

ASHLAND UNIVERSITY



STUDENT HANDBOOK

Title IX Section Only

2024-2025

TITLE IX

POLICY

Members of the Ashland University community, guests and visitors have the right to be free from sex-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: ashland.edu/title-ixsexual-misconduct

Title IX - 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.

Title IX - Standard of Evidence

Ashland University’s standard of evidence is “preponderance of the evidence”. This simply means that university decision makers 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 weighed suggests a greater than 50-50% balance, a preponderance of evidence has been achieved or not. The burden of evidence or “proof” rests on the University. Respondents are considered not responsible for violations unless and until found responsible by a decision maker, hearing board or appeal officer.

Title IX - Definitions

Students may be accompanied by one individual of their choice to act as his or her advisor in any Title IX related meeting or formal proceeding. Advisors will be assigned to a party if the party does not designate an advisor of choice. Advisors may not serve as a witness once assigned as an advisor to a case.

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 University official or hearing board not involved in the original case who serves as the appeal official.

Deputy Coordinators

Ashland University Title IX Deputy Coordinators provide information about policies, procedures and the resolution process; help coordinate support, and guidance throughout the Title IX process, to follow-up after completion of the process and may refer others to available resources as needed. Deputy Coordinators may serve as an advisor but do not serve as advocates for either party. They may serve as a witness if they are not also serving as an advisor.

Board Members

A three-person panel will be drawn from a pool of Title IX Deputy Coordinators and Advisors by the Title IX Coordinator. Board Members have been educated and trained in Title IX rules, policies and procedures. 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 and Advisors serving as investigators, witnesses or Advisors to parties are not permitted to also serve as board members in the same case.

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 reasonable knowledge of, or witnessed sexual misconduct and initiates a report to a responsible employee or Title IX Coordinator.

Respondent Party

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

Title IX Staff

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

TITLE IX COORDINATOR:

Dr. Robert Pool (student & employee reports)
Vice President for Student Affairs &
Auxiliary Services
244 Hawkins-Conard Student Center
rpool2@ashland.edu
419-289-5307

TITLE IX DEPUTY COORDINATORS:

Racheal Yocum
Professional Academic Advisor
ryocum@ashland.edu
419-289-5256

Kristine Lawson
Safety Services Operations Manager
Hawkins-Conard Student Center
klawson@ashland.edu
419-207-5555

Jennifer Wininger
Director of International Student Services &
Access Programs
Hawkins-Conard Student Center
2nd floor
jwininge@ashland.edu
419-289-5123

Elizabeth Hoge
Assistant Athletics Director, Senior Women's
Administrator
Kate's Gym, 2nd floor
ehoge@ashland.edu
419-289-5458

Anne Strouth
Program Director
Criminal Justice & Homeland Security
Schar 249
astrouth@ashland.edu
419-289-5258

Alex Hill
Director of CommUNITY & Belonging
Hawkins-Conard Student Center, 2nd floor
Ahill13@ashland.edu
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Joanna Riffle
Professional Academic Advisor
Room 128 - College of Education
jriffle@ashland.edu
419-289-5631

The Role of Title IX Coordinator and Deputy Coordinators

- Coordinate Ashland University Title IX federal compliance by helping to ensure that the university responds promptly, effectively, and equitably to Title IX reports
- Create specific sexual misconduct materials including University policy and training 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 entities 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 both the reporting and responding parties with respect before, during, and after the process.
- The University will inform both parties of supportive resources available such as counseling services, medical services, law enforcement, local rape and domestic violence center services and other campus and off-campus support 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 will help facilitate reasonable requests.
- Both parties have the right to have an advisor of their choice who must not also be a witness. An Advisor 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 privacy, within the parameters of FERPA (Family and Education Privacy Act of 1974) and the University conduct 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 for future sexual behavior.)

- 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 conduct and discrimination 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 Advisor to help them navigate the sexual misconduct resolution process. Advisors are trained Ashland University Title IX Deputy Coordinators or Advisors. 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.

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

- Pressure anyone to suppress a report of sex discrimination and/or sexual misconduct
- Cause the reporting party to believe that he/she is responsible for the commission of the sex-based discrimination committed against him/her
- Imply to a reporting party that he or she was negligent or assumed the risk of sex-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-** To give effective consent, one must be of legal age (16 years 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, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to anyone is a violation of this policy.

- ***Sex-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.
- ***Sex-Based Discrimination*** - Any act that treats someone unfavorably because of that person’s sex 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, or religion.,

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 the 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 audiotaping 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 (16 years old).

