

3354:1-30-03.12 Sexual Harassment, Sexual Violence, Sexual Exploitation and Intimate Partner Violence Policy**(A) Prohibited Conduct**

(1) **Sexual Harassment** is any unwelcome verbal or non-verbal sexual advances, requests for sexual favors, other verbal or physical conduct of a sexual nature, or conduct directed at an individual because of gender.

(2) **Sexual Violence** means physical sexual acts (such as unwelcome sexual touching, sexual assault, sexual battery and rape) perpetrated against an individual without consent or against an individual who is incapable of giving consent due to that individual's use of drugs or alcohol, or disability.

(3) **Sexual Exploitation** occurs when an individual takes non-consensual, unjust or abusive sexual advantage of another, for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute non-consensual sexual contact, non-consensual sexual intercourse or Sexual Harassment.

(4) **Intimate Partner Violence** is a pattern of abusive behaviors used to exert power and control over a partner or former partner. Intimate Partner Violence can be physical, sexual, emotional, economic or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure or wound someone. Domestic violence can occur regardless of the relationship status, including individuals who are dating, cohabitating or married.

(B) Reporting

(1) Tri-C strongly encourages persons who experience sexual misconduct or are aware of sexual misconduct to report the misconduct, to seek assistance and to pursue action for their own protection and that of the entire campus community. Victims of criminal conduct have a right to file criminal and Title IX complaints simultaneously.

The person designated by Tri-C as Designated Reporting Representative is the individual serving in the following capacity:

District Director, Diversity & Inclusion & Title IX Coordinator
Cuyahoga Community College
Jerry Sue Thornton Center
2500 E. 22nd Street
Cleveland, OH 44115
(P) (216) 987-0204
(F) 216-987-0209

(C) Confidentiality and Privacy

- (1) The College will make reasonable effort to conduct all proceedings under this Policy in a manner that will protect the confidentiality of all parties. Parties to a complaint under this Policy should treat the matter under investigation with discretion and respect for the reputation of all parties involved. The Title IX Coordinator will evaluate requests for confidentiality.

The College has a compelling obligation to address allegations and suspected instances of Sexual Harassment or Sexual Violence when it obtains information that would lead a reasonable person to believe that this Policy has been violated. Thus, confidentiality is not required if disclosure is required by law, or if disclosure is necessary to report a crime or violation of law or to engage in concerted activity regarding terms or conditions of employment, or in relation to the right of a student respondent or complainant to re-disclose the outcome of the process under FERPA and/or Campus Crime Statistics Act (Clery Act) laws.

Although there is an expectation of confidentiality with regard to the process, Tri-C recognizes that the complainant, respondent, and witnesses may need support. Should the need arise for parties and/or witnesses to seek support and/or share with others information regarding this process, they are encouraged to confer with the Designated Reporting Representatives regarding this action, including how to find support.

(D) Possible Sanctions and Interim Measures

- (1) If a person is found to have violated Tri-C's Title IX Policy, the sanctions may include, but are not limited to, suspension, expulsion, no-contact orders, banning from campus or college-related activities, training, degree revocation, or in the case of an employee or faculty, discipline up to and including termination.
- (2) Tri-C may take interim measures (such as a no-contact order, change in class schedule, suspension, etc.) while it is investigating complaints of violations of this Policy.

(E) Retaliation

- (1) Retaliation is prohibited by Title IX and will constitute separate grounds for disciplinary action. Retaliation is the act of taking adverse action against a complainant, a respondent, or any other person involved in the process under this Policy based on the person's reporting or participation in any process under this Policy.

(F) False Allegations

- (1) It is a violation of this Policy for anyone to knowingly or with reckless disregard for the truth make false accusations of Sexual Harassment, Sexual Violence, Sexual Exploitation or Intimate Partner Violence. Failure to prove a claim of is not equivalent to a false allegation. Sanctions may be imposed on individuals who knowingly or with reckless disregard for the truth make false accusations under this Policy.

(G) Reporting Responsibility

- (1) Any Tri-C faculty, staff, official or student employee who is consulted about and/or witnesses behavior involving potential Sexual Harassment, Sexual Violence, Sexual Exploitation or Intimate Partner Violence has the responsibility to report the potential misconduct to one of the Designated Reporting Representatives.
- (2) Students are expected, but not required, to report Sexual Harassment, Sexual Violence, Sexual Exploitation or Intimate Partner Violence when they are consulted about and/or witness behavior involving such misconduct.

(H) Federal Regulations

(1) **FEDERAL TIMELY WARNING OBLIGATIONS**

Once a report of Sexual Harassment, Sexual Violence, Sexual Exploitation or Intimate Partner Violence is made, Tri-C is obligated to take all necessary steps to protect the campus and the person who has experienced the misconduct. This may include alerting the campus of crimes that it determines pose a substantial threat of bodily harm or danger to members of the campus community. In making such determinations, the College will consider the safety of students, faculty and staff as well as the privacy interests of all persons involved in such incidents. Regardless of the action taken by Tri-C, Tri-C will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to take safety precautions.

(2) **FEDERAL STATISTICAL REPORTING OBLIGATIONS**

In compliance with the Clery Act (Campus Crime Statistics Act), Designated Reporting Representatives are required to report to police sexual misconduct that constitutes a crime (i.e. anything not defined in this policy as Sexual Harassment). In addition, anonymous reports and de-identified reports or crimes from confidential support resources received by the Tri-C Police are also included in the Clery Act Report. Typically, the following information is included: crime, date, location and status (i.e. student, faculty, staff, stranger, etc.) of the individuals involved in the crime. The campus never includes the names of the complainant or the respondent in crime statistics.

When a complaint of a violation of the Title IX Policy is made that may also constitute a criminal act, the Designated Reporting Representative also will inform the complainant of the right to file a criminal complaint.

(I) Complaint Adjudication and Appeal

- (1) Tri-C will provide prompt adjudication of any complaints of Sexual Harassment, Sexual Violence, Sexual Exploitation or Intimate Partner Violence typically within sixty (60) days of being notified of the misconduct. When notified of an allegation, Tri-C will promptly take interim measures (such as no-contact orders), if necessary. An investigation by an appropriate College official, such as the Title IX Coordinator or designee, will commence. When the investigation is complete, a written report will be issued. The evidentiary standard that will be used in resolving the complaint will be whether it is more likely than not that a violation of the Title IX Policy occurred. All parties will be notified of the outcome of the investigation, and have 10 business days to appeal the decision on the grounds of (1) procedural error; (2) previously unavailable relevant evidence that could significantly impact the outcome of the case; or (3) the sanction is substantially disproportionate to the findings. Tri-C will attempt to resolve all appeals within thirty (30) days, but complex matters may require additional time. All parties will be notified, in writing, of the outcome of any appeal.

Effective: 11/27/2015

CERTIFIED ELECTRONICALLY

Certification

11/17/2015

Date

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