Why are we here?

• Educate on Buckeyes ACT, Ohio State's comprehensive plan to combat sexual misconduct and relationship violence.
• Provide key definitions
• Review reporting requirements and responsibilities of teachers, leaders, managers, and HR professionals
• How to support those who report allegations of sexual harassment, sexual misconduct, relationship violence, and stalking
• Review prohibited relationship requirements
• Review prevention and bystander intervention
Buckeyes ACT

Sexual Misconduct, 1.15

University Policy

The Ohio State University

Applies to: Faculty, staff, students, student employees, graduate associates, appointees, volunteers, supplier/contractor, and visitors.

Responsible Office Office of Human Resources

POLICY

Issued: 10/01/1980
Revised: 08/23/2016

Members of the university community have the right to be free from all forms of sexual misconduct which impede 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 maintains 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.
Our Obligations as a University

• Respond

• Stop the behavior

• Prevent the Reoccurrence
What does Title IX cover?

**Sex and Gender-based Discrimination and Harassment**
- Sexual assault
- Sexual harassment
- Relationship Violence
- Stalking
- Bullying/Cyberbullying
- Pregnancy discrimination
- Transgender discrimination
What does sex- or gender-based harassment look like?

• acts of verbal, nonverbal, or physical aggression, intimidation, or hostility
• based on sex or sex-stereotyping
• even if those acts do not involve conduct of a sexual nature.
Sexual Misconduct =

- 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.
- Includes sexual violence (e.g. sexual assault), sexual harassment, relationship violence (dating violence/domestic violence), and stalking.
<table>
<thead>
<tr>
<th><strong>Sexual violence</strong></th>
<th>Sexual acts perpetrated against an individual’s will or when an individual is incapable of giving consent. All such acts of sexual violence are forms of sexual misconduct under this policy.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sexual assault</strong></td>
<td>Non-consensual sexual contact and non-consensual sexual intercourse. All such acts of sexual assault are forms of sexual violence, and therefore sexual misconduct, under this policy.</td>
</tr>
<tr>
<td><strong>Non-consensual sexual contact</strong></td>
<td>Any intentional sexual touching, however slight, with any body part or object, by any individual upon another that is without consent and/or by force or coercion. Sexual contact includes: intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts or object, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth, or other orifice. All such acts of non-consensual sexual contact are forms of sexual assault, and therefore sexual misconduct, under this policy.</td>
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<tr>
<td><strong>Non-consensual sexual intercourse</strong></td>
<td>Any sexual penetration, however slight, with any body part or object, by any individual upon another that is without consent and/or by force or coercion. Sexual penetration includes: vaginal penetration by a penis, object, tongue, or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact); no matter how slight the penetration or contact. All such acts of non-consensual sexual intercourse are forms of sexual assault, and therefore sexual misconduct, under this policy.</td>
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</table>
| **Sexual exploitation** | Occurs when an individual takes non-consensual or abusive sexual advantage of another for that individual’s own advantage or benefit, or to benefit or advantage anyone other than the individual being exploited, and that behavior does not otherwise constitute one of the other sexual violence offenses. Examples of sexual exploitation include: A. Engaging in voyeurism,
Examples of Sexual Misconduct: Quid Pro Quo Sexual Harassment

• This for that, expressed or implied

• Requires a power differential

• Constitutes harassment--even if it only happens once
Power Differential

An imbalance of power where one individual occupies a position of authority over another and by virtue of this authority can significantly impact a person’s academic or work environment.

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, makes voluntary consent by the student suspect.”
Examples of Sexual Misconduct: Hostile Environment Sexual Harassment

- A **severe** single or isolated incident of sexual harassment may create a hostile environment
- Does not require power differential
- Most prevalent form
- Any situation with harassing conduct that is **severe**, **persistent**, or **pervasive** such that it
  - Alters to conditions of employment, or
  - Limits, interferes with, or denies educational benefits or opportunities
  - From both a subjective (complainant’s) and an objective (reasonable person’s) viewpoint.
Behaviors that would constitute sexual misconduct in workplace and/or academic environments...using any medium...some examples...

