



Applies to: Faculty, staff, students, student employees, graduate associates, appointees, volunteers, suppliers/contractors, and visitors

Responsible Office

Office of Institutional Equity

POLICY

Issued: 10/01/1980
Edited: 11/06/2019

Members of the university community have the right to be free from all forms of sexual misconduct which impede the realization of the university’s mission of distinction in education, scholarship, and service.

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 respondent is a member of the university community.

Purpose of the Policy

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

Definitions

Table with 2 columns: Term and Definition. Rows include Appointees, Complainant, and Consent with detailed definitions.



Applies to: Faculty, staff, students, student employees, graduate associates, appointees, volunteers, suppliers/contractors, and visitors

	<p>3. Being impaired by alcohol or other drugs will never function as a defense for any behavior that violates this policy.</p> <p>E. It is the obligation of the person initiating the sexual activity to obtain consent.</p> <p>F. 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> <ol style="list-style-type: none"> 1. Force: violence, compulsion, or constraint; physically exerted by any means upon 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, laying 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>
Relationship violence	A broad term that encompasses dating violence and domestic violence .
Domestic violence	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.
Dating violence	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.
Respondent	Any member of the university community who is reported to have engaged in conduct prohibited by this policy.
Retaliation	Adverse action against an individual because they made a protected disclosure, as defined in Whistleblower, 1.40 policy, or has participated in an investigation, proceeding or hearing involving a protected disclosure.
Sexual misconduct	A broad term that encompasses sexual harassment, sexual violence, relationship violence, stalking, and sexual exploitation .
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.



Applies to: Faculty, staff, students, student employees, graduate associates, appointees, volunteers, suppliers/contractors, and visitors

	<p>B. <i>Hostile environment in the employment context</i> includes any situation in which there is harassing conduct that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. <i>Hostile environment in the education context</i> 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 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. <p>All such acts of sexual harassment are forms of sexual misconduct under this policy.</p>
Sexual violence	Sexual acts perpetrated without consent.
Sexual assault	Non-consensual sexual contact and non-consensual sexual penetration.
Non-consensual sexual contact	<p>Any intentional sexual touching, however slight, with any body part or object, by any individual upon another 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>
Non-consensual sexual penetration	<p>Any sexual penetration, however slight, with any body part or object, by any individual upon another 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>
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, but 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 (e.g., 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-, or audio-recording of sexual activity, or the nonconsensual distribution of;



Applies to: Faculty, staff, students, student employees, graduate associates, appointees, volunteers, suppliers/contractors, and visitors

	<p>G. Possession, use, and/or distribution of alcohol or other drug (e.g., Xanax, Ambien, Benadryl, Rohypnol (“Roofies”), Ketamine, GHB, etc.) for the purpose of engaging in or facilitating any activity prohibited under this policy;</p> <p>H. Prostituting another.</p>
Stalking	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.
Student	<p>An individual to whom an offer of admission has been extended, paid an acceptance fee, registered for classes, or otherwise entered into another agreement with the university 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 university; “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.</p> <p>The university reserves the right to administer this policy and proceed with any process provided by this policy even if the student withdraws from the university, is no longer enrolled in classes, or subsequently fails to meet the definition of a student while a disciplinary matter is pending.</p>
Title IX coordinator	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 training; and helps to ensure that the university responds appropriately, effectively, and equitably to all Title IX issues.
University community	Faculty, staff, students, student employees, graduate associates, appointees , volunteers, suppliers/contractors, and visitors.

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. 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 occurs off-campus, including virtual spaces, when the **Title IX coordinator** or designee determines that the alleged sexual misconduct could reasonably create a hostile environment.
3. For students, this policy also applies in circumstances described in [Section 3335-23-02](#) (A) and (B) of the [Code of Student Conduct](#).

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 respondent 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.



Applies to: Faculty, staff, students, student employees, graduate associates, appointees, volunteers, suppliers/contractors, and visitors

2. The university's disciplinary response may be limited if the respondent is a visitor or other third-party or is not subject to the university's jurisdiction.
- D. 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.
- E. Policy maintenance
 1. This policy is managed by the Office of Institutional Equity and the Title IX coordinator.
 2. This policy and the associated procedures will be revised by a working group comprised of the Office of Institutional Equity, the Office of Human Resources, the Office of Legal Affairs, and the Office of Student Life.

