

Title IX Compliance Officers
Training Retreat
August 2, 2021
HCSC Conf Room ABCD

AGENDA

- 8:00AM** **Coffee and Refreshments**
Welcome & Retreat Preview
(Materials Binder)
- Duties and Responsibilities
- TIX Basics
- 10:30AM** **15 min Break**
- First Conversations
Formal Investigations & Procedures
Resolution & Follow Up
- 12:00 noon** **Lunch**
Joined by APD and Safe Haven Guests
Topic: MOUs, Partnerships and Collaboration
- Case Study #1
Small Group Report Out
- 2:30** 15 min Break
- Case Study #2
Small Group Report Out
- Q&A | Reflections
Retreat Evaluation
- 5:00PM** Adjourn

Retreat Outcomes

As a result of your participation, you should expect to:

1. Review the basic values, laws, policies and procedures governing Title IX at AU.
2. Explore and commit to TIX Dept. Coordinator Duties
 - a. Title IX Coordinator | Dept Coordinator Duties and Responsibilities
 - b. Review and re/commit to TIX Committee committee assignments and goals
 - c. Discuss training | awareness needs and opportunities
3. Learn the basic duties in each phase of the Title IX process:
 - a. Initial reporting and conversations
 - b. Support and Interim Measures
 - c. Investigative Responsibilities
 - d. Resolution and Restoration the Learning Environment
4. Become familiar with campus and local resources to support both reporting and responding parties' needs.



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TIX Basic Info

Core Values:

Equality, Freedom and Fairness

- I. Equal treatment on the basis of sex
- II. Free speech and academic freedom
- III. Fundamental fairness and
- IV. Due process of law (and policy)

Dept. of Higher Ed: <https://www2.ed.gov/about/offices/list/ocr/docs/titleix-overview.pdf>

The Law:

1972 Title IX: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

1990	Jean “Cleary Act” 20 U.S.C. § 1092(f)	Mandates Title IV institutions to collect and report sexual crimes (in addition to other crimes)
1994	Violence Against Women Act (VAWA) 34 U.S.C. § 12291(a)	Expanded reportable crimes to include domestic violence, dating violence and stalking
1972 - 2020	Era of TIX Guidance	Dear Colleague Letters guidance and case law only
Aug 2020	TIX Regulations	New TIX regulations became effective

AU Policies:

STUDENTS

Title IX Website

www.ashland.edu/titleix

Student Handbook (2020)

Title IX Policy (pp. 64 - 84)

EMPLOYEES

Faculty Handbook

Section C

Administrative & Hourly Handbooks

Section 950

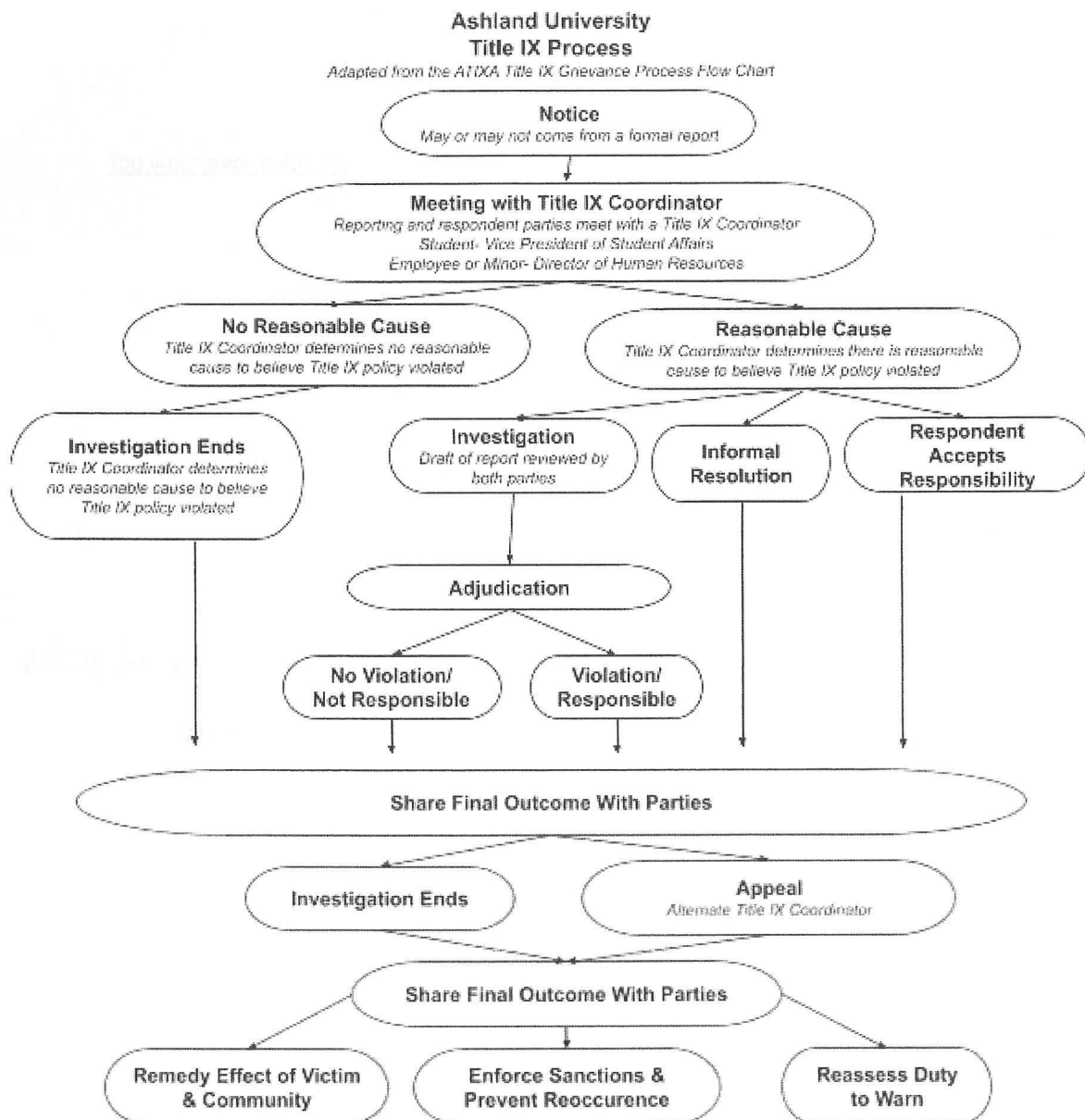
see the Fac/Staff Portal

<https://myau.ashland.edu/FacStaffInfo/HumanResources/Pages/Employee-Handbooks.aspx>

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TIX Basics (cont.)

Resolution Procedure (students)



Core Responsibilities

1. Initial reports and conversations

Reports
First Conversation (handout)
Update TIX Coordinator

- Reports can come from a variety of sources.
- First conversation is not an interview about the violation.
- Can only offer confidentiality, not anonymity. Must report all info to TIX Coordinator.

2. Support and Interim Measures

Immediate
Interim

- Duty to mitigate immediate threat of harm with supportive measures.
- Suggest interim measures to TIX Coordinator to then be confirmed via no contact directive, moving rooms, temporary suspension, academic support, etc.

3. Investigator Responsibilities

Request to Serve
Teams of Two
Reporting without Conclusions
Board Hearings
Appeals

- Primary (or lead), and secondary
 Primary coordinates
 Secondary supports
- Male and Female Invest. Pairs
- Reports are written without bias, and without conclusions or findings.
- One partner must attend hearings or appeal (if requested)

4. Resolution and Restoration

- Stay with case until closed/resolved

GOAL

Stop harmful behavior and restore a healthy learning environment.

(i.e. resolution)

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Title IX Coordinators (Fall 2021)



STUDENTS

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EMPLOYEES

Josh Hughes, JD
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Duties & Responsibilities

1. Coordinate Ashland University Title IX federal compliance by helping to ensure that the university responds appropriately, effectively, and equitably to Title IX issues
2. Create specific sexual misconduct materials including: University policy and resources
3. Train new students and new employees as well as those employees designated as “responsible employees” on the university Title IX policy, processes and resources
4. Provide a preventative education program (including bystander prevention efforts as well as Title IX policies and protections) with the University community
5. Maintain Safety Services protocols to respond to sexual misconduct complaints
6. Appoint Title IX Deputy Coordinators as needed. Ensure coordination with Title IX Deputy Coordinators and appropriate staff with relevant responsibilities including, but not limited to: prevention and education, law enforcement and university student conduct, housing, medical services, counseling services, and safety of students, employees, third party contractors and guests
7. Conduct an annual review of all Title IX complaints. Analyze trends or patterns of sexual misconduct on campus and assess the University’s responses. Annually assess the overall efforts of the University’s compliance with Title IX policies.

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Title IX Deputy Coordinators (Fall 2021)



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Volunteer Duties & Responsibilities

1. Chair a subcommittee of the Title IX University Committee:
Athletics | Faculty & Staff | Prevention | Students | SART
2. At the request of a Title IX Coordinator, serve as an advisor to TIX parties or case investigator to assigned cases.
3. As an investigator, attend all scheduled informational meetings, board hearings and appeals, take notes, gather relevant evidence/information, write up investigative reports, share progress and documents with the Title IX Coordinator. Dept. TIX Coordinators do not serve as advocates.
4. Attend all required trainings and TIX Committee meetings.

