

Sex Discrimination Policy

I. Notice of Nondiscrimination

This Sex Discrimination Policy (“Policy”) addresses all forms of sexual discrimination prohibited under Title IX. Title IX is a federal law which provides that no person, on the basis of sex, shall be “excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Ohio Northern University (“ONU” or the “University”) does not discriminate or tolerate discrimination on the basis of sex, gender, transgender status, gender identity, or gender expression in its educational, extracurricular, or athletic programs, or in any admission or employment decisions.

The University is committed to promptly and equitably responding to all reports of sexual discrimination with the goal of eliminating the misconduct, preventing its recurrence, and addressing its effects on any individual or the community.

This Policy applies to allegations of sex discrimination made against any ONU student by another member of the ONU community. This Policy also applies to allegations of sex discrimination made against any ONU employee by another member of the ONU community.¹ This Policy applies regardless of sexual orientation, as Complainants and Respondents may be female, male, straight, gay, lesbian, bisexual or transgendered students.

This Policy applies to allegations of sex discrimination on or off campus. It applies in face to face encounters, social media and other forms of electronic communication.² It applies whenever sex discrimination interferes with or denies a member of the ONU community equal access to ONU’s educational programs and activities.

The Policy is published online on the University website and a link to the Policy is emailed annually to all University email addresses. A link to the Policy is also provided in the Staff Handbook, which is electronically distributed to ONU staff. The Policy is also included in the Student Handbook, which is electronically distributed annually to all students. Additional copies are available upon request from the Office of Student Conduct and from the Office of Human Resources.

¹ Any person who alleges sex discrimination by a faculty member, administrator, or staff member (rather than by a student) is strongly encouraged to report complaints as described in this Policy. The Title IX team will partner with the Office of Human Resources to address the matter.

² This Policy governs allegations of sex discrimination as defined above, and supersedes any related College-specific policy or procedure, including the Pettit College of Law’s Code of Professional Responsibility.

II. Policy Terms

A. Sexual Misconduct:

Sexual misconduct offenses include, but are not limited to, Sexual Harassment, Non-Consensual Sexual Contact, Non-Consensual Sexual Intercourse, Sexual Exploitation, Stalking, and Intimate Partner Violence. These categories of behavior are further defined below.

1. *Sexual Harassment:*

Sexual harassment is:

- Unwelcome,
- Sexual, sex-based and/or gender based,
- Verbal, written, online and/or physical conduct.

Sexual harassment may take the form of *quid pro quo* harassment and/or hostile environment harassment.

Quid Pro Quo Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational development or performance or work performance.

Hostile Environment Sexual Harassment: A hostile environment is created when sexual harassment is:

- Severe, and/or
- Persistent or pervasive, and
- Objectively offensive, such that it unreasonably interferes with, denies or limits someone's ability to participate in or benefit from ONU's educational, residential, social, or employment environment.

Sexual harassment may be committed by anyone, regardless of gender, age, intent, position, relationship or authority, and it may occur in the classroom, workplace, residential settings, over electronic media (including the internet, telephone, and text), or in any other setting on or off campus.

Sexual harassment also includes harassment based on gender, sexual orientation, transgender status, gender identity, or gender expression, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex/gender or sex/gender-stereotyping, even if the acts do not involve conduct of a sexual nature.

To constitute sexual harassment in violation of this Policy, the conduct must be unwelcome and offensive to the victim, who must subjectively feel offended and harassed as a result. It also means that the conduct must be objectively offensive and sufficiently severe or persistent/pervasive that a reasonable person would consider the environment to be intimidating, hostile, or abusive. In assessing the existence of a hostile environment, ONU

will review and consider both objective and subjective factors.

A single, isolated incident of sexual harassment alone may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment.

It is important to the University that individuals feel free to come forward and seek assistance before issues of sexual harassment become severe or persistent/pervasive. Reports of sexual harassment that do not rise to the level of creating a hostile environment may be investigated and addressed by the University so as to prevent further incidents from occurring.

2. *Non-Consensual Sexual Contact*

Non-Consensual Sexual Contact is:

- any intentional sexual touching,
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.

Sexual Contact includes:

- Intentional contact, directly or over clothing, with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch the offending person or themselves with or on any of these body parts; or
- Any other intentional bodily contact in a sexual manner.

3. *Non-Consensual Sexual Intercourse*

Non-Consensual Sexual Intercourse is:

- any sexual intercourse
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.

Intercourse includes:

- vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

4. *Sexual Exploitation*

Sexual exploitation occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own benefit or advantage, or to benefit or advantage anyone other than the person being exploited.

The act or acts of sexual exploitation are prohibited even if the behavior does not constitute one of the other sexual misconduct offenses.

Examples of sexual exploitation include, but are not limited to:

- Observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- Recording or attempting to record nude, partially nude or sexual media without the consent of the person or persons depicted in the media;
- Non-consensual streaming, sharing or distributing images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- Prostituting another individual;
- Exposing one's genitals in non-consensual circumstances or inducing another to expose his or her genitals without his or her consent;
- Knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; or
- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

5. *Stalking*

Stalking is:

- engaging in a course of conduct,
- directed at a specific person,
- that causes the specific person to fear for his or her safety or the safety of others or to suffer substantial emotional distress,
- that would cause a reasonable person to fear for the person's safety or the safety of others or to suffer substantial emotional distress.

