



Sexual Misconduct Policy Governing Students and Employees

POLICY 14-3-35

Effective Date: August 28, 2020

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1. INTRODUCTION

Northwest State Community College (“NSCC” or “the College”) is committed to cultivating a diverse and inclusive community that recognizes the value of each individual and allows persons to learn and work in an environment free from harassment and discrimination. As part of this effort, the College will respond to sex-based harassment and discrimination and through clear policies and grievance procedures, educational programming, employee training, and sanctioning those who violate this policy, commits itself to maintaining a safe and healthy educational and employment environment. This comprehensive policy is created and implemented by the College to address allegations of sexual harassment, sexual assault, domestic violence, dating violence, and stalking in addition to other prohibited misconduct as identified and defined herein. This policy and the procedure herein apply to all students, employees, and third parties, including contractor and vendors of the College.

Northwest State Community College is public, two-year postsecondary institution and an Equal Opportunity and Affirmative Action Employer that serves the community by providing access to excellent and affordable education, training, and services that will improve the lives of individuals and strengthen communities. NSCC has a strong institutional commitment to the achievement of excellence and diversity among its faculty and staff. Northwest State Community College does not discriminate against employees, students, or applicants on the basis of sex, gender identity, sexual orientation, race, color, religious creed, national origin, physical or mental disability, protected veteran status, age, or any other characteristic protected by law with regard to any employment practices, including recruitment, advertising, job application procedures, hiring, upgrading, training, promotion, transfer, compensation, job assignments, benefits, and/or other terms, conditions, or privileges of employment, provided the individual is qualified, with or without reasonable accommodations, to perform the essential functions of the job. NSCC’s good faith efforts and policies are designed to ensure that this commitment is maintained. **For complaints related to discrimination on the basis of any protected class besides sex, please contact Human Resources and refer to Policy 14-3-19, Non-Discrimination-Anti-Harassment Policy (herein the “Title VII Policy”).** When an allegation of sex-based harassment and harassment or discrimination on the basis of another protected class is reported, the College will use this policy as well as Procedure 14-3-35 (herein the “Title IX Procedure” or “Sexual Misconduct Procedure”) to resolve the complaint. The College retains the right to conduct one investigation into all allegations and to consolidate complaints, although different procedures may be used to resolve complaints that allege more than one form of prohibited conduct. This is further discussed in sections throughout this document.

Northwest State Community College prohibits all forms of sex and gender-based harassment, as well as the offenses of sexual assault, domestic violence, dating violence, and stalking (collectively referred to in this policy as “Sexual Misconduct” and also constitutes “Prohibited Conduct” under this policy.) These offenses may also be prohibited by Title IX of the Higher Education Amendments of 1972, 20 U.S. C. § 1681 et seq. (“Title IX”), by the Clery Act and Section 304 of the Violence Against Women Reauthorization Act of 2013 (“VAWA”), Title VII of the Civil Rights Act of 1964, and other applicable statutes. This Policy prohibits a broad continuum of behaviors, some of which are not prohibited under Title IX or other laws. Their inclusion in this Policy reflects the College’s standards and expectations for a respectful working and learning environment where everyone is free to work and learn safely.

The College will investigate and attempt to resolve all complaints of Sexual Misconduct¹ in a prompt, fair and impartial manner. The College will treat all individuals involved with dignity and respect. All processes are driven by objective fact-finding and approached from a neutral standpoint, including the

¹ Please see Section 2 for the offenses that constitute “Sexual Misconduct” under this policy.

presumption that a Respondent is not responsible for a violation of this policy prior to a finding that supports that.

With this in mind, members of the College community are expected to conduct themselves in a manner that respects the inherent dignity of all people and refrains from any form of harassment or discriminatory practices, including all forms of Sexual Misconduct as defined in this policy. This policy has been developed to reaffirm these principles, to provide explicit information regarding when and how the College will respond to allegations of sex-based Prohibited Conduct, and to provide accountability for conduct that violates this policy.

Inquiries regarding the application of this policy and the respective grievance procedures used to resolve complaints may be referred to the College's Title IX Coordinator/Team, to the U.S. Department of Education's Office for Civil Rights, or both. Further, complaints regarding employment discrimination may also be referred to the Federal and state agencies noted further in this document.

1.1. DEFINITIONS

1.1.1. COMPLAINANT

"Complainant" means an individual who is alleged to be the victim of conduct that could constitute Prohibited Conduct as defined by this policy.

1.1.2. RESPONDENT

"Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct as defined by this policy.

1.1.3. PARTY

"Party" means either the Complainant(s) or Respondent(s) in an investigation or action relating to a report of Prohibited Conduct.

1.1.4. CONFIDENTIAL RESOURCES

"Confidential Resources" are designated by Colleges and Universities to provide Complainants with emergency and ongoing support and to advise the Complainant on options for reporting violations of this policy. Northwest State Community College does not have any on-campus confidential resources (this is a contracted off campus service.) Persons seeking confidential resources should seek support off campus (see On and Off-Campus Resources Chart in Appendix B.)

1.1.5. TITLE IX COORDINATOR

The "Title IX Coordinator" is responsible for overseeing the College's response to reports of Sexual Misconduct on campus and oversees the College's centralized response to ensure compliance with Title IX and the Clery Act (VAWA) as it relates to the accurate reporting of and response to sexual harassment and the VAWA offenses. The Title IX Coordinator is also responsible for coordinating the effective implementation of supportive measures and remedies. The Title IX Coordinator or the President may delegate responsibilities under this policy to a designee, who will be appropriately trained per the requirements of Title IX and VAWA. For purposes of this policy, any reference to the Title IX Coordinator should be read as the "Title IX Coordinator or other designee."

How to contact the College's Title IX Coordinator:

Title IX Coordinator,

Northwest State Community College

In person by visiting the Title IX Office at: Human Resources Department,

Building A, 1st Floor, Suite 106

In writing by email: titleix@northweststate.edu

Or by calling: 419-267-1488

Reports may generally be made in person when the College is normally open between 8am and 4pm Monday through Thursday and anytime 24 hours a day/7 day a week via email, by sending written correspondence through the U.S. mail, or by using the online reporting form, which may be accessed [here](#). In an emergency or to receive an immediate response, contact law enforcement by dialing 9-1-1 from wherever you are. *Correspondence to the Title IX Coordinator via telephone, email or the online reporting form will not result in an immediate response. Responses from the Coordinator will be as prompt as possible and can generally be expected within 2 business days of the outreach.

1.1.6. INVESTIGATOR

The "Investigator" is the person assigned to conduct the investigation upon the signing of a Complaint and a request for a Formal Resolution Process. The Investigator may be a Title IX Coordinator, an employee, or a contracted service provider.

1.1.7. DECISION-MAKER

The "Decision-Maker" is the person or persons that will make the determination of responsibility for Emergency Removal and at the conclusion of an Informal or Formal Resolution Process or following an appeal. The Decision-Maker will provide the determination in writing and cannot be the same person as the Title IX Coordinator or the Investigator on a case arise out of the same facts or circumstances. In the case of an Appeal, the Decision-Maker will be different from the person or person who made the initial determination. The Decision-Maker may be an employee or a contracted service provider. The College retains the right to establish a pool of cross-trained individuals who may serve in the capacity as an Investigator or one of the Decision-Makers, however, a decision-maker would never hold more than one position during a particular complaint.

1.1.8. TITLE IX PERSONNEL

"Title IX Personnel" include all individuals whose duties include resolution of reports and complaints of student and employee violations of this policy. All Title IX personnel shall receive annual training as required by Title IX and the Clery Act as amended by VAWA. Employees falling under this description include without limitation the Title IX Coordinator(s), Investigators, Decision-makers, members of the NSCC Police Department and any contracted service providers of the College with any of the responsibilities outlined herein.

1.1.9. RESPONSIBLE EMPLOYEES

Every College employee must report conduct that could constitute sexual harassment/sex discrimination/sexual misconduct under this policy and are considered "Responsible Employees." A Responsible Employee must attend required training and take all appropriate action to prevent sexual

misconduct, discrimination and harassment, to correct it when it occurs, and must promptly report it to the institution's Title IX Coordinator.

