



religion, color, age, national origin, veteran and/or military status, genetic information, disability, sexual orientation, gender identity and/or expression, marital status or parental status, participation in protected activity (retaliation), and/or any other status protected by state or federal law, rule or regulation. Harassment on the basis of any of these protected classes is a form of discrimination prohibited by this policy.

- (1) Harassment is unwelcome verbal, non-verbal, graphic, physical, electronic or other conduct that subjects an individual to an intimidating, hostile or offensive educational or employment environment, is based on one or more of the characteristics listed above, and which:
  - (a) Denigrates, insults, ridicules, disparages or stereotypes an individual or lifestyle; and
  - (b) Is sufficiently severe, persistent or pervasive and objectively offensive to the individual or to a group of individuals, or to the educational or employment programs or activities.
- (2) Sexual Harassment is:
  - (a) Harassment that is based on gender, sexual orientation, gender expression, or a person's status as a man, transgender, intersex person, or gender-nonconforming individual; and
  - (b) Sexual harassment includes:
    - (i) Any unwelcome sexual advance, request for sexual favors or other written, verbal or physical conduct of a sexual nature when:
      - (a) Submission to such conduct is made either explicitly or implicitly a term or condition of

(b) The conduct creates a hostile environment because it is sufficiently severe, persistent or pervasive that it unreasonably interferes with an individual's employment or academic performance or participation in a university activity.

(ii) Unwelcome verbal conduct that is so severe, pervasive, and objectively offensive that the individual is effectively denied equal access to an institution's resources and opportunities (comments about a person's body, spreading sexual rumors, sexual remarks or accusations, dirty jokes or stories), nonverbal conduct, visual conduct (display of naked pictures or sex-related objects, obscene gestures) or physical conduct (grabbing, rubbing, flashing or mooning, touching, pinching in a sexual way, sexual assault), including

personal space of another person; giving a massage around the neck or shoulders; attempted or actual kissing, grabbing or fondling;  $vqwej\ kpi\ "qt'twddkpi\ "qpg\ d'qf\ \{ \ "k" c"$  sexually manner where it can be observed by another person; exposing the underwear or body parts of another person, and; physical assault, coerced sexual relations, sexual assault or attempted assault.

(C) Sexual violence is prohibited.

Sexual violence is conduct of a sexual nature or conduct based on sex or gender that occurs without affirmative consent or when an individual is incapable of giving affirmative consent. Sexual violence is prohibited.

- (1) Acts of sexual violence are forms of sex- and gender-based discrimination and harassment.
- (2) Sexual violence includes sexual assault, sexual exploitation, relationship violence, domestic abuse and stalking.
  - (a) Sexual assault is sexual contact or sexual intercourse without affirmative consent.
  - (b) Sexual exploitation is purposely or knowingly doing any of the following:
    - (i) Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the  $r\ vtr\ qug\ "qh'\ eqo\ r\ tqo\ k\ kpi\ "y\ cv\ r\ gtuqpa\ "cdk\ v\{ \ "v"$  give or withhold affirmative consent to sexual activity;

where that person would have a reasonable expectation of privacy);

- (iv) Recording or photographing private sexual activity and/or communications without the consent;
- (v) Disseminating or posting images of private sexual activity without the consent;

indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about the person towards which such conduct is directed or interferes with that

(3) Definitions

- (a) Affirmative consent is: informed (knowing), voluntary (freely given) and active (not passive), meaning that, through the demonstration of clear words or actions, a person has indicated permission to engage in mutually agreed-upon sexual activity. Affirmative consent to one form of sexual activity does not, by itself, constitute affirmative consent to another form of sexual activity. Silence, without more, is not affirmative consent. Affirmative consent may be withdrawn at any time by communicating, through clear words or actions, a decision to cease the sexual activity. Once affirmative consent is withdrawn, the sexual activity must cease immediately. Affirmative consent is absent where:
- (i) Force is applied to obtain consent. Force includes physical violence, abuse of power, threats, intimidation, and/or coercion.
  - (ii) An individual knows or should know, based on the circumstances, that the individual seemingly giving consent is substantially impaired (e.g., by alcohol or drug use, unconsciousness or other reason). An individual who is substantially impaired cannot make a rational, reasonable assessment whether to give consent because
  - (iii) Coercion occurs when an individual is pressured, psychologically or emotionally manipulated, tricked, threatened, or forced in a nonphysical way, to engage in unwanted sexual activity. Coercion occurs when an individual is caused to believe that sex is owed to another person

persistent attempts

- (2) Prohibited retaliation includes retaliatory harassment and retaliation through a third person or persons.
- (E) Reporting discrimination, harassment, sexual violence and retaliation.
- (1) Information about incidents of discrimination, harassment, sexual violence and/or retaliation should be reported to the [office for institutional equity](#).
    - (a) The director of the office for institutional equity is the [wpkxgtuk\ou\kng'z'eqqt f kpcvt](#). The associate director of the office for institutional equity is the deputy title ix coordinator.
    - (b) The office for institutional equity is located in the parker hannifin administration center (ac), room 236. The phone number for the office for institutional equity is 216-687-2223. The office for institutional equity may also be reached by [email](#).
  - (2) All university employees, except confidential resources, who become aware of information that would lead a reasonable person to believe that discrimination, harassment, sexual violence or retaliation has occurred must promptly report all relevant details to the office for institutional equity. Student employees, including graduate assistants and teaching assistants, have a duty to timely report incidents of discrimination when they become aware of the information in the course of their duties.
  - (3) The university provides options for [reporting discrimination, harassment, sexual violence and/or retaliation](#), including reporting to a university employee, a confidential resource (a confidential resource will not share information about discrimination, sexual violence and/or retaliation with the [office for institutional equity](#) without the consent of the person providing the information except in cases of an emergency), [reporting anonymously](#), and [law enforcement](#). Reports may also be made to the [Ohio civil rights commission](#), the [U.S. equal employment opportunity commission](#) or the [U.S. department of](#)



be obtained from the agency directly or from the office for institutional equity.

- (4) [Resources](#) available to members of the campus community dealing with discrimination, harassment, sexual violence and retaliation are available from the Office for Institutional Equity, including on its website. ~~For a complete list of resources available on its website, please refer to the Title IX webpage.~~ sexual violence is available on the [Title IX webpage](#).

participation in an investigation, the University will not pursue sanctions against students for student code of conduct violations, such as underage possession or consumption of alcohol, drugs or narcotics, when the violation does not place the health and safety of another person at risk, when information about the violation is learned by the office of institutional equity as a result of a report and/or during the course of an investigation relating to this policy.