Stalking may include repetitive and menacing pursuit, following, harassment and/or interference with the peace and/or safety of another.

Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Examples of stalking include, but are not limited to:

- Unwelcome and repeated visual or physical proximity to a person;
- Repeated oral or written threats;
- Extortion of money or valuables;
- Unwelcome/unsolicited written communication, including letters, cards, emails, instant messages, and messages on online bulletin boards;
- Unwelcome/unsolicited communications about a person, his or her family, friends,

- or coworkers;
- Sending or posting unwelcome/unsolicited messages with an assumed identity;
- Implicitly threatening physical contact; or
- Any combination of these behaviors directed toward an individual person.

6. *Intimate Partner Violence*

Intimate Partner Violence is:

- physical, sexual, verbal, or psychological violence or abuse between those in an intimate relationship with each other.

Intimate Partner Violence includes both domestic violence and dating violence.

Domestic Violence is defined under the Violence Against Women Act as:

- felony or misdemeanor crimes of violence committed:
 - by a current or former spouse or intimate partner of the victim/survivor;
 - by a person with whom the victim/survivor shares a child in common;
 - by a person who is cohabitating with or has cohabitated with the victim/survivor as a spouse or intimate partner;
 - by a person similarly situated to a spouse of the victim/survivor under the state's domestic or family violence laws; or
 - by any other person against an adult or youth victim/survivor who is protected from that person's acts under the state's domestic or family violence laws.

See also Ohio Revised Code 2919.25 and Ohio Revised Code 3113.31 for the state law definition of Domestic Violence.

Dating Violence is defined under the Violence Against Women Act as:

- violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim/survivor; and
- where the existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the following factors:
 - the length of the relationship;
 - the type of relationship; and
 - the frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence above.

B. Consent:

Consent means informed, freely given agreement, communicated by clearly understandable words or actions, to participate in each form of sexual activity.

Guidance for determining consent:

- Consent cannot be inferred from silence, passivity, or lack of active resistance.
- A current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- When consent is requested verbally, absence of any explicit verbal response constitutes lack of consent. A verbal “no” constitutes lack of consent, even if it sounds insincere or indecisive.
- By definition, there is not consent when there is force or violence or a threat of force or violence or any other form of coercion or intimidation, physical or psychological.
- Either person may withdraw consent at any time. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.
- A person who is the object of sexual aggression is not required to physically or otherwise resist the aggressor; the lack of informed, freely given consent to sexual contact constitutes sexual misconduct.
- Intoxication is not an excuse for failure to obtain consent.
- A person incapacitated by alcohol or drug consumption, or who is unconscious or asleep or otherwise physically or mentally impaired, is incapable of giving consent.
- A person who is below the legal age of consent is incapable of giving consent.

C. Incapacitation:

Incapacity occurs when a person is temporarily or permanently impaired by mental and/or physical deficiency, disability, illness, sleep, unconsciousness, or by the use of drugs or alcohol to the extent the person cannot make rational, reasonable decisions because he or she lacks the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why or how” of his or her sexual interaction).

Sexual activity with someone Respondent knew to be or should have known to be incapacitated constitutes a violation of this Policy. The question of whether the Respondent should have known the Complainant was incapacitated is based on what a reasonable person in the place of the Respondent, sober and exercising good judgment, would have known about the condition of the Complainant.

An individual who engages in sexual activity when the individual knows, or should know, that the other person is physical or mentally incapacitated has violated this Policy.

D. Retaliation:

Retaliation includes any behavior that may deter a reasonable person in similar circumstances from opposing sex discrimination or from participating in an investigation or proceedings relating to a claim of sex discrimination. Retaliation includes conduct that may be intimidating, threatening, coercing, or in any way discriminatory.

ONU prohibits retaliation:

- (1) against any individual who makes an informal or formal complaint of sex discrimination;
- (2) against any bystander who intervenes to stop or attempt to stop sex discrimination;
- (3) against any person who assists or supports any individual in making a complaint of sex discrimination; and
- (4) against any person who participates in an ONU or Office of Civil Rights investigation or proceedings related to a complaint of sex discrimination.

Retaliation should be reported immediately to a member of the Title IX team and will be promptly investigated. Retaliation may be treated as an independent instance of discrimination and is considered a serious violation of ONU policy. ONU is prepared to take appropriate steps to protect individuals who believe they have been subjected to retaliation. Individuals found to have engaged in retaliation may face disciplinary action, up to and including dismissal or termination.

E. Advisor of Choice:

In any proceeding involving a claim of Sex Discrimination, except claims for sexual harassment involving only employees, the parties have the right to an Advisor of Choice. An Advisor of Choice can be a member of the ONU community or another individual not affiliated with ONU. The role of the Advisor of Choice is to provide guidance and support. The Advisor of Choice may also be present at all meetings that a party attends throughout the investigation and resolution process, and can assist in preparing for any meeting or appeal. During any meeting, however, the Advisor of Choice's role is limited. An Advisor of Choice is not permitted to engage in the process on the party's behalf or participate directly in any meeting. An Advisor of Choice may not ask questions or make statements on his or her advisee's behalf. An Advisor of Choice may quietly consult with his or her advisee during a meeting in a manner that does not disrupt the meeting. If an Advisor of Choice fails to act in accordance with these procedures, he or she will be asked to leave the meeting.