Ohio has both civil and criminal laws to protect children from abuse and neglect. The College requires all faculty, staff, and volunteers, who in the course of their duties, witnesses child abuse or neglect on campus or who have information that would lead a reasonable person to believe that a minor on campus faces a substantial threat of such abuse or neglect must immediately contact NSCC Police Department. Please see the section entitled "Minors on Campus" in this policy information regarding the protection of children on campus.

1.1.10. ADVISOR OF CHOICE

An "Advisor of Choice" means the person of the Complainant or Respondent's choosing who accompanies them to any meeting or disciplinary proceeding in which they are required to be present. This person can provide support, advise and/or counsel. During the investigatory stage of the process, the Advisor is not permitted to act on behalf of their Party with regard to answering questions or providing evidence on behalf of a Party. They may not be disruptive, nor may they unnecessarily delay the investigation due to their personal availability. During the Live Hearing portion of the Title IX process, the Advisor of Choice is responsible for conducting the cross-examination during a live hearing pursuant to the Title IX grievance processes. Cross-examination in this setting is limited to the other Party and witnesses. The Advisor cannot make opening or closing statements, ask questions of their own advisees, object to questions, or engage in advocacy other than that permitted herein. An Advisor is permitted in a Non-Title IX grievance process; however, their role is restricted to that during the investigatory stage as described above.

The College will not restrict the choice of an advisor and the advisor can be anyone of the Party's choosing, although the College may remove an Advisor if they become disruptive or otherwise hinders a fair and equitable process. The involvement of an Advisor may not result in undue delay of any meeting or proceeding. During the Title IX live hearing, if a Party does not have an Advisor, the College will appoint one on behalf of the Party without fee, i.e., free of charge. In this capacity, the Advisor will be appointed for the sole purpose of conducting cross examination of the other Party and witnesses. Employees of the College may serve in this capacity, however, are not required to serve as advisors of choice and may choose to decline serving in this capacity.

1.1.11. CLERY ACT COMPLIANCE-CSAs AND STATEMENT ON VICTIM CONFIDENTIALITY

A "Campus Security Authority" ("CSA") is a designated College official who has an obligation to report certain crimes reported to them to the reporting structure of the institution as required by the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). In most cases it is possible for a CSA to fulfill his or her responsibilities while still maintaining victim confidentiality. Except in reference to a report to the Title IX Coordinator, a report to a CSA does not result in a Complaint for purpose of triggering an investigation or Informal or Formal Resolution Process.

Education records are maintained in accordance with Family Educational Rights and Privacy Act of 1974 (FERPA). All documentation related to a student's complaint, investigation, and resolution are protected by FERPA and for students, constitutes an educational record. Non-identifying information may be shared with the NSCC Police Department in order to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. A Complainant's name will never be publicly published nor does the College house identifiable information regarding status as a crime victim in the Daily Crime Log or online. Victims may request that directory information on file be removed from public sources by

request. To request removal of directory information, employees should contact HR and students should contact the Registrar.

1.1.12. SCOPE AND JURISDICTION

This policy governs the conduct of: College students, regardless of enrollment status; faculty; staff; and third Parties (i.e., non-members of the College community, such as vendors, alumni/ae, visitors, or local residents).

Third Parties are both protected by and subject to this policy. A third-party may make a report of a suspected violation of this policy committed by a member of the College community. A third-party may also be permanently restricted from the College or subject to other restrictions for failing to comply with this policy.

This policy applies to conduct that occurs on College property (i.e., on campus). This policy also applies to conduct that occurs off College property (i.e., off campus) when the conduct is associated with a College-sponsored program or activity, such as travel, research, wellness activities sponsored by the College, internship programs or when such conduct may have a continuing adverse effect or could create a hostile environment on campus. Judgments about these matters will depend on facts of an individual case.

All actions by a member of the College community that involve the use of the College's computing and network resources from a remote location, including but not limited to accessing College owned email accounts, will be deemed to have occurred on campus. On-line and/or social media conduct may violate this Policy if it meets the definition of Prohibited Conduct. Online postings are in the public sphere and are not private. These postings may subject an individual to allegations of Sexual Misconduct or other misconduct. The College does not regularly search for this information nor does it monitor any particular social media site, but it may take action if and when such information is brought to our attention. The College strictly prohibits the misuse of computer/computing resources and such behavior is in violation of the Student Code of Conduct as well as the employee handbook. The College will view any Report of online Sexual Misconduct with the Respondent's free speech rights in mind.

Individuals are encouraged to report any violation of this policy as soon as possible in order to maximize the College's ability to respond promptly and effectively. Reports and Complaints may be made at any time without regard to how much time has elapsed since the incident(s) in question.

If the Respondent is no longer a student or employee at the time of the report or Complaint, the College may not be able to take disciplinary action against the Respondent, but it will still seek to meet its Title IX or other legal obligations by offering supportive measures for the Complainant and taking steps, if necessary and possible, to end the prohibited behavior, prevent and address its recurrence, and address its effects.

For Title IX to apply, the incident must be reported while the Parties are all associated with the College (as current students or employees) and must have occurred on property owned or controlled by the College, and within the United States. Additionally, during the time the misconduct is reported to have occurred, the College must have had substantial control of the Respondent and the context of the misconduct.

1.1.13. SEXUAL MISCONDUCT AT NORTHWEST STATE COMMUNITY COLLEGE AND TITLE IX

This policy governs Prohibited Conduct that constitutes sex-based harassment and/or sex-based discrimination, however, the government defines "sexual harassment" differently in certain settings.

Additionally, this policy covers behaviors that fall outside of the jurisdiction required for response by Title IX. The College will determine whether an allegation should proceed utilizing the grievance processes mandated by Title IX or the College's grievance process for non-Title IX Sexual Misconduct, based on the constellation of facts and circumstances surrounding the report or Complaint and the following factors:

- a. applicable law
- b. what is reported to have occurred
- c. the status of the Complainant as student, employee, or third-party
- d. the status of the Respondent as student, employee or third-party
- e. the context in which the harassing behavior is reported to have occurred
- f. whether or not the reported behavior occurred within the United States; and/or
- g. whether there are continuing effects of such reported behavior on campus or within the College's educational programs or associated activities.

The Title IX Coordinator is the College official designated to evaluate reports to determine which law(s) attach, what threshold each law holds under the various laws, and which grievance process to utilize to resolve such reported behavior.

2. PROHIBITED CONDUCT

As outlined above, the College prohibits behaviors that fall outside the scope of conduct prohibited by Title IX. If a report constitutes behavior as described below, the College will determine which grievance process to utilize to resolve the Complaint.

For purposes of this policy, all of the following definitions constitute conduct to be "on the basis of sex." The College will treat attempts to commit any Sexual Misconduct as if those attempts had been completed when providing notice to a Respondent of the allegations and in the investigation and resolution process. This, in no way, means the College is prematurely judging a Respondent's guilt in the matter and only after determining that the preponderance of the evidence standard has been met, will a finding of responsibility be rendered.

2.1. DEFINITIONS OF PROHIBITED CONDUCT

2.1.1. QUID PRO QUO SEXUAL HARASSMENT

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to or rejection of such conduct is made implicitly or explicitly a term or condition of instruction, employment, or participation in any College activity or benefit; or
- Submission to or rejection of these behaviors by an individual is used as a basis for evaluation in making academic or personnel decisions.

To reach the threshold for a claim under Title IX, the person conditioning the provision of the aid, benefit, or service must be an employee.²

2.1.2. HOSTILE ENVIRONMENT SEXUAL HARASSMENT

Any unwelcome sexual advance, request for sexual favors, or other unwelcome verbal, electronic or physical conduct of a sexual nature when such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance; i.e. it is sufficiently serious, pervasive or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, or social environment under both a subjective and an objective standard.

Gender-based harassment is a form of discrimination that includes verbal, written, or physical behavior, directed at someone, or against a particular group, because of that person's or group's sex, gender identity, actual or perceived sexual orientation, or based on gender stereotypes, when that behavior is unwelcome and has the purpose or effect of substantially interfering with the individual's work or educational performance by creating an intimidating, hostile, or demeaning environment for employment, education or associate activities of the College.

