

Northwest State Community College

Title IX Sexual Harassment Policy 14-3-35

This Policy applies to allegations of Title IX sexual harassment. Sex discrimination or protected-class harassment that is not Title IX sexual harassment is addressed under NSCC Policy 14-3-19.

Applies to	Board members, employees, learners, learner employees, applicants for admission or employment, vendors, contractors, customers, program participants, volunteers, visitors, and any person participating in or attempting to participate in a College education program, activity, service, workplace, or operation.
Responsible Office	Title IX Coordinator, in coordination with Human Resources, Campus Police, Student Services, and other appropriate College officials.
Effective Date	June 25, 2026
Related NSCC Policy	Equal Opportunity and Non-Discrimination/Anti-Harassment Policy (Policy 14-3-19), which addresses sex discrimination and other protected-class discrimination or harassment that is not Title IX sexual harassment.
Governing Procedure	Title IX Sexual Harassment Grievance Procedure.

1. Purpose

Northwest State Community College (the College or NSCC) is committed to maintaining an education and employment environment free from Title IX sexual harassment and retaliation. This Policy defines Title IX sexual harassment, identifies reporting options, explains supportive measures, and states the rights and obligations that apply when NSCC receives notice of conduct that may fall within this Policy.

This Policy is designed to be consistent with the 2020 Title IX regulations, including requirements applicable to formal complaints of sexual harassment, supportive measures, emergency removal, live hearings, objective evaluation of relevant evidence, equitable treatment of complainants and respondents, and prompt and impartial grievance procedures.

2. Policy Statement

NSCC prohibits Title IX sexual harassment, retaliation, and process abuse. The College will respond promptly and equitably to reports and formal complaints of Title IX sexual harassment and will take steps designed to stop prohibited conduct, prevent recurrence, restore or preserve equal access, provide supportive measures, and implement remedies after a determination of responsibility.

This Policy does not resolve sex discrimination or other protected-class discrimination or harassment that is not Title IX sexual harassment as defined below. Those matters will be referred for review under NSCC's Equal Opportunity and Non-Discrimination/Anti-Harassment Policy (Policy 14-3-19) and corresponding procedure, or another applicable College process.

3. Scope and Jurisdiction

This Policy applies to Title IX sexual harassment occurring in NSCC's education program or activity, against a person in the United States, where the respondent is subject to the College's authority and the complainant is participating in or attempting to participate in the College's education program or activity at the time the formal complaint is

filed. The Policy applies to conduct in any medium, including in-person, written, verbal, physical, visual, online, electronic, social media, and other communications or conduct.

Conduct that does not meet Title IX jurisdictional requirements may still be addressed through supportive measures, safety measures, educational measures, or referral to Policy 14-3-19 or another applicable process. Dismissal for Title IX purposes does not prevent the College from addressing the same conduct under another College policy when appropriate.

This Policy will be interpreted and applied in a manner consistent with academic freedom, free expression, due process, and other rights protected by applicable law. Speech or expressive conduct is not harassment merely because it is offensive or unpopular; however, protected expression does not include conduct that meets the definition of Title IX sexual harassment or another policy violation.

4. Relationship to Policy 14-3-19

NSCC's Equal Opportunity and Non-Discrimination/Anti-Harassment Policy (Policy 14-3-19) remains the governing policy for sex discrimination, sex-based harassment, and other protected-class discrimination or harassment that is not Title IX sexual harassment. When the Title IX Coordinator determines that reported conduct does not fall within this Policy or must be dismissed for Title IX purposes, the matter will be referred to the appropriate College office or process for review under Policy 14-3-19 or another applicable College policy, as appropriate.

The Title IX Coordinator may coordinate with the office or administrator responsible for Policy 14-3-19 to ensure appropriate intake, supportive measures, safety measures, documentation, and referral without requiring a reporting party to restart the reporting process unnecessarily.

5. Definitions

Term	Definition
Advisor	A person chosen by a complainant or respondent to provide support and advice during a Title IX sexual harassment process. An advisor may be, but is not required to be, an attorney. When advisor-conducted cross-examination is required at a live hearing, the College will provide an advisor without fee or charge to a party who does not have one for that purpose.
Complainant	An individual who is alleged to be the victim of conduct that could constitute Title IX sexual harassment. A person may be a complainant regardless of whether the person personally reports the conduct or participates in a College process.
Consent	Clear, knowing, and voluntary permission expressed by words or actions before and during sexual activity. Consent is active, not passive; silence alone is not consent. Consent to one form of sexual activity does not imply consent to another form. Consent may be withdrawn at any time. Prior relationships or prior consent do not imply consent to future sexual activity. Consent cannot be given by a person who is incapacitated, asleep, unconscious, under unlawful restraint, coerced, threatened, deceived, or below the legal age of consent. A person who initiates sexual activity is responsible for obtaining consent.