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 people 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:

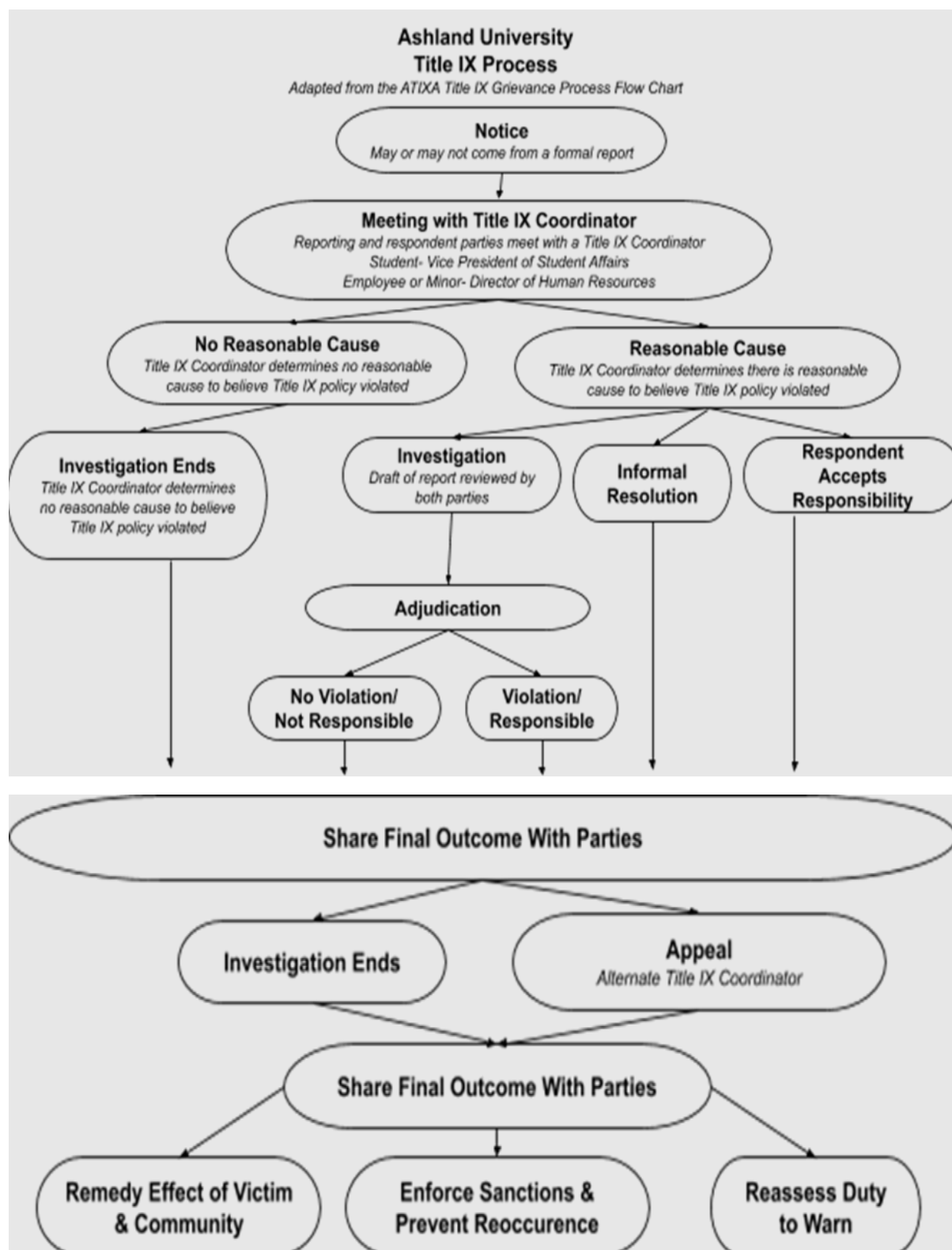
- fear for the person's safety or the safety of others; or
- suffer substantial emotional distress.

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

Other Sexual Misconduct Offenses

(Considered a Title IX violation if the offense is sex -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;
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 sex-based 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 sex-based behavior likely to intimidate or intentionally hurt, control, or diminish another person, physically or mentally.



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 supportive measures, safety or disciplinary action, up to and including temporary contact restrictions, campus access restrictions and/or suspension if the University believes the complainant or others are at imminent risk of danger.

The University maintains private 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 privacy to the extent allowed under state and federal laws and University policy.