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TIX Committee & Subcommittees

Committee	Charge	AU Chair
University Title IX Committee	Meets a min. of 4 times per academic year to coordinate Title IX efforts, awareness, and collaboration with campus and community partners.	Rob Pool Josh Hughes, (Co-Chairs)
Subcommittees		
Ashland SART	To attend, report back and implement Initiatives related to the Ashland Sexual Assault Response Team . SART meets monthly (organized by Safe Haven)	(open)
Athletics	To coordinate TIX trainings and awareness campaigns specific to student athletes. Give feedback on student athlete TIX experience.	Adam Bracken
Faculty & Staff	Work with HR to ensure new faculty and employee trainings are updated, deployed, and evaluated. Suggest changes to employee TIX policies and procedures.	(open)
Policy	Develops for approval any AU TIX policy changes. Ensures new policy changes are properly distributed and documented.	Josh Hughes
Prevention	Drafts, proposes and tracks campus plans to prevent sexual discrimination. Organizes bi-annual participation in ODHE/OAESV Changing Campus Culture survey and shares results.	
Students	Works with student leaders and organizations to raise awareness about sexual assault prevention, policies, and supports. Hosts semi-annual awareness weeks (October and April).	Dustin Hargis

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Critical Resources

Urgent Needs

Within 24 - 72 Hours

If you receive information within 24-72 hours of a reported sexual assault, strongly encourage the student to visit the AU Student Health Center or a local hospital/clinic to get a Sexual Assault Forensic Exam (SAFE) by a SANE nurse. Then, alert the Title IX Coordinator asap.

24/7 Calls | Texts

AU Safety Services
Safe Haven Rape Crisis Center Hotline
Crisis Text Hotline

x911

x5555 | 419.207.5555
419-289-8085
Text 4hope to 741741

UH, Samaritan Hospital
Ohio Health

419-289-3639

Interim Needs

The time between a reported violation and case resolution is called the “interim period.” We use “interim measures” (IMs) to mitigate the risk of further harm and to maximize the student’s safety, security and fairness or due process. Below are IM *examples* and not an exhaustive list.

Reporting Student (victim)	Interim Measures (IMs)	Responding Student (accused)
X	SANE Exam	
X	Safe Haven Advocate	
X	Campus Counseling	X
X	No Contact Directive	X
X	Academic Accommodations	X
X	Financial Support	X
X	Increased Security/Escorts	X
X	Campus Work Adjustments	X
X	Relocate Campus Housing	X

CASE STUDY #1

TBA

Small group discussion & report out

CASE STUDY #2

TBA

Small group discussion & report out

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Sexual Misconduct Resolution Process
1st Conversation Checklist

In order to make the resolution process as clear as possible, this checklist has been prepared to assist all parties as they go through a sexual misconduct resolution process. The following items will be addressed and/or clarified with reporting parties, responding parties, and witnesses in a meeting with the Title IX Coordinator and/or designee.

- Role of Title IX Coordinator:** coordinates Title IX processes to ensure federal compliance and University policies appropriately, effectively, and equitably.
- Policies:** *Student Sexual Misconduct Policies and Procedures.* The Policy, a description of the resolution process, and campus and community resources can be found on this website: www.ashland.edu/titleix
- Support resources:** Support, including confidential support, is available for students on campus. Specific resources are outlined online at: www.ashland.edu/student-affairs/document/resources.
 - Adviser:** Both parties will be provided an adviser to help them navigate the sexual misconduct resolution process. Advisers are trained Ashland University employees. Their role is to provide information about policies, procedures, and the resolution process; provide support, advice, and guidance throughout the resolution process; follow up after the resolution and refer to the available resources as needed. Advisers do not act as advocates for either party. **Accept**___ **Decline**___
 - Advocates/Support Person:** Both parties have the right to have an advocate, who can be an attorney, throughout the process. The advocate may not be a witness and does not speak for the party in the investigation. Advocates may represent their party only during hearing cross-examinations.
- Amnesty:** There is amnesty for any alcohol/drug violations that come to light during a sexual misconduct investigation. If a participant provides any information about students' alcohol/drug use during the situation which is being investigated, Ashland will not pursue any conduct charges; the primary concern of the University is to have all details for a thorough investigation.
- Investigation(s):**
 - Timing:** The investigative process will take place over several days even weeks; however, a participant may contact the Title IX Coordinator or the Investigator at any time with questions or to provide additional information. The Title IX Coordinator will keep parties updated on a regular basis about how the investigation is progressing. Those involved will work to ensure it is handled in the timeliest manner possible and will do everything possible to have a resolution within 60 days, but will communicate if that timeline is not possible.
 - Formal Investigation:**
 - Investigation: Two Deputy Title IX Coordinators will conduct the Title IX investigation. They will notify the reporting and responding parties of the investigation in writing. Investigators will meet with the reporting and responding parties to document both perspectives, speak with witnesses, and follow up with all case related fact finding. At the end of the investigation Deputy Coordinators will submit a draft report of their findings and discrepancies to the Title IX Coordinator. Both parties will have the opportunity to read, submit requested changes, and submit written questions in which they would like addressed during the hearing. The Hearing Administrator will determine if the question is appropriate to be asked and will ask all questions except during cross-examination when the parties advocate may ask questions. All requested changes and written questions must be submitted 48 hours after receiving the investigation report.
 - Adjudication: All Title IX hearings are closed to the public. The only persons present will be the parties, their advisor(s) and support person, witnesses (when testifying), the Board Members and the Hearing Administrator, the investigators, and any staff necessary for the board hearing.
 - Informal Process:** At the reporting party's discretion, an informal process can be requested instead of a formal investigation. Informal resolutions may include one or more of the following, but not limited to: a) a letter to the responding party describing the reported violation, its impact on the reporting party and demands that the behavior stop immediately b) a moderated dialog between parties, c) a structured mediation, d) teleconference meeting, or e) similar informal measures deemed mutually agreeable by the Title IX Coordinator and involved parties. Informal resolutions are typically reserved for non-violent offenses (harassment, stalking, bullying, etc.).

- Appeal:** Either party has the right to appeal the outcome of a case.
- Investigation Choice:** What next steps would you like to take (check one) through the University
 - I would like the University to conduct a formal investigation and process
 - I would like to suggest the following informal resolution options:

- I wish to NOT participate in an informal or formal process. I understand that I am allowed to change this decision at a later time.
- Ashland University is required, by law, to report felony crimes to the local police. Do you wish your identity not be shared with the Ashland City Police?
 - I wish to NOT disclose my name
 - Ashland University may disclose my name to the Ashland City Police
- Interim Measures-** If requested by either the reporting or responding party, and if reasonably available, regardless of whether the reporting party moves forward with an investigation or outside law enforcement, the University may assist them in:
 - Changing living situations, including obtaining emergency housing or moving into another residence facility
 - Assisting with exploring options to address academic concerns, such as notification to current faculty, transferring class sections or independent study, requesting an incomplete in a class
 - Restricting both parties through a University no contact directive or assisting with a civil Protection Order
 - Addressing financial concerns, including providing financial aid guidance
 - Assessing interim suspension and/or a security alert to campus
- Records Retention:** After the appeal timeline has passed, the Title IX Coordinator and/or Investigator will destroy any notes or documents not officially part of the documentation record and that the record will be stored in the Title IX Coordinator's office for seven years. After seven years, the record will be destroyed.

Signatures below indicate that the student participant(s) have reviewed this document with the Title IX Coordinator and/or designee, and have been given the opportunity to ask any questions. The signatory also understands they have a responsibility to be completely truthful about all circumstances and details of the incidents surrounding this situation.

Reporting/Respondent Signature

Title IX Coordinator (or designee) signature

Printed Name

Robert W. Pool, VPSA & Title IX Coor. (students)
Printed Name

Date

Date

Title IX Policy

Members of the Ashland University community, guests and visitors have the right to be free from gender based discrimination and sexual misconduct. As a faith based institution, Ashland University is committed to the respect and dignity of each individual.

Title IX - The Law

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational programs or activity receiving federal financial assistance. (Title IX of the Education Amendments Act of 1972).

See Ashland University's Title IX Policy at: www.ashland.edu/TitleIX

Authority and Jurisdiction

This policy applies to any person participating in any Ashland University (AU) educational program or activity while in the United States of America. "Education program or activity" includes locations, events, or circumstances over which AU exercises substantial control over both the respondent and the context in which the sexual misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.

Standard of Evidence

Ashland University's standard of evidence is "preponderance of the evidence". This simply means that university hearing boards or appeal officers must determine if, based upon the information provided in an investigation, that the reported violation(s) "more likely than not" occurred. When the evidence suggests a 51-49% balance, a preponderance of evidence has been achieved. The burden of evidence or "proof" rests on the University. Respondents are considered not responsible for violations unless and until found responsible by a hearing board or appeal officer.

Definitions

Advisor

Students may be accompanied by one individual of their choice to act as their advisor in any Title IX proceeding.

Advocate (Safe Haven)

AU partners with Safe Haven Rape Crisis and Domestic Violence of Ashland County to provide a confidential, trained advocate for victims of sexual abuse, dating violence or other sexual misconduct matters.

Appeal Officer

A Title IX Coordinator (or designee) not involved in the original case who serves as the appeal official.