Such conduct does not need to be directed at or to a specific individual in order to constitute sexual harassment but may consist of generalized unwelcome and inappropriate behaviors or communications based on sex, gender identity, actual or perceived sexual orientation, or gender stereotypes. Determination of whether alleged conduct constitutes sexual harassment requires consideration of all the circumstances, including the context in which the alleged incidents occurred.

To reach the threshold for a claim under Title IX, the conduct must be determined to be unwelcome conduct of a sexual nature determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity as well as meet the required jurisdictional elements.

An evaluation of when an offense meets the definition for Title IX will be determined by the Title IX Coordinator based on the constellation of facts and circumstances surrounding the report or Complaint.

2.1.3. NON-CONSENSUAL SEXUAL PENETRATION

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.

2.1.4. NON-CONSENSUAL SEXUAL CONTACT

The 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 incapacity. Private body parts for purposes of this Policy are breast, buttocks, and groin.³

2.1.5. INCEST

For purposes of this Policy, incest means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. In Ohio, this includes sexual contact

² For purposes of this policy, "volunteers" do not constitute "employees" with regard to allegations of sexual harassment for purposes of Title IX. Complaints alleging "volunteers" committed acts of prohibited conduct will be resolved utilizing the institutions non-Title IX grievance process.

³ The touching of non-private body parts could constitute "Sexual Harassment". See Sections 2.1.1 and 2.1.2 of this policy.

between persons who are brothers and sisters, parents, and children, including stepparents, stepchildren, and adopted persons, as well as aunts/uncles with nieces/nephews and between grandparents and grandchildren.

2.1.6. STATUTORY RAPE

Statutory rape means sexual intercourse with a person who is under the statutory age of consent, which in Ohio is 18 years of age. If a person is 18 years of age or older, then it is a crime and a violation of this policy for that person to have sexual contact (including oral sex) with a person who is under 16 years of age. In such a case (where the accuser is between 13 and 16 years old), the actor is guilty of the crime of “Unlawful Sexual Conduct with a Minor,” in violation of Ohio Revised Code Section 2907.04(A).

2.1.7. DOMESTIC VIOLENCE

A felony or misdemeanor crime of violence committed

- by a current or former spouse or intimate partner of the victim.
- by a person with whom the victim shares a child in common.
- by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
- by 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;
- by 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.

According to Section 16 of title 18 of the United States Code, the term “crime of violence” means

- an offense under Ohio State law that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or
- any other offense that is a felony in Ohio and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

Domestic violence, as defined by Title IX, is considered relationship violence and must be “on the basis of sex.” For purposes of this Policy, Domestic Violence does not include acts that meet the definition of domestic violence under Ohio law that are based solely on cohabitation (e.g. roommates) or family relationship (e.g. parent/child). While non-relationship violence would not necessarily be addressed using this policy, it could still be counted for purposes of Clery Act reporting and may be addressed under other College policies or grievance procedures. If you need information on how to obtain a Protection from Abuse Order in the State of Ohio, please see Appendix C of this policy.

2.1.8. 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. For the purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

2.1.9. STALKING

Stalking is defined as 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.

- i. *For the purposes of this definition—*
 - A. *Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third Parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.*
 - B. *Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.*

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

To reach the threshold for a claim under Title IX, the stalking behavior must be determined to be based on sex. Non-sex-based stalking complaints will be resolved using this policy's definitions but under the Non-Title IX Resolution Procedures by status of the Respondent as Student or Employee.

2.1.10. SEXUAL EXPLOITATION

Any act whereby one person violates the sexual privacy of another or takes unjust or abusive sexual advantage of another who has not provided consent, and that does not constitute another offense as defined above. Examples may include acts such as recording, photographing, streaming or otherwise transmitting, viewing or distributing intimate or sexual images or sexual information without the knowledge and consent of all Parties involved; voyeurism (i.e., spying on others who are in intimate or sexual situations), knowingly transmitting a sexually transmitted infection to another, or facilitating the sexual harm/abuse of another person. Sexual exploitation, when it does not in and of itself constitute sexual harassment, will be resolved using the institution's non-Title IX grievance process.

2.1.11. RETALIATION

Retaliation is any attempt to seek retribution against an individual or group of individuals involved in making a good faith report, filing a Complaint, participating in a disciplinary process, or opposing in a reasonable manner an action believed to constitute a violation of this policy. Retaliation can take many forms, including abuse or violence, threats, coercion, and intimidation. Actions in response to a good faith report or response under this policy are considered retaliatory if they have a materially adverse effect on the working, academic or College controlled environment of an individual or if they hinder or prevent the individual from effectively carrying out their College responsibilities. Any individual or group of individuals can engage in retaliation and will be held accountable under this policy.

Allegations of Retaliation will proceed under Student Conduct or the Title VII policy depending on the status of the Respondent as student or employee and may be resolved prior to an allegation of Sexual Misconduct.

2.2. DEFINITION OF CONSENT

Voluntary, informed, uncoerced agreement through words and/or actions freely given, which a reasonable person would interpret as a willingness to participate in mutually agreed-upon sexual acts. Consensual sexual activity happens when each partner willingly and affirmatively chooses to participate.

Indications that consent is not present include:

- when physical force is used or there is a reasonable belief of the threat of physical force, including when one person overcomes the physical limitations of another person.
- when coercion is present. Coercion means the improper use of pressure to compel another individual to initiate or continue sexual activity against the individual's will. Coercion may include intimidation, manipulation, and/or blackmail. Words or conduct may constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether to engage in sexual activity.
- when a person is incapable of making an intentional decision to participate in a sexual act, which could include instances in which the person is in a state of incapacitation, which could be permanent or temporary. Evaluations of capacity will be viewed in hindsight using a reasonable person standard.

Important points regarding consent include:

- Consent to one act does not constitute consent to another act.
- Consent on a prior occasion does not constitute consent on a subsequent occasion.
- The existence of a prior or current relationship does not, in itself, constitute consent.
- Consent can be withdrawn or modified at any time.
- Consent is not implicit in a person's manner of dress.
- Accepting a meal, a gift, or an invitation for a date does not imply or constitute consent.
- A person's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent.
- Silence and passivity do not necessarily constitute consent.
- Initiation by someone who a reasonable person knows or should have known to be deemed incapacitated is not consent.
- A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another.

A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation when a person is incapacitated or not of legal age.

A person who is asleep or unconscious is considered incapacitated and unable to consent. Additionally, a person may be incapacitated due to a temporary or permanent mental or physical disability.

In the context of this policy, incapacitation is the state in which a person's perception or judgment is so impaired that he or she lacks the cognitive capacity to make or act on conscious decisions. The use of drugs or alcohol can cause incapacitation, which is a state beyond mere intoxication. An individual who is incapacitated is unable to consent to a sexual activity. Engaging in sexual activity with an individual who is incapacitated (and therefore unable to consent), where a person knows or ought reasonably to have understood that the individual is incapacitated, constitutes Sexual Misconduct and is a violation of this Policy.

3. REPORTING

Any person may report an incident of Sexual Misconduct as defined by this policy however Employees must report. The College encourages anyone who experiences or becomes aware of Sexual Misconduct to immediately contact one of the options listed below including law enforcement, school administrators and off campus confidential options. Reports may be made by the person who experienced the Sexual Misconduct or by a third-party, including, but not limited to, a friend, family member, advisor, or faculty member. Reports to the Title IX Coordinator may be made in person, by mail, by telephone, or by electronic mail, using the contact information listed below, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the listed telephone number or electronic mail address, or by physical mail to the office address.

A Complainant may pursue some or all of these reporting options at the same time (e.g., one may simultaneously pursue a Formal Resolution Process with the College and a criminal complaint). When initiating any report, a Complainant does not need to know whether they wish to request any particular course of action, nor how to label what happened. Before or during any grievance process, Complainants and other reporting persons are encouraged to consult a Confidential Resource.

3.1 CONFIDENTIAL REPORTING OPTIONS

No offices on campus are designated as Confidential Resources. Therefore, an individual who is not prepared to make a report, or who may be unsure how to label what happened, but still seeks information and support, is strongly encouraged to contact an off campus Confidential Resource.

