyeLearn. It will be assigned to every student’s BuckeyeLearn transcript each year.
- For more information on training requirements and consequences for non-completion, visit the training page on the [Title IX website](#).

**16. What are my confidential resources?**

- Support Resources

Community Served	Scope/Purpose	Office/Agency	Contact Information
Students	Offers individual and group counseling and therapy to help students address personal, academic and career concerns.	Counseling and Consultation Service	614-292-5766 <a href="http://ccs.osu.edu">ccs.osu.edu</a>
Students	Provides legal services (e.g., civil protection orders, crime victim compensation, and criminal proceedings guidance) to eligible students.	Student Legal Services	614-247-5853 <a href="http://studentlegal.osu.edu">studentlegal.osu.edu</a>
Employees	Provides life assistance for an array of personal, work-related, and daily living challenges for benefits-eligible employees and family members.	Employee Assistance Program	614-292-4472 800-678-6265 (24/7 hotline) <a href="http://osuhealthplan.com/members/ohio-state-employee-assistance-program-cap">osuhealthplan.com/members/ohio-state-employee-assistance-program-cap</a>
Anyone	SARNCO On-Campus Advocates provide confidential support for survivors of sexual violence, including students, faculty, staff, and visitors of OSU’s Columbus campus. 24/7 helpline provides emotional support, crisis response, and connection to resources.	Sexual Assault Response Network of Central Ohio (SARNCO)	614-267-7020 (24/7 helpline) 614-688-2518 (campus office)
Anyone	Offers free, confidential outreach, advocacy, and counseling services for victims, survivors and co-survivors of sexual trauma. Dedicated counselors available for students and employees of	Mt. Carmel Crime and Trauma Assistance Program (CTAP)	614-234-5900 or email <a href="mailto:ctap@mchs.com">ctap@mchs.com</a> .

	Central Ohio colleges and universities.		
Anyone	Hotline staff are trained in safety planning and also provide information as well as referrals based on caller's individual needs. Temporary emergency shelter and legal advocacy services also available.	LSS CHOICES for Victims of Domestic Violence	24 hour Hotline 614-244-HOME(4663)
Anyone	Facilitates healing for adult survivors of trauma, violence, and loss through an innovative, evidence-based model of comprehensive trauma-informed care, advocacy and outreach.	STAR Trauma Recovery Center (STAR TRC)	614-293-STAR (7827). Please choose option 1 for emergencies.
Anyone	Provides survivor advocacy and assistance to LGBTQI survivors regarding hate and bias violence, discrimination, intimate partner violence, sexual assault, and stalking.	Buckeye Region Anti-Violence Organization (BRAVO)	614-294-7867 866-862-7286 (toll free) <a href="http://bravo-ohio.org">bravo-ohio.org</a>

- **Medical resources:**

Community Served	Scope/Purpose	Office/Agency	Contact
Students	Outpatient facility; provides a variety of health care services.	Wilce Student Health Center	614-292-4321 <a href="http://shs.osu.edu">shs.osu.edu</a>
Anyone	24/7 medical services.	OSU Wexner Medical Center	614-293-8333 <a href="http://wexnermedical.osu.edu">wexnermedical.osu.edu</a>
Anyone	24/7 medical services.	Ohio State University Hospital East	614-257-3000 <a href="http://wexnermedical.osu.edu/patient-care/locations-and-parking/university-hospital-east">wexnermedical.osu.edu/patient-care/locations-and-parking/university-hospital-east</a>
Anyone	24/7 medical emergencies.	Nearest Emergency Room	9-1-1 (emergencies)

### 17. What are my non-confidential resources?

- **Support resources:**

Community Served	Scope/Purpose	Office/Agency	Contact Information
Anyone	Coordinates Title IX compliance; leads Title IX activities; consults with units; provides education and training; helps to ensure Ohio State responds appropriately, effectively and equitably to Title IX issues.	Title IX coordinator	614-247-5838 <a href="http://titleIX.osu.edu">titleIX.osu.edu</a>
Anyone	Provides rights and options for anyone impacted by harassment or discrimination at OSU; consults with faculty and staff regarding mandated reporting; arranges interim supportive and protective measures.	Civil Rights Intake Coordinators in the Office of Institutional Equity	614-247-5838 or <a href="http://equity.osu.edu">equity.osu.edu</a>
Students residing on campus	Assists student residents in short- and long-term needs.	Resident advisors and hall directors in Residence Life	<a href="http://housing.osu.edu">housing.osu.edu</a>
Anyone	Responds to criminal conduct on campus.	University Police	614-292-2121 or 9-1-1 <a href="http://dps.osu.edu">dps.osu.edu</a>

Anyone	Responds to criminal conduct off-campus, at regional campuses; provides emergency assistance.	Local law enforcement agency	9-1-1 (emergencies)
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**18. How do I report an incident?**