Assistants

Assistants are trained Ashland University Title IX Deputy Coordinators. Their role is to provide information about policies, procedures, and the resolution process; provide support, and guidance throughout the process, to follow-up after completion of the process and refer available resources as needed. Assistants do not act as an advisor or advocate for either party.

Board Member

A three-person panel will be drawn from a pool of Title IX Deputy Coordinators by the Title IX Coordinator. Board Members have been educated and trained on Title IX rules, policies and processes. The board will determine responsible or not responsible outcomes. They will also determine the appropriate sanctions in the event of a responsible outcome. Deputy Coordinators serving as investigators or Assistants are not permitted to also serve as board members.

Hearing Officer

Title IX Coordinator (or designee) who is responsible for the administration of the Title IX Hearing Board process.

Reporting Party

A person who reports that they have experienced, has knowledge of or witnessed sexual misconduct.

Respondent Party

A person reported as a potential violator of Title IX/Sexual Misconduct Policy.

Title IX Staff

For reports or questions related to Title IX, please feel free to contact:

Title IX Coordinators

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Allyson Drinkard

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The Role of Title IX Coordinator and Deputy Coordinators

- Coordinate Ashland University Title IX federal compliance by helping to ensure that the university responds appropriately, effectively, and equitably to Title IX issues
- Create specific sexual misconduct materials including: University policy and resources
- Train new students and new employees as well as those employees designated as “responsible employees” on the university Title IX policy, processes and resources
- Provide a preventative education program (including bystander prevention efforts as well as Title IX policies and protections) with the University community
- Maintain Safety Services protocols to respond to sexual misconduct complaints
- Appoint Title IX Deputy Coordinators as needed. Ensure coordination with Title IX Deputy Coordinators and appropriate staff with relevant responsibilities including, but not limited to: prevention and education, law enforcement and university student conduct, housing, medical services, counseling services, and safety of students, employees, third party contractors and guests
- Conduct an annual review of all Title IX complaints. Analyze trends or patterns of sexual misconduct on campus and assess the University’s responses. Annually assess the overall efforts of the University’s compliance with Title IX policies.

Individual Rights

- The University will provide a timely and thorough investigation and will treat the reporting party and responding party with respect before, during, and after the process.

- The University will inform both parties of supportive resources such as, counseling services, medical services, law enforcement, local rape and domestic violence center services and other campus and off campus resources.
- Reporting parties are strongly encouraged to report sexual assault, stalking, and domestic/dating violence to local law enforcement.
- Both parties may request changes to academic and living situations after a sexual misconduct report occurs. University staff are able to help facilitate such changes, if requests are reasonably available.
- Both parties have the right to have an advisor, who may not also be a witness. Advisors may attend any or all Title IX proceedings and is the student's designated spokesperson during live hearing cross-examination questioning. Students are not permitted to directly speak to or ask questions of the other party during formal hearings.
- Both parties and the University have the right to a campus "no-contact directive," which prohibits both parties from having contact of any kind (including electronic contact or contact from third parties acting on the responding party's behalf) with the reporting party or the responding party.
- The University will make reasonable efforts to protect confidentiality, within the parameters of FERPA (Family and Education Privacy Act of 1974) and the University disciplinary action process.
- Both parties are afforded the right to be updated on the investigation and be informed of the outcome in writing.
- Both parties have the right to have prior, irrelevant sexual behavior or history with other individuals excluded from an investigation. (As a reminder, prior consensual behavior with the responding party does not indicate consent on subsequent occasions.)
- Prior to an investigation, both parties are allowed to inform the investigators of relevant witnesses to include in the investigation.
- The university utilizes the preponderance of evidence standard for all reported violations, including sexual misconduct. Respondents are considered not responsible for violations unless and until found responsible by a hearing board or appeal officer.
- Both parties will be provided an Assistant to help them navigate the sexual misconduct resolution process. Assistants are trained Ashland University Title IX deputy coordinators. Their role is to provide information about policies, procedures, and the resolution process; provide support, advice, and guidance throughout the resolution process; follow up after the resolution and refer to available resources as needed. Assistants do not act as advisors or advocates for either party.

In our efforts to end gender based discrimination, the university expects all members of its community to never:

- Pressure anyone to suppress a report of gender discrimination and/or sexual misconduct
- Cause the reporting party to believe that he/she is responsible for the commission of the gender based discrimination committed against him/her
- Imply to a reporting party that he or she was negligent or assumed the risk of gender based discrimination by reason of circumstances, dress, or behavior
- Suggest to anyone that their complaint will bring unwanted publicity to the University

Title IX Policies

Amnesty

If the reporting party and/or responding party provides any information about alcohol/drug use associated with the reported case, Ashland University will not pursue conduct charges on said substance use. The reporting student(s) would fall under the amnesty of Title IX protection.

Consent

In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing and voluntary consent prior to and during sexual activity. Consent is sexual permission. Consent can be given by word or action, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Silence--without actions demonstrating permission--cannot be assumed to show consent.

Consent can also be negated (making consent not possible) due to a variety of factors. The following are examples of circumstances that negate consent:

- *Age*- In order to give effective consent, one must be of legal age (16 yrs old in the State of Ohio).
- *Coercion*- Coercion is unreasonable pressure for sexual activity. When someone makes clear by words or actions that they do not want to have sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. Coercive behavior differs from seductive behavior based on the type of pressure someone uses on another. Factors to consider in analyzing whether consent did not exist due to coercion, include, but are not limited to, the frequency of requests, the intensity of requests, the persistency and duration of requests, and isolation of the alleged reporting party.
- *Force* - Force is the use (or threat) of physical violence on someone to gain sexual access. Sexual activity that results from actual or threatened physical force is non consensual.
- *Incapacitation*- Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). Any time sexual activity takes place between individuals, those individuals must be capable of controlling their physical actions and be capable of making rational, reasonable decisions about their sexual behavior. Sexual activity with someone who one knows to be mentally or physically incapacitated constitutes a violation of this policy. Actual knowledge of incapacitation is not required when, based on the circumstances, a reasonable person should have known that the person was incapacitated.

Incapacity can result from a variety of circumstances, including alcohol, drugs, mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of date rape drugs, including Rohypnol, Ketomine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to anyone is a violation of this policy.

- *Gender-Based Harassment* - May include 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.

Gender Discrimination

Any act that treats someone unfavorably because of that person's gender and interferes with that person's opportunity to participate in an educational activity or University employment.

Indecent Exposure

The exposure of the private or intimate parts of the body in a lewd manner in public or in private premises when the responding party may be readily observed.

Intimate Partner Violence (Dating Violence, Domestic Violence)

A pattern of abusive behaviors used to exert power and control over a current or former partner. It can include emotional, sexual, verbal or economic actions, or physical threats of violence. Acts may include any behaviors that intimidate, isolate, manipulate, humiliate, coerce, frighten, blame or hurt someone. It can happen to anyone, regardless of race, sexual orientation, age, education, religion, etc.

There is often a pattern or repeated cycle of violence, starting with the first instance of abuse. Pattern behaviors to be aware of are:

- **Tension Building:** Relationship begins to get strained or tense between partners.
- **Explosion:** Outburst that includes verbal, emotional, or physical abuse.
- **Honeymoon:** Apologies where the abuser tries to reconnect with his/her partner by shifting the blame onto someone or something else.

Non-Consensual Sexual Contact

Any intentional sexual touching, with any body part or object by any person upon any person without consent.

Non-Consensual Sexual Intercourse

Any sexual penetration (anal, oral, or vaginal), however slight, with any body part or object by any person upon any person without consent.

Prior Sexual History

The prior sexual history of a reporting or responding party will never be used to establish character or reputation. Questions about a party's sexual history with anyone other than the other party involved will not be permitted unless directly relevant to the specific facts or evidence in the current matter. Moreover, evidence related to the prior sexual history of either of the parties is generally not relevant to the determination of a Policy violation and will be considered only in limited circumstances. For example, if the existence of consent is at issue, the sexual history between the parties may be relevant to help understand the manner and nature of communications between the parties and the context of the relationship, which may have bearing on whether consent was sought and given during the incident in question. However, even in the context of a relationship, consent to one sexual act does not, by itself, constitute consent to another sexual act, and consent on one occasion does not, by itself, constitute consent on a subsequent occasion. In addition, prior sexual history may be relevant to explain the presence of a physical injury or to help resolve another question raised by the report. The Title IX Coordinator will determine the relevance of this information, and both parties will be informed if information of prior sexual history is deemed relevant.

Quid Pro Quo

When a person causes another to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school program or activity. It can also occur in an employment setting.

Retaliation

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 a reporting party, or participates in an investigation of a Title IX violation. University policy and state and federal law prohibit retaliation against an individual for reporting discrimination, sexual misconduct 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 a Title IX Coordinator.

Sexual Exploitation

Taking non-consensual, unjust or abusive sexual advantage of another. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another person;
- Non-consensual video or audio-taping of sexual activity;
- Going beyond the boundaries of consent (such as letting your friends secretly observe consensual sex);
- Engaging in voyeurism;
- Knowingly, sexually transmitting an STI, HIV or other communicable disease to another student;
- Exposing one's genitals in non-consensual circumstances; inducing another to expose his/her genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

Sexual Harassment

Sexual harassment is federally defined as conduct on the basis of sex that satisfies one or more of the following:

- a) A school employee conditioning education benefits (i.e. course grades, athletic playing time, etc.) on participation in unwelcome sexual conduct (i.e., *quid pro quo*); or
- b) Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's educational program or activity; or
- c) Sexual assault (as defined by the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA). See definitions below.