The Complainant and the Respondent should select an Advisor of Choice whose schedule allows attendance at the scheduled date and time for all proceedings. Delays will not normally be allowed due to the scheduling conflicts of an Advisor of Choice.

F. Proceedings:

Proceedings are all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact finding investigations and formal or informal meetings. Proceedings do not include communications and meetings between the Title IX team and/or Human Resources employees and Complainants concerning accommodations or protective measures to be provided to a Complainant.

G. Title IX Coordinator and Team:

The Title IX Coordinator is the designated University official with primary responsibility for coordinating the University's compliance with Title IX. The Title IX Coordinator oversees the implementation of procedures, which includes notification, investigation and disposition of complaints of sex discrimination. The Title IX Coordinator will coordinate the provision of

educational materials and training for the campus community. Finally, the Title IX Coordinator will ensure a fair and neutral process for all parties and monitor all other aspects of the University's Title IX compliance. If the Title IX Coordinator is unavailable or has a potential conflict of interest, then Deputy Title IX Coordinators are also available to address Title IX issues and are authorized to perform tasks and responsibilities that would normally be performed by the Title IX Coordinator. The following individuals have been designated to handle Title IX issues and questions:

Title IX Coordinator:

Nancy Sabol
Director of Academic Support & Associate Professor of Law
ONU Pettit College of Law
Tilton Hall of Law 181
525 South Main Street
Ada, Ohio 45810
(419) 772-2218
n-sabol@onu.edu

Deputy Title IX Coordinator:

Brian Hofman
Associate Professor of Sports Management
Dicke 123
525 S. Main St.
Ada, Ohio 45810
(419) 772-1878
b-hofman@onu.edu

Deputy Title IX Coordinator:

Linda Young
Professor of Biological Sciences
Meyer Hall of Science 118
525 S. Main St.
Ada, Ohio 45810
(419) 772-2438
l-young@onu.edu

III. Reports and Complaints

All students are strongly encouraged to promptly report any incidents of sex discrimination, whether those incidents occurred on or off campus.

All administrators, support staff, faculty members, and Resident Assistants (RA), Senior Resident Assistants (SRA), and Resident Directors (RD), except those identified below as confidential resources, are mandatory reporters. As a mandatory reporter, you are required to promptly report any incidents of sex discrimination against any other member of the ONU

community that you become aware of, directly or indirectly, whether those incidents occurred on or off campus. Reporting allows victims/survivors to receive needed resources and helps to maintain a safe campus environment.

A. Reporting Complaints to the University

For mandatory reporters, if you believe that another member of the ONU community has been the victim/survivor of sex discrimination, you are required to promptly report the misconduct to the University's Title IX Coordinator or Deputy Title IX Coordinators listed above. For mandatory reporters, if you believe that you have been a victim/survivor of sex discrimination, you are strongly encouraged to report the misconduct to the University's Title IX Coordinator or Deputy Title IX Coordinators listed above.

For students who are not mandatory reporters, if you believe that you or another member of the ONU community has been the victim/survivor of sex discrimination, you are strongly encouraged to promptly report the misconduct to the University's Title IX Coordinator or Deputy Title IX Coordinators listed above.

If you are a student, you may also report the misconduct to: Adriane Thompson Bradshaw, Vice President for Student Affairs & Dean of Students, at (419) 772-2433, any member of the Residence Life Staff at (419) 772-2401, University Security at (419) 772-2222, or to the anonymous Campus Conduct Hotline at (866) 943-5787.

If you are an ONU employee, you may also report the misconduct to Tonya Paul, Director of Human Resources, at (419) 772-3106, or to the anonymous Campus Conduct Hotline at (866) 943-5787.

Any member of the ONU community who alleges sex discrimination by a faculty member, administrator, or support staff member (rather than by a student) is strongly encouraged to report complaints as described above and to also report complaints to the Office of Human Resources. The Title IX team will partner with the Office of Human Resources to address the matter.

Any person filing a complaint of sex discrimination will be provided with a copy of this Policy and a statement of his or her rights and options, including options for, available assistance in, and how to request changes to academic, living, transportation, and working situations, if requested by the Complainant and if such accommodations are reasonably available, regardless of whether the Complainant chooses to report to law enforcement authorities.

The University also has the authority to institute an administrative complaint if it believes that a violation of this Policy occurred.

B. Confidential Resources

An individual who wishes to confidentially discuss an incident of sex discrimination without formally reporting it to the University may contact the ONU departments listed below. These departments are not subject to the mandatory reporting requirement:

ONU Counseling Center
(419) 772-2190
Anthony Rivera – Director (a-rivera@onu.edu),
Rebecca Diller – Assistant Director (r-diller@onu.edu),
Marcia Kostoff – Mental Health Counselor (m-kostoff@onu.edu)

ONU Health Center
(419) 772-2086
Karen Schroeder – Director (k-schroeder.5@onu.edu)

ONU Chaplain
(419) 772-2200
David MacDonald – University Chaplain (d-macdonald@onu.edu)

The above employees will maintain confidentiality, except in cases of immediate threat or danger, or abuse of a minor.

