



## Ohio Administrative Code

### Rule 3357:15-14-15 Sexual misconduct and Title IX.

Effective: [May 25, 2026](#)

---

Stark state college is committed to and responsible for establishing, maintaining and providing a safe, secure, and non-discriminatory environment for our employees and students, free of sexual misconduct and sex discrimination, including discrimination based on gender, gender identity, sexual orientation, gender transition status, or pregnancy.

As required by Title IX and its implementing regulation, 34 C.F.R. Part 106, the college does not discriminate on the basis of sex in the education program or activity it operates. The requirement not to discriminate extends to admission and employment. Inquiries about the application of Title IX and its implementing regulation may be referred to the college's Title IX coordinator, the assistant secretary for civil rights at the U.S. department of education's office for civil rights, or both.

The college will not tolerate any kind of sexual misconduct and will not compromise the responsibility for addressing issues of sexual misconduct. Sexual misconduct is socially irresponsible and violates the rights of other individuals. Sexual misconduct has the potential to threaten an individual's academic performance, economic livelihood, career advancement, psychological, and total well-being and is prohibited by this policy. This policy is also applicable to all third parties affiliated with the college. Third parties are neither employees nor students and can include, but are not limited to, consultants, vendors, contractors, etc. Sexual misconduct is a serious offense which could lead to dismissal and/or termination from the college and criminal charges being filed with the local law enforcement authority having jurisdiction.

#### (A) Definitions

- (1) Sex discrimination - any conduct that discriminates on the basis of sex in a college program or activity. Sexual harassment is a form of sex discrimination. Sex discrimination includes discrimination based on gender, gender identity, sexual orientation, gender transition status, or pregnancy.
- (2) Sexual misconduct - any unwelcome behavior of a sexual nature that is committed without consent while having access to or participating in any educational program, employment, or activity receiving federal financial assistance through Stark state college. Sexual misconduct can occur between persons of the same or different sex. Sexual misconduct is a broad term that includes sexual assault, rape, statutory rape, and/or the attempt to commit rape, criminal sexual contact, incest, domestic violence, dating violence, gender-based violence, stalking, sexual coercion, sexual exploitation and sexual harassment as defined



3357:15-14-15

2

by the college, and sexual harassment as defined under Title IX. The college's definition of sexual misconduct is broader than the regulatory definition of sexual harassment under Title IX or the college's definition of sexual harassment. Sexual misconduct does not qualify as sex discrimination if it does not rise to the level of sexual harassment under the Title IX or college definitions, but sexual misconduct is nevertheless prohibited by this policy.

- (3) Non-consensual sexual contact - any intentional sexual touching and any other intentional bodily contact in a sexual manner, however slight, with any object, by a person upon another person that is without consent.
- (4) Incapacitation - a state in which a person cannot make rational decisions because they lack the capacity to give consent. Incapacitation may result from a temporary or permanent mental or physical disability or impairment, unconsciousness, physical restraint, or intoxication. Sexual misconduct occurs when a person engages in sexual activity when they knew, or should have known, that the other person was incapacitated.
- (5) Consent - a freely and affirmatively communicated willingness to participate in sexual activity, expressed by clear, unambiguous words or actions. Consent is a free and clearly given "yes," not the absence of a "no." It is the responsibility of the initiator of the sexual activity to ensure that he or she has the other person's consent to engage in sexual activity, throughout the entire sexual activity, by all parties involved. At any time, a participant can communicate that they no longer consent to continuing the activity. Consent may never be obtained where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication (national incident-based reporting system user manual (NIBRS) available here (<https://le.fbi.gov/file-repository/nibrs-user-manual-2025-0-062625.pdf/view>, last accessed 10/24/2025). Consent cannot be assumed based on the existence of a previous dating or sexual relationship. The initiator's use of alcohol or drugs does not diminish his/her responsibility to obtain consent.
- (6) Force - the use of physical violence, threat of physical violence, and/or imposing on someone physically to gain sexual access.
- (7) Criminal sexual contact (formerly referred to as fondling) in accordance with the definition from the NIBRS user manual - the intentional touching of the clothed or unclothed body parts without consent for the purpose of sexual degradation, sexual gratification, or sexual



3357:15-14-15

3

humiliation. The forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. The offense includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

- (8) Rape, in accordance with the definition from the NIBRS user manual, is defined as penetration, regardless of how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another individual, or by a sex-related object. This definition covers cases where the victim cannot provide consent due to temporary or permanent mental or physical incapacity (including resulting from drugs or alcohol), physical restraint or due to age. Physical resistance by the victim is not required to establish lack of consent.
- (9) Sexual coercion - unreasonable, intimidating, or forcible pressure for sexual activity.
- (10) Sexual assault - as defined in accordance with the Clery Act and the Title IX regulation, is an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the federal bureau of investigation.
- (11) Sexual exploitation - occurs when someone takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to the benefit or advantage of anyone other than the person being exploited.
- (12) Stalking - 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, or interferes with a person's property.
- (13) Domestic violence - a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse



3357:15-14-15

4

or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

- (14) Intimate partner violence/dating violence - 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 such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and/or the frequency of interaction between the persons involved in the relationship.
- (15) Gender-based violence (GBV) - any harmful threat or act directed at an individual or group based on their actual or perceived:
  - (a) Biological sex;
  - (b) Gender identity;
  - (c) Gender expression;
  - (d) Sexual orientation; or
  - (e) Difference from social norms related to masculinity or femininity.

