

I. Anti-Discrimination Statement

The University of Cincinnati does not tolerate discrimination on the basis of sex, including sexual harassment, sexual violence, or retaliation. UC takes steps to ensure that the campus community is not subject to a hostile environment and to respond promptly and appropriately to allegations of discrimination or harassment on the basis of sex. The university promptly investigates incidents of discrimination or harassment on the basis of sex, takes appropriate action (including disciplinary action) against students found to have violated this policy, and provides remedies as appropriate to complainants and the campus community. The university takes immediate action to end a hostile environment if one has been created, prevent its recurrence, and remedy the effects of any hostile environment on affected members of the campus community.

The university is committed to upholding First Amendment principles and this policy does not impair the exercise of rights protected under the First Amendment. For more information about harassment and the First Amendment, please see the [University Policy on Discriminatory Harassment](#).

Statement of Jurisdiction

Except as covered under the Title IX Sexual Harassment Policy, this policy applies to alleged sex/gender-based discrimination that takes place on university property (owned, leased or controlled premises), at university-sponsored events, in connection with a university-recognized program or activity, as well as off-campus behavior that is not associated with a university-sponsored event or a university-recognized program or activity, if the alleged discrimination could reasonably create a hostile environment on campus or in university programs or activities.

II. Definitions and Examples

The university's policies and definitions may differ from Ohio state law. Conduct may be both punishable under the criminal statutes and university policy. These processes are separate and distinct from one another, but can run concurrently. Definitions cited from the Ohio Revised Code may be revised at any time.

Amnesty

The university community encourages the reporting of conduct code violations and crimes. Sometimes, individuals who experience sexual misconduct are reluctant to report such conduct to university officials because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. To encourage reporting, the University of Cincinnati does not refer complainants with non-violent

violations, such as unauthorized use of alcoholic beverages or drugs or narcotics related to the incident. The university may, however, impose educational responses rather than sanctions, at the discretion of the Department of Student Life.

Complainant

A Complainant is the individual who files a report or on whose behalf a report is filed.

Confidentiality

If you have experienced sexual misconduct and would like to speak confidentially with someone about your reporting options, please consider contacting one of the [confidential resources](#). The university will generally honor a complainant's request for confidentiality. However, complainants should be advised that this may limit the University's ability to respond fully to the report. Reports made to university employees other than those specifically identified as confidential sources must be reported to the Title IX Coordinator, who will evaluate the reports to determine whether action must be taken to protect the University community.

Consent

Consent is informed, freely given, mutual, and can be withdrawn at any time. A person cannot give consent if he or she is mentally or physically incapacitated or impaired such that the person cannot understand the fact, nature or extent of the sexual situation; this includes impairment or incapacitation due to age, alcohol or drug consumption, or being asleep or unconscious. Similarly, a person cannot give consent if force, expressed or implied, duress, intimidation, threats or deception are used on the complainant. Silence or the absence of resistance does not necessarily imply consent. Consent to some sexual acts does not imply consent to other acts, nor does prior consent to sexual activities imply ongoing future consent with that person or consent to that same sexual activity with another person. Whether an individual has taken advantage of a position of influence or authority over an alleged victim may be a factor in determining consent.

Dating Violence

Dating violence is 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 a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes sexual or physical abuse or the threat of such abuse.

Domestic Violence

Domestic violence is 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; or 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 Ohio.

Pursuant to Ohio Revised Code § 2919.25 Domestic Violence:

1. No person shall knowingly cause or attempt to cause physical harm to a family or household member.
2. No person shall recklessly cause serious physical harm to a family or household member.
3. No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member.

* [Complete text of Ohio Revised Code §2919.25](#)

Employee

UC employees include university faculty and staff.

Incapacitated or Incapacitation

A state in which rational decision-making or the ability to consent is rendered impossible because of a person's temporary or permanent physical or mental impairment including, but not limited to, physical or mental impairment resulting from drugs or alcohol, disability, sleep, unconsciousness, or illness. Incapacitation is determined based on the totality of the circumstances. Incapacitation is more than intoxication, but intoxication can cause incapacitation. Factors to consider in determining incapacitation include, but are not limited to, the following:

- Lack of awareness of circumstances or surroundings (e.g., an inability to understand, either temporarily or permanently, the who, what, where, how and/or why of the circumstances; blackout state);
- Inability to physically or verbally communicate coherently, particularly with regard to consent (e.g., slurred or incoherent speech);
- Lack of full control over physical movements (e.g., difficulty walking or standing without stumbling or assistance); and/or

- Physical symptoms (e.g., vomiting or incontinence).

