

3357:10-1-45 Title IX: sex/gender-based harassment, discrimination, and sexual misconduct.

(A) Introduction.

Marion technical college (the College) is committed to providing safe learning environment that is free from sex/gender-based harassment, discrimination, and sexual misconduct. The college prohibits all forms of sex/gender-based harassment, discrimination, and sexual misconduct, including sexual violence, sexual harassment, and sex-based discrimination in all of its programs and activities.

(B) Scope of the policy.

This policy extends to all students, employees, visitors, guests, and third-party vendors connected to college operations and/or college-sponsored programs or events whether they be on campus, off-campus, or online.

(C) Assistance options.

(1) In the event an individual is in immediate danger, the individual should:

- (a) Get away from the attacker and find a safe place as fast as possible. Call 911.**
- (b) Call someone the individual trusts or a hotline, such as the National Sexual Assault Hotline at 800-656-HOPE (4673).**
- (c) Protect any evidence. Do not clean any part of the body or comb hair. Do not change clothes. Try not to touch anything at the crime scene.**
- (d) Go to the nearest hospital emergency room right away. The individual should be examined and treated for injuries. Ask to be screened for sexually transmitted infections (STIs) and for emergency contraception to help prevent pregnancy, if appropriate. The hospital also can collect evidence like hairs, saliva, semen, or clothing fiber that the attacker may have left behind.**
- (e) Discuss filing a police report. If the individual is not sure whether they want to file a report, ask hospital staff to**

collect evidence without filing a report. It is best to collect evidence as soon as possible.

- (2) Student mental health services are available in the student resource center located in the technical education center (office 183); telephone number (740) 389-4636 ext. 271. Community crisis information is available through this office as well.
- (3) Employee assistance program services are available through employee health insurance programs. Specific information is available through the human resources office.
- (4) Emergency numbers for on- and off-campus safety and law enforcement are listed below and available on the college website.
 - (a) Marion Campus Public Safety Office (740) 725-6300
 - (b) Marion County Sheriff (740) 382-8244
 - (c) Marion Township Fire Department (740) 387-5404
 - (d) State Highway Patrol (740) 383-2181
- (5) A victim of sexual misconduct (or the individual's advocate) may request the interim measures listed below. The college (after consulting with the victim or victim's advocate) will determine which measures are appropriate to ensure the victim's safety and equal access to educational programs and activities.
 - (a) Academic accommodations.
 - (b) Medical and mental health services, including counseling.
 - (c) Assistance in arranging for alternative college employment arrangements and/or changing work schedules.
 - (d) A "no contact" directive pending the outcome of an investigation.
 - (e) Providing an escort to ensure that the individual can move safely between college programs and activities.

(f) Transportation accommodations, such as shuttle service, cab voucher, or parking arrangements to ensure safety and access to other services.

(g) Assistance identifying an advocate to help secure additional resources or assistance including off-campus and community advocacy, support, and services.

(6) A student who is a victim of sexual misconduct (or the individual's advocate) may request the following academic accommodations as interim measures. After consulting with the victim (or the individual's advocate), the college shall determine which accommodations are appropriate to ensure the student's safety and equal access to educational programs and activities. Requests for academic accommodations may include assistance in:

(a) Transferring to another course section.

(b) Rescheduling an academic assignment or test.

(c) Accessing academic support (e.g., tutoring, disability services).

(d) Arranging for incompletes, a leave of absence, or withdrawal from college.

(e) Preserving eligibility for scholarships and financial aid, if possible.

(D) Title IX Coordinator.

(1) The Title IX coordinator has primary responsibility for overseeing and coordinating the college's efforts to comply with and carry out its responsibilities under Title IX, which prohibits sex discrimination in all the college operations, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX. The coordinator reports to the president of the college.

Title IX Coordinator
Director of Human Resources
Bryson Hall
Office 108C
(740) 389-4636

- (2) The Title IX deputy coordinator(s) assist the coordinator in fulfilling Title IX responsibilities.

Title IX Deputy Coordinator
Chief of Staff
Bryson Hall
Office 178
(740) 389-4636

(E) Definitions of prohibited conduct.

- (1) “Sexual harassment” is unwelcome conduct of a sexual nature, including but not limited to unwelcome sexual advances; requests for sexual favors; quid pro quo; or other verbal or nonverbal conduct of a sexual nature, including rape, sexual assault, and sexual exploitation. In addition, depending on the facts, dating violence, domestic violence, and stalking may also be forms of sexual harassment.
- (2) “Hostile environment caused by sexual harassment” is defined as when sex-based harassment is sufficiently severe, persistent, or pervasive and objectively offensive that it denies or limits the individual’s ability to participate in or benefit from the college’s programs or activities.
- (3) “Sexual assault” is defined as actual or attempted sexual contact with another person without that person’s consent, including non-consensual sexual contact and non-consensual sexual intercourse.
- (4) “Domestic violence” is defined as a “felony or misdemeanor crime of violence committed by:
- (a) A current or former spouse or intimate partner of the victim.