(Source: U.S. Department of Education, 34 CFR Part 106, Aug 14, 2020)

Sexual Assault

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

- a. **Rape:** Penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
- b. **Fondling:** Touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental capacity.
- c. **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. **Statutory Rape:** Sexual intercourse with a person who is under the age of consent (18 years old).

Sexual Violence

VIOLENCE AGAINST WOMEN ACT (VAWA) OFFENSES

Dating violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on:

- the reporting party's statement and with consideration of the length of the relationship,
- the type of relationship, and
- the frequency of interaction between the persons involved in the relationship.

Domestic violence: A felony or misdemeanor crime of violence committed by:

- a current or former spouse or intimate partner of the victim;
- a person with whom the victim shares a child in common;
- a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- 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 in which the crime of violence occurred.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- fear for the person's safety or the safety of others; or
- suffer substantial emotional distress.

(Source: U.S. Department of Education, 34 CFR Part 106, Aug 14, 2020)

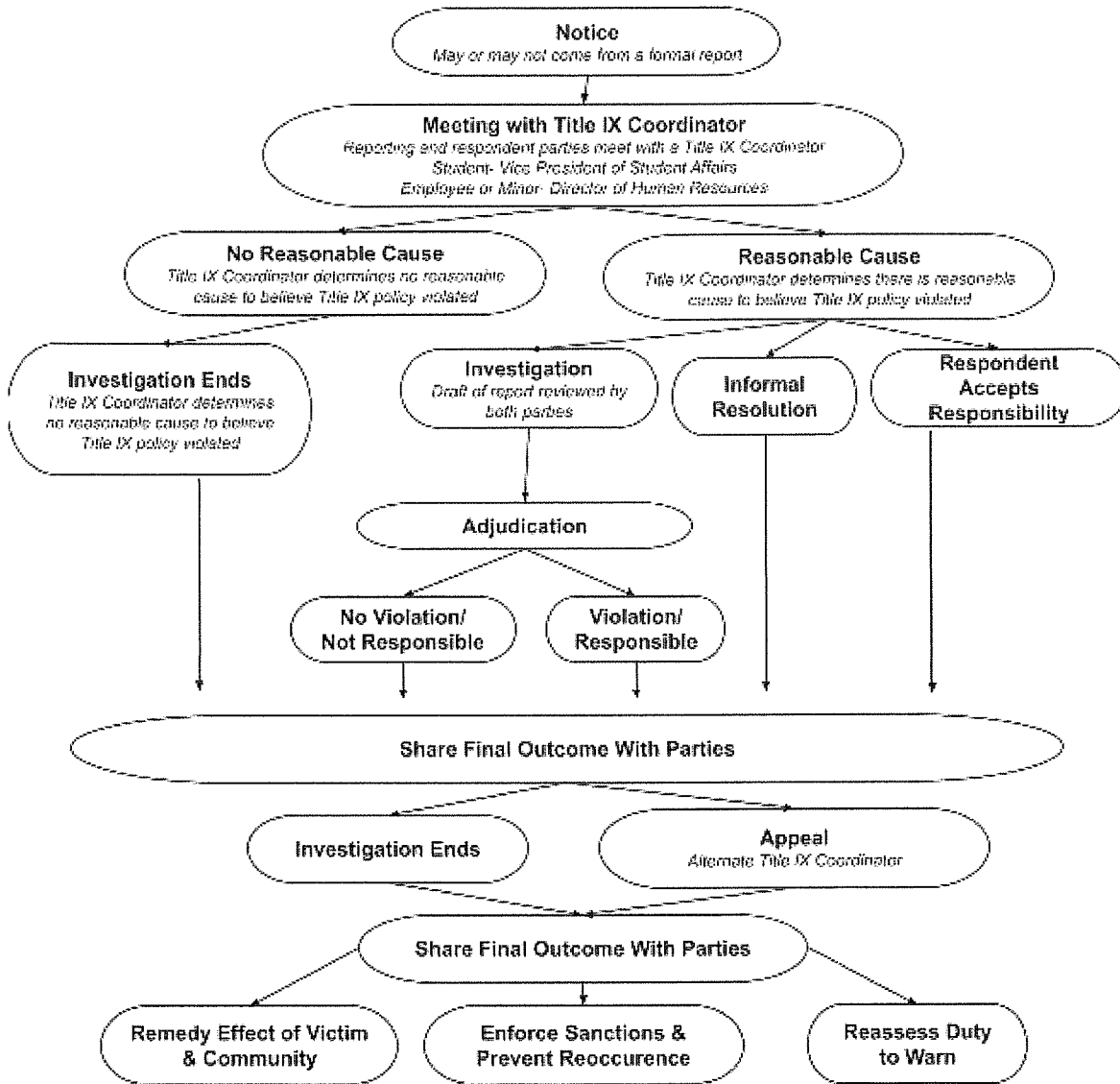
Other Sexual Misconduct Offenses

(Considered a Title IX violation if offense is sex or gender-based)

1. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
2. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of sex or gender;
3. Intimidation, defined as implied or actual threats or acts that would cause a reasonable person to feel fear of harm from another;
4. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the university community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity;
5. Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally.

**Ashland University
Title IX Process**

Adapted from the ATIXA Title IX Grievance Process Flow Chart



Title IX Process

Notice

The University receives information that a Title IX violation has reportedly occurred. Depending on the circumstances, the University may proceed with interim support, safety or disciplinary action, up to and including temporary campus restrictions and suspension if the University believes one or more parties are at imminent risk of danger.

Reporting

The University maintains confidential records for all Title IX related case documents and conversations. Information is shared on a need to know basis only with campus personnel, reporting and responding parties and legal authorities directly involved in Title IX procedures. Each case is resolved as discreetly as possible, maintaining confidentiality to the extent allowed under state and federal laws and University policy.

- Ashland University is obligated to follow up on all reported violations.
- Reports must be based on actual knowledge of sexual harassment or allegations of sexual harassment submitted to the University's Title IX Coordinator or any official who has the authority to institute corrective measures on behalf of the University. University employees (faculty and staff) are considered by the federal government to be "**responsible employees**" and are thus required to report violations (mandatory reporter) to a Title IX Coordinator. Exceptions include employees who must observe strict confidential laws while exercising their roles of confidentiality (i.e. Health and Counseling professionals, Clergy, Athletic Trainers, state certified Victims Advocates) The confidentiality of reporting and responding parties are carefully protected at all times.
- Violations publicly shared in awareness gatherings such as "Take Back the Night" programs, or social media posts through non-University hosted media are not considered reports, notices or complaints requiring a University response.
- Student employees are not considered "responsible employees" and are not required to report, unless they work in the following areas: Human Resources, Safety Services, and Resident Assistants/Assistant Residence Directors in the Office of Student and Residence Life.
- Recreational Services student employees receive enhanced training and are required to report if they observe violations in the course of their duties.
- Reporting parties are encouraged to ask employees if they are a mandatory reporter and required to report allegations before sharing their reports.
- Note that the University cannot require the reporting party to discuss the matter further with others, for example, the Title IX Coordinator. However, incomplete information limits the University's ability to investigate, obtain additional information and resolve the situation.
- An **anonymous complaint** can be made. However, without the identity and contact information of the reporting party and/or responding party, the university's ability to investigate, obtain additional information and resolve the situation may be limited.

Confidential Employees/Staff/Support Persons

- Medical: AU Health Center Physician - Dr. Chris Boyd, Registered Nurse - Patricia Owens, and Nurse Practitioner- Sarah Taylor.
- Counseling Center (Director of Counseling - Dr. Oscar McKnight, Counselors - Shannon Kahle , Richard Fajardo and Certified Counseling Interns including Ashland Theological Seminary, Smetzer Counseling Center).

- Ordained and licensed clergy hired in those capacities at the University (Executive Director/Chaplain – Rev. Dr. Charles Neff , Athletic Chaplain - Joe Maggelet, Catholic Chaplain - Father Vincent Hawk).
- Athletic Trainers (**David Jameyson, Ashley Anderson, Rob Cremeans, Kate Karpoff, Chayse Chasto, Ben Biddinger, Joshua Weimels**).

These professionals are required to keep the reporting party’s information confidential. That is, no information may be shared without explicit permission from the reporting party, unless:

- information is requested through the courts or other legal subpoena; or
- a person presents a clear and present danger to themselves or others.

In addition, Ohio State Law crime statistics are supplied to the Ashland University Clergy Act Compliance Officer by these professional staff for compliance with federal crime reporting requirements.

Submitting a Complaint/Report

If you have any concerns about any of the processes or do not know where to go or with whom to speak, you may contact either Title IX Coordinator.

Student Complaints

Contact Dr. Robert Pool, Title IX Coordinator/Vice President for Student Affairs titleix@ashland.edu, 419.289.5307.

- Reports can also be made immediately to Safety Services, located in the HC Student Center, 1st floor or by calling 419.207.5555 for immediate assistance.
- You are encouraged to write up a description of the incident. Remember, the more details you can provide the better.
- Remember that many offenses described in this policy are also crimes. You are strongly encouraged to consider reporting to police. However, a police report or complaint is not required in order to pursue University processes. ***In an emergency, please dial 911.***
- Once you file a complaint, an investigator is responsible for notifying the student or group of the charge, conducting a timely investigation, and determining if there is a potential violation of the Code of Student Conduct.
- A complaint may be filed without identifying an offender, however actions of the investigators will be limited in these cases.
- When you make a complaint, you will be asked to write down what you saw, heard, or experienced. Witnesses may be requested to meet with the investigator to provide witness statements. Remember that the person named has a right to see what you write.
- Reporting and responding parties may bring a support person with them to meetings or interviews.