Mandatory Reporter

All university employees, except those specifically designated as confidential resources ([CAPS, Health Services, the counseling services at Blue Ash and Clermont Colleges, and On-Campus Women Helping Women Advocates](#)), must report to the Title IX Coordinator any incidents of possible sexual harassment, sex discrimination, or retaliation on campus of which they are aware. Reports must be made within 24 hours using the [online reporting form](#) or to the Title IX Coordinator or a Deputy using the contact information provided above. University employees who are responsible for reporting possible sex discrimination, sexual harassment, and retaliation include all faculty, administrators, staff, residence coordinators, and residence advisors.

Ohio law requires that any person learning of a felony report the crime to the police. All university employees must report a felony of which they are aware to the University of Cincinnati Police Department (exceptions to this are employees of the Counseling Center and University Health Services). Questions regarding identifying felony behavior can be directed to the Office of General Counsel or the University of Cincinnati Police Department.

Rape

Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the complainant.

Respondent

A Respondent is the individual against whom a report has been filed.

Sex Discrimination

Sex discrimination takes place where a UC student or third party receives negative or adverse treatment based on sex, gender, or gender identity and the conduct denies or limits the individual's ability to obtain the benefits of UC's programs or activities.

Sex- and Gender-Based Harassment

Sex- and gender-based harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic success; or

- Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or study environment.

In addition, harassment without an overt sexual component can also violate the law and university policies where it is shown that the harassment is directed at an individual because of the individual's gender or gender identity. In determining whether alleged conduct constitutes sexual harassment, the University will look at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination whether a particular action violates this policy will be made from the facts, on a case by case basis. In cases in which a hostile environment is alleged, a determination of a violation requires not only a finding that the victim regarded the environment as hostile, but also that such conduct was severe, persistent or pervasive and would be considered hostile by any reasonable person. Offensive conduct that does not rise to the level of harassment, however, may be grounds for discipline under other applicable policies.

Sex- and Gender-Based Violence

Sex- and gender-based violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the person's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including rape, sexual assault, and sexual coercion. All such acts of sexual violence are forms of sexual harassment covered under Title IX. Gender-based violence may be directed at a person because of the person's gender, gender identity or perceived gender/gender identity.

Sexual Assault

Offenses including rape, fondling, or statutory rape. Sexual assault includes non-consensual intercourse (see definition of rape above) as well as non-consensual sexual contact (intentional sexual contact of the body parts of another person without that person's consent).

Sexual Coercion

This occurs when a respondent unreasonably pressures a complainant to engage in sexual activity despite the complainant indicating that he or she does not want to engage in sexual

interaction. Sexual coercion can occur through the use of words/pressure, substances such as drugs or alcohol, force, or manipulation. Sexual coercion can also occur where the respondent is in a position of influence or authority over the complainant, or where the complainant is a minor.

Stalking

Engaging in a course of conduct directed at a specific person that would: cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

Pursuant to Ohio Revised Code §2903.211 Menacing by Stalking:

(A)

(1) No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or cause mental distress to the other person. In addition to any other basis for the other person's belief that the offender will cause physical harm to the other person or the other person's mental distress, the other person's belief or mental distress may be based on words or conduct of the offender that are directed at or identify a corporation, association, or other organization that employs the other person or to which the other person belongs.

(2) No person, through the use of any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, or computer system, shall post a message with purpose to urge or incite another to commit a violation of division (A)(1) of this section.

(3) No person, with a sexual motivation, shall violate division (A) (1) or (2) of this section.

[* Complete text of Ohio Revised Code §2902.211](#)

Student

As defined in the Student Code of Conduct, an individual who has been accepted for admission to the university, registered for classes, enrolled at the university, or otherwise entered into any other relationship with the university to take or audit classes. Student status lasts until an individual graduates, withdraws from the university, is dismissed, or is not in attendance for two complete semesters.