A victim/survivor who elects to speak with the confidential resources identified above must understand that confidentiality will generally preclude the Title IX Team’s and Office of Human Resource’s knowledge of the incident and therefore the ability to conduct an investigation and/or pursue disciplinary action against the individual accused. Should a victim/survivor later decide to file a complaint with the University, ONU would conduct an investigation at that time.

C. Reporting Complaints to Law Enforcement or the Office of Civil Rights

Instances of sex discrimination may violate both this Policy and the law. As a result, the University encourages victims/survivors to pursue their complaints through both the University’s process for sex discrimination and through the criminal justice system. Victims/survivors have the option to notify law enforcement authorities if they so choose. The Title IX Coordinator or Deputy Title IX Coordinators can assist a victim/survivor in notifying law enforcement authorities if the victim/survivor requests assistance. Victims/survivors have the option to decline to notify law enforcement authorities if they so choose.

The Village of Ada, Ohio is served by two local law enforcement agencies; the Village of Ada Police Department and the Hardin County Sheriff’s Office. Individuals wishing to make a police report may do so at any time.

The Village of Ada Police Department, located at 155 West Buckeye Avenue, Ada, Ohio 45810, has staffed hours of 8:00am to 4:00pm, Monday through Friday. An individual may appear at the department during those hours to make a police report in person. No appointment is necessary. The Ada Police Department may also be reached at (419) 634-0010. This number can be used 24 hours a day. If a call is placed outside of the Police Department’s hours of operation, the call will be forwarded to the Hardin County Sheriff’s Office’s dispatch center. For calls forwarded to the Sheriff’s Office, a deputy will be dispatched to make a report at the location of the caller.

For emergencies, always dial 911.

Additionally, the U.S. Department of Education's Office of Civil Rights is charged with enforcing Title IX compliance. Inquiries about Title IX issues may be referred to the Office for Civil Rights/Cleveland at U.S. Department of Education, 1350 Euclid Ave., Suite 325, Cleveland, OH 44115 or by calling (216) 522-4970.

D. Confidentiality of Reports and Complaints

The Title IX Coordinator, Title IX Deputy Coordinators, or designee will seek consent from the Complainant before beginning an investigation. To the extent possible, disclosure of any information relating to a complaint will be limited to the individuals conducting the University's investigation or resolving the complaint.

If the Complainant requests confidentiality or asks that the complaint not be pursued or that the University stop the investigation process, the University will inform the Complainant that its ability to respond may be limited as a result, but that it will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or the request not to pursue an investigation. The University will also inform the Complainant that Title IX prohibits retaliation and that it will take actions to prevent retaliation and take strong action against anyone who engages in retaliation.

The University must weigh requests for confidentiality and/or requests that no action be taken against the University's obligation to provide a safe, non-discriminatory environment for all members of the University community, including the Complainant. The University will likely be unable to honor a request for confidentiality or a request that no action be taken in cases indicating pattern, predation, weapons, violence, or if a minor is involved.

If the University determines that it can honor a Complainant's request for confidentiality and/or request that no action can be taken, the University will attempt to pursue other steps to limit the effects of the alleged sex discrimination and prevent its recurrence.

E. Amnesty for Reporting Sex Discrimination or Participating in an Investigation

The University recognizes that an individual who has been drinking alcohol, using drugs, or engaging in other misconduct at the time a potential act of sex discrimination occurs may be hesitant to make a report or to participate in an investigation because of potential consequences for him/her. It is in the best interests of the ONU community that reporting parties choose to report to University officials, that all parties participate in an investigation, and that witnesses come forward to share what they know.

Students: A student who reports sex discrimination, either as a Complainant or a third party witness, will not be subject to disciplinary action by the University for his/her/their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. Any student who participates in an investigation, either as a Complainant, Respondent, or a third party witness, will not be subject to disciplinary action by the University for his/her/their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The University may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

Faculty/Administrative/Support Staff: Sometimes employees are also hesitant to report or offer assistance to others for fear that they might get themselves in trouble for their conduct, including alcohol and/or drug use. ONU may, at its discretion, offer employee reporting parties amnesty from such policies related to the incident. Amnesty may also be granted to witnesses on a case-by-case basis.

F. Bystander Intervention

The University encourages all community members to take reasonable actions to prevent or stop an act of sex discrimination. Taking action may include direct intervention, calling University Security or law enforcement, or seeking assistance from an appropriate University employee. The University provides annual programming on how to safely take action.

IV. Investigation of Complaints

A. Investigators

Following the receipt of a sex discrimination complaint, ONU's Title IX Coordinator will designate two trained investigators to conduct the investigation. When the complaint is made by a student against an employee or is made by an employee against a student, one of the designated investigators will be a member of the Office of Human Resources. When the complaint is made by an employee against another employee, both investigators will be members of the Office of Human Resources, unless there is a conflict, in which circumstance the Title IX Coordinator may designate another investigator. In complex situations, the Title IX Coordinator, in consultation with the two investigators, may engage additional trained investigators to gather additional information to be considered by the primary investigators in the resolution of the complaint. The investigation shall be conducted promptly and will be conducted in a manner that is thorough and impartial.