II. Romantic and/or Sexual Relationships

- A. Romantic and/or sexual relationships between individuals in a supervisory, teaching, evaluation, advising, coaching, or counseling relationship constitute a conflict of interest. The individual in the position of higher institutional authority has the responsibility to eliminate the conflict of interest. The conflict of interest must be eliminated in a way which minimizes potential for harming the individual with lower institutional authority.
- B. Faculty, staff, and **students** who are in the position to influence academic or employment decisions about others with whom they are in a romantic and/or sexual relationship must 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 clinicians/supervising health care providers and 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 teaching assistants 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 II-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 II-Romantic and/or Sexual Relationships section of this policy.



Applies to: Faculty, staff, students, student employees, graduate associates, appointees, volunteers, suppliers/contractors, and visitors

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 II. Romantic and/or Sexual Relationships 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, and/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 II. Romantic and/or Sexual Relationships.
 - 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. Receiving Counseling and Support
- A. Members of the university community impacted by sexual misconduct are encouraged to use counseling and support services, listed in the Resources section.



Applies to: Faculty, staff, students, student employees, graduate associates, appointees, volunteers, suppliers/contractors, and visitors

IV. Employee Duty to Report

- A. The university is committed to stopping sexual misconduct, preventing its recurrence, eliminating any hostile environment, and remedying its discriminatory effects. All university employees have reporting responsibilities to ensure the university can take appropriate action.
- B. Employees with a duty to report should refer to the chart in Policy Details V (Reporting Allegations of Sexual Misconduct).
- C. 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 receives a disclosure of a sexual assault or becomes aware of information that would lead a reasonable person to believe that a sexual assault may have occurred involving anyone covered under this policy, must report all known information immediately.
- D. In addition to the requirement of reporting incidents of sexual assault, the following members of the university 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 within five workdays of becoming aware of such information:
 1. Any human resource professional (HRP);
 2. Anyone who supervises faculty, staff, students, or volunteers;
 3. Chair/director; and
 4. Faculty member.
- E. Employees are not required to report disclosures of information regarding sexual misconduct pursuant to this policy in the following circumstances, unless an individual covered under this policy is implicated or the individual is explicitly seeking assistance from the university:
 1. At public survivor support events including, but not limited to: “Take Back the Night,” candlelight vigils, protests, and survivor speak-outs;
 2. To student employees when they are operating outside of their official work capacity; or
 3. During an individual’s participation as a subject in an Institutional Review Board (IRB)-approved human subjects research protocol.
- F. Employees may have additional reporting obligations provided by law and/or other university policies.
- G. The following categories of employees are exempt from the duty to report sexual assault and other sexual misconduct, 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 and their university employment. 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 (e.g., 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 and their role at the university. 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 who are functioning within the scope of that license or certification and their university employment. For example, a physician with dual appointments (clinician and professor) would be required to report instances of sexual misconduct and sexual assault of



Applies to: Faculty, staff, students, student employees, graduate associates, appointees, volunteers, suppliers/contractors, and visitors

which they become aware of in the scope of their employment as a professor, but while operating as a clinician must keep such information confidential and privileged by the physician-patient relationship unless there is a mandatory reporting requirement under state law.

- 3. 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, for example, student health services and medical center employees. 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.

V. Reporting Allegations of Sexual Misconduct

A. Contacting Title IX in the Office of Institutional Equity to share all known information will satisfy the employee duty to report. 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.

- 1. Online – reporting form at titleIX.osu.edu or equity.osu.edu
2. Call – 614-247-5838
3. Email – titleIX@osu.edu or equity@osu.edu

B. Making a report to the university 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.

Table with 2 columns: Agency, Contact Information. Rows include Ohio State University Police Department, Columbus Police, and For regional campuses and off-campus crimes, local law enforcement agency.

C. Individuals, including members of the university community, may submit reports anonymously via the following resources. Note that anonymous reports do not fulfill an employee’s duty to report.

- 1. The university’s Anonymous Reporting Line via telephone at 866-294-9350 or ohio-state.ethicspoint.com.
2. Online reporting form at titleIX.osu.edu.

VI. Confidentiality and Privacy

A. The university 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 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.

B. If an incident is disclosed or reported to the university and the individual requests that no investigation 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.



Applies to: Faculty, staff, students, student employees, graduate associates, appointees, volunteers, suppliers/contractors, and visitors

- C. 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.
- D. All individuals involved in the process should observe the same standard of discretion and respect for everyone involved in the process.