Employee Complaints

- Any complaints not involving students, contact Josh Hughes, Title IX Coordinator/Director of Human Resources and Legal Affairs, 106 Founder Hall, jhughe11@ashland.edu, 419-289-5034.

Individuals experiencing harassment or discrimination also have the right to file a formal grievance with government authorities. Complaints can be sent to:

Cleveland Office, Office for Civil Rights, U.S. Department of Education,
1350 Euclid Avenue, Suite 325, Cleveland, Ohio 44115-1812. Telephone: 216-522-4970,
Fax: 216-522-2573, TDD: 800-877-8339. Email: OCR.Cleveland@ed.gov
<http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

Meeting with Title IX Coordinator

Once a Title IX Coordinator receives notice of a Title IX violation they will schedule a meeting with the reporting party and if applicable the responding party. During this meeting the Title IX Coordinator will ensure the both parties' safety, give options and resources. Some example of resources, but not an exhaustive list are:

- Rape Crisis Domestic Violence Safe Haven- staffs a Campus Advocate to support reporting parties through the beginning, middle, end and after the process. The Campus Advocate is not an Ashland University employee and is a confidential resource.
- Ashland Police Department- reporting parties have the right to file a report with the Ashland Police Depart. If the reporting party chooses not to take this step and it is a felony act the University will report to the Police without names. In the case of minors this is mandatory.
- Interim Measures- the University will assist in obtaining medical support (if appropriate), information regarding available legal resources, and counseling and support services. If requested by either the reporting or responding party, and if reasonably available, regardless of whether the reporting party moves forward with an investigation or outside law enforcement, the University may assist them in:
 - Changing living situations, including obtaining emergency housing or moving into another residence facility
 - Assisting with exploring options to address academic concerns, such as notification to current faculty, transferring class sections or independent study, requesting an incomplete in a class
 - Restricting both parties through a University no contact directive or assisting with a civil Protection Order
 - Addressing financial concerns, including providing financial aid guidance
 - Assessing interim suspension and/or a security alert to campus
- Reviewing and offering a formal or informal process
- Offering an Advisor
- Parental notification- in the case of minors this is mandatory
- Reviewing the Amnesty and Retaliation Policies
- Answer any questions they may have

During the initial meeting with the Title IX Coordinator the following outcomes can occur:

- Title IX Coordinator determines no reasonable cause to believe the Title IX policy was violated.
 - The case can be referred to conduct, if in violation of the Student Handbook
 - The case will be closed
- The Reporting Party chooses not to proceed with the investigation process. The Reporting Party may choose to end, resume, or recuse her/himself from a formal investigation at any time. The University maintains the right and responsibility to pursue an investigation with or without the reporting party's participation if it is in the best interest of campus safety (i.e. a

pattern of violations by multiple reporting parties is established, or where a clear and present danger exists for future harm).

- Title IX Coordinator determines there is reasonable cause to believe the Title IX policy was violated. The Title IX Coordinator will assign two Deputy Title IX Coordinators to be investigators.

During the initial meeting the Respondent party will be given a summary of the report and notified of the charges against them. They will have up to three business days to accept or deny the charges.

Informal Process

At the reporting party's discretion, an informal process can be requested instead of a formal investigation. Informal resolutions may include one or more of the following, but not limited to: a) a letter to the responding party describing the reported violation, its impact on the reporting party and demands that the behavior stop immediately b) a moderated dialog between parties, c) a structured mediation, d) teleconference meeting, or e) similar informal measures deemed mutually agreeable by the Title IX Coordinator and reporting party. Informal resolutions are typically reserved for non-violent offenses (harassment, stalking, bullying, etc.).

Any party dissatisfied with the informal process (i.e. the case remains unresolved), may request via written statement within 5 business days an alternate informal or formal process. The request will be reviewed by the Title IX Coordinator to determine the next course of action. .

Formal Process

Investigation

Two Deputy Title IX Coordinators will conduct the Title IX investigation. They will notify the reporting and responding parties of the investigation in writing. Investigators will meet with the reporting and responding parties to document both perspectives, speak with witnesses, and follow up with all case related fact finding. At the end of the investigation, Deputy Coordinators will submit a draft report of their findings to the Title IX Coordinator. Both parties will have the opportunity to read, submit requested edits, and submit written questions for which they would like addressed during the hearing. The Hearing Administrator will determine if any question is appropriate to be asked and will ask all non-cross examination questions. All requested changes and written questions must be submitted 48 hours after receiving the investigation report.

Adjudication Process

All Title IX hearings are closed to the public. The only persons present will be the parties, their advisor(s), witnesses (while testifying), the Board Members and the Hearing Administrator, AU investigators, and any staff necessary to support the Board hearing. All parties involved in a hearing are required to keep all information learned in preparation for the hearing, and at the hearing private. No copies of documents provided are to be made or shared with any third parties. Any breach of this duty is subject to further disciplinary action by the University.

Hearings are live, with both parties present, separated by partition, or in separate rooms/locations via video conference (Zoom).

If the complainant chooses not to present their own complaint, the Title IX Investigators will serve in the role of the complainant. Notes may be taken by the participants in the hearing solely for their personal use. There will be a single recording from the hearing which shall be the sole property of the University's

Title IX Coordinator, and this recording will be available only for viewing by the complainant, respondent, their advisors or the University for the purposes of an appeal. Copies of the recording will not be released to any party.

Both parties are permitted to be present for the entire hearing with the exception of the executive (or deliberation) session. Witnesses may be present only for their own testimony.

The Hearing Administrator, in consultation with the Board Members, may establish reasonable time limits, rules and format, providing the parties have equal opportunities to participate. The Hearing Administrator may adjourn the hearing, once commenced, and later reconvene the hearing in consideration of factors including, but not limited to, the unavailability of a witness, party, Hearing Administrator, Board Member, or necessary personnel; inclement weather; or in order to make an evidentiary or procedural ruling.

The reporting and responding parties may submit questions to witnesses or other parties in writing to the Hearing Administrator. The Hearing Administrator will determine if the question is appropriate to be asked and will ask all non-cross examination questions. Advisors, at the appointed time, will be given the opportunity to ask questions of the other party. Reporting nor responding parties are permitted to address each other directly.

Information that was excluded or redacted from the investigative record as impermissible under these procedures or applicable law will not be admissible at the hearing.

Title IX administrative and board meetings will follow the student conduct format for meetings. See the Student Conduct section of the Student Handbook for definitions and explanation of processes. Typically, the format of the hearing will be as follows:

- Introductions
- Review of procedures
- Review of information received
- Review of Case Information
 - Investigation report by investigators
 - Questions to the investigators
 - Statements- not meant to be a retelling of the events, as the timeline will be covered by investigators. Questions may be asked after each statement- first by the hearing board, then by the other party.
 - Statement by the reporting party
 - Statement by the responding party
 - Statements by any witnesses
 - Opportunity for cross-examination questions and responses
- Final statements
- Executive Session
- Announcement of Findings

Adjudicating Employee Title IX Violations

Should the respondent be an employee of the University, an investigation and adjudication as outlined earlier in this policy shall be used.

Sanctions*

A list of violations and possible sanctions are below. These are general guidelines and not prescriptive nor exhaustive. The Title IX Hearing Board (or appeal officer) will determine sanctions based on the following parameters:

1. to mitigate the risk of harm or further offense.
2. to restore an environment conducive to learning.
3. previous or repeated violations for which the respondent was/is held responsible.
4. improve the safety and security of the campus

Factors supporting more severe sanctions:

- Respondent was found responsible for previous Title IX violations (i.e. pattern of violations)
- Refused to comply with University directives (no contact directives, etc.)
- Use of intimidation, retaliation, or threats of violence
- Use of physical violence
- Complainant was unconscious or incapacitated at time of misconduct
- Complainant is or was a minor at the time of misconduct

Category	Actions	Warning	Probation	Suspension	Expulsion
Sexual Harassment	Verbal Sexual Comments	✓	✓		
	Relationship Violence and/or Stalking		✓	✓	✓
	Indecent Exposure		✓	✓	✓
	Quid pro quo		✓	✓	✓
	Gender Discrimination	✓	✓	✓	
	Retaliation	✓	✓	✓	✓

Non-Consensual Sexual Contact	Touching over clothes	✓	✓	✓	
	Kissing (above shoulders)	✓	✓	✓	
	Light contact with hands under clothes		✓	✓	
	Sexual touching, fondling, and/or groping		✓	✓	
	Kissing below the neck (breasts or genitals)			✓	
Non-Consensual Sexual Intercourse	Oral Sex			✓	✓
	Penetration			✓	✓
	Sexual violence			✓	✓
Sexual Exploitation	Invasion of Sexual Privacy (taking and/or distributing photos, video, voyeurism, child pornography)		✓	✓	✓
	Knowingly transmitting sexual infections or disease			✓	✓

*University of Minnesota (<http://oscai.umn.edu/title-ix-sanctions>)

 = Green check mark in boxes reflect range of possible sanctions

Appeals

Both parties have the right to request an appeal of the decision made by the Title IX Hearing Board. Each party has 5 business days following the receipt of the written decision to indicate their intention to appeal. Requests for appeal, with grounds, must be submitted in writing to the Title IX Coordinator. The request will be reviewed by the Appeal Officer who will notify both parties of the status of the request.