- Telling sexual jokes, with or without innuendo
- Gesturing in a sexual manner
- Staring at certain parts of the body, or leering (looking at someone up and down, and/or elevator eyes)
- Making comments about a person’s body, dress, sex, or private life
- Describing explicit sexual activities or experiences
- Making sexual advances or propositions, or flirting, when it is clear that someone is not interested
- Displaying/transmitting sexually suggestive objects or visuals, including sexually suggestive electronic content (email, social media, etc.)
- Using university resources and/or work time to access pornographic materials
- Offering sex for grades, money, or other rewards
- Initiating unnecessary, unwanted physical contact, including physical or sexual assault.
Examples of Sexual Misconduct: Relationship Violence; Dating Violence =

Physical violence in a romantic or intimate relationship

What does “dating” mean?
Examples of Sexual Misconduct: Stalking

• A course of conduct (2 or more acts)
• directed at a specific person
• that would cause a reasonable person to fear for his/her or others’ safety
• or to suffer substantial emotional distress

*Does not have to be a romantic or intimate relationship

- All university employees must report **sexual assault** immediately.
- Any supervisor, faculty member or HR professional must report **sexual harassment** within 5 days.
  - Any employee *practicing under privilege* is exempt (counselors, clergy, physician, attorney)

When to Involve University Police:
- If there is risk of immediate physical danger, call OSUPD 2-2121 or 911
What do I do if someone discloses to me?
What do I have to do if a student, colleague, staff, or faculty member shares a concern with me?

1. Be supportive; LISTEN, start by believing!
2. Refer to support resources

“Responsible Employee” = mandatory reporter
Your role as a staff or faculty member is **not**:

- An investigator
- A counselor
- An advocate

There are professionals within the university that provide these services, and you can be supportive by connecting students to these resources.

But...you can always continue to CARE!
Reporting UP vs. reporting OUT

UP to Dean/Director/HR/TIX-C = confidential within university

OUT to public, office, other employees, students = violation of complainant’s rights
File a Complaint- How?
Duty to Report – How?
Call or email:

• Title IX Coordinator, 614-247-5838, Brennan.241@osu.edu titleix.osu.edu
• Deputy Coordinator for Students, 614-292-0748, studentconduct@osu.edu studentconduct.osu.edu
• Deputy Coordinator for Employees-OHR/OSUWMC Employee Relations 614-292-2800, sexualharassment@osu.edu hr.osu.edu/elr
Reporters Need Support Too!

- Consult with your HRP or Employee Relations Consultant on what you can do after making a report.
- How do I talk or follow-up with the complainant?
- What if I know the respondent?
- How do I continue to be a manager, teacher, coach or leader?
Other Considerations?
Trigger Warning language

The following "insert media type" may be triggering to some students due to descriptions of and/or scenes depicting acts of sexual violence and its aftermath. {briefly describe specific scene?}

If needed, please take care of yourself while watching/reading this material (leaving classroom to take a water/bathroom break, debriefing with a friend, contacting a Sexual Violence Support Coordinator at 614-292-1111 or Counseling and Consultation Services at 614-292-5766, and contacting professor if needed).

My expectations are that we all will be respectful of our classmates while reading/watching this film and that we create a safe space for each other. Failure to show respect to each other will result in dismissal from the class.
Duty to Report Recap:

- All university employees **must** report sexual assault immediately.
- All OTHER university community members are **encouraged** to report.

Does reporting to my department/unit HR fulfill my duty to report?

- Faculty, supervisors, chair/directors, HR professionals must report alleged sexual misconduct within 5 work days; include involved parties contact information.
- Report to OHR Employee Relations or Title IX coordinator or deputy coordinator.
- Document your report, for your protection.
- If it continues in any form, or retaliation occurs, report it again.

**Policy Violation if You Do Not Report**
Investigations

• Investigations are conducted by OHR and WMC Employee Relations

• Depending on the facts of the case, investigations can range from:
  • One-on-one conversation with alleged harasser with an agreement about further interactions, to
  • Inquiry with several witness interviews, a finding of facts, and decisions about appropriate employment action

• The complainant, respondent, department HR professional, and administrator are updated on the investigation on a need to know basis.
<table>
<thead>
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<th>Thorough</th>
<th>Reliable</th>
<th>Impartial</th>
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<td>Prompt</td>
<td>Effective</td>
<td>Equitable</td>
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<td>Stop the Discrimination</td>
<td>Prevent its Recurrence</td>
<td>Remedy the effects upon the victim &amp; community</td>
</tr>
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Interim Measures May Be Taken

• Before final outcome of investigation,
• To ensure equal access, and
• To protect complainant and individual against whom complaint is made.