Discrimination	Different treatment, exclusion, denial of benefits, or other adverse action based on protected class status, or a policy or practice that is neutral on its face but has an unlawful discriminatory impact on a protected class. Sex discrimination that is not Title IX sexual harassment is not resolved under this Policy and will be referred for review under NSCC's Equal Opportunity and Non-Discrimination/Anti-Harassment Policy (Policy 14-3-19) and corresponding procedure.
Education program or activity	Locations, events, circumstances, services, employment, operations, or programs over which the College exercises substantial control over both the respondent and the context in which the alleged Title IX sexual harassment occurred, and any building or space owned or controlled by a learner organization officially recognized by the College.
Formal complaint	A document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment against a respondent and requesting that the College investigate the allegation. At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in the College's education program or activity.
Harassment	Unwelcome conduct based on protected class status. In the education context, harassment is conduct that interferes with, limits, or denies a person's ability to participate in or benefit from College programs, activities, services, or opportunities. In the employment context, harassment is conduct that unreasonably interferes with work performance or creates an intimidating, hostile, or offensive work environment. Harassment that is not Title IX sexual harassment is not resolved under this Policy and will be referred under Policy 14-3-19.
Party	A complainant or respondent.
Protected class	A status protected by applicable federal or state law or College policy, including age, ancestry, color, disability, familial status, genetic information, military or veteran status, national origin, race, religion, sex, sexual orientation, or any other status protected by law or College policy.
Respondent	An individual who has been reported to have engaged in conduct that could constitute Title IX sexual harassment.
Retaliation	Intimidation, threats, coercion, discrimination, adverse action, harassment, or other conduct against a person because the person made a report or complaint, testified, assisted, participated, or refused to participate in a Title IX sexual harassment process, requested supportive measures, or exercised rights under this Policy, the grievance procedure, or applicable law.
Supportive measures	Non-disciplinary, non-punitive individualized services offered as appropriate, reasonably available, and without fee or charge to a complainant or respondent before or after a formal complaint is filed or where no formal complaint has been filed. Supportive measures are designed to restore or preserve equal access, protect safety, or deter Title IX sexual harassment without unreasonably burdening the other party.

Title IX Coordinator	The College official designated and authorized to coordinate NSCC's compliance with Title IX; receive reports and formal complaints; coordinate supportive measures; oversee Title IX sexual harassment grievance processes; provide consultation, education, and training; and ensure appropriate, effective, and equitable response to Title IX issues.
Title IX sexual harassment	Conduct on the basis of sex that satisfies one or more of the following: (1) quid pro quo sexual harassment; (2) hostile environment sexual harassment; (3) sexual assault; (4) nonconsensual sexual contact; (5) incest; (6) statutory rape; (7) dating violence; (8) domestic violence; or (9) stalking, as those terms are defined in this Policy.
Quid pro quo sexual harassment	An employee of the College conditioning the provision of an aid, benefit, service, employment opportunity, academic opportunity, or other College benefit on an individual's participation in unwelcome sexual conduct.
Hostile environment sexual harassment	Unwelcome conduct on the basis of sex 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.
Sexual assault	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 consent, including instances where the person is incapable of giving consent because of age or temporary or permanent mental or physical incapacity. *An attempt to engage in sexual assault is prohibited and may be charged, investigated, and adjudicated under this Policy as sexual assault, regardless of whether the act is completed.
Nonconsensual sexual contact	The intentional touching of the clothed or unclothed body parts of another person, without the consent of the victim, for the purpose of sexual degradation, sexual gratification, or sexual humiliation. It also includes the forced touching by the victim of the actor's clothed or unclothed body parts, without the consent of the victim, for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This offense includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication. For purposes of applying this Policy, "body parts" means any part of a person's body. The College will determine whether contact was for the purpose of sexual degradation, sexual gratification, or sexual humiliation by considering the ordinary meaning of those terms and the totality of the circumstances. These purpose elements may be shown by words, conduct, context, relationship of the parties, location of the contact, surrounding circumstances, or other relevant evidence. The College does not require direct evidence of a person's subjective intent if the purpose of the contact can reasonably be inferred from the available evidence. Sexual gratification means contact that is sexual in nature or undertaken for sexual pleasure, interest, or satisfaction.