VII. Retaliation

- A. Retaliation is prohibited by university policy and law. 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.
- 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. Allegations of retaliation should be reported to Title IX in the Office of Institutional Equity.

VIII. Investigation and Resolution Options

A. Initial assessment

- 1. The Office of Institutional Equity reviews all reports of sexual misconduct under this policy under the direction of the Title IX coordinator or designee for an initial assessment of the reported information. The available resolution options will be guided by the availability of information or evidence suggesting that a policy violation may have occurred; the university's obligation 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.
- 2. Upon completion of an initial assessment, the Title IX coordinator or designee will determine the available options for resolution and will communicate options to the parties.

B. Informal resolution

- 1. Informal resolution may be utilized in some circumstances if the university deems appropriate.
- 2. Informal resolution may be appropriate for responding to anonymous reports and/or third-party reports when the university is unable to conduct further investigation.
- 3. In all cases, the university will inform the complainant of the right to end the informal resolution process at any time. If the complainant chooses to end the informal resolution process, the university will inform the complainant of options, including the option to begin the investigative resolution process.

C. Investigative resolution

- 1. The Office of Institutional Equity may resolve a report of sexual misconduct through investigative resolution when the alleged misconduct, if true, would be prohibited under applicable university policy. In instances when informal resolution is inappropriate, when any party requests, or when the university requires formal investigation, the university 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. A process with reasonably prompt timeframes, with extensions for good cause, as described in the Procedure section below;
 - c. Present relevant information to the investigator, including evidence and witnesses;
 - d. Receive timely and equal access to any relevant information or documentation gathered during the investigation;
 - e. Have an advisor of their choosing, including an attorney, advocate, or other support person who is not a potential witness in the investigation or could otherwise compromise the investigation, who provides support throughout the formal resolution process, including being present for any meetings or hearings; and



Applies to: Faculty, staff, students, student employees, graduate associates, appointees, volunteers, suppliers/contractors, and visitors

- f. 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.
3. An advisor or other support person may only provide counsel or support for a party and not actively participate in the process, unless clarification is needed as determined by the university. 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.
4. Under some circumstances, the Title IX coordinator or designee 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.

IX. Remedies

- A. When the university makes a finding of a policy violation or inappropriate behavior, it will take steps, whether individual or systemic, to stop the alleged sexual misconduct, prevent its recurrence, eliminate any hostile environment, and remedy the discriminatory effects on the complainant and others, as appropriate.
- B. Corrective action/sanctions
 1. When the respondent is a student, potential sanctions include formal reprimand, disciplinary probation, suspension, dismissal, and other appropriate educational sanctions.
 2. In the event that a record of such sanction will become a part of the respondent's educational records, prior notice will be given.
 3. When the respondent is an employee, corrective actions may be taken pursuant to the [Corrective Action and Involuntary Termination policy](#), [Student Employment policy](#), and/or [the Rules of the University Faculty 3335-5-04](#). Disciplinary 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 respondent's personnel records, prior notice will be given.
 4. Student employees may be subject to corrective action and sanctions under both sections IX.B.1 and IX.B.3 above. For instance, a student employee who is dismissed from the university under section IX.B.1 may also be subject to termination or other corrective action under section IX.B.3.
- C. Interim measures
 1. Interim measures may be available to either party whether or not investigative resolution is pursued to ensure equal access to the university's education and employment programs and activities. The Title IX coordinator or designee will conduct an individualized assessment and will review requests from either party to determine interim measures that are appropriate and reasonably available. Interim measures may include, but are not limited to:
 - a. No contact directives;
 - b. Referral to campus and community resources for victim advocacy, counseling, health services, legal assistance, immigration assistance, disability services;
 - c. Academic support including extensions of time and other course-related adjustments;
 - d. Modification of work or class schedules;
 - e. Change in work or housing locations;
 - f. Change in reporting relationship;
 - g. Consideration of leave requests; and
 - h. Assistance with academic petitions.
 2. The Title IX coordinator or designee will coordinate the provision of interim measures. Parties will not be required to arrange such measures by themselves but may need to participate in communication with supervisors, faculty, and other university employees with a need to know.
- D. Other remedial measures



Applies to: Faculty, staff, students, student employees, graduate associates, appointees, volunteers, suppliers/contractors, and visitors

1. When the university is unable to proceed with investigative resolution, such as lack of information in the report or request by the complainant that an investigation not move forward, 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, but that the behavior did not rise to the level of a policy violation.
2. 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.