3.2 LAW ENFORCEMENT-THE NORTHWEST STATE COMMUNITY COLLEGE POLICE DEPARTMENT

Emergency medical assistance and campus safety/law enforcement assistance are available both on and off campus. Individuals are encouraged to contact law enforcement and seek medical treatment as soon as possible following an incident that poses a threat to safety or physical well-being or following a potential criminal offense.

At the Complainant's request, the Title IX Coordinator will assist the Complainant in contacting campus and/or local law enforcement and will cooperate within the extent permitted by law with law enforcement agencies if a Complainant decides to pursue the criminal process. The Complainant also has the right to decline the notification of law enforcement.

Immediate Health and Safety: Contact the Northwest State Community College Police Department or dial 9-1-1

Northwest State Community College Police Department may be reached by dialing "3" from any campus telephone or by dialing 419-267-1452.

The NSCC Police Department is located in A191 in the Atrium.

Persons who wish to report crimes or other incidents at other College sites or from their homes should contact the police department of jurisdiction by calling 9-1-1.

3.3 TITLE IX COORDINATOR

Any individual who may have been subjected to a violation of this policy, and who is considering making a Complaint under this policy, is encouraged to contact the Title IX Coordinator.

In light of the College's obligation to make reasonable efforts to investigate and address conduct prohibited by this policy, College community members are required to notify the Title IX Coordinator of suspected violations and cannot guarantee the confidentiality of a report under this policy.

Title IX Coordinator:

Title IX Coordinator,

Northwest State Community College

In person by visiting the Title IX Office at: Human Resources Department,

Building A, 1st Floor, Suite 106

In writing by email: titleix@northweststate.edu

Or by calling: 419-267-1488

3.4 OTHER AVAILABLE RESOURCES

Any individual may also access resources located in the local community. These organizations can provide crisis intervention services, counseling, medical attention, and assistance in interfacing with the criminal justice system. If accessing these resources, individuals are encouraged to clarify whether the resources are confidential. Please see Appendix B for a list of resources.

Medical Resources

Forensic Medical Exams and Physical Health Services

In the State of Ohio, evidence may be collected even if you chose not to make a report to law enforcement.⁴ It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence as may be necessary to the proof of criminal activity may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs and/or other copies of documents, if they have any, that would be useful to College administrators/investigators or police.

⁴ Under the Violence Against Women and Department of Justice Reauthorization Act of 2005, starting in 2009, states must certify that they do not "require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both."

Although the College strongly encourages all members of its community to report acts of violence to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. The NSCC Police Department or the Title IX Coordinator will assist any victim with notifying local police if they so desire. Information about how to contact local police may also be located at the rear of this policy under "Off Campus Resources."

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, they nevertheless should consider speaking with the NSCC PD or local law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

***If you need help and are not sure if you would like to report or are not sure where to go to get forensic services or other help, contact the Ohio Sexual Violence Helpline at 844-OHIO-HELP.** The Ohio Sexual Violence Hotline is a 24/7 confidential resource providing advocacy and support for survivors of sexual violence across Ohio. Staffed by trained advocates, the helpline provides:

- Confidential emotional support
- Crisis Response
- Information about options and local resources available to survivors and co-survivors, or their friends and family.

A crucial component of the helpline's advocacy efforts is to listen to and empower survivors with information and options throughout the healing process. The Ohio Sexual Violence Helpline aims to ensure that no matter where in Ohio a survivor is located, they will have 24-hour access to support and links to resources and options in their local community.

You may also call 9-1-1 and ask for the nearest Hospital with Forensic Nurses so that you may receive care or proceed to the nearest emergency room and tell them you need evidence recovered from your body due to sexual violence. The emergency room will help you by either performing that service within their facility or by directing you to the closest facility with SANE/FNE services.

3.5 U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS

All members of the College community may also contact the Office for Civil Rights (a division of the United States Department of Education) to file a complaint pertaining to Title IX.

OFFICE FOR CIVIL RIGHTS U.S. DEPARTMENT OF EDUCATION
Headquarters 400 Maryland Avenue, SW, Washington, DC 20202-1100 Customer Service Hotline #: (800) 421-3481 Facsimile: (202) 453-6012 TTY#: (800) 877-8339 Email: OCR@ed.gov Web: http://www.ed.gov/ocr
Regional Office for the States of Michigan and Ohio, Office for Civil Rights, Cleveland Office U.S. Department of Education 1350 Euclid Avenue Suite 325

Cleveland, OH 44115
Telephone: (216) 522-4970
Facsimile: (216) 522-2573
Email: OCR.Cleveland@ed.gov

3.6 ANONYMOUS REPORT

An individual may report an incident without disclosing their name, identifying the Respondent, or requesting any action. Please note that choosing to make an anonymous report can significantly limit the ability of the College to respond. This information will be used for statistical purposes as well as for enhancing understanding of our campus climate so that we may strengthen sexual misconduct response and prevention efforts.

3.7 ONLINE REPORT

NSCC has an online form that may be used by students, employees, faculty, vendors, visitors or other concerned parties to share information related to an alleged incident(s) of sexual misconduct, discrimination based on a protected class, including harassment, and retaliation for making a report or participating in an investigation of the same. This form may be submitted anytime 24 hours a day 7 days a week. This form should not be used if you need immediate assistance.

Title IX Incident Reporting Form
See "Appendix A" for Reporting Form

3.8 MANDATORY REPORTING

Every College employee must report conduct that could constitute sexual harassment/sex discrimination/sexual misconduct under this policy to the Title IX Coordinator and are considered "Responsible Employees."

In emergency situations, if there is a suspected crime in progress, or imminent or serious threats to the safety of anyone, faculty and staff members should immediately dial 911 or "3" from an on-campus telephone whenever possible.

The College is committed to responding to all alleged violations of this policy. Upon receiving a report of Sexual Misconduct, the Title IX Coordinator will promptly, within two business days, contact the Complainant to discuss the availability of supportive measures, provide a written explanation of rights and options, and explain to the Complainant the process for filing a Formal Complaint. The Coordinator will also explain if Informal Resolution is an option if a Formal Complaint is filed. *A Complainant must file a Formal Complaint and ask the College to take action to access available Informal and Formal Resolution options.

3.9 PRIVACY AND CONFIDENTIALITY

Issues of privacy and confidentiality play important roles in this policy and may affect individuals differently. Privacy and confidentiality are related but distinct terms. "Confidentiality" refers to the circumstances under which information will or will not be disclosed to others. "Privacy" refers to the discretion that will be exercised by the College in the course of any investigation or disciplinary processes under this policy.

Requests for confidentiality or use of anonymous reporting may limit the College's ability to conduct an investigation or resolve an allegation using the College's disciplinary proceedings.

Individuals involved in investigations or disciplinary proceedings under this policy are encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation. While discretion regarding the process is important, Complainants and Respondents are not restricted from discussing and sharing information with others who may support or assist them in presenting their case.

In some circumstances, the reporting responsibilities of College employees, or the College's responsibility to investigate, may conflict with the preferences of the Complainant and/or Respondent with regard to privacy and confidentiality. Therefore, all individuals are encouraged to familiarize themselves with their options and responsibilities, and make use of off-campus Confidential Resources, if applicable, in determining their preferred course of action.

Medical and counseling records are privileged and confidential documents that the Parties will not be required to disclose.

The College has an obligation to make reasonable efforts to investigate and address Complaints or reports of violations of this policy. In all such proceedings, the College will take into consideration the privacy of the Parties to the extent possible.

In cases involving students, the Title IX Coordinator may notify other College employees of the existence of the Complaint for the purpose of overseeing compliance with this policy and addressing any concerns related to educational and College sponsored events. While not bound by confidentiality, these individuals will be discreet and will respect the privacy of those involved in the process.

Any additional disclosure of information related to the Complaint or report may be made if consistent with the Family Educational Rights and Privacy Act (FERPA), or the Title IX requirements.

3.10 SUPPORTIVE MEASURES

Upon receipt of a complaint or report of a violation of this policy, the College will provide reasonable and appropriate supportive measures. Supportive measures mean individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a complaint or where no complaint has been filed. Such measures are designed to restore or preserve equal access to the College's program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the College's educational environment, or deter sexual harassment.