Appeals to either party will be granted for the following reasons:

- A procedural error occurred that had bearing on the final outcome
- Information previously unavailable has now come to light that would have bearing on the final outcome

- The sanctions are substantially disproportionate to the findings.

If an appeal is requested, and granted, the Appeal Officer will request written statements from both the reporting party and respondent. The Appeal Officer will review the statements, recording of the original hearing and all associated paperwork to determine an outcome. The Appeal Officer will have 10 business days upon receipt of the written statements to notify both parties of the appeal status or outcome. Decisions made by the Appeals Officer to uphold, partially uphold or deny the original outcome are final.

Resources for Sexual Misconduct

It is important for the reporting party to be in control of his or her decisions. Though Ashland University encourages all reporting parties to utilize all of the resources and support, the reporting party is not pressured in any of their decision making. If the reporting party does not wish to utilize these resources they may always be utilized at a later time. The Title IX Coordinators and Deputy Coordinators identified earlier in the policy can assist with any or all resources. In addition, the aforementioned staff can assist online students as well as students and employees at centers other than in Ashland, Ohio in utilizing Ashland campus resources and/or seeking assistance from their respective city law enforcement, rape crisis and domestic shelter centers, and hospitals.

Ashland University Resources

- **Title IX Coordinators**

- **Dr. Robert Pool**- V.P. Student Affairs (244 HC Student Center, 419-289-5324)
- **Josh Hughes** - Dir. of Human Resources & Legal Affairs (106 Founders, 419-289-5034)
<http://www.ashland.edu/administration/human-resources>

Can assist the reporting party through each of the following resources noted below

- **Safety Services** (1st floor, HC Student Center, 419-207-5555) is available 24/7 to offer resources and support. <http://www.ashland.edu/student-affairs/health-safety/safety-services>
- **Safety Escort** (1st floor, HC Student Center, 419-207-5555) can be provided at any time 24/7.
- **Health Center** (1st floor HC Student Center, 419-289-5200) can assist with medical needs by appointment Monday-Friday 10:00am-noon; 1:00pm-5:00pm. Walk-In hours are 9:00am-10:00am Monday-Friday. Closed Saturday-Sunday and during the Summer.
<http://www.ashland.edu/student-affairs/health-safety/student-health-center>
- **Counseling Services** (244 HC Student Center, 419-289-5307). Appointments can be made by contacting Colleen Hord, Administrative Assistant (chord@ashland.edu, 419-289-5307).
<http://www.ashland.edu/student-affairs/health-safety/psychological-counseling-services>
- **The Smetzer Counseling Center** at the Ashland Theological Seminary also provides counseling services to students and employees. Appointments can be made by contacting Brenda Kitts, Administrative Assistant, at 419-289-5472, <http://seminary.ashland.edu/>
- **Christian Ministry** (Jack and Deb Miller Chapel, 419-289-5489) for spiritual support. Appointments can be made by contacting Religious Life Administrative Assistant (419-289-5489).
<https://www.ashland.edu/student-affairs/getting-involved/office-christian-ministry>
- **International Student Services** (230 HC Student Center, 419-289-5631, iss@ashland.edu)
<http://www.ashland.edu/iss/>

Ashland City/County Resources

- **University Hospitals, Samaritan Medical Center**
(1025 Center Street, 419-289-0491 or 800-257-9917)
Safety Services can arrange transportation to Samaritan Medical Center.
<http://www.samaritanhospital.org/>
- **Rape Crisis Domestic Violence Center Safe Haven**
(419-289-8085) <https://www.appleseedmentalhealth.com/services/rape-crisis-domestic-violence-safe-haven>
- **Ashland Police Department**
(1211 East Main Street, 911 or 419-289-3639)
Safety Services can arrange transportation to the Ashland Police Department
<https://www.ashland-ohio.com/page/city-of-ashland-police-division>
- **Ashland County Court of Common Pleas**
(142 West Second Street, 419-281-8315)
Court Protective Order can be sought through ACCCP if the responding party lives in Ashland County or if the incident occurred in Ashland County <http://www.ashlandcommonpleas.com/>
- **Appleseed Community Mental Health Center** (2233 Rocky Lane, 419-287-3716)
<http://www.appleseedmentalhealth.com/>
- **Ashland County Council on Alcoholism & Drug Abuse** (310 College Ave, 419-289-7675)
<https://accada-rap.org/>
- **Catholic Charities** (34 West Second Street, 419-289-1876)
<https://www.ccdocle.org/counties/ashland>
- **Cornerstone Counseling of Ashland** (502 Claremont Avenue, 419-289-1876)
<http://www.ashlandcornerstone.com/>
- **Ashland Care Center** (119 Sloan Avenue, 419-281-1111) <http://www.ashlandcarecenter.org/>
- **Kno Ho Co Health Services** (1060 Claremont Avenue, Suite 3, 419-289-0491)
<https://www.knohoco.org/health-servicesplanning>

Mansfield/Richland County Resources

Ashland University Mansfield CONHS Apartments/Nursing Program

- **Mansfield City Police**
(30 N Diamond Street, 911 or 419-755-9721)
- **Ohio Health Mansfield Hospital**
(335 Glessner Avenue, 419-526-8000)
- **The Domestic Violence Shelter - Campus Sexual Assault Advocate**
(Office 419-774-5843 ext. 116)

State and National Resources

- Ohio Alliance to End Sexual Violence <https://www.oaesv.org/>
- Questions and Answers on Title IX and Sexual Violence
<http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>
- U.S. Dept. of Civil Rights Dear Colleague Letter, April 2011
<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html>
- The White House Initiative Against Sexual Assault
<https://www.justice.gov/archives/ovw/page/file/905942/download>

- U.S. Dept. of Justice, The Campus Sexual Assault (CSA) Study
<https://www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf>

NCAA Resource for Athletes

- NCAA Sexual Violence Prevention Guide
<http://www.ncaa.org/sites/default/files/Sexual-Violence-Prevention.pdf>

Relationship Violence

- Sex and Healthy Relationships http://www.loveisrespect.org/pdf/Sex_And_Healthy_Relationships.pdf
- Dating Violence on Campus
http://www.ncdsv.org/images/NCVC_DVonCampusFactOfLife_Fall2003-Winter2004.pdf

Sexual Assault

- Drug Facilitated Sexual Assault
<https://www.ohioattorneygeneral.gov/Files/Forms/Forms-for-Victims/Sexual-Assault-Forensic-Examination/drug-facilitated>

Sexual Harassment

- Sexual Harassment Fact Sheet <https://www.eeoc.gov/fact-sheet/facts-about-sexual-harassment>

Stalking

- Stalking Fact Sheet https://victimsofcrime.org/stalking-resource-center/et_english.pdf

Federal Statistical Reporting Obligations

Certain campus officials have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report.

This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety.

- Mandated federal reporters include: Title IX Coordinators and Deputy Coordinators, student/conduct affairs, campus safety services, local police, coaches, athletic and assistant athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities.
- The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the reporting party and may be done anonymously.

Federal Timely Warning Reporting Obligation

Reporting parties of sexual misconduct should also be aware that University administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat or danger to members of the campus community.

- The University will make every effort to ensure that a reporting party's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

- The reporters for timely warning purposes include: Title IX Coordinators, Deputy Coordinators, Student/Conduct Affairs, campus Safety Services, local police, coaches, athletic and assistant athletic directors, Residence Life staff, Student Activities staff, Human Resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities.

Other Title IX Issues

Athletics

Title IX has helped girls and women participating in interscholastic and intercollegiate athletics in far greater numbers than they had in the past. When Title IX became law, dramatic change was needed to level the playing fields of the nation's schools and to change the perception of the place of girls and women on them.

Girls and women also are increasingly participants in sports that have traditionally been seen as exclusionary to women. Before the passage of Title IX, athletic scholarships for college women were rare, no matter how great their talent.

It is important to recognize that there is no mandate under Title IX that requires a college to eliminate men's teams to achieve compliance. The thought that "if women are to gain opportunities, then men must lose opportunities," presents a false dichotomy. As with other educational aspects of Title IX, and according to the expressed will of Congress, the regulation is intended to expand opportunities for both men and women.

Revised 2019

Tobacco Product Policy

In accordance with Ohio's Smoke-Free Workplace Act of 2006, Ashland University recognizes the need to create and maintain an environmental quality that sustains and enhances the general health and well-being of its faculty, staff, students and visitors. Ashland University recognizes the Surgeon General findings that "tobacco use in any form, active and/or passive, is a significant health hazard." In light of this recognition, the following policies have been further developed. *Please note the policy difference at Dwight Schar College of Nursing.*

- Tobacco products* are not permitted to be used
 - in any residential unit or campus building
 - within 20 feet of a door, window or air duct of a campus building
 - at any campus indoor or outdoor recreation and/or athletic facilities as well as all Ashland University sponsored outdoor events held on or off campus
 - in any buses, vans or other vehicles used for campus business
- Prevention, education and cessation services for tobacco in all forms are available from the Student Health Center and/or local community services.
- Advertisement and sales of tobacco products, as well as free distribution, are not allowed on campus or in campus controlled situations, properties and environments (including scoreboards/signage in or around athletic facilities).
- Sponsorship of campus events by tobacco promoting organizations is not permitted.
- Tobacco users must follow proper disposal of tobacco materials.

