
Section 15: Title IX and Sexual Misconduct, Sexual Harassment and Relationship Violence

OSU TITLE IX PROGRAM STATEMENT

The Ohio State University is dedicated to providing a learning, living, and working environment that is free from sexual assault and sex discrimination. We are committed to ensuring a safe campus climate for all of our students and the entire University community. Through a comprehensive compliance program, we promote fundamental rights, advance individual and institutional integrity, and uphold the vital aims of Title IX. Title IX is now a part of the OSU Office of Institutional Equity.

Ohio State does not discriminate on the basis of sex in its education program or activity, which includes employment, and is required by Title IX of the Education Amendments of 1972 not to discriminate in such a manner.

Current information is available through the OSU Title IX website, <http://titleix.osu.edu/>, which is under the auspices of the Office of Institutional Equity (OIE), which serves as a streamlined point of contact for students, faculty and staff who need any type of Title IX assistance. The OIE:

- Responds to all incidents of sex- and gender-based harassment and discrimination, including sexual assault, sexual harassment, relationship violence, and pregnancy discrimination
- Provides support resources, investigation options, and interim measures
- Oversees prevention education and training around sexual misconduct for the university community.

Members of the university community, vendors, and visitors have the right to be free from all forms of sexual misconduct. Sexual misconduct is conduct of a sexual nature that is nonconsensual, or has the effect of threatening, intimidating, or coercing a person. Sexual misconduct includes sexual harassment, sexual violence, and relationship violence. Sexual misconduct impedes the realization of the university's mission of distinction in education, scholarship, and service. All members of the university community are expected to conduct themselves in a manner that does not infringe upon the rights of others and maintain an environment free from sexual misconduct.

Sexual misconduct violates the dignity of individuals and will not be tolerated. The university community seeks to eliminate sexual misconduct through education and by encouraging everyone to report concerns or complaints, including third parties when the accused is a member of the university community. The university is committed to stopping sexual misconduct, preventing its recurrence, eliminating any hostile environment, and remedying its discriminatory effects. This policy defines expectations for the university community and establishes mechanisms for determining when those expectations have been violated.

Sexual misconduct is conduct of a sexual nature or conduct based on sex or gender that is nonconsensual or has the effect of threatening, intimidating, or coercing a person. This includes sexual harassment, sexual violence, relationship violence and stalking. Sexual misconduct is a form of sex- and gender-based discrimination. Additional definitions including those for sexual harassment, sexual and relationship violence, stalking and consent are given in Policy 1.15.

The University Student Code of Conduct states that ‘Sexual misconduct in any form is never acceptable. Students are responsible to know and adhere to the sexual misconduct, sexual harassment, and relationship violence policy which can be found at:

<http://hr.osu.edu/public/documents/policy/policy115.pdf>.

The full Code of Student Conduct can be accessed at: <http://trustees.osu.edu/rules/code-of-student-conduct/>.

Reporting and Complaint Procedures

https://titleix.osu.edu/Reporting%20and%20Resources%20Brochure_Columbus.pdf

A report can be made by any individual who is directly involved in, who observes, or who reasonably believes that sexual misconduct may have occurred. This includes allegations by third parties against any individual covered by this policy. Members of the university community have a duty to report such information. All Title IX complaints are ultimately reported up to the Title IX Coordinator in the Office of Institutional Equity and that office will conduct an investigation.

1. Online – reporting form at titleIX.osu.edu or equity.osu.edu

2. Call – 614-247-5838

3. Email – titleIX@osu.edu or equity@osu.edu

4. Mail – Office of Institutional Equity, St. John Arena, 410 Woody Hayes Dr., Columbus, Ohio 43210

- OSU COM medical students may report incidents of sexual misconduct to Dr. Alex Grieco, Dr. Jennifer McCallister or the dean on call (614-685-3059) who will provide immediate support and help the student to make connections with the TitleIX office, resources and investigative bodies. Students may also confidentially discuss issues of sexual misconduct with the COM personal counselor, Lora Eberhard (614-292-3340).
- **Criminal Report:** Students who are survivors of sexual assault, stalking, domestic or dating violence are strongly encouraged to report the incident(s) to **law enforcement** in the jurisdiction in which the incident(s) occurred.
 - **In an emergency, please dial 9-1-1.**
 - Non-emergency contact information for other local police agencies include:
 - Columbus Police Division 614-545-4545
 - Clinton Township Police 614-471-1479
 - Upper Arlington Police 614-583-5150
 - Grandview Heights Police 614-488-7901
- To report an assault or other crime to the **University Police Division** (non-emergency), please call 614-292-2121. Survivors are advised that reporting an assault to the University Police or other law enforcement or campus security authorities does not require filing criminal charges, but provides the opportunity for collection of evidence helpful in prosecution and helps facilitate all support systems to be put in place for the survivor.