B. Investigatory Process

During the investigation, both the Complainant and the Respondent may present written and oral statements, names of witnesses and other evidence to the investigators. The Complainant, Respondent and witnesses with relevant information may be interviewed as part of the investigation. Neither Complainant, Respondent, witnesses, and/or anyone acting on their behalf may record interviews or any other proceeding during the investigatory process. The interviews will be supplemented by the gathering of any physical, documentary, or other evidence, as appropriate and available. Follow-up interviews will be conducted by the investigators as needed.

All parties and witnesses are expected to provide truthful information. Knowingly providing false or misleading information is a violation of ONU's policy and can subject a student or employee to disciplinary action. Making a good faith report to ONU that is not later substantiated does not constitute providing false or misleading information.

Any employee who is being investigated for a potential violation of this Policy is expected to participate and cooperate in the investigation, including submitting to any requested interview by the investigators. If an employee refuses to participate or cooperate in the investigation, that

person will be subject to discipline, up to and including termination. The investigation will still go forward if a Respondent, whether an employee or a student, refuses to participate or cooperate.

If at any point during the investigation, it is determined there is no reasonable cause to believe that ONU policy has been violated, the Title IX Coordinator has authority to terminate the investigation and end resolution proceedings.

C. Timeline

Upon receipt of a sex discrimination complaint, ONU will exercise good faith to investigate and resolve the matter promptly. Though there is no fixed time frame under which a school must complete a Title IX investigation, ONU will make a good faith effort to conduct a fair, impartial investigation in a timely manner designed to provide all parties with resolution. Extenuating circumstances that may necessitate a longer time frame include, but are not be limited to, temporary delays in the investigation to allow local law enforcement to gather evidence, time during the calendar year when ONU is not in session, the accommodation of student and employee schedules for interviews and review of statements, and receiving new information late in the process.

D. Protective Measures

Upon receipt of a report of sex discrimination, the University will provide reasonable protective measures to prevent further acts of misconduct, and to provide a safe educational and work environment. The University will determine the necessity and scope of any protective measures. Even when a Complainant or Respondent does not specifically request that protective measures be taken, the University may choose to impose protective measures at its discretion to ensure the safety of Complainant or Respondent, the broader University community, or the integrity of the review process. Protective measures may be interim or continued for as long as is necessary to provide a safe educational and work environment and to remediate the negative impact of any acts of sex discrimination.

Persons seeking protective measures should speak with the Title IX Coordinator or Deputy Title IX Coordinator. The University will also maintain contact with the parties to help ensure that emotional and physical well-being concerns are being addressed. In determining accommodation/protective measures, the Title IX Coordinator or Deputy Title IX Coordinator will consider factors including but not limited to:

- the specific need expressed by the Complainant,
- the age of any students involved,
- the severity or pervasiveness of the allegations,
- any continuing effects on the Complainant,
- whether the Complainant and Respondent share the same residence hall, dining hall, class, transportation, or job location, and
- whether other judicial measures have been taken to protect the Complainant, such as a civil protection order.

The University will maintain as confidential any accommodations or protective measures provided to one or both of the parties, to the extent that maintaining that confidentiality would

not impair the ability of University to provide the accommodations or protective measures. The Title IX team will determine what information will be disclosed. Only information necessary to provide the accommodation or protective measure in a timely manner will be disclosed. The University will carefully consider who may have access to this information to decrease the risk to confidentiality.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by a protective measure. The University will take immediate and responsive action to enforce measures previously ordered or implemented by the University.

The University may impose any protective measure that can be tailored to achieve the goals of this Policy. The range of protective measures may include, but is not limited to:

- No Contact/Restraining Order: A Complainant or Respondent may request, or the University may impose, restrictions on contact between Complainant and Respondent. These restrictions generally preclude in-person, telephone, electronic or third party contact or communications. An individual may also wish to consider seeking a protective or restraining order from the local courts. This is a civil proceeding independent of the University. If a protective or restraining order is issued, the University will, to the best of the institution's ability, assist the protected individual in enforcing the order on University property.
- Academic, Employment, or Residence Modifications: A Complainant or Respondent may request an academic or employment accommodation or a change in residence after a report of sex discrimination. An individual who requests assistance in changing his or her academic, employment or living situation after an incident of sex discrimination will receive appropriate and reasonably available accommodations. Available accommodations or modifications may include:
 - Academic accommodations, including a change in class schedule, taking an incomplete or dropping a course without penalty, attending a class via electronic or other alternative means, providing an academic tutor, or extending deadlines for assignments;
 - Change of residential living assignment;
 - Change in work assignment or schedule;
 - Providing an escort to ensure safe movement around campus.
- Emotional Support: The University will provide access to counseling services through the Counseling Center or will assist in providing a referral to off campus agencies.
- Interim Suspension or Leave: When the reported sex discrimination poses an ongoing risk of harm to the safety or well-being of an individual or members of the campus community, the Title IX Coordinator or Deputy Title IX Coordinators may place an individual or organization on interim suspension or impose leave for an employee. Pending resolution of the complaint, the individual or organization may be denied access to campus. When interim suspension or leave is imposed, the University will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

V. **Resolution of Complaints**

A. **Informal Resolution for Complaints Involving Students**

Some alleged violations of the Sex Discrimination Policy involving students as Complainants and/or Respondents may be resolved using an informal resolution process (including mediation) overseen by one or more members of the Title IX team or its designee if: (i) the University determines, in its discretion, that such a process would be appropriate; **and** (ii) all parties voluntarily agree to participate in an informal resolution that does not involve a full investigation and adjudication after receiving a full disclosure of the allegations and their options for formal resolution.