U.S. Department of Education Title IX Final Rule Overview

GUIDING PRINCIPLES

- **Historic Recognition of Sexual Harassment as Sex Discrimination**

For the first time, the Department's Title IX regulations recognize that sexual harassment, including sexual assault, is unlawful sex discrimination. The Department previously addressed sexual harassment only through guidance documents, which are not legally binding and do not have the force and effect of law. Now, the Department's regulations impose important legal obligations on school districts, colleges, and universities (collectively "schools"), requiring a prompt response to reports of sexual harassment. The Final Rule improves the clarity and transparency of the requirements for how schools must respond to sexual harassment under Title IX so that every complainant receives appropriate support, respondents are treated as responsible only after receiving due process and fundamental fairness, and school officials serve impartially without bias for or against any party.

- **Supporting Complainants & Respecting Complainants' Autonomy**

Under the Final Rule, schools must offer free supportive measures to every alleged victim of sexual harassment (called "complainants" in the Final Rule). Supportive measures are individualized services to restore or preserve equal access to education, protect student and employee safety, or deter sexual harassment. Supportive measures must be offered even if a complainant does not wish to initiate or participate in a grievance process. Every situation is unique, and individuals react to sexual harassment differently. Therefore, the Final Rule gives complainants control over the school-level response best meeting their needs. It respects complainants' wishes and autonomy by giving them the clear choice to file a formal complaint, separate from the right to supportive measures. The Final Rule also provides a fair and impartial grievance process for complainants, and protects complainants from being coerced or threatened into participating in a grievance process.

- **Non-Discrimination, Free Speech, and Due Process**

The Final Rule reflects core American values of equal treatment on the basis of sex, free speech and academic freedom, due process of law, and fundamental fairness. Schools must operate free from sex discrimination, including sexual harassment. Complainants and respondents must have strong, clear procedural rights in a predictable, transparent grievance process designed to reach reliable outcomes. The Final Rule ensures that schools do not violate First Amendment rights when complying with Title IX.

A SCHOOL'S RESPONSE TO SEXUAL HARASSMENT

- Under the Final Rule, any of the following conduct on the basis of sex constitutes sexual harassment:
 - A school employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct (often called "*quid pro quo*" harassment);
 - Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or
 - Sexual assault, dating violence, domestic violence, or stalking (as those offenses are defined in the Clery Act, 20 U.S.C. § 1092(f), and the Violence Against Women Act, 34 U.S.C. § 12291(a)).

U.S. Department of Education Title IX Final Rule Overview

- Consistent with Supreme Court precedent and the text of Title IX, a school must respond when: (1) the school has actual knowledge of sexual harassment; (2) that occurred within the school's education program or activity; (3) against a person in the United States. The Final Rule expands "actual knowledge" to include notice to any elementary or secondary school employee, and states that any person (*e.g.*, the alleged victim or any third party) may report to a Title IX Coordinator in person or by e-mail, phone, or mail. The Final Rule also specifies that a school's "education program or activity" includes situations over which the school exercised substantial control, and also buildings owned or controlled by student organizations officially recognized by a postsecondary institution, such as many fraternity and sorority houses.
- Consistent with Supreme Court precedent, a school violates Title IX when its response to sexual harassment is clearly unreasonable in light of the known circumstances, and the Final Rule adds mandatory response obligations such as offering supportive measures to every complainant, with or without a formal complaint.
- Schools must investigate every formal complaint (which may be filed by a complainant or by a school's Title IX Coordinator). If the alleged conduct does not fall under Title IX, then a school may address the allegations under the school's own code of conduct and provide supportive measures.

A FAIR GRIEVANCE PROCESS

The Final Rule requires schools to investigate and adjudicate formal complaints of sexual harassment using a grievance process that incorporates due process principles, treats all parties fairly, and reaches reliable responsibility determinations. A school's grievance process must:

- Give both parties written notice of the allegations, an equal opportunity to select an advisor of the party's choice (who may be, but does not need to be, an attorney), and an equal opportunity to submit and review evidence throughout the investigation;
- Use trained Title IX personnel to objectively evaluate all relevant evidence without prejudgment of the facts at issue and free from conflicts of interest or bias for or against either party;
- Protect parties' privacy by requiring a party's written consent before using the party's medical, psychological, or similar treatment records during a grievance process;
- Obtain the parties' voluntary, written consent before using any kind of "informal resolution" process, such as mediation or restorative justice, and not use an informal process where an employee allegedly sexually harassed a student;
- Apply a presumption that the respondent is not responsible during the grievance process (often called a "presumption of innocence"), so that the school bears the burden of proof and the standard of evidence is applied correctly;
- Use either the preponderance of the evidence standard or the clear and convincing evidence standard (and use the same standard for formal complaints against students as for formal complaints against employees);
- Ensure the decision-maker is not the same person as the investigator or the Title IX Coordinator (*i.e.*, no "single investigator models");
- For postsecondary institutions, hold a live hearing and allow cross-examination by party advisors (never by the parties personally); K-12 schools do not need to hold a hearing, but parties may submit written questions for the other parties and witnesses to answer;
- Protect all complainants from inappropriately being asked about prior sexual history ("rape shield" protections);

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- Send both parties a written determination regarding responsibility explaining how and why the decision-maker reached conclusions;
- Effectively implement remedies for a complainant if a respondent is found responsible for sexual harassment;
- Offer both parties an equal opportunity to appeal;
- Protect any individual, including complainants, respondents, and witnesses, from retaliation for reporting sexual harassment or participating (or refusing to participate) in any Title IX grievance process;
- Make all materials used to train Title IX personnel publicly available on the school's website or, if the school does not maintain a website, make these materials available upon request for inspection by members of the public; and
- Document and keep records of all sexual harassment reports and investigations.

SEX DISCRIMINATION REGULATIONS

Relating to sex discrimination generally, and not only to sexual harassment, the final regulations also:

- Affirm that the Department may require schools to take remedial action for discriminating on the basis of sex or otherwise violating the Department's Title IX regulations;
- Expressly state that in response to any claim of sex discrimination under Title IX, schools are never required to deprive an individual of rights guaranteed under the U.S. Constitution;
- Account for the interplay of Title IX, Title VII, and FERPA, as well as the legal rights of parents or guardians to act on behalf of individuals with respect to exercising Title IX rights;
- Update the requirement for schools to designate and identify a Title IX Coordinator, disseminate their non-discrimination policy and the Title IX Coordinator's contact information to ensure accessible channels for reporting sex discrimination (including sexual harassment), and notify students, employees, parents, and others of how the school will respond to reports and complaints of sex discrimination (including sexual harassment); and
- Clarify that an institution controlled by a religious organization is not required to submit a written statement to the Department to qualify for the Title IX religious exemption.

ATIXA Title IX and VAWA Sec. 304 Training Checklist



Checklist Key:

- ✓ Title IX required
- ◆ Clery Act (VAWA Sec. 304) required
- + ATIXA added recommendation
- Ⓟ Primary Prevention Recommended

* ATIXA recommends making all Faculty and Staff "Mandatory Reporters" for both Title IX and Clery-based incidents. Accordingly, this checklist reflects that approach. Those wishing to differentiate between Title IX and Clery Act reporting responsibilities can parse the two out based on the Title IX and Clery Act (VAWA Sec. 304) symbols.		Level A	Level B	Level C*	Level D
		Title IX Compliance Officers	First Responders	All Faculty & Staff; ATIXA Mandatory Reporters	All Students
Overview of Title IX and Clery Act (VAWA Sec. 304): Law and Regulations					
1	Institution's Title IX responsibilities to address sex- and gender-based harassment	✓	✓	✓	✓
2	Institution's Clery Act (VAWA Sec. 304) responsibilities to address Sexual Assault, Domestic Violence, Dating Violence, and Stalking	◆	◆	◆	◆
3	Role of federal government (especially OCR) in enforcing Title IX and DOJ's role with Title IX	✓	✓	✓	✓
4	Overview of the rights Title IX and Title IV confer on students and employees	✓	✓	✓	✓
5	What is sexual harassment, sex discrimination, sexual assault, and sexual violence, and what are the differences between them	✓	✓	✓	✓
6	Differences between criminal and Title IX investigations	✓	+	✓	✓
7	Title IX and Clery Act prohibitions on and protections against retaliation	✓◆	✓◆	✓◆	✓◆
Institutional Policy Overview					
8	Institution's policies and prohibitions regarding Title IX-based harassment	✓	✓	✓	✓
9	Institution's policies and prohibitions regarding Sexual Assault, Domestic Violence, Dating Violence, and Stalking	+	+	◆	◆
10	When institution exercises off-campus jurisdiction over Title IX complaints	✓	✓	✓	✓
11	Institution's policies prohibiting retaliation	✓◆	✓◆	✓◆	✓◆
Institutional Procedure Overview					
12	Institution's disciplinary procedures to address Title IX-based complaints and how victims can invoke them	✓	✓	✓	✓
13	Preponderance of Evidence standard used to address all Title IX-based complaints and evidentiary standards used to address all Sexual Assault, Domestic Violence, Dating Violence, and Stalking complaints	✓	✓	✓◆	✓◆
14	How institution analyzes whether conduct was unwelcome	+	+	✓	✓
15	How institution analyzes whether conduct creates a hostile environment	+	+	✓	✓
16	Institutional disciplinary procedures used to address Sexual Assault, Domestic Violence, Dating Violence, and Stalking	+	+	◆	◆
17	How to evaluate and weigh evidence in an impartial manner	✓			
18	Appeals procedures for Title IX	✓	✓	✓	✓
Reporting					
19	The identity, role, function of, and how to contact the Title IX Coordinator	✓	✓	✓	✓
20	When (upon notice), how, what, and to whom to report sex- and gender-based harassment	✓	✓	✓	✓
21	Consequences for mandatory reporters failing to report sex- and gender-based harassment	+		✓	
22	How to contact OCR	✓	✓	✓	✓
23	Recognizing, responding to, appropriately addressing, and reporting allegations and complaints	✓	✓	✓	
24	Procedures victims should follow if a Title IX violation or Sexual Assault, Domestic Violence, Dating Violence, or Stalking has occurred, including: 1) The importance of preserving evidence; 2) How and to whom to report such alleged offenses; and 3) Victims' options to notify law enforcement and campus authorities (if victim so chooses)	+	+	✓◆	✓◆
25	Appropriate interaction with victims	✓	✓	✓	
26	Providing fair and objective communication and resources that do not discourage reporting	✓	✓		
27	Victimology/psychology of the victim/neurobiological effects of trauma	✓	✓	✓	✓
28	Cultural competence in working with victims, reporting parties, witnesses, and responding parties	✓	✓		
Confidentiality					
29	Confidential reporting options on- and off-campus	✓	+	✓	✓
30	Responding to victim/reporting party request for confidentiality	✓	✓	✓	
31	Information about how the institution protects the confidentiality of victims and other parties when: 1) providing accommodations and protective measures; and 2) working with publicly available documents	+	+	◆	◆
32	Confidentiality/privacy of reports and other investigative information	✓	✓	✓	✓