X. False Allegations

- A. 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.
- B. The absence of a finding of a policy violation is not equivalent to a false allegation.

XI. Process Abuse

- A. No member of the university community may:
 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. disrupt or interfere with the orderly conduct of any proceeding conducted under this policy; or
 4. fail to comply with any directive, sanction, or corrective action issued pursuant to this policy.

XII. 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 other university policy or procedure, a court of law, or other administrative proceeding.

XIII. Training

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

PROCEDURE

Issued: 10/01/1980
Edited: 11/06/2019

I. Investigative Resolution Process

- A. If an investigative resolution process begins, parties will be informed of the procedures of the investigation and all allegations being investigated.
- B. 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. Parties will be updated on the status of the investigation.
 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;
 - b. Conducting the fact-finding investigation;



Applies to: Faculty, staff, students, student employees, graduate associates, appointees, volunteers, suppliers/contractors, and visitors

- c. Holding a hearing or engaging in another decision-making process to determine whether a policy violation has occurred; 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 respondent and providing remedies for the complainant and university community, as appropriate, and issuing written notice of the finding of the investigation.
 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.
 - C. The investigation generally will include interviews with the parties, relevant witnesses, and a review of relevant documents and other available evidence.
 - D. During the investigation process, a party's advisor or other support person is a silent and non-participating presence to observe and provide support for the party.
 - E. When reported conduct may violate both this policy and another university policy, the Title IX Coordinator or designee will consult with the appropriate university 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. The office or process used to investigate and adjudicate the matter is within the sole discretion of the university, but procedures set forth in this policy will be used to investigate and adjudicate alleged violations of this policy. The Title IX Coordinator or designee may refer possible violations of other university policies to an appropriate office at any time.
- II. Investigations Involving Student Respondents
- A. The investigator will determine if there is reasonable cause to believe that violation of this policy may have occurred. Reasonable cause is credible information to support each element of the violation, even if that information is only a credible witness or a complainant's statement.
 - B. Charges may be issued by an appropriate university official when a finding of jurisdiction is made and there is reasonable cause to believe that a violation of this policy may have occurred. Charges will not be issued where a complaint is unsupported by any credible information or does not meet the elements of a policy violation.
 1. If there is not reasonable cause, the investigative resolution process will end; however, a referral to other investigative units and/or additional resolution processes may be appropriate if the alleged conduct may violate another university policy. Other options, including interim measures, remain available to both the complainant and respondent.
 2. If the investigator finds reasonable cause that a violation of this policy may have occurred, the respondent may choose to accept responsibility and the proposed sanctions or request a hearing.
 - C. If a hearing is requested, the investigator will refer the matter to a hearing body. The hearing bodies must be adequately trained to resolve cases of alleged sexual misconduct, familiar with applicable policies and procedures, and free from conflict of interest or bias for or against either party. The preponderance of the evidence standard will be applied to determine policy violations.
 - D. The parties will be informed of the outcome and imposed sanctions as well as appeal procedures.
 - E. Both parties will have the opportunity to appeal any decision on the grounds of:
 1. Substantial new evidence unavailable at the time of the investigation and/or hearing;
 2. Procedural error that materially affected the outcome; or
 3. The sanction is clearly inappropriate and is not commensurate with the seriousness of the offense.
 - F. Appeals will be heard by an objective appeals officer and consist of a documentary review where no interviews are conducted.
 - G. The university may, within its discretion, place a hold or other notation on a student's transcript while any investigation or proceeding conducted pursuant to this policy is pending.



Applies to: Faculty, staff, students, student employees, graduate associates, appointees, volunteers, suppliers/contractors, and visitors

III. Investigations Involving Employee Respondents

- A. The investigator will prepare a written investigation report summarizing the facts gathered during the investigation, analysis, findings, and recommended corrective actions...
B. In cases involving staff, corrective actions steps will be implemented by the employee's supervisor and Employee Relations...
C. If an employee respondent is found not to be responsible for violating the policy, the investigation report may, if applicable, include a determination that the employee respondent engaged in conduct that was inappropriate or unprofessional...
D. If an employee respondent is found not to be responsible for violating the policy, a referral to other investigative units and/or additional resolution processes may be appropriate...
E. 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.