The parties to any such informal process will not be required to deal directly with one another. If either the Complainant or the Respondent is dissatisfied with the outcome of the informal resolution process, then either party may institute the formal resolution process described below within five (5) university business days of receiving written notice of the outcome of the informal resolution process.

Any party may request that the informal resolution process be terminated at any time, in which case the formal resolution process (described below) would commence. In addition, any party can pursue formal resolution if he or she is dissatisfied with a proposed informal resolution. Finally, as described above, the University may elect to pursue a formal resolution process even if the Complainant does not wish a formal resolution.

The Complainant and the Respondent have the right to be assisted by an Advisor of Choice as defined above. The Complainant and/or the Respondent is responsible for presenting his or her own information and, therefore, Advisors of Choice are not permitted to speak or to participate directly in the process.

If the Complainant and/or Respondent has a disability that necessitates assistance in the informal resolution process, he or she may seek guidance and request accommodation through the Title IX Coordinator.

B. **Formal Resolution and Decision Process for Complaints Involving Only Employees**

For allegations of sex discrimination involving only employees, a full investigation will be conducted by the Office of Human Resources.

At the conclusion of the full investigation, for complaints against employees who are not faculty members, the Office of Human Resources will prepare an investigative report that includes a determination based on a preponderance of evidence standard – that is, whether it is more likely than not – as to whether the alleged conduct occurred and constitutes a violation of this Policy. If the investigative report determines that a violation occurred, it will identify the Policy elements that were violated and determine the appropriate remedies and sanctions that should be imposed. The Office of Human Resources' determination will be placed in writing and provided simultaneously to both parties. The Office of Human Resources will determine whether it is appropriate to share any specific sanctions imposed on Respondent with Complainant.

At the conclusion of the full investigation, for complaints against employees who are faculty members, the Office of Human Resources will prepare a fact report setting forth the facts gathered and analyzing relevant policy elements. The fact report will then be provided to the Office of Academic Affairs. After reviewing the report, the Office of Academic Affairs may follow up with the Office of Human Resources if any additional information is needed. Thereafter, the Provost or a designee of the Provost will determine based on a preponderance of evidence standard – that is, whether it is more likely than not – as to whether the alleged conduct occurred and constitutes a violation of this Policy. If it is determined that a violation occurred, that constitutes just cause for discipline under Section 2.10 Discipline of Faculty Members of the Faculty Handbook. The Provost or designee will identify the Policy elements that were violated and determine the appropriate remedies and sanctions that should be imposed. The determination will be placed in writing and provided simultaneously to both parties. The Office of Academic Affairs will determine whether it is appropriate to share any specific sanctions imposed on Respondent with Complainant.

For complaints involving only employees, if the Respondent is not faculty, the Office of Human Resources' determination is final, and no appeal is available for either party.

For complaints involving only employees, if the Respondent is a faculty member, the Respondent will be permitted the recourse provided in Section 2.7 Dismissal of Faculty Member in the Faculty Handbook as the exclusive remedy.

C. Formal Resolution for Complaints Involving Students

For allegations of sex discrimination involving students as Complainants and/or Respondents that cannot be resolved informally, a full investigation will be conducted. At the conclusion of the full investigation, the investigators will prepare a draft initial investigative report, setting forth the facts gathered and analyzing relevant policy elements. The Title IX Coordinator or designee will review the draft initial investigative report and may request additional investigation or revisions to the draft initial investigative report to ensure the investigation and initial investigative report are adequate, reliable and impartial.

The Title IX Coordinator or designee will then share the initial investigative report, with any redactions required by the Family Educational Rights and Privacy Act ("FERPA"), with the Complainant and Respondent to provide each an opportunity to review and submit a written response. The parties may submit any additional comments, names of witnesses, evidence or follow-up questions to the Title IX Coordinator within seven (7) days of receiving access to the report. The parties may submit (i) any question that is not asked or thoroughly answered in the investigation, (ii) questions directed to Complainant, Respondent, or any witness, and/or (iii) any other question relevant to investigating the complaint. The Title IX Coordinator or designee may shorten the time for the Complainant and Respondent to provide written responses to the initial investigative report as needed to keep the investigation moving at an appropriate pace.

Upon receipt of any additional information by the Complainant and Respondent, or after the review period has lapsed without comment, the investigators will conduct any additional follow-up that they deem appropriate. Any new information relevant to the investigation provided through the parties' comments or discovered during investigator follow-up will be

provided to the parties for review and comment. The Title IX Coordinator will determine the appropriate amount of time for the parties to have the opportunity to review and provide comment.

When comment and investigator follow-up is complete, the investigators will prepare a draft of the final investigative report that includes a recommendation based on a preponderance of evidence standard – that is, whether it is more likely than not – as to whether the alleged conduct occurred and constitutes a violation of this Policy. If the final investigative report recommends that a violation occurred, it will identify the Policy elements that were violated. If the Respondent is a University employee who is not a faculty member and the final investigative report recommends that a violation occurred, the report will also include a recommendation for sanctions that should be imposed against the employee.