	Sexual degradation means contact that sexually demeans, debases, objectifies, or subordinates another person. Sexual humiliation means contact that sexually embarrasses, shames, exposes, ridicules, or degrades another person. *An attempt to engage in nonconsensual sexual contact is prohibited and may be charged, investigated, and adjudicated under this Policy as nonconsensual sexual contact, regardless of whether the contact is completed.
Incest	Non-forcible sexual intercourse between persons who are related to each other within the degrees where marriage is prohibited by Ohio law.
Statutory rape	Non-forcible sexual intercourse with a person who is under the statutory age of consent under Ohio law.
Dating violence	Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship will be determined based on the reporting party's statement and consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse and does not include conduct covered under domestic violence.
Domestic violence	A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the complainant; by a person with whom the complainant shares a child in common; by a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner; by a person similarly situated to a spouse of the complainant under Ohio domestic or family violence laws; or by any other person against an adult or youth complainant who is protected from that person's acts under Ohio's domestic or family violence laws.
Stalking	A course of conduct directed at a specific person that would cause a reasonable person under similar circumstances and with similar identities to fear for their own safety or the safety of others, or to suffer substantial emotional distress. A course of conduct means two or more acts, including acts in which a person directly, indirectly, or through third parties follows, monitors, observes, surveils, threatens, communicates to or about a person, or interferes with the person's property.

6. Prohibited Conduct

6.1 Title IX Sexual Harassment

Title IX sexual harassment means conduct on the basis of sex that falls within one or more of the following categories as defined in this Policy:

- Quid pro quo sexual harassment;
- Hostile environment sexual harassment;
- Sexual assault;

- Nonconsensual sexual contact;
- Incest;
- Statutory rape;
- Dating violence;
- Domestic violence; or
- Stalking.

6.2 Retaliation

Retaliation is prohibited. A person may not intimidate, threaten, coerce, discriminate against, harass, discipline, or otherwise take adverse action against another person for making a report or formal complaint, participating or refusing to participate in a Title IX process, requesting supportive measures, or exercising rights under this Policy or the grievance procedure. Retaliation that does not constitute Title IX sexual harassment may be addressed under other applicable College policies, including the Equal Opportunity and Non-Discrimination/Anti-Harassment Policy (Policy 14-3-19), employee conduct policies, learner conduct policies, or other applicable procedures.

6.3 Process Abuse and False Information

It is prohibited to obstruct, interfere with, falsify, misrepresent, or improperly influence a Title IX process; knowingly make false statements; knowingly submit false information; destroy or conceal relevant evidence; disrupt a proceeding; fail to comply with a College directive; or otherwise abuse the process. A determination that a respondent is not responsible does not, by itself, establish that a complainant or witness made a false report or gave false information.

7. Prohibition on Consensual Relationships

NSCC is committed to maintaining learning, working, and campus environments free from conflicts of interest, favoritism, exploitation, and the misuse of institutional authority. Romantic, dating, sexual, or intimate relationships may create real or perceived conflicts of interest when one individual has authority, influence, or responsibility over another individual's education, employment, evaluation, supervision, advising, coaching, counseling, discipline, access to resources, or participation in College programs or activities.

Employees are prohibited from engaging in romantic, dating, sexual, or intimate relationships with any learner over whom the employee has, or reasonably may be expected to have, instructional, supervisory, evaluative, advising, coaching, counseling, disciplinary, or other institutional authority. This prohibition applies regardless of whether the relationship is or appears to be consensual.

Employees are also prohibited from exercising supervisory, evaluative, employment, disciplinary, or other institutional authority over any employee, applicant, volunteer, contractor, program participant, or other individual with whom the employee has or has had a romantic, dating, sexual, or intimate relationship.

An employee who is involved in, or who may become involved in, a relationship that creates or may create a conflict of interest or power differential must promptly disclose the relationship to the Director of Human Resources so that the College may determine whether alternative arrangements are required. Alternative arrangements may include removing supervisory, evaluative, instructional, advising, coaching, counseling, or disciplinary authority; changing reporting lines; reassigning duties; or taking other steps necessary to eliminate the conflict or power differential.

If acceptable alternative arrangements are not feasible, the relationship may not continue while the power differential exists. Failure to disclose a prohibited relationship, failure to comply with required alternative arrangements, or engaging in a prohibited relationship may result in corrective or disciplinary action, up to and including termination of employment.