Examples of Prohibited Conduct

Please note that this is not a comprehensive list but provides guidance to individuals seeking to understand some of the definitions provided above:

- Student 1 and Student 2 have many drinks at a party and go to Student 1's room in a residence hall on-campus, where the students lie down in Student 1's bed. Student 1 passes out and Student 2 has sexual intercourse with Student 1. Student 2's conduct violates this policy because Student 1 was incapacitated and unable to give consent.
- Student 1 has been in a consensual sexual relationship with Student 2. In the middle of a sexual encounter with Student 2, Student 1 pushes Student 2 away, expressing fatigue. Student 2 continues the sexual encounter by touching Student 1 intimately, and Student 1 pushes Student 2 away again and pretends to be asleep. Student 2's conduct violates this policy by continuing with sexual contact despite Student 1's withdrawal of consent.
- Student 1 files a sexual harassment complaint against Student 2. When they hear about this, Student 2's friends begin to follow Student 1 around campus and make derogatory comments to Student 1. Student 1 becomes afraid to go to classes. The conduct by Student 2's friends is prohibited by this policy as it constitutes harassment in retaliation for filing a Title IX complaint.
- Student 1 goes to a party and meets Student 2. The two students hang out for a couple of hours. Student 1 drinks five cups of an alcoholic juice served at the party and has three shots of tequila. Student 1 begins to throw up and Student 2 walks Student 1 to Student 1's apartment. On the way, Student 1 stumbles and has trouble walking. Student 1's speech is slurred and Student 1 needs assistance to swipe into the apartment. Student 2 has sex with Student 1 when they go to the apartment. Student 2's conduct violates this policy because Student 1's alcohol consumption and actions (e.g., throwing up, slurred speech) reasonably suggest that Student 1 is incapacitated and unable to give consent.
- Students 1 and 2 are in the same Biology class. Student 2 sits behind Student 1 in class and observes Student 1's cell phone number. Student 2 begins texting Student 1 daily and sometimes stands outside Student 1's classes. Student 1 tells Student 2 to stop. Student 2 moves to a different seat in Biology class but continues to text Student 1 every day and to stand outside Student 1's classes. Student 2's conduct constitutes stalking in violation of this policy.

III. Where to Make a Report or File a Complaint

Reports to the Office of Gender Equity & Inclusion

Reports or complaints of possible policy violations where the alleged perpetrator is not a UC employee can be made by contacting the Title IX Coordinator or appropriate Deputy Title IX Coordinator:

- Office of Gender Equity & Inclusion, Title IX Coordinator, Adrienne Lyles, titleix@uc.edu, (513) 556-3349
- Deputy Title IX Coordinator for UC Blue Ash College, Molly Scruta, (513)-936-1501
- Deputy Title IX Coordinator for UC Clermont College, Jennifer Radt, (513)732-8964 or 513-732-5319

Reports involving employees are addressed as set forth in the [University Policy Statement on Sexual Harassment](#), the [University Policy on Discriminatory Harassment](#) and the [University Policy on Non-discrimination](#).

Upon the Title IX Coordinator's receipt of a report, the Title IX Coordinator or designee will generally contact the reporter (or complainant) via email and/or telephone within 48 hours.

Reports to Law Enforcement

Reports also may be made to the University of Cincinnati Police Department at: (513) 556-1111, 51 West Corry Blvd, <https://uc.edu/publicsafety.html>.

Reports may be made simultaneously to law enforcement and the Office of Gender Equity & Inclusion.

IV. Policies

Amnesty

The university community encourages the reporting of conduct code violations and crimes. Sometimes, individuals who experience sexual misconduct are reluctant to report such conduct to university officials because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. To encourage reporting, the University of Cincinnati does not refer complainants with non-violent violations, such as unauthorized use of alcoholic beverages or drugs or narcotics related to

the incident. The university may, however, impose educational responses rather than sanctions, at the discretion of the Department of Student Life.

Confidentiality

If you have experienced sexual misconduct and would like to speak confidentially with someone about your reporting options, please consider contacting one of the [confidential resources](#). The university will generally honor a complainant's request for confidentiality. However, complainants should be advised that this may limit the University's ability to respond fully to the report. Reports made to university employees other than those specifically identified as confidential sources must be reported to the Title IX Coordinator, who will evaluate the reports to determine whether action must be taken to protect the University community.

Mandatory Reporter

All university employees, except those specifically designated as confidential resources ([CAPS, Health Services, and the counseling services at Blue Ash and Clermont Colleges](#)), must report to the Title IX Coordinator any incidents of possible sexual harassment, sex discrimination, or retaliation on campus of which they are aware. Reports must be made within 24 hours using the [online reporting form](#) or to the Title IX Coordinator or a Deputy using the contact information provided above. University employees who are responsible for reporting possible sex discrimination, sexual harassment, and retaliation include all faculty, administrators, staff, residence coordinators, and residence advisors.

