

SEX DISCRIMINATION,

3. INTERPERSONAL VIOLENCE, INCLUDING DOMESTIC VIOLENCE,

7. DEFINITIONS

Sexual Harassment

Sexual harassment is a form of sexual misconduct that includes conduct on the basis of sex that satisfies one or more of the following

- x an employee of the University conditioning the aid, benefit, or service of the University
- x unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it creates a hostile environment in the University's education program or activity
- x sexual assault as defined by the Clery Act relating violence, domestic violence, or stalking as defined in the Violence Against Women Act (See below for these definitions)

Sexual Assault

Sexual assault includes

- (a) No person shall knowingly cause or attempt to cause physical harm to a family or household member.
- (b) No person shall recklessly cause serious physical harm to a family or household member.
- (c) No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member.

The complete text of Ohio Revised Code §2919.25 is found <http://codes.ohio.gov/orc/2919.25>

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

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and; where the existence of the relationship shall be determined based on a consideration of the following factors:

- x the length of the relationship;
- x the type of relationship; and
- x the frequency of interaction between the persons involved in the relationship

Stalking

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person who suffers or experiences significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Under Ohio Revised Code §2903.21, menacing by stalking is defined and prohibited as follows:

(A)(1) No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or cause mental distress to the other person. The offender is prohibited from committing or attempting to commit any of the following acts if the acts are directed at or identify a corporation, association, or other organization that employs the other person or to which the other person belongs:

(A)(2) No person, through the use of any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, or computer system, shall post a message with purpose to urge or incite another to commit a violation of division (A)(1) of this section.

(A)(3) No person, with a sexual motivation, shall violate division (A) (1) or (2) of this section.

8. REPORTING

Reporting vs. Filing a Formal Complaint

The University encourages any student or employee who has experienced any conduct prohibited by this policy to report such conduct immediately and in accordance with the procedures detailed below. Any student who has witnessed or become aware of any conduct prohibited by this policy should report such conduct immediately and in accordance with the procedures detailed below. Employees who become aware of an alleged violation of this policy are required to report such conduct immediately to the Title IX Coordinator, unless there is a legal privilege of confidentiality.

While the University strongly encourages everyone to report incidents of conduct prohibited by this policy, it recognizes that not all alleged incidents are reported. Nonetheless, if the University is made aware of an allegation of conduct that is prohibited by this policy, the University may have an obligation to investigate and/or take action in response to that conduct, with or without the cooperation of the alleged victim.

Upon receipt of a report to the University, the Title IX Coordinator will discuss availability of supportive measures with the alleged victim as well as explain the process for filing a formal complaint. The complainant will be provided with a copy of this policy and/or other written statement of their rights, reporting options and resources. (A copy of the University's Title IX Policy and Informational Pamphlet is available on the University's website and can be located at [http://www.msj.edu/office/titleix](#).)

Making a report to the University is different from filing a formal complaint. Making a report to the University does not initiate the formal complaint resolution processes. Only the filing of a formal complaint initiates the formal complaint resolution processes. The University will take disciplinary action against a respondent only if there is an adjudication of responsibility as a result of the formal complaint resolution process (or after an agreed resolution has been reached).

Please note that a report which does not identify the alleged victim may hinder or prevent the University from providing the alleged victim (or respondent) with supportive measures.

Crimes (or any conduct prohibited by this policy which a student may believe is a crime) in progress should be reported immediately to the MSJ Police Department at 245-4226 or dial 0 from any campus phone.

Reporting Sex Discrimination, Including Sexual Misconduct or Interpersonal Violence, or Retaliationⁱ

Any student or employee who has been the victim of, witnessed, or become aware of sex discrimination, sexual harassment, sexual assault, interpersonal violence, or retaliation should report such conduct to the following offices:

x Criminal report

- o MSJ Police Department, (513) 244-226 or dial 0 from any campus phone; additional information regarding reporting emergencies can be found on the MSJ Police Department Webpage

x Institutional report

- o Rayshawn Eastman Ph.D., Title IX Coordinator (513) 244-4467, rayshawn.eastman@msj.edu submit a report using the Title IX Reporting form

A student or employee may report a violation through the Resolution Processes and Informal processes

Anonymous Reporting

Reports of violations of this policy can be made anonymously by calling or texting (513) 244 TIPS or emailing 244TIPS@msj.edu These anonymous reporting options are available 24 hours a day/365 days a year.

Please note that these anonymous reporting options are not intended for any immediate safety or emergency situations. All immediate safety or emergency situations should be reported immediately to the MSJ Police Department at (513)-244-226 or dialing 0 from any campus phone.