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- Complaints or reports against faculty or staff members may also be reported to the **The OSU Department of Human Resources**, 1590 N. High St., Suite 300, 614-292-1050.
 - Filing a report with the university does not preclude the individual from filing a report with external law enforcement or any other agency nor does it extend time limits with those agencies. Individuals may request assistance from the Title IX coordinator or deputy coordinator to notify such authorities.

All university employees, except those exempted by legal privilege of confidentiality or expressly identified as a confidential reporter, have an obligation to report incidents of **sexual assault**. Any employee, who becomes aware of information that would lead a reasonable person to believe that sexual assault may have occurred involving anyone covered under this policy, must report such information immediately.

SEXUAL HARASSMENT

Definition

Sexual harassment includes unwelcome sexual advances, requests for sexual favors and other physical or verbal conduct of a sexual nature when it meets any of the following:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such an individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive environment for working, learning, or living on campus. Sexual harassment can occur between any individuals associated with the university, e.g., an employee and a supervisor, coworkers; faculty members, a faculty, staff member or student and a customer, vendor or contractor, students; or a student and a faculty member.

What are some examples of sexual harassment?

Inappropriate behavior may include:

- Sexual jokes, innuendoes, gestures.
- Unwanted flirtation, advances, or propositions.
- Pressure for sex.
- Leering.
- Display of sexually suggestive objects/visuals.
- Display/transmission of sexually suggestive electronic content.
- Any unnecessary, unwanted physical contact.
- Sexual assaults (if this occurs, call the police immediately and maintain evidence).

What should I do if I feel I have been sexually harassed?

- Document the problem behavior: date, time, place, witnesses, specific behaviors.
- Tell the harasser that the behavior is offensive and that you want it to stop.
- Seek counseling and personal support from the Counseling and Consultation Service (for students: 614-292-5766) or the Employee Assistance Program (for faculty and staff: 1-800-678-6265).

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- File a complaint with OSU Title IX office in the Office of Institutional Equity via the online reporting form at titleIX.osu.edu or equity.osu.edu, call – 614-247-5838 or email – titleIX@osu.edu or equity@osu.edu
 - File an anonymous complaint by calling Ethics Point at 1-866-294-9350 or visiting the Web site: [OSU EthicsPoint Anonymous Reporting Line](#).

What about false allegations?

Sanctions may be imposed on individuals who knowingly or with reckless disregard for the truth make false accusations of sexual harassment. Just because a complaint cannot be proven does not mean that it is false.

Is sexual harassment only male to female? Supervisor to employee? Faculty to student?

Sexual harassment occurs when individuals feel they are the recipients of unwanted sexual attention or behavior. Sexual harassment can happen to or be perpetrated by anyone against anyone else: women, men, students, faculty, staff, supervisors, employees, volunteers, and vendors.

Can I file an anonymous complaint?

You may make an anonymous complaint to the University Anonymous Reporting Line by calling EthicsPoint, toll-free at 1-866-294-9350 or on the Web at: [OSU EthicsPoint Anonymous Reporting Line](#).

What if I am not sure I want to report an incident? Where can I find confidential support and resources without mandatory reporting?

A number of confidential resources are available to individuals to be able to discuss an incident or issues related to sexual misconduct and receive information about support services without mandatory reporting: <https://titleix.osu.edu/navigation/get-help/confidential-support.html>

What is the purpose and possible outcome of an investigation?

The purpose of the investigation is to evaluate the allegations of sexual harassment, formulate a response to address the situation, and follow up to ensure that recommended actions have been taken. Outcomes can include: no finding of harassment, finding of inappropriate behavior, finding of harassment, or finding of false allegations. The ultimate goal is to stop the harassment.