- Mandated reporters can fulfill their reporting obligations by sharing all known information with Title IX in the OIE office:
  - 1. Online – reporting form at [titleIX.osu.edu](http://titleIX.osu.edu) or [equity.osu.edu](http://equity.osu.edu)
  - 2. Call – 614-247-5838
  - 3. Email – [titleIX@osu.edu](mailto:titleIX@osu.edu) or [equity@osu.edu](mailto:equity@osu.edu)
- Reports can also be made voluntarily by any university community member or individual who is directly involved in, observes, or 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 may also make reports/file complaints by contacting the following (please note that these reporting options **do not satisfy** the employee duty to report):

Report/Complaint Type	Agency/Office	Contact Information
Criminal conduct	University Police	614-292-2121 or 9-1-1 for emergencies <a href="http://dps.osu.edu">dps.osu.edu</a>
Criminal conduct	Local law enforcement agency	9-1-1 for emergencies
Any sexual misconduct	University Anonymous Reporting Line	1-866-294-9350 <a href="http://ohio-state.ethicspoint.com">ohio-state.ethicspoint.com</a>

**19. What if I’m a student and an employee?**

- The policy covers you! If sexual misconduct arises involving individuals who are both students and employees, the situation is assessed in the context in which the misconduct arose.
- For example, a student employee who harasses a co-worker will typically be investigated in the employment context, because that is where the behavior arose and impacted others. However, information about the incident will also be reviewed to determine whether the student disciplinary process should be initiated, and if the student is found in violation as a result of an investigation process, separate sanctions may be issued.

**20. Is sexual misconduct only male to female? Supervisor to employee? Faculty to student?**

- All of the behaviors that fall under sexual misconduct can happen to or be perpetrated *by anyone against anyone*: male, female, trans, or non-binary faculty, staff, students, student employees, graduate associates, appointees, volunteers, suppliers/contractors, or visitors.

**21. I’m a volunteer for a program at the university, does this policy cover me and what is my role?**

- Yes, this policy applies to you as a member of the university community.
- If you are subject to sex- or gender-based harassment or discrimination by a member of the OSU community, you may report and have the incident investigated per the Sexual Misconduct Policy.

**22. Can I file a confidential complaint?**

- The university recognizes the importance of confidentiality but cannot promise complete confidentiality. Information received in connection with the reporting, investigation, and resolution of allegations will be treated as private and will only involve individuals whom the university determines are necessary to conduct an appropriate investigation, to provide assistance and resources to parties, to perform other appropriate university functions, or when the university is required to provide information under the law.
- If an incident is disclosed or reported to the university and the individual requests that no investigation



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be conducted or disciplinary action be taken, the Title IX coordinator or designee will explain that the university prohibits retaliation and explain the steps the university will take to prevent and respond to retaliation if the individual participates in a resolution process. The Title IX coordinator or designee will evaluate the request to determine whether the university can honor the request while still providing a safe and nondiscriminatory environment.

**23. What about false allegations?**

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

**24. Who is typically involved in an investigation?**

- Investigations of possible sexual misconduct by students or employees are conducted by Civil Rights Investigators in the Office of Institutional Equity and may be conducted concurrently with an ongoing criminal investigation.

**25. What is the purpose and possible outcome of an investigation?**

- The purpose of the investigation is to evaluate the allegations of sexual misconduct, formulate a response to address the situation, and follow up to ensure that recommended actions have been taken. The ultimate goal is to stop the behavior and prevent it from occurring again.
- Students found in violation of the Sexual Misconduct Policy will be subject to sanctions, which include formal reprimand, disciplinary probation, suspension, dismissal, and other appropriate educational sanctions. Employees found in violation will be subject to corrective action up to and including termination.

**26. What if I am retaliated against?**

- 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.
- 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.
- Allegations of retaliation should be directed to the Title IX Coordinator in the Office of Institutional Equity.

**27. What should I do if I feel in danger?**

If something has occurred on campus that causes you to fear for your personal safety, report the incident to law enforcement: [University Police](#) (9-1-1 for emergencies, 614-292-2121 for non-emergencies) or local law enforcement agency at regional campuses or off-campus.

## **Full Sexual Misconduct Policy**

- [https://policies.osu.edu/assets/docs/policy\\_pdfs/SexualMisconduct\\_FINAL.pdf](https://policies.osu.edu/assets/docs/policy_pdfs/SexualMisconduct_FINAL.pdf)

## **To Report or Request Assistance**

- Interim Title IX Coordinator, Molly Peirano in the Office of Institutional Equity
- Office of Institutional Equity
  - 1. Online – reporting form at [titleIX.osu.edu](http://titleIX.osu.edu) or [equity.osu.edu](http://equity.osu.edu)
  - 2. Call – 614-247-5838
  - 3. Email – [titleIX@osu.edu](mailto:titleIX@osu.edu) or [equity@osu.edu](mailto:equity@osu.edu)