The Title IX Coordinator or designee will review the draft final investigative report to ensure the investigation and investigative report are adequate, reliable and impartial. The Title IX Coordinator or designee may return the matter to the investigators, who shall conduct additional investigation and/or revise or amend the final investigative report as appropriate. The process will thereafter repeat until the Title IX Coordinator or designee deems the investigative report to be final and complete. The final investigative report will include all the written responses provided by the parties involved, with any redactions required by FERPA, and will then be provided to one or more trained adjudicators designated by the Title IX Coordinator (the “Adjudicator”) for decision as described below.

If the Respondent is a faculty member, the Adjudicator will be a member of the Administration, as the Administration has the right to discipline faculty members for just cause pursuant to Section 2.10 Discipline of Faculty Members of the Faculty Handbook. A violation of this Policy constitutes just cause for discipline.

D. Decision Process for Complaints Involving Students

The final investigation report will be provided to the Adjudicator. The Adjudicator will review the final investigative report. The Adjudicator may decide to accept the report as complete or remand the matter back to the Title IX Coordinator or designee to direct further investigation and/or analysis. If the matter is remanded, the process will repeat until the Adjudicator deems the report to be complete. Once the Adjudicator deems the investigative report complete and final, a copy of the final investigative report will be provided to the parties, with any redactions required by FERPA. All documentation available for review by the Adjudicator shall also be made equally available to the parties, with any redactions required by FERPA.

Once the report is deemed complete, the Adjudicator will determine, based on the complete record and applying a preponderance of the evidence standard, whether or not the evidence is sufficient to support a conclusion that the conduct occurred and that there was a violation of this Policy. If the Adjudicator determines that there was a violation, the Adjudicator will also determine the appropriate remedies and sanctions that should be imposed.

The Adjudicator’s determination will be placed in writing and provided simultaneously to both parties. Complainant will be informed of any specific sanctions imposed on Respondent directly relating to the Complainant in a manner consistent with FERPA.

Any sanction imposed by the Adjudicator will not be suspended during a subsequent appeal process.

If the Complainant and/or Respondent has a disability that necessitates assistance in the formal resolution process, he or she may seek guidance and request accommodation through the Title IX Coordinator.

E. Remedies and Sanctions

ONU is committed to taking action to eliminate all sex discrimination. Remedies and sanctions will be designed to stop the conduct, prevent its recurrence, and address its effects. To that end, when determining the appropriate sanctions to be imposed, consideration shall be given to the principle that the sanctions should be proportionate to the offense and seek to provide a remedy to the Complainant and to prevent recurrence of the offense for the protection of the campus community. Any student or employee determined to be responsible for violation of this Policy should expect to receive sanctions. Sanctions for students may include dismissal, withheld suspension, social probation, a no contact order, restrictions, restitution, notification to other members of the University community as appropriate, educational requirements and other sanctions determined by ONU to be appropriate. Sanctions for employees may include termination, suspension, removal from campus, cancellation of contract, written reprimand, oral reprimand and other sanctions determined by ONU to be appropriate.

F. Recourse for Proposed Sanction of Discharge of Any Faculty Member

With respect to a proposed sanction of discharge of any faculty member, such person affected will be permitted the recourse provided in Section 2.7 Dismissal of Faculty Member in the Faculty Handbook as the exclusive remedy.

VI. Appeal of Complaints Involving Students

Other than decisions involving only employees or decisions involving a proposed sanction of discharge of a faculty member, either the Complainant or the Respondent may appeal any decision and/or sanction of the Adjudicator to the University Board of Appeals for Sex Discrimination Complaints (“UBASDC”). The procedures for an appeal are as follows:

A. Filing the Appeal

a. The appeal must be made in writing: (i) to the Student Conduct Coordinator (“SCC”) for appeals by students; or (ii) to the Director of Human Resources (“DHR”) for appeals by employees.

b. The appeal must be made within five (5) university business days from when the party receives the written decision of the Adjudicator, including the day on which the party receives the written decision. If an appeal is not filed within this timeframe, the right to appeal is waived and the disposition of the complaint by the Adjudicator becomes final.

B. Review and Approval of the Appeal

- a. The appeal will be reviewed by the Chair of the UBASDC for scope. The scope of the appeal, as identified by the Appellant, will be limited to the following:
 1. New evidence, unavailable during the original investigation or adjudication that could be outcome determinative;
 2. Material deviation from written procedures in this Policy that impacted the fairness of the adjudication;
 3. Sanction(s) grossly disproportionate to the severity of the offense; and/or,
 4. Bias on the part of the Adjudicator that deprived the process of impartiality.
- b. The Chair of the UBASDC will have five (5) university business days to determine the permissibility of the appeal.
- c. If an appeal is denied by the Chair of the UBASDC, the Appellant will be notified in writing within five (5) university business days and the SCC or DHR will retain a record of the denial. Denial of the appeal means the disposition of the complaint by the Adjudicator is upheld.
- d. If an appeal is permitted by the Chair of the UBASDC, the Appellant will be notified in writing within five (5) university business days. An appeal finding will be promptly scheduled by the SCC or DHR with the UBASDC.

C. University Board of Appeals for Sex Discrimination Complaints Membership

The UBASDC consists of three members, composed of University administrator(s) and faculty member(s) appointed by the President of the University. The members of the UBASDC shall select from among its number a Secretary who shall keep a record of the appeal finding discussion.