Who is typically involved in an investigation?

The Office of Institutional Equity staff conducts investigations. The charged party and the unit human resource professional are notified. Management, the department chair/unit director, and dean/vice president may also be notified. Information will only be shared with individuals who have a “need to know.”

What if I am retaliated against?

The university will not tolerate retaliation in any form against any faculty, staff, student, or volunteer who files an allegation, serves as a witness, assists an alleged, or participates in an investigation of discrimination or harassment. University policy and state and federal law prohibit retaliation against an individual for reporting discrimination, sexual violence or harassment, or for

participating in an investigation. Retaliation is a serious violation that can subject the offender to sanctions independent of the merits of the allegation. Allegations of or questions about retaliation should be directed to the Office of Human Resources, Student Conduct, or the Title IX Coordinator.

What should I do if I feel in danger?

If something has occurred in the workplace that is causing you to fear for your personal safety, contact University Police at 614-292-2121 or local police at regional campuses. Then contact OHR Organization and Human Resource Consulting at 614-292-4500. If you are a student and feel in danger in the academic environment, contact the Office of Student Life after you have contacted the police.

ROMANTIC AND/OR SEXUAL RELATIONSHIPS

What relationships or behaviors are prohibited?

Teachers (faculty, instructors, staff, graduate assistants, or undergraduate teaching assistants) are prohibited from engaging in romantic or sexual relationships with students in their classes.

Faculty, staff, or instructors, as well as faculty from other universities or individuals from industry are prohibited from engaging in romantic or sexual relationships with students upon whose thesis, dissertation, program, or candidacy exam committees they sit or over whom they exercise significant academic or career-determining authority.

Coaches (staff and graduate assistants) are prohibited from engaging in romantic or sexual relationships with students that they coach.

Faculty, staff, and student employees are prohibited from engaging in romantic or sexual relationships with students that they **advise**.

Attending physicians are prohibited from engaging in romantic and/or sexual relationships with medical residents, medical interns, and medical fellows and other learners or trainees over whom they exercise significant academic or career determining authority.

Faculty, staff, instructors, graduate assistants, or graduate students are prohibited from engaging in romantic and/or sexual relationships with individuals with whom they are engaged in **counseling relationships**, as is specified by counseling codes of ethics.

Faculty, staff, instructors, graduate students, or undergraduate students are prohibited from engaging in romantic and/or sexual relationships with any individual as defined in their field-specific codes of ethics or professional responsibility.

Faculty members may not serve as graduate school representatives (candidacy exam, dissertation defense) for students with whom they are engaged in a romantic and/or sexual relationship.

Supervisors (faculty, staff, or students) are prohibited from engaging in romantic or sexual relationships with employees that they **supervise** (direct reports).

What is a power differential?

An individual need not occupy a direct position of organizational authority over an individual (e.g., supervisor to direct report, teacher to student) for there to be a power differential. Power is present in supervisor-employee, teacher-student, tenured-non-tenured relationships, and power can also derive from differences in gender balance of a group, length of time with the department or university, relative status in a field of scholarship, age variances, etc. For example, it could be that

an individual has been in a position or academic program for five years and the other individual is a new hire; this can present a power differential. Another example could be that out of a staff of 20, 19 are female and one is male; this can also present a power differential.

Individuals entering into a consensual relationship in which a power differential exists must recognize that the reasons for entering, maintaining, or terminating such a relationship may be a function of the power differential. According to the American Association of University Professors, “The respect and trust accorded a professor by a student, as well as the power exercised by the professor in an academic or evaluative role, make voluntary consent by the student suspect.”

An imbalance of power is inherent in the teacher-student relationship, as well as the relationship between a student and a staff member. The student may defer to the teacher or staff person as an expert, a respected figure whose authority is unassailable. This power imbalance can be further exacerbated by the existence of other factors such as race, gender, sexual orientation, international student/scholar status, command of the English language, and previous sexual victimization. (See *Report to the President’s Council on Women* from the work group examining the university’s policy on consensual relations between faculty and students, January 11, 2005.)

What does institutional power mean?