GBV can include and be identified by physical, sexual, psychological, technological, economic, and emotional abuse.

- (16) Sexual harassment according to Title IX - conduct on the basis of sex that satisfies one or more of the following:
  - (a) An employee of the college conditioning the provision of an aid, benefit, or service of the college on an individual's participation in unwelcome sexual conduct;
  - (b) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the college's education program or activity; or
  - (c) Sexual assault, dating violence, domestic violence, or stalking.



3357:15-14-15

5

(17) Sexual harassment according to the college's definition - conduct on the basis of sex that satisfies one or more of the following: unwelcomed sexual advances; request for sexual favors; and/or other verbal, non-verbal, or physical conduct of a sexual nature. Sexual harassment is sex-based harassment. that includes gender-based harassment. Sexual harassment is inclusive of sexual violence, and gender-based harassment, defined as follows:

(a) Sexual harassment according to Title IX

(b) Unwelcome verbal or physical conduct that is sufficiently severe, persistent, or pervasive such that it unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

(c) Unwelcome verbal or physical conduct that is sufficiently severe, persistent, or pervasive that it interferes with or denies educational benefits or opportunities, from both a subjective (the complainant's) and an objective (reasonable person's) viewpoint.

(d) A single or isolated incident of harassment may be severe enough to create a hostile environment. Minor slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of harassment. To violate this policy, the conduct must create a hostile environment, as described above, to a reasonable person.

(B) Reporting sex discrimination and sexual misconduct

(1) In accordance with Title IX regulations 2020, any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX coordinator, or by any other means that results in the Title IX coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX coordinator.

(2) For alleged sexual misconduct where the victim or alleged perpetrator (respondent) is a student, a potential student, an employee, or a campus



3357:15-14-15

6

visitor, any person may report the sexual misconduct to the Title IX coordinator.

- (3) In cases of alleged sexual misconduct where the victim is a minor, paragraph (D)(6) of rule 3357:15-14-35 of the Administrative Code (minors on campus) imposes additional mandatory reporting obligations.
- (4) Sex discrimination and sexual misconduct must be reported to the Title IX coordinator within one hundred eighty days of the occurrence, except for good cause shown.
- (5) Any college employee or trustee who is notified of an alleged incident of sex discrimination or sexual misconduct - whether through formal or informal complaint, report, or information - that could be covered by this policy shall report such incidents to the Title IX coordinator. Failure to do so shall result in disciplinary action up to and including termination of employment. The college has designated student support counselors and interfaith campus ministry staff as confidential sources who are exempt from this reporting responsibility.
- (6) If you believe that you are being harassed or retaliated against with a complaint of sexual discrimination unrelated to sexual harassment, or if you observe or are informed of someone else being subjected to such conduct, report this conduct immediately to any of the following:
  - (a) Supervisor, manager, director, department chair, dean, or vice president
  - (b) Human resources vice president, human resources generalist
  - (c) Title IX coordinator/Title IX deputy coordinator
  - (d) Campus security in cases where a concern for physical safety exists

When the above individuals receive an allegation of sexual discrimination, they will promptly report or refer the matter to a human resources generalist and/or Title IX coordinator/Title IX deputy coordinator as appropriate to initiate a prompt and thorough investigation.

(C) Reporting to an outside agency



3357:15-14-15

7

Persons who believe they have been subjected to sexual misconduct may also file a complaint with the U.S. department of education's office for civil rights, Ohio civil rights commission, U.S. equal employment opportunity commission, or if criminal justice action is desired, with the local law enforcement agency. Information and assistance regarding filing charges with any of the agencies may be obtained from the agency directly or from the college's Title IX coordinator.

Internal complaints under this policy need not be exhausted before filing a complaint with an external agency.

(D) Confidentiality - To the extent possible, all information received in connection with the reporting, investigation, and resolution of allegations of sex discrimination and sexual misconduct will be treated as confidential, except to the extent it is necessary to disclose information in order to investigate the allegation, take steps to stop, prevent or address the misconduct, resolve the complaint, or when compelled to do so by law. All individuals involved in the process should observe the same standard of discretion and respect for the reputation of everyone involved in the process.

(E) Retaliation

College policy and federal, state, and local law strictly prohibit retaliation in any form against any individual in response to exercising protections or obligations under this policy.