Supportive measures may include:

- Access to counseling services and assistance in arranging an initial appointment;
- Rescheduling of exams and assignments;
- Change in class schedule, including the ability to transfer course sections or withdraw from a course;
- Change in work schedule or job assignment;
- Imposition of a mutual on-campus "no contact order," an administrative remedy designed to curtail contact and communications between two or more individuals; and/or

- Any other remedy that can be used to achieve the goals of this policy.

NSCC will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. In cases that meet the definition and jurisdiction of Title IX, Supportive Measures will also be non-punitive and non-disciplinary.

Any supportive measures will not disproportionately impact the Respondent. Requests for supportive measures may be made by or on behalf of the Complainant to the Title IX Coordinator. The Title IX Coordinator is responsible for ensuring the implementation of supportive measures and coordinating the College's response with the appropriate offices on campus.

All individuals are encouraged to report concerns about the failure of another to abide by any restrictions imposed by a Supportive Measure. The College will take immediate action to enforce a previously implemented measure and disciplinary penalties can be imposed for failing to abide by a College-imposed measure utilizing the disciplinary process deemed appropriate by the Title IX Coordinator.

3.10.1 INTERIM REMOVAL

In connection with this policy, in circumstances seriously affecting the health or well-being of any person, or where physical safety is seriously threatened, or where the ability of the College to carry out its essential operations is seriously threatened or impaired, an authorized representative may summarily suspend, dismiss, or restrict any person from the College. Prior to taking action against a student in response to an allegation that arises from a complaint under the jurisdiction of Title IX, the College will undertake an individualized safety and risk analysis and provide written notice to the Party. In all such cases involving students, actions taken will be reviewed promptly, typically within one week, by the appropriate College authority and removals subject to Title IX will include an opportunity for redress (appeal) by the Respondent. Complaints involving employees as the Respondent will be subject to the leave provisions that rest within Human Resources and could involve placing the employee on administrative leave (with or without pay) depending of the nature of the reported offense, the determination of an ongoing risk to public safety, and/or other factors as determined by Human Resources.

3.11 RIGHTS AND OPTIONS

The Title IX Coordinator will ensure that the Complainant receives an explanation of rights and options written in plain language with concise information. The written notification of rights and options will include the following:

- The importance of obtaining and preserving forensic and other evidence;
- The right to report or not report the alleged incident to the College, law enforcement or both, including information about the survivor's right to privacy and which reporting methods are confidential;
- The right to request and receive assistance from campus authorities in notifying law enforcement;
- The right to request and receive assistance in obtaining and enforcing a campus-issued order of protection or no contact order;

- The right to speak to and receive assistance from on and off campus Confidential Resources and other organizations that provide support and services to victims and survivors;
- The right to assistance from the College in accessing and navigating campus and local health and mental health services, counseling, advocacy services, legal assistance, financial aid services and immigration/Visa assistance;
- The right to Supportive Measures with or without the filing of a formal Complainant, no matter where the incident is reported to have occurred and that the College will consider the Complainant's wishes with respect to available supportive measures including without limitation changes to academic, living, dining, working, and transportation situations;
- The right to request a Formal or Informal Resolution Process if cause is found to proceed under this Policy and a summary of the appropriate complaint resolution procedures;
- Contact information for all of the people and organizations listed herein; and
- Complainants have the right to request an end to the process except as set forth in this Policy.

In the event that a Complaint is filed, the Complainant and the Respondent will receive a written notification of rights and options regarding the adjudication process, to include the following:

- The right for Complainants and Respondents to be treated equitably by the College which includes providing remedies to a Complainant where a determination of responsibility for sexual harassment has been made against the Respondent, and by following a grievance process that complies with this policy;
- The right to a fair, impartial, proceeding that begins promptly and is completed within reasonably prompt timeframes;
- The right to a resolution process that is consistent with the College's policies, transparent to the Complainant and Respondent, and in which the burden of proof and of gathering evidence rests with the College and not the Parties;
- The right to a Support Person of the Party's choosing during the grievance process and to an Advisor of the Party's choosing for any hearing under the Title IX Grievance process. If a Party does not have an Advisor present at the hearing, the College will provide without fee or charge, an advisor of the College's choice for purposes of conducting cross examination;
- The right to reasonable accommodations during any hearing, such as not being in the same room as the other Party;
- The right to an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence—and provide that credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness;
- The right to a determination regarding responsibility made at the conclusion of the resolution process and that the College makes no prior presumption of responsibility; and
- The right not to be retaliated against for filing a Complaint and/or for participating in an Informal or Formal Resolution Process.

3.12 AMNESTY/IMMUNITY

In order to encourage reports of conduct that is prohibited under this policy, the College may offer leniency with respect to other violations which may come to light as a result of such reports, depending on the circumstances involved. The Title IX Coordinator will make the determination on behalf of the College.

3.13 TIMELY WARNING

If the College receives a report of a Clery reportable crime that has occurred within the institution's Clery reportable geography, the institution will assess the report for purposes of sending a Timely Warning Notice (TWN). A TWN will be sent for reports that constitute a serious and continuing threat to the campus community and College officials will issue these according to College policy as if reflected in the institution's Annual Security Report. In all cases of sexual misconduct, the Title IX Coordinator will be notified. NSCCPD, as required by law, may also be required to complete an incident report, and publicly disclose the reported statistic of sexual misconduct in the annual security report less personally identifying information. In addition, the College may also share non-identifying information, including data about outcomes and penalties, in aggregate form. At no time will the College release the name or other personally identifiable information of the Complainant to the general public without the express consent of the Complainant or as otherwise permitted or required by law.

3.14 OPTIONS FOR PROCEEDING THROUGH COLLEGE PROCESS

3.14.1 INFORMAL AND FORMAL COMPLAINTS

To initiate the informal resolution process or formal resolution process, a Complainant must file a Complaint. A Complaint means a written statement filed by a Complainant or signed by the Title IX Coordinator alleging Prohibited Conduct against a Respondent and requesting resolution of the alleged behavior. A complaint may be completed by the Complainant in person or submitted by email, mail or by phone to the Title IX Coordinator.

3.14.2 NO COMPLAINT

Complainants have the right not to file a complaint, yet they are highly encouraged to seek medical attention and counseling. Complainants who wish to file a complaint at a later date, may do so by utilizing any of the options outlined in this policy. However, please note that a delay in reporting could create obstacles to the College's process for stopping harassment and/or discrimination, remedying its effects, and preventing recurrence as well as potentially weakening evidence that could be useful in determining whether Prohibited Conduct occurred, in obtaining an order of protection or for the State in being able to proceed with a criminal proceeding external to the College.

3.14.3 COLLEGE-INITIATED COMPLAINTS

In limited cases, the Title IX Coordinator may initiate a complaint without a request by the Complainant upon receipt of a report of Sexual Misconduct. The Title IX Coordinator will initiate the complaint when the Title IX Coordinator, in his or her discretion, determines that a grievance process is warranted given the reported behavior. A Complainant retains standing as a Complainant even in cases where the Title IX Coordinator initiates the complaint. If the Title IX Coordinator initiates a complaint, they will advise the Complainant that they have done so and will provide the rationale to the Complainant regarding why they proceeded.

3.14.4 DISMISSALS

If the Title IX Coordinator determines that the complaint, even if substantiated, would not rise to the level of a violation of this policy, the Title IX Coordinator may dismiss the complaint or refer the complaint to another office for review. A case may also be dismissed for not meeting the threshold and jurisdictional requirements for Title IX, however, a dismissal of a case for purposes of Title IX, does not preclude the College from utilizing this policy for non-Title IX Sexual Misconduct and referring the matter for Non-Title IX Resolution.

If at any time during the investigation or hearing a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal resolution process or withdraw any allegations therein; the Respondent is no longer enrolled or employed by the recipient; or specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations, the College may dismiss the complaint and end the formal resolution process. The decision as to whether to dismiss the complaint will be determined by the Title IX Coordinator based on the stated goals of this policy. Upon a dismissal permitted pursuant to this section, the College will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the Parties.