Institutional power means that one individual occupies a position of authority over another individual. This institutional power can manifest through the ability to make or significantly influence such decisions as:

- Admission to or matriculation through an academic program
- Assignment of grades, determining pass/fail status in the candidacy exam, or dissertation defense
- Selection, termination, compensation, promotion, or tenure in the employment setting
- Approval of sick or vacation leave
- Permission to take classes during the work day
- Assignment of resources necessary to do one’s job

What are acceptable alternative arrangements?

Acceptable alternative arrangements can be made by working with one’s supervisor, chair/director, or dean/vice president. The arrangements must alleviate any actual or perceived conflicts of interest or potential conflicts of interest. They may include altering supervisory or reporting lines; moving a student to another section of the same class; having the teacher switch class sections with another teacher; appointing a different individual to serve on a thesis, dissertation, program, or evaluative committee; moving a student to another position of the same or comparable status and duties; or establishing alternative means of evaluation of academic or work performance, among other options. Having acceptable alternative arrangements made is not an entitlement and if the department determines they are not feasible, the relationship must cease.

Who has a duty to act regarding prohibited relationships?

- Any individual who begins a prohibited relationship must disclose and cooperate in making alternative acceptable arrangements.
- Any human resource professional, faculty or staff supervisor, chair/director, or dean/vice president who becomes aware of a prohibited relationship must seek to ascertain that an acceptable alternative arrangement has been made.

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- Any human resource professional, faculty or staff supervisor, chair/director, or dean/vice president who becomes aware of a prohibited relationship for which alternative acceptable arrangements have not been made must report the relationship to the Office of Human Resources. This is the case even across departments, colleges, or units.

Who has a duty to act regarding sexual harassment in general?

Any human resource professional, supervisor, chair/director, or faculty member who becomes aware of information that would lead a reasonable person to believe that sexual harassment has occurred must notify the Office of Institutional Equity, by ensuring that a Discrimination/Harassment Complaint Form or other appropriate documentation is filed within five working days of becoming aware of the information.

What about current prohibited relationships? Do those individuals have to disclose?

Yes. Any individual who is currently in a prohibited relationship must immediately disclose and cooperate in making alternative acceptable arrangements.

What about past prohibited relationships? Do those have to be disclosed?

Past prohibited relationships, in effect and ended before the effective date of this policy (June 1, 2006), must be disclosed only when they create conflicts of interest in the present or future.

Why are these relationships a conflict of interest?

A conflict of interest is a real or seeming incompatibility between one's private interests and one's public or professional duties. The ability to make objective decisions is compromised if there is a romantic and/or sexual relationship between two individuals who have a reporting or evaluative relationship. Other students and faculty may be affected because it places the authority figure in a position to favor or advance one student's interest at the expense of others and implicitly makes obtaining benefits contingent on amorous or sexual favors.

How will same-sex sexual and/or romantic relationships be handled?

These relationships should be handled in the same manner as opposite-sex sexual and/or romantic relationships are handled. Care should be taken not to discriminate against same-sex couples in any way, as the University's Affirmative Action, EEO, and Nondiscrimination policy prohibits discrimination based upon sexual orientation, among other categories. Individuals involved in same-sex sexual and/or romantic relationships who have concerns about disclosing and making alternative acceptable arrangements based upon fear of discrimination should contact the OHR, Organization and Human Resource Consulting at 614-292-2800.

What are the consequences if a violation occurs?

Where a violation of the sexual harassment policy is found, including the "romantic and/or sexual relationships" section, steps will be taken to ensure that the behavior is stopped promptly, or that the relationship is managed appropriately. Appropriate corrective action may range from counseling, written reprimands, suspensions, or other action up to and including dismissal in accordance with established University rules and procedures. The OHR, Organization and Human Resource Consulting will monitor corrective action to ensure compliance.

In cases involving faculty members, corrective measures may be imposed in accordance with chair/dean administrative authority and/or Faculty Rules and Procedures 3335-5-04. For

unclassified and classified civil service employees, refer to Human Resources Policy 8.15, Corrective Action. For bargaining unit employees, refer to the appropriate collective bargaining agreement. In cases involving students acting in their employment capacity, measures may be imposed in accordance with Human Resources Policy 10.10, Student Employment; in all other cases, measures may be imposed in accordance with the Code of Student Conduct.

What if I am the only professor who teaches a required class, and I want to initiate a relationship with a student who will have to take the class?