Ohio law requires that any person learning of a felony report the crime to the police. All university employees must report a felony of which they are aware to the University of Cincinnati Police Department (exceptions to this are employees of the Counseling Center and University Health Services). Questions regarding identifying felony behavior can be directed to the Office of General Counsel or the University of Cincinnati Police Department. For a list of reportable offenses, please see the [sexual offenses and related crimes chart](#).

Minors as Complainant or Respondent

All University community members who receive information, suspect, or know that a minor is being or has been abused or neglected must advise their supervisor, the Office of Human Resources, and the University of Cincinnati Department of Public Safety promptly. If the report is about a supervisor or administrator, the next level of management should be contacted. Reports can be made to: Chief Human Resources Officer or Senior Director of Labor Relations & Policy Development at (513) 556-0343; University of Cincinnati Department of Public Safety: Non-Emergency (513) 556-1111. Also see the policy on [Protection of Minors on Campus](#).

V. Formal Resolution Process

This procedure provides for the prompt, reliable, impartial resolution of complaints of sex discrimination. Complaints will generally be resolved within 60 days of the filing of a complaint; however, in some circumstances, complaints may take longer to resolve (e.g., if filed during university breaks.) If there is a need to extend the timelines set forth below, the Title IX Coordinator will make the determination and notify the parties. Notwithstanding the waiver, complainants who have experienced sexual violence are still encouraged to file complaints. Complainants and respondents will receive regular updates regarding the status of their complaints.

1. The university strongly encourages individuals who experience sex discrimination to file complaints as soon as reasonably possible after the alleged sex discrimination occurs to allow for prompt resolution of inappropriate conduct. Complaints should be filed under this procedure within two years of the last act of alleged discrimination, unless extenuating circumstances precluded reporting a complaint within that time frame. The purpose of the time frame is to ensure that the passage of time does not limit the University's ability to conduct an investigation or locate witnesses, as memory lapses and other time-sensitive factors may impair an investigation. Complaints filed outside the two year time frame may be eligible for a discretionary waiver of the filing requirement. Waiver decisions will be made by the Title IX Coordinator in consultation with the General Counsel.
2. A complainant may initiate the formal Title IX process by filing a complaint with the Title IX Coordinator or a Deputy Coordinator (contact information provided above). During this meeting, the complainant will receive a copy of the university's Title IX policies and procedures, and information about the Title IX process, how to file a complaint with law enforcement, how to obtain interim measures, and information about on- and off-campus resources.
3. Within seven days of the filing of a complaint, a Deputy Title IX Coordinator or designee will generally initiate a meeting with the respondent. During this meeting, the respondent will receive notice of the complaint allegations, a copy of the university's Title IX policies and procedures, and information about the Title IX process. The respondent also will be provided an opportunity to discuss the nature of the complaint allegations.
4. Within 14 days of the filing of a complaint, a Deputy Title IX Coordinator or designee will begin interviewing witnesses, as appropriate, and review relevant evidence. The complainant and the respondent will have an equal opportunity to provide

documents and witnesses during the investigation and adjudication of the complaint.

5. At the conclusion of the investigation, the Deputy Title IX Coordinator will prepare an interim investigatory report for review by the complainant and respondent. The complainant and respondent will be provided an equal opportunity to review, ask written questions about, and comment in writing on the report. Written input from the complainant and respondent will be incorporated into the report. If necessary, the Deputy Title IX Coordinator will conduct additional investigation prior to finalizing the report. The final report will be provided to the adjudicators (see adjudication process below) within five weeks of the filing of the formal complaint.
6. At any time prior to the adjudication of the complaint, a respondent may choose to accept responsibility, at which point the Director of Judicial Affairs may conduct an administrative review to determine appropriate sanctions. Such administrative review generally will be concluded within 60 days of the filing of the formal complaint.
7. Adjudication process:
 - a. The university maintains a pool of faculty and staff who receive training at least annually on sexual violence, sexual harassment, and the requirements of Title IX. Adjudication of complaint under this procedure will take place as set forth in the [Student Code of Conduct](#).
 - b. The complainant and respondent will receive concurrent written notice of the outcome of the adjudicatory process.
8. Conflicts of interest: If either party believes that a Deputy Title IX Coordinator, investigator, or adjudicator involved in the case has a conflict of interest, the party should inform the Title IX Coordinator to permit a determination of whether a conflict exists and the designation of a replacement for that person.
9. Confidentiality: Information shared by the parties as part of the Title IX process will be kept private, consistent with state and federal law.
10. Advisors: The parties may be accompanied by an advisor of their choice during the Title IX process. Advisors are not permitted to speak on behalf of the parties during meetings or hearings. See [Student Code of Conduct](#) for further discussion of the role of the advisor.
11. Mediation: The university does not mediate sexual assault complaints and does not require the complainant to work out an issue directly with the respondent.