Either party may appeal the College's dismissal of a Complaint or any allegations by submitting a written appeal within 5 business days of the dismissal. Appeals may follow the grounds outlined in the Appeals section of this policy. If the appeal is denied, the dismissal of the complaint will remain in effect.

3.14.5 CONSOLIDATIONS

The Title IX Coordinator has the discretion to consolidate multiple complaints or reports into a single investigation if evidence relevant to one incident might be relevant to the others. Where a grievance process involves more than one Complainant or more than one Respondent, references in this section to the singular "Party," "Complainant," or "Respondent" include the plural, as applicable.

If a case involves violations of other College policies, the Title IX Coordinator, in consultation with other school administrators, will determine which grievance process to use or if different grievance processes would be more appropriate.

4 RECORD-KEEPING AND ANNUAL REPORTS

The College will keep for 7 years, the following:

- All information obtained as part of each Sexual Misconduct investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript; any disciplinary sanctions and/or remedies; any appeal, including the result of the appeal; and any informal resolution and the result therefrom.
- All information regarding any action taken, including supportive measures, and a rationale as to why a Complaint was not filed. If a Complainant was not provided supportive measures, a rationale must be provided as to why supportive measures were not provided.
- All training materials used to train Title IX Coordinators, Investigators, Decision Makers, and those who facilitate the informal resolution process.

Generally, information from a student's discipline file is not released without the written consent of the student. However, certain information may be provided to individuals within or outside the College who have a legitimate legal or educational interest in obtaining it. Typically, the information that is released to those outside of the College is limited to information associated with findings of "in violation" which

resulted in a suspension or expulsion (discipline file). Please refer to the federal Family Educational Rights and Privacy Act of 1974 (FERPA).

Personnel files are the property of the College and will not be shared without a subpoena.

5 EDUCATION PROGRAMS AND TRAINING OF TITLE IX PERSONNEL

5.1 TRAINING FOR THE COLLEGE COMMUNITY

The College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to reduce and eliminate sexual misconduct or other forms of prohibited conduct which:

- are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome;
- consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels; and
- include primary prevention and awareness programs directed at incoming students and ongoing prevention and awareness campaigns directed at current students.

Risk Reduction means options designed to decrease perpetration and bystander action, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. Experiencing Sexual Misconduct or other forms of prohibited conduct is never the victim's fault. Only abusers are responsible for the abuse they perpetrate. However, the following are some strategies to reduce risk of victimization. For example, The [Rape, Abuse, & Incest National Network](https://www.rainn.org/safety-prevention) (RAINN) has created a list which can be found by clicking here: <https://www.rainn.org/safety-prevention>.

Bystanders play a critical role in the prevention of sexual and relationship violence. The College promotes a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Individuals may not always know what to do even if they want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911, if a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

- Watch out for your friends and fellow students/employees. If you see someone who looks like he or she could be in trouble or need help, ask if he or she is ok.
- Confront people who seclude, hit on, attempt to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this policy for support in health, counseling, or with legal assistance.

5.2 TRAINING OF TITLE IX PERSONNEL

The College will require that the Title IX Coordinator, Investigators, and Decision-Makers and any person who facilitates an informal resolution process receive annual training per the requirements of Title IX and the Clery Act-VAWA, and do not have a conflict of interest or bias for or against Complainants or Respondents generally, or an individual Complainant or Respondent.

The annual training provided includes but is not limited to the following: the definition of sexual harassment, including an understanding of educational program or activity; how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes; how to serve impartially, including avoiding prejudgment about the facts at issue, conflicts of interest, and bias; the technology to be used at a live hearing; issues of relevance, including questioning, and investigative reports.

6 DISABILITY ACCOMMODATIONS AND INTERPRETIVE SERVICES

The College makes every reasonable effort to accommodate individuals with disabilities in accordance with Section 504 of the Rehabilitation Act of 1973 (504) and the Americans with Disabilities Act Amendments Act of 2008 (ADAAA). In compliance with this commitment, NSCC employs an Accessibility Services department to determine reasonable and appropriate accommodations and auxiliary aides for access and participation in college sponsored classes, services, and programs.

Students with a disability who desire an accommodation regarding this Policy must request an accommodation with the Title IX Coordinator. The Title IX Coordinator will make a determination regarding the request after consultation with Accessibility Services and notify the appropriate Parties. An Individual will not be considered to have a disability allowing for an accommodation unless and until the student has met with Accessibility Services and been noted as a person to whom accommodations should be provided. Information about Accessibility Services at Northwest State Community College may be found at <https://northweststate.edu/resources/accessibility-services/> and for information regarding the steps to access services through Accessibility Services, click [here](#).

Employees with a disability should provide the required documentation to Human Resources.

Any employee or student who is party to a complaint of sexual misconduct who is a non-native English speaker and who requires interpretive assistance, please make a request to the Title IX Coordinator so an interpreter may be arranged.

7 FREE SPEECH AND ACADEMIC FREEDOM

The College is committed to providing a safe, anti-harassing, and nondiscriminatory environment that protects the civil rights of individuals, and the college recognizes the protections of academic freedom in the classroom.

This policy is not intended to restrict serious discussion of controversial issues in a training or academic situation. In order to prevent claims that course content is discriminatory, harassing, or offensive, it is recommended that participants in such discussions are provided with a disclosure that the content may be controversial.

8 MINORS ON CAMPUS

The College is committed to providing a safe and secure learning environment for minors. Faculty, staff, students, student employees, and volunteers are therefore expected to hold themselves to the highest standards of conduct when interacting with minors.

The College requires all faculty, staff, and volunteers, who in the course of their duties, witnesses child abuse or neglect on campus or who have information that would lead a reasonable person to believe that a minor on campus faces a substantial threat of such abuse or neglect must immediately take the following actions:

1. Call 911 if abuse is occurring now, if a child is injured (including bruising or complaining pain), or if you believe there is an immediate risk of such abuse occurring in the near future (including a child discloses they are being abused by someone in the home or by a family member, caregiver, coach or other trusted adult.) Also call the NSCC Police Department at 419-267-5511 and advise that you have contacted local police to respond for a child in need of help.
2. If you do not believe there is an imminent threat, call Children Services Agency at 1-855-O-H-CHILD (855-642-4453), which is a 24-hour automated telephone directory that will link callers directly to a child welfare or law enforcement office in their county. Municipal or county peace officers can be contacted as an alternative to Children Services by dialing the non-emergency number. Also call the NSCC Police Department at 419-267-5511 and advise that you have contacted the Children's Services Agency for suspected child abuse or neglect.
3. If in doubt as to what to do, call the NSCC Police Department at 419-267-5511. The NSCC Police Department must also notify the Title IX Coordinator, who will notify other individuals at the College as appropriate.

If consultation is needed regarding reporting, or if there are questions on the process or other support needed, please contact the NSCC Police Department. NSCC expects parents or guardians to provide supervision over minors on campus unless they are involved in a College program or activity sponsored by the College. Parents or guardians should not leave minors unsupervised on College property. The College will follow Ohio state law and the directions of law enforcement officials when suspected abuse of a minor is reported.

9 REVISION AND INTERPRETATION

The Policy is maintained by Human Resources and was most recently approved by the Board of Trustees on August 28, 2020. NSCC reserves the right to review and update the Policy in accordance with changing legal requirements and specific needs of the College.

Any questions of interpretation regarding the Policy shall be referred to the Title IX Coordinator. The Title IX Coordinator's determination is final.

All reports received by the College after this date will be administered in accordance with the procedures described under this Policy.

10 RELATED POLICIES

10.1 STUDENTS:

- Family Education and Privacy Act (FERPA)
- Student Code of Conduct
- Procedure 14-3-35 : Sexual Misconduct Resolution Procedure for Students and Employees

10.2 EMPLOYEES:

- Employee Code of Conduct

- Policy 14-3-19: Non-Discrimination and Anti-Harassment Policy
- Procedure 14-3-35: Sexual Misconduct Resolution Procedure for Students and Employees

APPENDIX A: HOW TO CONTACT THE TITLE IX TEAM

TO REPORT HARASSMENT OR DISCRIMINATION BASED ON A PROTECTED CATEGORY OTHER THAN SEX, AS NOTED IN THIS POLICY, PLEASE CONTACT HUMAN RESOURCES. TO REPORT ACTS OF PROHIBITED MISCONDUCT THAT ARE BASED ON SEX (SEXUAL MISCONDUCT), PLEASE CONTACT THE TITLE IX COORDINATOR OR THE DEPUTY TITLE IX COORDINATOR AS IDENTIFIED IN THE CHART BELOW.