Campus Security Authorities

Reports of any type of sex discrimination, sexual harassment, sexual assault, interpersonal violence, or other crimes should be reported to the Campus Security Authorities (CSAs) All University employees are designated as CSAs under this policy and must report potential crimes and Title IX policy violations consistent with the responsibilities of CSAs contained in the next section of this policy.

Confidentiality and Support

The University may, to the extent permitted by law, honor a request by a complainant that no investigation be pursued. Confidentiality requests should be made directly to the Title IX Coordinator, Rayshawn Eastman Ph.D., (513) 244-4467, rayshawn.eastman@msj.edu

Additionally, the University has a duty to complete certain publicly available recordkeeping, including reporting and disclosing information about certain crimes pursuant to a federal law known as the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics

and household members free of charge. The TriHealth EAP can be contacted at (513) 892-8927, at 1-800-642-9794, or at www.TriHealthEAP.com. Information shared by an employee with a confidential resource through the EAP will not be disclosed to anyone else, including the University, except under limited circumstances. Incidents reported to a confidential resource through the EAP will not share information about an employee with anyone else. Confidential resources available through the EAP will not share information about an employee with anyone else.

9. FILING A FORMAL COMPLAINT

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informal resolution process is attempted, efforts will be made to conclude it within twenty (21) days of when the Title IX Coordinator issues the notice of allegations.

The informal resolution process is not available where the formal complaint alleges that an employee has engaged in conduct in violation of this policy toward a student

Investigation of Formal Complaints

In instances where informal methods of resolution are inappropriate or deemed ineffective, investigation of the formal complaint will be conducted. At all times during this internal resolution process the University will have the burden of proof and the burden of gathering evidence. However, the University will V DELOLW\ WR REWDLQ UHOHYDQW LQIRUPDWLRQ DQ the parties and/or witnesses to engage in the investigatory process. For example, access to medical records or other sensitive or confidential documents can often only be obtained with the SHUVRQ\ V YROXQW DU\ ZULWWHQ FRQVHQW

Throughout the investigation, each party will have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

No party will be restricted in the ability to discuss the allegations under investigation or to gather and present relevant evidence. Complainants and respondents, as well as their advisors, are entitled to and will be provided an opportunity to inspect and review the same information and evidence. This includes evidence directly related to the allegations that the University may not intend to rely on in determining responsibility as well as any inculpatory or exculpatory evidence whether obtained from a party or other source.

While all investigations will vary due to the individual circumstances surrounding the particular formal complaint, investigations under this policy will typically involve the following:

1. Title IX Team Assignment Investigations are coordinated by the Title IX Coordinator. The Title IX Coordinator will assign University employees who are trained to conduct each stage of the formal complaint resolution process.

Prior to the start of a formal investigation, the Title IX Coordinator will send a written notice. The notice will include the names of the Title IX Team Members assigned to the particular investigation. The notice will include the names of the Title IX Team Members assigned to the particular investigation.

- x Title IX Investigator(s) (more than one member may be assigned)
- x Adjudication Hearing Panel (three members)
- x Title IX Appellate Official
- x Alternate (one member, in the event that any assigned Title IX Team Member becomes unavailable)

Before assigning someone to the Title IX Team, the Title IX Coordinator will assess the individual for a potential conflict of interest, bias, or prejudice. If any complainant and/or a respondent believes that any Title IX Team Member assigned to

the formal complaint has a conflict of interest, bias, or prejudice, the party must contact the Title IX Coordinator in writing no more than seven (7) days (excluding University holidays) of receiving the Initial Title IX Team Assignment with an explanation of the Title IX Team member's conflict of interest, bias, or prejudice. If the Title IX Coordinator timely receives a Conflict of Interest Notice, the Title IX Coordinator will make any substitutions the Title IX Coordinator deems appropriate.

Similarly, if an assigned Title IX Team Member believes that the particular complaint poses a conflict of interest for the individual, the Title IX Team Member will contact

the parties. Such a dismissal may be appealed in accordance with the appeal procedures set forth in a later section of this policy. (Please note that pre-hearing dismissal under this policy does not bar appropriate disciplinary action or procedures in accordance with another University policy.)

7. Prepare Investigation Report If pre-hearing dismissal is not warranted, the Title IX Investigator(s) shall prepare a written Investigation Report complete with a summary of interviews, relevant documents, and next steps.
8. Distribute Investigation Report The Title IX Investigator(s) shall provide any complainant and respondent with access to the Investigation Report as well as any documents or evidence gathered by the Title IX Investigator(s) that were used to prepare the Investigation Report to the parties.

Timeframes

All of the timeframes set forth in W K L V S R O L F \ U H O D W H G W R W K H 8 Q L Y H U V

