



Ohio Administrative Code

Rule 3358:5-3-04 Sexual discrimination and Title IX policy.

Effective: October 23, 2015

(A) Clark state community college is committed to providing a safe, collegiate, working and learning environment that promotes personal integrity, civility, and mutual respect and that is free of discrimination, harassment, or adverse treatment on the basis of sex, which includes all forms of sexual misconduct. Sex discrimination violates an individuals fundamental rights and personal dignity. Clark state community college considers sex discrimination in all its forms to be a serious offense. This policy refers to all forms of sex discrimination, including but not limited to: sexual harassment, sexual assault, and sexual violence by employees, students, or third parties.

(1) Title IX of the Education Amendments of 1972 to the Higher Education Act of 1965 prohibits discrimination based on sex in educational programs and activities that receive federal financial assistance. To ensure compliance with Title IX and other federal and state civil rights laws, the college has developed policies and procedures that prohibit sex discrimination in all of its forms.

(2) Clark state community college does not discriminate on the basis of race, color, creed, religion, national origin, ancestry, sex, (including pregnancy and gender identity), marital status, child-bearing status, age, disability, veteran status, sexual orientation, family medical history or genetic information in its education programs and activities.

(B) Clark state community college encourages anyone who has experienced sex discrimination in any form to promptly report the incident, to seek all available assistance, and to pursue corrective action through the college against the offender. The college encourages anyone who has experienced sex discrimination to report the incident to the appropriate Title IX coordinator listed in the associated procedures. The Title IX coordinator can assist with all aspects of the reporting procedure and will conduct an investigation into a complaint as appropriate.

For the purposes of this policy, sexual harassment is defined as follows:

Unwelcome conduct of a sexual nature. It includes unwelcome and unwanted sexual advances,



requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature when:

(1) Submission to such conduct is made explicitly or implicitly a term or condition of instruction, employment, or participation in any college activity;

(2) Submission to or rejection of this conduct by an individual is used explicitly or implicitly as a factor in academic or personnel decisions affecting the individual;

Examples of sexual harassment include but are not limited to unwanted sexual advances; promising, directly or indirectly, a student or employee a reward, if the student or employee complies with a sexually oriented request; repeated and unwelcome sexual flirtation, advances; direct propositions of a sexual nature; verbal abuse of a sexual nature; prowess or sexual deficiencies; leering, whistling, touching, pinching, patting, physical assault; coerced sexual acts; suggestive, insulting, obscene comments or gestures; sexually explicit statements, jokes, or anecdotes; and displaying pornographic or sexually oriented materials.

(C) Sexual violence is a form of sexual harassment. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol, or due to an intellectual or other disability.

Examples of sexual violence include rape, sexual assault, sexual battery, and sexual coercion.

Sexual harassment can involve males or females being harassed by members of either sex. Although sexual harassment sometimes involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment.

(D) This policy applies to:

(1) Non-exempt and exempt staff employees

(2) Faculty and adjunct faculty



(3) Temporary employees

(4) Students

(5) Vendors, visitors, and other third parties

(E) The college will not tolerate sexual harassment, whether engaged in by fellow employees, supervisors, students, or by other non-employees who conduct business with the college. The college shall investigate any incident of alleged sexual harassment and shall take any action it deems appropriate after evaluating all of the circumstances. The college encourages reporting of all incidents of sexual harassment, regardless of who the offender may be, in accordance with established administrative procedures.

(F) This policy shall be administered as set forth in the associated procedures.

(G) The office of the director of human resources shall be assigned the responsibility of developing, implementing, and maintaining the sexual discrimination and Title IX policy and procedures.