Examples

• Academic support
• Change in work schedule/location
• Consideration of leave requests
• Counseling

• Health services
• Housing assistance/relocation
• No contact order
• Safety resources
• Victim advocacy
Remedial Measures May Be Taken

• When unable to conduct a full investigation (lack of specificity in report, request for confidentiality, etc.),
• When inappropriate behavior occurs that doesn’t rise to level of policy violation
• To remedy effects of harassment or misconduct or prevent recurrence

Examples
• Training on sex/gender discrimination or other topic
• Increasing security
• Assessing climate/culture
• Changing unit operating procedures
Prohibited Sexual/Romantic Relationships
Prohibited Relationships

• Romantic and/or sexual relationships between individuals in a supervisory, teaching, evaluation, advising, coaching, or counseling relationship constitute a conflict of interest.

• The individual in the position of higher institutional authority has the responsibility to eliminate the conflict of interest.

• The conflict of interest must be eliminated in a way which minimizes potential for harming the individual with lower institutional authority.
Prohibited Relationships

These sexual and/or romantic relationships constitute a conflict of interest:

• Supervisors and their direct reports, including volunteers
• Teachers and their students
• Advisors and their advisees
• Counselors and their clients
• Coaches and their athletes
• Dissertation, program, candidacy exam committee members and the student
• Graduate school representatives and the student examinee
• Attending physicians with medical residents, interns, and fellows over whom they exercise significant authority
Prohibited Relationships: Duty to Act

• Anyone beginning a prohibited relationship must notify their supervisor and make acceptable alternative arrangements

• HR professionals, faculty or staff supervisors, chairs/directors, deans/VPs who become aware of a prohibited relationship must:
  • Act to ensure that acceptable alternative arrangements have been made, and
  • Report to OHR or Medical Center Employee Relations if acceptable alternative arrangements have not been made.
Prohibited Relationships: Acceptable Alternative Arrangements

- Anyone beginning a prohibited relationship must notify their supervisor and make acceptable alternative arrangements.
- Must alleviate any actual or perceived conflicts of interest or potential conflicts of interest. Student’s academic experience and employee’s work experience may not suffer. Some examples:
  - Alter reporting lines
  - Move student to a different section or employee to a different position
  - Have student take an alternate class or arrange an independent study
  - Have teachers switch sections, supervisors switch employee groups
  - Identify another person to serve on dissertation, thesis, program, candidacy exam committee
  - Establish other ways to evaluate work
  - Delay the relationship
- If the conflict of interest cannot be eliminated, the relationship may not occur.
What Can I Do?
How can I prevent sexual misconduct in my workplace or in an academic setting?

Be committed to Buckeyes ACT, Ohio State's comprehensive plan to combat sexual misconduct and relationship violence.

- If you observe inappropriate sexual conduct, intervene and take action.
- In a professional manner, be frank about what is offensive and address it publicly and in the moment whenever possible and appropriate.
- Don’t tolerate any form of harassment, however inconsequential it seems to you or others.
Responsibilities of Faculty, Administrators, Supervisors, and HR professionals

Raise the subject of sexual misconduct proactively

Expect and encourage faculty, staff, students, volunteers, visitors, and contractors to behave professionally

- Make public statements about professional and welcoming behavior.
- Address in onboarding and orientation, performance reviews, POAs, and other relevant documents and processes.
Responsibilities of Faculty, Administrators, Supervisors, and HR professionals (continued)

INACTION IS ACCEPTANCE OF UNACCEPTABLE CONDUCT

Be frank about what is offensive and address it publicly and in the moment whenever possible and appropriate

• Talk with individuals openly and tell them that their behavior is offensive.
• Encourage individuals to talk openly as well.

Don’t tolerate any harassment, however inconsequential it seems to you or others
• What To Do If You Feel subject to Sexual Misconduct?

 For instances of sexual harassment, notify the harasser that the behavior is unwelcome, if you want to, are comfortable and feel safe doing so

 Document the harassment
Dates, times, settings, witnesses, documents (notes, texts, tweets, emails, etc.)

 Report the behavior to a supervisor, Human Resources, or Title IX coordinator.
Resources and Additional Information

• Sexual Misconduct policy, hr.osu.edu/public/documents/policy/policy115.pdf

• Policy resources, hr.osu.edu/public/documents/policy/resources/115resources.pdf

Help/Training

• OHR Employee Relations, 614-292-2800, sexualharassment@osu.edu, hr.osu.edu/elr/

• WMC Employee Relations, 614-293-4988

• Title IX Office, 614-297-5838, titleix.osu.edu/

• Student Conduct, 614-292-0748, studentconduct.osu.edu/

• Sexual Civility and Empowerment 614-292-4806 http://sce.osu.edu/
Questions? Comments? Concerns?