Name	Title	Email Address	Telephone Number	Physical Location	What can I report?
Adrienne Murray	Interim Title IX Coordinator	titleix@northweststate.edu	419-267-1488	Works Remotely (Email to schedule to meet virtually on Zoom OR contact one of the Deputy Coordinators by using the contact information below. The Deputies work on campus.)	Any form of Prohibited Conduct involving students, employees or third parties.
Katy McKelvey	Deputy Title IX Coordinator for Employees	kmckelvey@northweststate.edu	419-267-1225	A106-Human Resources Suite	Any form of Prohibited Conduct involving employees or third parties.
Lana Snider	Deputy Title IX Coordinator for Students	lsnider@northweststate.edu	419-267-1225	A229	Any form of Prohibited Conduct involving students.

To contact the U.S. Department of Education's Office for Civil Rights:

Headquarters

400 Maryland Avenue, SW, Washington, DC 20202-1100
Customer Service Hotline #: (800) 421-3481 | Facsimile: (202) 453-6012
TTY#: (800) 877-8339 | Email: OCR@ed.gov | Web: <http://www.ed.gov/ocr>

Regional Office for the States of Michigan and Ohio, Office for Civil Rights, *Cleveland Office*

U.S. Department of Education
1350 Euclid Avenue
Suite 325
Cleveland, OH 44115
Telephone: (216) 522-4970
Facsimile: (216) 522-2573
Email: OCR.Cleveland@ed.gov

APPENDIX B: ON AND OFF CAMPUS RESOURCES

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, NSCC will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. These resources include the following on and off campus as noted below:

ON CAMPUS	Type of Services Available	Service Provider	Contact Information
Counseling	Free counseling services for all NSCC students	Center for Child & Family Advocacy	Text NSCCHELP to 419.591.6487 or call to schedule an appointment
Counseling for Employees	Employee Assistance Program	Harbor Symmetry Wellness	Phone: 419-475-5338 or 800-422-5338
Health	Not available on campus		
Mental Health	Free counseling services for all NSCC students: Depression, depression, stress, anxiety, or other issues	Center for Child & Family Advocacy	Text NSCCHELP to 419.591.6487 or call to schedule an appointment
Victim Advocacy	Free crisis intervention, information & referrals, and personal counseling to all NSCC Students	Center for Child & Family Advocacy	Text NSCCHELP to 419.591.6487 or call to schedule an appointment
Legal Assistance	Not available on campus		
Visa and Immigration Assistance	Not available on campus		
Student Financial Aid	Assistance with applying for grants, scholarships, federal work study, and student loans.	Financial Aid Office	22600 State Route 34, Archbold, OH 43502 Office C110 finaid@northweststate.edu Phone: 419-267-1333 Fax: 419-267-5587

Campus Police Department	Law Enforcement (Make a report to the police; request any form of assistance)	A191 (in the Atrium)	Dial “3” from any campus telephone Also, dial 419-267-1452
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OFF CAMPUS	Type of Services Available	Service Provider	Contact Information
Counseling	Individual, Couples, and Family Therapy	The Center for Child and Family	419-592-0540
Counseling for Employees	Employee Assistance Program	Harbor Symmetry Wellness	Phone: 419-475-5338 or 800-422-5338
Health	The SART Clinic of Northwest Ohio’s mission is to provide a consistent, competent, and caring response to survivors of sexual or domestic violence assaults. Our team is comprised of healthcare providers, victim advocates, law enforcement agencies and prosecuting attorneys. Survivors decide if they wish to work with all of the members of the SART clinic or only a portion, but our multidisciplinary team provides an overall therapeutic approach to a survivor’s journey of recovery.	The SART Clinic of Northwest Ohio	During Business Hours: 419-592-0540 After hours/weekends: 1-800-782-8555 or 419-782-1100
Mental Health	Individual, Couples, and Family Therapy	The Center for Child and Family	419-592-0540
Victim Advocacy	The CCFA assists victims of all crimes. The victim advocate program of the Center for Child and	The Center for Child and Family	Henry County: 419-592-0540 Defiance County: 419-782-1314 Fulton County: 419-335-4255

	Family Advocacy was established to respond to the needs of adults who are residents of Defiance, Fulton, and Henry counties and are victims of domestic violence. The victim advocate is a trained professional who is available to offer emotional support and practical assistance to victims of all crimes and their families. In addition to emotional support, this service includes referrals to community justice and law enforcement systems.		
Legal Assistance	The CCFA assists victims of all crimes. The victim advocate program of the Center for Child and Family Advocacy was established to respond to the needs of adults who are residents of Defiance, Fulton, and Henry counties and are victims of domestic violence. The victim advocate is a trained professional who is available to offer emotional support and practical assistance to victims of all crimes and their families. In addition to emotional support, this service includes referrals to community justice and law enforcement systems.	The Center for Child and Family	Henry County: 419-592-0540 Defiance County: 419-782-1314 Fulton County: 419-335-4255
Visa and Immigration Assistance	Visa Assistance; Passport Information, Embassy Information	U.S. Department of State	https://travel.state.gov/content/travel.html

Visa and Immigration Assistance	Citizen and Immigration Assistance	U.S. Department of Homeland Security	https://www.dhs.gov/topic/citizenship-and-immigration-services
Student Financial Aid	Assistance with applying for grants, scholarships, federal work study, and student loans.	Financial Aid Office	22600 State Route 34, Archbold, OH 43502 Office C110 finaid@northweststate.edu Phone: 419-267-1333 Fax: 419-267-5587
Community Financial Aid for Anyone in Need of Help	Community Financial Aid, Housing Assistance, Food Assistance, Childcare Assistance, and employment Assistance	Ohio Department of Job and Family Services	https://jfs.ohio.gov/ocomm_root/1000OurServices.stm#FA-2
Henry County Sheriff's Department	Law Enforcement Assistance		123 E. Washington St., Napoleon, OH 43545 Phone: 419-592-8010
Maumee City Police (Toledo Satellite Campus)	Law Enforcement Assistance		109 E Dudley St., Maumee, OH 43537 Phone: 419-897-7040
Other State Resources	Variable		Ohio Domestic Violence Network 1.800.934.9840 https://www.odvn.org/category/for-survivors/ National Domestic Violence Helpline https://www.thehotline.org/ Ohio Sexual Violence Helpline 844-OHIO-HELP https://www.ohiosexualviolencehelpline.com/

APPENDIX C: PROTECTION ORDERS AND COLLEGE ISSUED “NO CONTACT” DIRECTIVES

C-1 No CONTACT DIRECTIVES

Often times, a no contact letter will be given to the Complainant and Respondent by the College until the conclusion of the investigation. This will prohibit communication between the parties, including contact verbally, in writing, through technology or third parties. If you have been the victim of domestic or dating violence, stalking or sexual abuse, you may also want to consider obtaining an order of protection from the State of Ohio. Violations of institutional no contact directives will be handled as a separate violation of the Student Code of Conduct (or through HR for employees) and the College reserves the right to resolve those charges prior to the completion of the investigation into the Prohibited Conduct claim. The College encourages Complainants to contact law enforcement for violations of Ohio issued orders of protection.

C-2 PROTECTION ORDERS

NSCC complies with Ohio law by recognizing court orders that mandate protection from abuse. For example, any person who obtains an order of protection from Ohio or any state in the U.S. should provide a copy to the NSCC Police Department and the Office of the Title IX Coordinator. A Complainant may then meet with a police representative or the Title IX Coordinator (or designee) to develop a Safety Action Plan, which is a plan for campus police and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to escorts, special parking arrangements, providing a temporary cellphone, changing classroom location, or allowing a student or employee to complete assignments/work from home, etc.

The College cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services through Ohio Courts or with the help of law enforcement. NSCC can and does issue institutional “No Contact” directives to prevent contact between parties, which are enforceable as a violation of College. Any Complainant may request an institutional directive by contacting the Title IX Coordinator or investigator assigned to their complaint.