D. Procedure for Appeals of Sex Discrimination Complaints

- a. The Appellant shall prepare a written statement of the appeal, including all relevant information and arguments, and deliver: (i) to the SCC for appeals by students; or (ii) to the DHR for appeals by employees.
- b. The written statement must be delivered within (5) university business days of receipt of the notice that permission to appeal was granted, including the date of receipt.
- c. The SCC or DHR shall see that the statement is promptly delivered to the UBASDC, the Appellee, and the Adjudicator.
- d. The Appellee shall have five (5) university business days, including the date of receipt, to respond in writing to the statement of the Appellant. This statement shall be delivered: (i) to the SCC for appeals by students; or (ii) to the DHR for appeals by employees. The SCC or DHR shall then provide copies to the UBASDC, the Appellant, and the Adjudicator.
- e. The UBASDC shall decide the matter by upholding the decision of the Adjudicator, reversing the decision of the Adjudicator, upholding and/or modifying the sanction(s), or

remanding the matter for further investigation/analysis. The UBASDC, however, is not able to increase sanctions against a faculty member, but instead, can only recommend increased sanctions to the Adjudicator, who then has the right to increase discipline. The UBASDC shall render its decision by a simple majority vote of the members. The decision of the UBASDC to uphold the decision, reverse the decision, or uphold and/or modify sanction(s) is final. If the matter is remanded, the process will repeat, generally beginning at the appropriate stage of the investigation or adjudication as indicated by the UBASDC's remand.

f. The written decision of the UBASDC will be sent simultaneously to both parties, typically within five (5) university business days following the UBASDC's determination. If there is a delay in issuing the decision, both the Complainant and the Respondent will receive written notification of the delay and the reasons for the delay. Complainant will be informed of any specific sanctions imposed on Respondent directly relating to the Complainant in a manner consistent with the requirements of FERPA.

VII. Education and Programs

Education and training on the Sex Discrimination Policy is provided annually to the University community.

All in-coming students are required to complete the mandatory training, which covers sex discrimination, alcohol and drug policies. This information is also covered with all in-coming students during their orientation via a presentation by the Office of Student Conduct and the Title IX Office. Ongoing prevention and awareness programming on issues involved in sex discrimination is offered to all students and employees throughout the year.

Training for University employees on Sexual Harassment/Misconduct is a requirement of each and every employee on-campus and must be renewed on an ongoing basis.

Investigators, Adjudicators, UBASDC members, and members of the Title IX team receive annual training focused on handling cases of sex discrimination, including cases involving sexual violence. First responders, such as ONU Security and Office of Student Conduct staff receive regular, ongoing training focused on working with victims/survivors of sex discrimination.

VIII. Victim/Survivor Support Information

A. Resources

The University is committed to providing support for students and employees who have been victims/survivors of sex discrimination. Below is a brief description of resources available. For more information or to request an accommodation which may not be listed, victims/survivors should contact the Title IX Coordinator or Deputy Title IX Coordinators.

- Assistance finding confidential counseling and support either through the ONU Counseling Center or through referrals to an outside agency.
ONU Counseling Center
(419) 772-2190

Anthony Rivera – Director (a-rivera@onu.edu),
Rebecca Diller – Assistant Director (r-diller@onu.edu),
Marcia Kostoff – Mental Health Counselor (m-kostoff@onu.edu)

- Assistance finding confidential medical services.
- Academic accommodations, which may include a change in class schedule, taking an incomplete or dropping a course without penalty, attending a class via electronic or other alternative means, or extending deadlines for assignments.
- Housing accommodations, which may include changes in residential status, changes in room assignment, or temporary accommodations in a residential safe room.
- Employment accommodations, such as change in work assignment or schedule.
- Escort services from ONU Security, no contact orders or interim separation of the alleged perpetrator.
- Making personal information (such as directory information) unavailable through the Registrar's office.

Additionally, a victim/survivor may seek advocacy or counseling support from one of the outside agencies listed below:

- Crime Victim Services
Lima, OH
24 Hour Sexual Violence Helpline: (877) 867-7273
Campus Sexual Assault Survivor Advocate: (419) 222-8666
- Open Arms Domestic Violence and Rape Crisis Services
Findlay, OH
24 Hour Crisis Hotline: (419) 422-4766

A victim/survivor may seek legal assistance from the outside agency listed below:

- Legal Aid of Western Ohio, Inc.
545 West Market Street, Suite 301
Lima, OH 45801-4565
Phone: (877) 894-4599

A victim/survivor may seek visa or immigration assistance from one of the outside agencies listed below:

- Legal Aid of Western Ohio, Inc.
545 West Market Street, Suite 301
Lima, OH 45801-4565
Phone: (877) 894-4599
- St. Wendelin Parish – En Camino (Fostoria Office)
323 North Wood Street Fostoria, OH 44830
Phone: (419) 619-3625

A victim/survivor may receive financial aid assistance from the University Financial Aid office, located at Weber Hall – 2nd Floor, (419) 772-2272.

B. Preservation of Evidence

If you are a victim of Non-Consensual Sexual Intercourse, Non-Consensual Sexual Contact, or Intimate Partner Violence, for your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible by a medical professional is important for preserving evidence, which may be necessary to assist in proving the Non-Consensual Sexual Contact, Non-Consensual Sexual Intercourse, or Intimate Partner Violence.