- Ashland University is obligated to address 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 “mandatory reporters” and are thus required to report violations to the Title IX Coordinator. Exceptions include employees who must observe strict confidentiality laws and policies while exercising their roles of confidentiality (i.e., Health and Counseling professionals, Clergy, Athletic Trainers, state certified Victims' Advocates).
- The privacy of reporting and responding parties will be 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 by itself considered reports, notices or complaints requiring a University response.
- Student employees in the following roles are considered “responsible employees” at all times and are required to report Title IX related violations: Human Resources, Safety Services, and Resident Assistants/Assistant Residence Directors in the Office of Student and Residence Life.
- Recreational & Wellness Services student employees are required to report only if they become aware of or observe violations in the course of their work shifts.
- An employee must immediately disclose to a reporting party that they are a mandatory reporter as soon as it becomes evident that a Title IX related violation is being initiated.
- 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 make a formal complaint or discuss the report further with others, including the Title IX Coordinator. Instead, employees must provide the Title IX Coordinator's contact information and procedure for voluntarily reporting potential violations. Please note that incomplete reported 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/or 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 impossible or limited.

Confidential Employees/Staff/Support Persons

- Medical: AU Health Center Physician: Dr. Mario Brunicardi | Registered Nurse: Patricia Owens and Nurse Practitioner: Christina Spring.
- Counseling Center: Dr. Oscar McKnight, Counselors – Tim Hull & Karen Gilman
- Ashland Theological Seminary, Smetzer Counseling Center: Certified Counseling Interns
- Ordained and licensed clergy hired in those capacities at the University (Executive Director/Chaplain – Rev. Dr. Charles Neff, Athletic Chaplain - Joe Maggelet).
- Athletic Trainers (on file with the Athletics Department).

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 [click here for Title IX Incident 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 the Title IX Coordinator.

Student and Employee Complaints

Contact Dr. Robert Pool, Title IX Coordinator/Vice President for Student Affairs & Auxiliary Services 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 the 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 taken by 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.

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. Phone: 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 both parties' safety and will provide options and resources. Some examples of resources, although not an exhaustive list, are:

- **Rape Crisis Domestic Violence Safe Haven** - staffs a Campus Advocate at the University 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.

Title IX - 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) an impact letter to the responding party describing the reported violation, its impact on the reporting party and demands that the behavior stop immediately b) a non-binding, moderated dialog between parties, c) a binding, structured mediation or arbitration, d) remote or teleconference meeting, or other informal measures deemed mutually agreeable by the Title IX Coordinator and the reporting party. Informal resolutions are typically reserved for non-violent offenses (non-threatening 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.

Title IX - 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. 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 advocate 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				
	Sex-based 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 by either party will be granted for the following reasons:

- A procedural irregularity occurred that would change the final outcome.
- New evidence that would change the outcome and that was not reasonably available when the outcome was made.
- An unaddressed conflict of interest or bias impacted the final outcome

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 available support resources, the reporting party is not required to request them nor shall be coerced at any stage of the reporting, formal investigation or alternative resolution processes. If the reporting party does not wish to initially utilize support resources, they may be requested at a later time. The Title IX Coordinator and Deputy Coordinators identified earlier in the policy can assist with any or all support 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 Coordinator**
 - **Dr. Robert Pool-** V.P. Student Affairs and Auxiliary Services (244 HC Student Center, 419-289-5307).
- **Safety Services** (1st floor, HC Student Center, 419-207-5555) is available 24/7 to offer resources and support. [AU 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 9 a.m. – 12:15 p.m.; 1 p.m. – 3:30 p.m. Closed Saturday-Sunday and during the Summer and university breaks. [Student Health Center](#)
- **Counseling Services** (244 HC Student Center, 419-289-5307). Appointments can be made by contacting the Administrative Assistant at 419-289-5307). [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. [Smetzer Counseling Center](#)
- **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). [Office of Christian Ministry](#)
- **International Student Services** (230 HC Student Center, 419-289-5123, iss@ashland.edu) [International Student Services](#)

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. [UH Samaritan Medical Center](#)
- **Safe Have Rape Crisis & Domestic Violence Center** (419-289-8085) [Appleseed Community Mental Health](#)

- **Ashland Police Department**
(1211 East Main Street, 911 or 419-289-3639)
Safety Services can arrange transportation to the Ashland Police Department
[Ashland Police Department](#)
- **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, [Ashland County | \(419\) 289-1903 | Catholic Charities Diocese of Cleveland](#))
- **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- Ashland 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/>
- 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 [NCAA Board of Governors Policy on Campus Sexual Violence](#)

Relationship Violence

- Sex and Healthy Relationships
http://www.loveisrespect.org/pdf/Sex_And_Healthy_Relationships.pdf

Sexual Harassment

- Sexual Harassment Fact Sheet [EEOC.GOV Sexual Harassment](#)

Stalking

- Stalking Fact Sheet [Victims of Crime - Stalking](#)

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 private. But, statistical information will be shared with campus and local law enforcement (when required by law) 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.

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