A Protection Order is granted by a Judge and orders the defendant (Respondent) to stay away from you. The defendant should not enter your home or approach you at your place of work or school. If the defendant violates the protection order, a new charge could be filed, and the defendant could be arrested.

Although the Judge may grant the Protection Order, it does not guarantee your safety. It is important for you to be careful and take steps to ensure your safety as much as possible. The College can assist you with creating a Safety Action Plan, which is a plan to provide for your safety while on campus. You may contact off campus service providers, including Lutheran Social Services 24-hour crisis hotline by dialing 614-224-HOME (4663) to find support in creating an off-campus safety plan, connecting with advocates, and even finding a support group.

The law (2919.27 and 3113.31 Ohio Revised Code) states that protection orders issued anywhere in the State of Ohio are enforceable throughout the state - if they are current and still valid. Comparable protection orders issued in other states may also be valid in Ohio. If you hold an out of state order, you may also bring a copy of that document into the NSCC PD or the Title IX Coordinator to develop a Safety Action Plan.

C-3 ARE ALL PROTECTION ORDERS THE SAME?

No. There are four different kinds of protection orders in Ohio. Municipal (Criminal) court may issue a Domestic Violence Temporary Protection Order (DVTPO) or a Criminal Protection Order (CRPO) depending on the type of charge and your relationship to the defendant. Civil (Domestic) Court issues Civil Protection Orders (CPO) if you are a family or household member of the defendant. If you are being stalked, Common Pleas Court may issue a Civil Stalking or Sexually Orientated Offense Protection Order (SSOOPO).

C-4 WHAT IS A CIVIL PROTECTION ORDER?

A CPO is issued by the Domestic Relations Court to protect victims of domestic violence. A CPO is intended to prevent further domestic violence. It orders someone who has been abusive to do or not to do certain things in the future.

You should consider requesting a CPO - even if you have a DVTPO from a criminal court - because a CPO lasts longer.

A petition for a Civil Protection Order (CPO) can be filed with the Domestic Relations Court. You may want to contact your own attorney, Capital Family Advocacy Clinic ((614) 645-6232), or Legal Aid ((614) 224-8374) to see if you qualify for a Civil Protection Order. You do not have to be getting a divorce to ask for a CPO.

The CPO (Civil Protection Order) may include the following orders:

- a. Direct the abuser to stop the abuse;
- b. Grant possession of the residence or household to you and/or other family member, to the exclusion of the evict the abuser; or order the abuser to vacate the premises, or (if the abuser has the duty to support order the abuser to provide suitable, alternative housing;
- c. Award temporary custody and establish temporary custody orders with regard to minor children (if no other court has determined custody and visitation rights);
- d. Require the abuser to maintain support if the abuser customarily provides for or contributes to the support of the family or household, or if the abuser has a duty to support under the law;
- e. Require counseling;
- f. Require the abuser to refrain from entering the residence, school, business, or place of employment of the victim or other family members; and/or
- g. Grant any other relief that the court considers fair, including, but not limited to, ordering the abuser to permit the use of a motor vehicle to the victim, and ordering a fair apportionment of household and family personal property.

C-5 WHAT IS A CIVIL STALKING OR SEXUALLY ORIENTATED OFFENSE PROTECTION ORDER?

A SSOOPO is issued by the General Division of Common Pleas Court specifically to protect victims of stalking. A SSOOPO orders someone who has been engaging in stalking behavior to end that behavior. For additional information on stalking, please call (614) 645-6232. Who can get a Criminal Protection Order?

If you are **not** considered a household or family member according to O.R.C. 2919.25, then you may request a Protection Order if any of the following charges are filed on your behalf.

- Felonious Assault
- Aggravated Assault
- Assault
- Aggravated Menacing
- Menacing by Stalking
- Menacing
- Aggravated Trespass

If you **are** considered a household or family member according to O.R.C. 2919.25, then you may request a Protection Order if an offence of violence is filed on your behalf.

Offense of violence include but are not limited to:

- Domestic Violence
- Felonious Assault
- Aggravated Assault
- Assault
- Menacing by Stalking
- Aggravated Trespass
- Criminal Damaging/Endangering
- Criminal Mischief
- Burglary
- Endangering Children

Contact the Archbold Police Department for more information at 419-445-9991 (non-emergency).

C-6 HOW DO I GET A CRIMINAL PROTECTION ORDER?

- a. A criminal charge must have been filed against the defendant,
- b. The crime must be specified by statute (ORC 2919.26/2903.213),
- c. You must be the victim of the crime,
- d. Your relationship with the defendant must comply with the law (see [Who are considered family and household members](#))?

If you need assistance with understanding more about protective orders, shelters for battered persons, area resources and supports, and/or your rights, please visit the Victim Services Directory

through the Office of the Attorney General for the State of Ohio by clicking [here](#) and locating your applicable county.

APPENDIX D: PROHIBITIONS AGAINST CONSENSUAL SEXUAL, ROMANTIC, OR INTIMATE RELATIONSHIPS INVOLVING PERSONS WITH POWER DIFFERENTIALS

Consensual sexual relationships include romantic, intimate, or sexual relationships in which both parties agree to participate in the relationship. The College recognizes that consensual sexual relationships are generally not problematic, except when the relationship may compromise the integrity of the College, create the potential for the abuse of authority, or create the inability to remain impartial. Consensual sexual relationships may also create a third-party perception that a subordinate is receiving preferential treatment.

1. Consensual sexual relationship misconduct among employees:

- The College strictly prohibits consensual sexual relationships between administrators, supervisors, deans or chairpersons and the employees they supervise professionally advise, counsel, or employees over whom they have direct impact on the employee's terms and conditions of employment. **The College also recognizes that some employees may be married or significantly engaged with employees who then become subordinates. If an employee finds themselves in a relationship with an employee for whom they now have an evaluative relationship, the supervising employee shall contact HR and report the relationship so that determinations regarding who would need to evaluate or supervise the subordinate employee may be made.

2. Consensual sexual relationship misconduct with students:

- The College strictly prohibits consensual sexual relationships between faculty members and the students or student employees enrolled in a class or class sequence(s) taught, advised, counseled, or supervised by the faculty member, or over whom the faculty member has direct impact on the student or student employee's academic enrollment or success.
- The College strictly prohibits consensual sexual relationships between administrators, supervisors, deans, chairpersons or employees and the student or student employees whom they advise, counsel, or supervise, or over whom they have a direct impact on the student or student employee's academic enrollment or success.
- The college strongly discourages all employees or faculty members from engaging in consensual sexual relationships with students as long as the student is considered to be in an active status as a student, even if the student is not currently enrolled in a class.

D-1 CONSEQUENCES OF ENGAGING IN INAPPROPRIATE CONSENSUAL SEXUAL, ROMANTIC, OR INTIMATE RELATIONSHIPS

1. Any employee or faculty member who is engaged in a consensual sexual relationship that may be in violation of this policy has the responsibility to notify his/her administrator, dean or chairperson, the Human Resources Department and/or the Title IX Coordinator or Deputy Title IX Coordinator about the relationship as soon as it is known that it may violate this policy.
 - a) The employment of the parties involved in the consensual sexual relationship in which one person has authority over or influence upon the status of the other will be modified so that the authority or influence no longer exists. This shall occur by moving one of the persons to another position, department, or supervisor, if possible. If acceptable alternative arrangements are not feasible, the relationship may not continue or employees will be subject to further disciplinary action, up to and including termination.
 - b) An employee who does not notify his/her administrator, supervisor, dean or chairperson that he/she is involved in a consensual sexual relationship is in violation of this policy and shall be

subject to disciplinary action, up to and including termination of employment.

- c) If an employee and/or faculty member is found to be engaged in a consensual sexual relationship with a student that violates this policy, disciplinary action may be expedited.
- d) When one person in a consensual sexual relationship of any kind clearly informs the other person that the relationship is no longer welcome, the other person should not pursue the relationship. To continue the pursuit of the relationship may become a violation of this policy, and the pursuing person will be subject to disciplinary action, up to and including termination of employment.