

# **POLICY NO. 8**

**Area: Board of Trustees**

*Original signature on file in  
Administration and Finance*

Date Adopted: September 11, 2015

Certified By: \_\_\_\_\_  
Cynthia Jackson-Hammond  
President, Central State University

Revisions Approved: \_\_\_\_\_

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**SUBJECT: Discrimination, Harassment, Sexual Misconduct and Retaliation**

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*Effective July 1, 2015*

## **POLICY**

Central State University is committed to providing an environment that is free from sexual misconduct, retaliation, harassment and discrimination based on race, creed, color, national or ethnic origin, ancestry, religion, sex, disability, age, marital status, sexual orientation, gender identity, genetic information, and military or veteran status in accordance with local, state and federal laws. As members of the Central State community, students and employees are expected to demonstrate the University's three tenets of Service, Protocol and Civility®. Discrimination and harassment are not consistent with the three tenants, undermine a healthy learning working and living atmosphere, and contravene the compelling priorities of Central State University. Acts of discrimination, harassment, sexual misconduct, and retaliation will be addressed consistent with this policy.

## **DEFINITIONS**

*“Discrimination”* means conduct that is based on race, creed, color, national or ethnic origin, ancestry, religion, sex, disability, age, marital status, sexual orientation, gender identity, genetic information, and military or veteran status that excludes an individual from participation; denies the individual benefits; treats the individual differently; or otherwise adversely affects a terms or conditions of the individual's employment, education, living condition, or participation in a University program or activity.

*“Harassment”* means conduct that is based upon an individual's race, creed, color, national or ethnic origin, ancestry, religion, sex, disability, age, marital status, sexual orientation, gender identity, genetic information, and military or veteran status which is physically threatening, harmful or humiliating or creates a hostile environment. Harassment does not have to include an intent to harm, be directed at a specific target, or involve repeated incidents.

*“Sexual Harassment”* means unwelcome conduct including sexual advances, request for sexual favors or other physical or verbal conduct of a sexual nature including sexual assault.

- A. Quid Pro Quo harassment: This type of harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment, or participation in a University activity are either explicitly or implicitly conditioned upon submission to or rejection of unwelcome sexual advances or sexual favors or such submission or rejection is a factor in decisions affecting employment, educational benefits, academic grades or opportunities, living environment, or participation in a University activity.
- B. Hostile Environment Harassment: A hostile environment is created when conduct is sufficiently serious both objectively and subjectively to limit a person's ability to participate in or benefit from University programs, services, opportunities or employment.

*“Sexual Misconduct”* means conduct which includes sexual assault, inducing incapacitation for sexual purposes, sexual exploitation, relationship violence, stalking, and intimidation.

*“Sexual Assault”* means an actual or attempted sexual contact with another person without that person's consent including sexual contact or intercourse when the victim is unable to consent, or intentional or unwelcome touching of another's intimate body parts (genital area, groin, inner thigh, buttocks or breast), or sexual intercourse without consent.

*“Consent”* means informed, freely given and mutual agreement to engage in sexual activity. Someone who is incapacitated cannot consent. Incapacitation can include being under the influence of drugs or alcohol, being asleep, unconscious, or having an intellectual or other disability that prevents the victim from having the capacity to give consent. Past consent does not imply future consent. Silence or the absence of resistance does not imply consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Any use of coercion, force, duress, deception, or threat of force to obtain consent invalidates consent.

*“Inducing incapacitation for sexual purposes”* means the use of drugs, alcohol, or other means with the intent to affect or having actual effect on the ability of the individual to consent or refuse to consent to sexual contact.

*“Relationship Violence”* means dating or domestic abuse or violence between partners or former partners whether residing in the same household or not which involves battering that causes bodily injury, purposely or knowingly causing reasonable apprehension of bodily injury, emotional abuse creating apprehension or bodily injury or property damage or stalking.

*“Stalking”* means repeatedly following, harassing, threatening or intimidating another by telephone, mail, electronic communication, social media or any other action, devise or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death.

*“Sexual Exploitation”* means taking non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses. Offenses include but are not limited to, prostituting another person; non-consensual visual or audio recording of sexual activity and/or distribution of such visual or audio media; voyeurism or permitting voyeurism;

exposing oneself or inducing others to expose themselves; or possessing, distributing, viewing or forcing others to view illegal pornography.

“*Retaliation*” means any action taken by an accused individual or a third party against any person because that person has opposed any practices forbidden under this policy or because that person has filed a complaint, testified, assisted, or participated in any manner in an investigation or proceeding into any practice forbidden by this policy. This includes any action taken by a bystander who intervened to stop or attempt to stop discrimination, harassment or sexual misconduct.

## **REPORTING**

The law prohibits discrimination, harassment, sexual misconduct or retaliation between members of the University community including students, faculty, staff, applicants, and campus guests. This policy applies to all University programs and employment on or off campus. It is central to the values of Central State University that any individual who believes s/he may have been the target of unlawful discrimination, harassment, sexual misconduct or retaliation feel free to report his or her concerns for appropriate investigation and response without fear of retaliation or retribution.

All complaints or concerns about conduct that may violate this policy should be filed with the following offices or officials:

Students, applicants, and student and other guests:

### **TITLE IX COORDINATOR**

For students:

1400 Brush Row Road  
P.O. Box 1004  
Wilberforce, Ohio 45384  
Phone: 937-376-6421

### **TITLE IX DEPUTY COORDINATORS**

For faculty, staff and visitors:

Director, Human Resources  
1400 Brush Row Road  
P.O. Box 1004  
Wilberforce, Ohio 45384  
Phone: (937) 376-6018

For Athletics:

Senior Woman Administrator in Athletics  
1400 Brush Row Road  
P.O. Box 1004  
Wilberforce, Ohio 45384  
Phone: (937) 376-6617

In order to enable the University to respond effectively and stop instances of harassment, discrimination, sexual misconduct, and retaliation, all University employees **MUST** report any information they have about alleged or possible sex-based discrimination, sexual harassment, or sexual misconduct involving a student or students to the Title IX Officer within 24 hours of receiving the information. Failure to comply with this reporting requirement could result in disciplinary action up to and including termination. Employees who are statutorily prohibited from reporting such information are exempt from these reporting requirements including licensed health care professionals, counseling services, and interfaith ministries.

## **OFF CAMPUS CONDUCT AND SUPPORTIVE SERVICES**

Off campus conduct can be the subject of a complaint or report and will be evaluated on an individual basis to determine whether the policy has been violated. Regardless of whether the policy has been violated, supportive services are available to any victim of discrimination, harassment, or sexual misconduct which occurred on or off campus whether or not the conduct was conducted by a member of the University community.

## **SANCTIONS AND CORRECTIVE ACTION**

For students, violation of the policy will be addressed through the Student Code of Conduct; and for employees, violations of this policy will be addressed through the ADA and Equal Opportunity Discrimination, and complaint procedures. Violations of the policy may also result in a referral for criminal prosecution depending on the nature of the conduct.

## **AMNESTY FOR DRUG AND ALCOHOL POSSESSION AND CONSUMPTION VIOLATIONS**

The University strongly encourages students to report instances of sex-based discrimination, sexual harassment, sexual misconduct, and retaliation involving students. Therefore, students who report information regarding sex-based discrimination, sexual harassment, sexual misconduct, and retaliation will not be disciplined by the University for any violation of the University's Drug and Alcohol Policy in which they might have engaged in connection with the reported incident.