IV. Notification of Findings

- A. The complainant and respondent will be informed of the finding and sanctions or corrective actions imposed.
B. In cases of sexual assault, relationship violence, or stalking, the parties will receive notice of findings simultaneously, in writing, including notice of all sanctions or corrective actions imposed.
C. In cases involving student respondents, 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.

V. Additional Guidance

- A. The Office of Institutional Equity establishes standard protocols for responding to and resolving complaints of sexual misconduct.

Responsibilities

Table with 2 columns: Position or Office, Responsibilities. Rows include: Anyone who supervises faculty, staff, students, or volunteers; Employing unit.



Applies to: Faculty, staff, students, student employees, graduate associates, appointees, volunteers, suppliers/contractors, and visitors

Position or Office	Responsibilities
Faculty, staff, student employees, graduate associates, and appointees	<ol style="list-style-type: none"> 1. Conduct yourself in a manner that maintains an environment free from sexual misconduct. 2. Fulfill reporting obligations as outlined in this policy. 3. Recuse yourself from influencing or making academic or employment decisions about others with whom you are in a romantic and/or sexual relationships. 4. Notify your supervisor of any prohibited relationship in which you are involved or considering starting; cooperate in making alternative arrangements; end the relationship if acceptable alternative arrangements cannot be made.
Faculty, staff, student employees, graduate associates, and students	Complete annual sexual misconduct training as directed by the university.
Human resource professional (HRP)	<ol style="list-style-type: none"> 1. Fulfill reporting obligations as outlined in this policy. 2. Address all concerns promptly and thoroughly. 3. Respect the privacy and reputation of all parties. 4. Direct individuals to available university and/or community support resources as needed.
Office of Human Resources (OHR). Employee and Labor Relations	<ol style="list-style-type: none"> 1. Fulfill reporting obligations as outlined in this policy. 2. Consult, recommend, and assist in the implementation of employee corrective action as a result of an investigation. 3. Monitor action steps and/or corrective action to ensure behavioral change and compliance. 4. Direct individuals to available university and/or community support resources as needed. 5. Facilitate or consult with parties about notification and making acceptable alternative arrangements regarding prohibited relationships.
Office of Institutional Equity	<ol style="list-style-type: none"> 1. Oversee all sexual misconduct reports and investigations. 2. Ensure that investigations are conducted consistent with procedures laid out in this policy. 3. Oversee the maintenance of comprehensive documentation of the receipt of a report, investigation, and resolution. 4. Provide and coordinate interim measures, in consultation with units. 5. Notify the complainant in advance when the university determines to pursue an investigation when the complainant is reluctant to proceed. 6. Notify the complainant of their right to end the informal resolution process at any time, to begin the formal stage, or choose not to further pursue the matter. 7. Inform the complainant that the ability to investigate may be limited if they do not want to pursue a formal investigation. 8. Oversee the communication of investigation findings to the complainant and respondent. 9. Ensure appropriate action steps, corrective action, and/or sanctions are issued. 10. Monitor action steps, corrective action, and/or sanctions to ensure behavioral change and compliance. 11. Address all concerns promptly and thoroughly. 12. Take remedial measures as appropriate, in consultation with units. 13. Respect the privacy and reputation of all parties. 14. Evaluate requests for anonymity to determine whether the university can honor the request while still providing a safe and nondiscriminatory environment. 15. Direct individuals to available university and/or community support resources as needed. 16. Ensure that individuals delegated the responsibility for receiving and/or investigating reports receive ongoing training on the substantive requirements of Title IX. 17. Coordinate investigations with University Police as necessary. 18. Periodically review reports to identify any patterns of sex- or gender-based discrimination. 19. Develop and implement regular university-wide events to raise awareness about all forms of sexual misconduct. 20. Develop and implement periodic Title IX training for the university community. 21. Periodically review Title IX related policies and procedures to ensure that they are an efficient resource for the university. 22. Refer to investigation standards for detailed investigation rights, options, and procedures.