If there is no feasible way to alleviate the conflict of interest, it is not possible to engage in the relationship. You might consider other alternatives:

- Delay the initiation of a relationship until after the student has completed your class.
- Identify a comparable class taught in another department (e.g., a research methods course taught in FAES that is comparable to one taught in Education) and allow the student to apply for permission to substitute the course.
- Arrange an independent study with another qualified professor or practitioner from Ohio State, the immediate community, or another university.
- Arrange for the individual to be graded and guided by an equally qualified colleague at another university.

The conflict of interest must be removed by whatever reasonable means can be identified, without denying or degrading the student's experience and creativity is invited. Although we encourage departments to be supportive in making alternative acceptable arrangements, they are not required to invest additional resources to do so. Such arrangements are not an entitlement. If acceptable alternative arrangements cannot be made, the relationship must cease.

How soon do I need to notify my supervisor that I am in a relationship?

Relationships generally do not come into existence "out of the blue;" often they evolve over time. If you feel yourself developing an interest in an individual over whom you will almost certainly have supervisory, teaching, evaluation, advising, coaching, or counseling authority, you should think about the extent to which it will be feasible to make acceptable alternative arrangements to entirely avoid the conflict of interest.

If this will not be possible, and you decide to pursue a relationship, the relationship will be prohibited at the point that you have authority over the person; that is, at the point at which the conflict of interest manifests. If you start dating, or become intimate with an individual over whom you have such authority, you are required to immediately notify your supervisor and make alternative acceptable arrangements. It is not acceptable to let the relationship continue for a few weeks or months before you do so.

What options are there for corrective action with tenured faculty?

There are a range of options when addressing violations of policy with faculty, depending on the nature of the violation and the specific fact pattern. Some actions that may be taken are: letters of reprimand placed in the personnel file; loss of salary increase or increases; removal of administrative responsibilities and compensation; removal of privilege of advising graduate students; removal of supervisory privilege over students, faculty, and staff; title change (e.g., removal of named chair); resignation in lieu of detenurization; and initiating the 504 (detenurization) process.

How should this be communicated to faculty, staff, and students?

Deans and department chairs should cover this policy directly with faculty at the first faculty meeting of the year each year. Faculty and staff leaders should review this policy with supervisors and employees on an annual basis.

How can I talk with students/staff who are upset that they cannot be in a relationship with someone who has supervisory responsibility over them?

Listen for understanding and be sensitive. Explain the policy. Read the final report of the Task Force and talk with the individual about all the potential repercussions of such relationships, to the individual, her/his peers, the person in the position of power, the department, and the institution. Refer students to additional resources such as the Student Advocacy Center, Student Life, and Counseling and Consultation Service:

Younkin Success Center, 4th Floor
1640 Neil Avenue (Just South of 11th Avenue)
Phone: 614-292-5766
ccs@studentlife.osu.edu

Refer faculty and staff to the Office of Academic Affairs (614-292-5881), the Employee Assistance Program (1-800-678-6265), and OHR Organization and Human Resource Consulting.

RESOURCES AND ADDITIONAL INFORMATION

Support Resources

OSU Office of Institutional Equity

St. John Arena
410 Woody Hayes Drive
Columbus, OH 43201
614-247-5838 (Office)
Email: titleIX@osu.edu

OSU Title IX website:

<http://titleix.osu.edu>

https://titleix.osu.edu/Reporting%20and%20Resources%20Brochure_Columbus.pdf

OSU Code of Student Conduct

<http://trustees.osu.edu/rules/code-of-student-conduct/>

OSU Office of Human Resources Sexual Harassment Policy 1.15

<https://hr.osu.edu/public/documents/policy/policy115.pdf>

Counseling and Consultation Service

614-292-5766

<http://www.ccs.osu.edu>

Student Advocacy Center

614-292-1111

Student Health Services

614-292-4321

<http://advocacy.osu.edu/>

SARNCO 24 hour Rape Helpline

614-267-7020

Sexual Assault Response Network of Central Ohio (SARNCO) works with local law enforcement and social services agencies to provide medical and social support services to victims of sexual assault. Services include evaluation and treatment in local emergency departments, emotional support from volunteer advocates, a 24-hour rape helpline, referrals to aftercare counseling.

Office of Student Life

614-292-9334

studentlife.osu.edu