Conduct involving a consensual relationship that may also constitute Title IX sexual harassment will be addressed under this Policy and the Title IX Sexual Harassment Grievance Procedure. Conduct involving a consensual relationship that does

not constitute Title IX sexual harassment may be addressed under other applicable College policies, including the Equal Opportunity and Non-Discrimination/Anti-Harassment Policy (Policy 14-3-19), employee conduct policies, learner conduct policies, or other applicable procedures.

8. Protection of Minors on Campus

NSCC is committed to protecting minors who participate in, visit, or are otherwise present in College programs, activities, facilities, events, camps, clinics, dual-enrollment activities, outreach programs, or other College-sponsored or College-affiliated activities.

For purposes of this section, a minor means an individual under the age of eighteen unless otherwise defined by applicable law. College employees, volunteers, contractors, learners, and other individuals acting on behalf of the College must conduct themselves in a manner that protects minors from abuse, neglect, harassment, exploitation, inappropriate conduct, and unsafe conditions.

Any individual covered by this Policy who knows, suspects, or receives information suggesting that a minor has been subjected to abuse, neglect, sexual abuse, sexual harassment, sexual exploitation, inappropriate sexual conduct, or other conduct that may endanger the minor must promptly report the concern as required by law and College policy. Reports involving an immediate threat to a minor’s health or safety should be made immediately to 911 or appropriate law enforcement.

Reports or concerns involving minors may also be referred to the Title IX Coordinator when the reported conduct may constitute Title IX sexual harassment, including quid pro quo sexual harassment, hostile environment sexual harassment, sexual assault, nonconsensual sexual contact, dating violence, domestic violence, stalking, incest, or statutory rape. The Title IX Coordinator will assess whether the matter falls within this Policy and the Title IX Sexual Harassment Grievance Procedure.

Conduct involving minors that does not constitute Title IX sexual harassment may be referred for review under other applicable College policies and procedures, including the Equal Opportunity and Non-Discrimination/Anti-Harassment Policy (Policy 14-3-19), learner conduct policies, employee conduct policies, campus safety protocols, mandatory reporting obligations, or other applicable College procedures.

Nothing in this Policy limits any person’s obligation to report suspected child abuse or neglect to appropriate governmental authorities or law enforcement as required by Ohio law. The College may take immediate action to protect minors and the campus community, including restricting access to College property, programs, or activities; removing an individual from a program or activity; notifying law enforcement or child protective authorities; or taking other steps necessary to protect health and safety.

9. Reporting and Contact Information

Any person may report Title IX sexual harassment, retaliation, or process abuse to the Title IX Coordinator at any time, including outside business hours, in person, by mail, by telephone, by email, through the online reporting portal, or by any other means that results in the Title IX Coordinator receiving the report. A report is not the same as a formal complaint, although a report may lead to supportive measures, outreach, and information about how to file a formal complaint.

Making a report to NSCC does not preclude a person from reporting to law enforcement. The College will assist with law enforcement contact upon request. A report to law enforcement does not automatically initiate the College Title IX process, and a report to the College does not substitute for a criminal report.

Subject	Office/Person	Telephone	Email/URL
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Title IX Coordinator / Title IX questions, reports, and formal complaints	Shannon Floyd, Title IX Coordinator, Building C, Office 100H, Archbold Campus	419.267.1319	titleix@NorthwestState.edu
Deputy Title IX Coordinator /employees and visitors	Katy McKelvey, Building A, Office 112, Archbold Campus	419.267.1327	kmckelvey@NorthwestState.edu
Deputy Title IX Coordinator /employees	Brittany Chamberlain, Building A, Office 106, Archbold Campus	419.267.1425	bchamberlain@NorthwestState.edu
Deputy Title IX Coordinator /learners	Renee Bostelman, Building C, Office 140C, Archbold Campus	419.267.1334	rbostelman@NorthwestState.edu
Online report or formal complaint	Accessible through the NSCC Title IX website / Maxient reporting portal	N/A	northweststate.edu/title-ix/
Campus Police / police report/emergency on campus	Northwest State Police Department, Room A196, Archbold Campus (Atrium)	419.267.1452; 911 for emergencies	N/A
Off-campus emergency or criminal report	Local law enforcement	911 for immediate emergencies	N/A
Main campus	22600 State Route 34, Archbold, OH 43502	419.267.5511	northweststate.edu
Van Wert campus	520 E. Sycamore St., Van Wert, OH 45891	419.267.1399	northweststate.edu
<u>To file a complaint directly with the U.S. Department of Education's Office for Civil Rights, contact:</u> U.S. Department of Education Office for Civil Rights Lyndon Baines Johnson Department of Education Bldg. 400 Maryland Avenue, SW Washington, DC 20202-1100 Telephone: 800-421-3481 FAX: 202-453-6012; TDD: 800-877-8339 Email: OCR@ed.gov			