Applies to: Faculty, staff, students, student employees, graduate associates, appointees, volunteers, suppliers/contractors, and visitors

Position or Office	Responsibilities
Office of Student Life, Student Conduct	<ol style="list-style-type: none"> 1. Fulfill reporting obligations as outlined in this policy. 2. Co-investigate allegations of misconduct prohibited by this policy and under the Code of Student Conduct, such as hazing, when the respondent is a student and/or student organization. 3. Implement and monitor sanctions resulting from findings under this policy. 4. Respect the privacy and reputation of all parties. 5. Direct individuals to available university and/or community support resources as needed. 6. Refer to investigation standards for detailed investigation rights, options, and procedures.
Students, volunteers, suppliers/contractors, and visitors	<ol style="list-style-type: none"> 1. Conduct yourself in a manner that maintains an environment free from sexual misconduct. 2. Follow process to make a complaint or report allegations of sexual misconduct. 3. Refer to investigation standards for detailed investigation rights, options, and procedures.

Resources

Support Resources

Community Served	Scope/Purpose	Office/Agency	Contact Information	Confidentiality
Students	Offers individual and group counseling and therapy to help students address personal, academic, and career concerns.	Counseling and Consultation Service	614-292-5766 ccs.osu.edu	Confidential
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 studentlegal.osu.edu	Confidential
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) osuhealthplan.com/members/ohio-state-employee-assistance-program-eap	Confidential
Anyone	Provides 24/7 emergency room, 24/7 helpline, law enforcement, and long-term aftercare advocacy; survivor options, resources, and emotional support; and education and prevention programming.	Sexual Assault Response Network of Central Ohio (SARNCO)	614-267-7020 (24/7 helpline) 614-688-2518 (Columbus on-campus) ohiohealth.com/sexualassaultresponsetnetwork	Confidential
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) bravo-ohio.org	Confidential
All members of university community	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 titleIX.osu.edu	Non-confidential
Students residing on campus	Assists student residents in short- and long-term needs.	Resident advisors and hall directors in Residence Life	614-292-3930 housing.osu.edu	Non-confidential
Anyone	Responds to criminal conduct on campus.	University Police	614-292-2121 or 9-1-1 dps.osu.edu	Non-confidential



Applies to: Faculty, staff, students, student employees, graduate associates, appointees, volunteers, suppliers/contractors, and visitors

Community Served	Scope/Purpose	Office/Agency	Contact Information	Confidentiality
Anyone	Responds to criminal conduct off-campus.	Columbus Police	614-645-4545 or 9-1-1 columbus.gov/police	Non-confidential
Anyone	Responds to criminal conduct off-campus, at regional campuses; provides emergency assistance.	Local law enforcement agency	9-1-1 (emergencies)	Non-confidential

Medical Resources

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

Governance Documents

- 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
- General Records Retention Schedule, library.osu.edu/documents/records-management/general-schedule.pdf
- Office of Institutional Equity Investigation Standards, [link to be added](#)
- Rules for Classified Civil Service, hr.osu.edu/policy/ccs/
- Rules of the University Faculty, 3335-5-04, trustees.osu.edu/bylaws-and-rules/3335-5
- Student Employment, policy 10.10, hr.osu.edu/policy/policy1010.pdf

Additional Guidance

- Council on Academic Freedom and Responsibility (CAFR), senate.osu.edu/?page_id=167
- 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
- Mediation Program, hr.osu.edu/wp-content/uploads/mediation-faq.pdf
- Nondiscrimination Notice, hr.osu.edu/public/documents/policy/resources/110nondiscrimnotice.pdf
- Prevention and Policy training for faculty, staff, and students, go.osu.edu/buckeyelearn
- Task Force Examining the Policy on Consensual Relationships Report and Recommendations, hr.osu.edu/policy/resources/115report.pdf
- Title IX website, titleIX.osu.edu/

Contacts

Subject	Office	Telephone	E-mail/URL
Policy questions	Office of Institutional Equity	614-247-5838	equity@osu.edu equity.osu.edu



Applies to: Faculty, staff, students, student employees, graduate associates, appointees, volunteers, suppliers/contractors, and visitors

To make a report	Office of Institutional Equity designee	614-247-5838	titleIX@osu.edu titleIX.osu.edu equity@osu.edu equity.osu.edu
Anonymous report	Anonymous Reporting Line (does not satisfy employee duty to report)	866-294-9350	ohio-state.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)	dps.osu.edu
Faculty issues	Office of Academic Affairs	614-292-5881	oaa.osu.edu
Title IX questions	Title IX coordinator, Office of Institutional Equity	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	
Revised:	07/08/2000	
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
Revised:	08/23/2016	Renamed Sexual Misconduct
Interim Revised:	08/01/2019	Transferred ownership from Office of Human Resources to Office of Institutional Equity
Edited:	11/06/2019	Added OIE website and email