- (b) A person with whom the victim shares a child in common.
 - (c) A person who is cohabitating with or has cohabitated with the victim and may or may not have been a spouse or intimate partner.
 - (d) A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction.
 - (e) Any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.”
- (5) “Dating or intimate partner violence” is defined as violence committed by a person.
- (a) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - (b) Where the existence of such a relationship shall be determined based on a consideration of the length and type of the relationship and the frequency of interaction between the persons involved in the relationship.
- (6) “Sexual exploitation” is defined as when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person’s consent.
- (7) “Stalking” is defined as repetitive and/or menacing pursuit, following, harassment, and/or interference with the peace and/or safety of a member of the community, or the safety of any of the immediate family of members of the community.
- (8) “Retaliation” is defined as intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual’s informal or formal complaint or participation in a school or OCR investigation or proceedings related to sexual violence or other civil rights concerns.
- (9) “Intimidation” is defined as implied threats or acts that cause an unreasonable fear of harm in another.

- (10) For the purposes of this rule, “consent” shall be defined as the act of voluntarily, knowingly, and affirmatively agreeing to engage in a sexual activity. Effective consent must be:
- (a) Informed: all parties demonstrate a verbal, clear, and mutual understanding of exactly what they are consenting to.
 - (b) Freely and actively given: agreed to without coercion, force, threats, intimidation, or pressure.
 - (c) Mutually understood: expressed in words or actions that indicate a clear willingness to do the same thing, at the same time, in the same way, with each other. Silence or absence of resistance is not consent.
 - (d) Specific to a given situation: past consent does not imply future consent; consent may be withdrawn at any time, even after consent is given. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- (11) “Incapacitation” shall be defined as an individual’s inability to provide consent due to the use of drugs or alcohol or because of an intellectual or other disability that prevents the individual from having the capacity to give consent.
- (12) Threatening or causing physical harm, extreme verbal abuse, or other conduct that threatens or endangers the health or safety of any individual.
- (13) Discrimination, defined as actions that deprive individuals of educational or employment access, benefits or opportunities on the basis of sex or gender.
- (14) Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another.
- (15) Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any individual, when related to the

admission, initiation, pledging, joining, or any other group-affiliation activity.

(16) Bullying, defined as repeated and/or severe aggressive behavior to intimidate or intentionally hurt, control, or diminish another person (physically or mentally) on the basis of sex or gender that is not otherwise protected by the First Amendment.

(E) Reporting policies and protocols.

(1) All college employees (faculty, staff, administrators, adjunct faculty) are required to report actual or suspected discrimination or harassment immediately to the Title IX coordinator or deputy coordinator. Employees are required to share all information and are strongly encouraged not to share personally identifiable details with any individual, other than the Title IX coordinator or deputy coordinator. Licensed professional counselors, clergy/chaplains, rape crisis counselors, domestic violence resources, and local/state assistance agencies are exempt from this requirement.

(2) Filing a sexual misconduct complaint does not require the individual to pursue criminal charges. If the incident did not occur on college-controlled property or at a college-sponsored event, the report should be filed with local law enforcement.

(a) To file a criminal complaint, the individual may contact:

(i) Call 911; or

(ii) Call the Marion Campus Public Safety Office at (740) 725-6300; or

(iii) Call the Marion County Sheriff's Office at (740) 382-8244.

(b) To file a sexual misconduct complaint with the college, the individual should:

(i) Contact the Title IX coordinator or the deputy coordinators; or

(ii) Complete the online incident report form available on the college website.

(G) Confidentiality and privacy.

No employee may grant confidentiality or promising not to report a violation of this policy to an individual. The college will make every effort to keep all complaints, incidents, and personally identifiable information as private as possible.

(H) Timely warning reporting obligations.

The college is required to issue immediate timely warning notices for incidents that pose a substantial threat of bodily harm or danger to the campus community. The college will not disclose a claimant's name and other identifying information (during this phase of the policy only), but will release enough information for the campus to make safety decisions in light of the danger.

(I) False reporting.

The college does not tolerate intentional false reporting of incidents. Intentional reports of false of incidents may result in suspension/expulsion from the college, violations of state criminal statues and civil defamation laws, and/or result in criminal/civil prosecution.

(J) Amnesty for claimants and witnesses.

The college encourages the reporting of misconduct and crimes by complainants and witnesses. It is in the best interests of this campus that as many complainants as possible choose to report to college officials, and that witnesses come forward to share what they know. To encourage reporting, the college pursues a policy of offering complainants of misconduct and witnesses amnesty from minor policy violations related to the incident.

(K) Parental notification.

The college reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. The

college may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, the college may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The university also reserves the right to designate which college officials have a need to know about individual conduct reports pursuant to the Family Educational Rights and Privacy Act.

(L) Investigation procedures and protocols.

The procedures and protocols for conducting investigations of sexual misconduct complaints are located in the procedures document associated with this rule.

(M) Adjudication procedures.

The procedures for adjudication of sexual misconduct complaints are located in the procedures document associated with this rule.

(N) Prevention education and training.

The college shall provide appropriate educational programs and training for students and employees to increase awareness and understanding of sexual assault and misconduct, domestic and dating violence, stalking, and bystander intervention and provide prevention information through publications and ongoing programs offered at various times throughout the academic year.