12. Investigator: The university reserves the right to utilize outside investigators to conduct fact finding during this process.

VI. Interim Measures

Interim measures are available upon receipt of a report of sex discrimination, including sexual violence, and prior to the resolution of a complaint, as appropriate. Available interim measures include, but are not limited to, restrictions on contact between the respondent and complainant (“no contact” orders); changes in academic or living situations where appropriate; access to counseling, health, and mental health services at no cost; academic support; and escort services. Failure to abide by restrictions placed during the Title IX complaint resolution process constitute a violation of UC policy.

The Title IX Coordinator or Deputy Title IX Coordinator generally will offer interim measures upon receipt of a report of sex discrimination, if appropriate. Individuals who would like to request additional interim measures or who experience difficulty obtaining interim measures that they have been approved to receive should contact the Title IX Coordinator or Deputy Title IX Coordinator.

Protective measures also may be available by filing a complaint with law enforcement. For example, police departments may provide civil protection orders and other measures when criminal complaints are filed.

VII. Prohibition Against Retaliation

The University does not tolerate intimidation, retaliation, or retaliatory harassment against individuals because they filed a complaint, participated in a Title IX investigation, or otherwise asserted rights protected by Title IX. Individuals found responsible for retaliation in violation of Title IX will be held accountable under the [Student Code of Conduct](#). Remedies may be available to complainants, witnesses, and participants in the Title IX process who experience retaliation.

VIII. Standard of Review

The university applies the preponderance of the evidence or “more likely than not” standard in investigating, adjudicating, and resolving complaints of sex discrimination, including allegations of sexual harassment or violence.

IX. Appeal

The complainant and respondent have equal rights to file an appeal. The university maintains a trained pool of individuals who may serve as appeal board panelists. The appeal process will be carried out consistent with the [Student Code of Conduct](#). The complainant and respondent will receive concurrent written notice of the outcome of the appeal process.

X. Sanctions

Students found responsible for sex discrimination, including sexual violence, under this policy are subject to a range of sanctions up to, and including, suspension and dismissal from the university, as set forth in the [Student Code of Conduct](#). Other sanctions may include removal from housing or changes in academic programming and restrictions on access to the complainant or campus. Third parties may be subject to bans from campus or termination of contractual arrangements with the university.

XI. Remedies

Following the adjudication of a complaint, remedies may be available for the complainant and campus community, as appropriate. Remedies may include counseling, housing changes, academic support, training and other educational programming.

XII. Resources

The University maintains a full list of on- and off-campus resources for individuals who have experienced sex discrimination, including sexual misconduct, available on the [Title IX Resources](#) page.

XIII. Documentation

The university will retain through its data management systems all recordings of Title IX hearings and related documentation, consistent with the university's record retention policy.

XIV. Bystander Intervention

Bystanders play a critical role in the prevention of sexual and relationship violence. A bystander is anyone who observes an emergency or a situation that looks like someone could use some help. Even if you feel it is not your place to get involved, if it appears that someone is in immediate danger, you may choose to intervene if it is safe to do so, or get help by calling the police. It is important to notify the police if you feel you or someone else's safety has been threatened or is in danger.

Procedures

All student policies can be found in the [Student Code of Conduct](#).

For complaints of sex discrimination, including sexual assault, involving UC employees, please use the procedures set forth in the [University Policy Statement on Sexual Harassment](#), the [University Policy on Discriminatory Harassment](#) and the [University Policy on Non-discrimination](#). The definitions in this procedure supersede the definitions that may exist in other university policies and procedures with dates prior to October 2014.

[Title IX of the Education Amendments of 1972](#) is a federal civil rights law that prohibits discrimination on the basis of sex, gender, or gender identity in the university's programs and activities.

Title IX prohibits discrimination on the basis of sex including retaliation against someone who has filed a report, is involved in an investigation, or otherwise asserted rights protected by Title IX. Individuals who experience sex discrimination are encouraged to report such incidents to the university. Employees are required to report information about possible sex discrimination of which they have notice.