10. Employee Reporting Responsibilities

All College employees, except confidential resources acting within the scope of a legally recognized privilege or confidentiality designation, must promptly report to the Title IX Coordinator information they receive that may constitute Title IX sexual harassment. Employees should share all known information, including the names of the parties, date, time, location, and description of the conduct, while respecting privacy and avoiding unnecessary disclosure.

Employees should inform a person disclosing information, as early as practical, that the employee may be required to share information with the Title IX Coordinator; that supportive measures are available with or without a formal complaint; of the right to file a formal complaint; and that confidential resources may be available.

When a report involves a minor, employees and other responsible individuals must also follow any mandatory reporting obligations required by law and College policy. Reporting to the Title IX Coordinator does not replace an obligation to

contact law enforcement, child protective authorities, or other required authorities when such reporting is required by law.

11. Privacy, Confidentiality, and Records

The College will protect privacy to the extent permitted by law. Information received in connection with a report, formal complaint, supportive measure, investigation, hearing, appeal, or resolution will be shared only with persons who have a legitimate need to know, including as necessary to provide supportive measures, conduct a fair process, implement remedies, comply with law, or protect safety.

The College will keep confidential the identity of individuals who make reports or formal complaints; complainants; respondents; and witnesses, except as permitted or required by law, College policy, or the need to carry out this Policy and the grievance procedure. The College will maintain records consistent with Title IX recordkeeping requirements and applicable records retention rules.

12. Supportive Measures

Upon notice of conduct that may constitute Title IX sexual harassment, the Title IX Coordinator or designee will promptly contact the complainant, when known, to discuss supportive measures, consider the complainant's wishes, explain that supportive measures are available with or without a formal complaint, and explain the process for filing a formal complaint.

Supportive measures may include, as appropriate and reasonably available, counseling referrals; academic support; extensions of deadlines; course-related adjustments; changes to class, work, transportation, parking, or campus access arrangements; mutual no-contact directives; safety planning; campus escort assistance; increased security or monitoring; leave options; changes in reporting relationships; and other measures designed to restore or preserve equal access without unreasonably burdening the other party.

13. Emergency Removal and Administrative Leave

The College may remove a respondent from an education program or activity on an emergency basis when, after an individualized safety and risk analysis, the College determines that an immediate threat to the physical health or safety of any learner or other individual arising from the allegations justifies removal. The respondent will receive notice and an opportunity to challenge the decision immediately following the removal.

Nothing in this Policy prevents the College from placing an employee on administrative leave, reassignment, or other interim employment action consistent with applicable law, contracts, handbooks, and College policy while a Title IX process is pending.

14. Informal Resolution

Informal resolution may be offered only when the College determines it is appropriate, a formal complaint has been filed when required, and all parties voluntarily consent in writing. Before informal resolution begins, the College will provide written notice of the allegations, the requirements of the process, the right to withdraw before agreement, consequences of participation, and records that will be maintained or shared. Informal resolution is not available to resolve allegations that an employee sexually harassed a learner.

15. Standard of Evidence

The College uses the preponderance of the evidence standard for Title IX sexual harassment determinations. Preponderance of the evidence means that it is more likely than not that the alleged conduct occurred.

16. Remedies, Corrective Action, and Sanctions

When a respondent is found in violation of this Policy, NSCC will provide remedies designed to restore or preserve equal access to the College's education program or activity and may impose corrective action or sanctions. Remedies may include supportive measures and other actions that are disciplinary or punitive and need not avoid burdening the respondent.

Possible sanctions and corrective actions include warning, reprimand, educational requirements, no-contact directives, probation, loss of privileges, removal from a course or activity, suspension, dismissal, termination of employment, restrictions on campus access, contract action, visitor restrictions, and other measures appropriate to the circumstances and authorized by applicable College policy or law.

17. Training

Title IX Coordinators, investigators, decision-makers, appeal officers, informal resolution facilitators, and others responsible for implementing this Policy must receive training required by Title IX. Training materials must not rely on sex stereotypes and must promote impartial investigations and adjudications.