Checklist Key:

- ✓ Title IX required
- ◆ Clery Act (VAWA Sec. 304) required
- + ATIXA added recommendation
- Ⓟ Primary Prevention Recommended

ATIXA Title IX and VAWA Sec. 304 Training Checklist (Cont.)

		Level A	Level B	Level C*	Level D
		Title IX Compliance Officers	First Responders	All Faculty & Staff; ATIXA Mandatory Reporters	All Students
Victim Resources & Remedies					
33	Resources available to victims of sex- or gender-based discrimination	✓	✓	✓	✓
34	Rights of victims and institution's responsibilities for orders of protection, "no contact" orders, restraining orders, or similar institutional/legal orders	+	+	◆	◆
35	Information about on- and off-campus counseling, mental health services, victim advocacy, legal assistance, student financial aid, etc.	+	+	◆	◆
36	Victims' options to request/get changes to academic, living, transportation, and working situations (if reasonably available); such changes are available whether or not a crime is reported to police or whether or not victim pursues formal campus action	+	+	◆	◆
Investigative Complaints					
37	Conducting/documenting adequate, reliable, and impartial investigations	✓◆	+		
38	How to conduct an investigation and hearing process that protects the safety of victims/reporting parties and promotes accountability	✓◆	+		
39	Coordinating and cooperating with law enforcement (campus and local) during parallel criminal and Title IX proceedings	✓	+		
40	How to encourage victims, reporting parties and witnesses to cooperate with investigations when they are concerned about conduct/disciplinary implications of alcohol or drug use (e.g., amnesty/immunity policies)	✓	✓	✓	✓
41	Determine credibility and impartial evaluation/weighting of evidence	✓			
42	Address link between alcohol/drugs in sex-based harassment allegations	✓	✓		
Consent in Sexual Interactions					
43	Force and consent (including examples)	✓	✓	✓	✓
44	Capacity/incapacity, including the role and correlation of alcohol and other drugs (including examples)	✓	✓	✓	✓
45	Effective Consent - "Yes" through clear word or action (including examples)	✓	✓	✓	✓
Rights of Parties in a Complaint, Investigation, Hearing and Appeal					
46	Both parties have same rights to have others present and to present evidence during proceeding and participate in hearings and/or appeals	✓	✓	✓	✓
47	Both parties are entitled to have an advisor of their choice present for all investigative and disciplinary proceedings (note that participation level of advisor may be constrained by the institution)	◆	◆	◆	◆
48	Both parties will be simultaneously informed in writing of the outcome of any disciplinary proceeding that arises from an allegation of Sexual Assault, Domestic Violence, Dating Violence, or Stalking	◆	◆	◆	◆
49	Both parties are entitled to the same options and opportunities for appeal	✓	✓	✓	✓
50	Both parties will be notified of changes in results that occur prior to when results become final, and will be notified when final	◆	◆	◆	◆
Sanctions/Repercussions					
51	Importance of accountability for those found responsible of sexual violence	✓	+	+	+
52	Criminal, academic, housing, athletic, and student record-related consequences of a Title IX violation	✓	✓	✓	✓
53	Possible sanctions and protective measures an institution may impose following an institution's disciplinary procedure involving Sexual Assault, Domestic Violence, Dating Violence, or Stalking	+	+	◆	◆
54	Consequences of lying during an investigation	✓	✓	✓	✓
Prevention, Awareness and Community Education					
55	Definitions of Consent, Sexual Assault, Domestic Violence, Dating Violence, and Stalking in the applicable jurisdiction	+	+	◆	◆
56	Risk reduction measures - to increase victim empowerment, promote safety, and help community address conditions facilitating violence	+	+Ⓟ	◆Ⓟ	◆Ⓟ
57	Strategies and skills for bystanders to intervene to prevent sexual violence; attitudes of bystanders that may allow behavior to continue	+Ⓟ	+Ⓟ	✓Ⓟ	✓Ⓟ
58	Safe and positive options for Bystander Intervention pertaining to Sexual Assault, Domestic Violence, Dating Violence, and Stalking	+Ⓟ	+Ⓟ	◆Ⓟ	◆Ⓟ
59	How to prevent and identify sexual violence	✓Ⓟ	✓Ⓟ	✓Ⓟ	✓Ⓟ
60	Prevention mechanisms and strategies targeted to stop harassment or discrimination, remedy its effects, and prevent its recurrence	✓Ⓟ	✓Ⓟ	✓Ⓟ	✓Ⓟ
61	Awareness programming to prevent violence, promote safety and reduce Sexual Assault, Domestic Violence, Dating Violence, and Stalking	+Ⓟ	+Ⓟ	◆Ⓟ	◆Ⓟ
62	Potential for revictimization by responders and its effects on students	✓	✓	✓	
Assessment of Training					
63	Annual Climate Survey			+	+
64	Assessments that demonstrate the efficacy of training	✓	✓	✓	✓

CONFIDENTIAL RESOURCES

Speaking with these resources will not initiate a report to the University

Student Health Center

Physician | Nurse Practitioner | Nurse
1st floor Hawkins-Conard Student Center
419-289-5200

Psychological Counseling Center

Counselors | Counseling Interns
244 Hawkins-Conard Student Center
419-289-5307

Smetzer Counseling Center

Counselors | Counseling Interns
910 Center St. | Ashland, OH 44805
419-207-5558

Office of Christian Ministry

Ordained and Licensed Clergy
Lower Chapel
419-289-5489

Athletic Training Department

Athletic Trainers
193 Rybolt Sports Sciences Center

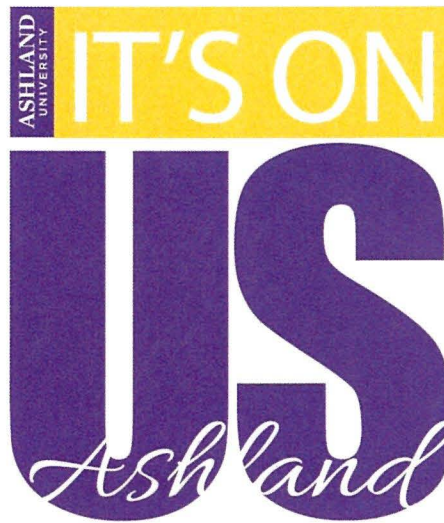
Ohio Sexual Violence Helpline

1-844-OHIO-HELP

Rape Crisis Domestic Violence Safe Haven

SafeHavenofAshland.org
24/7 Crisis Line: 419-289-8085

[Ashland.edu/TitleIX](https://www.ashland.edu/TitleIX)



To End Sexual Violence!

Crisis Text Line

Text 4hope to 741741

Free, 24/7 support when you are in crisis

REPORTING RESOURCES

Speaking with these resources will initiate a report and possibly an investigation with the Police and/or University

Safety Services

1st floor Hawkins-Conard Student Center
419-207-5555

Vice President of Student Affairs and Title IX Office

244 Hawkins-Conard Student Center
419-289-5324 TitleIX@ashland.edu

Human Resources Office

106 Founders Hall
419-289-5034

Ashland Police Department

1211 E Main St, Ashland, OH
419-289-3639 or 911

Most university employees are considered to be "responsible employees," including Resident Assistants. This means that almost any employee (except those outlined as confidential) of Ashland University must report a violation of this policy to a Title IX Coordinator.