



Frequently Asked Questions

Policy 1.15, Sexual Misconduct

1. Why is this policy important?

- Ensuring a safe and healthy campus climate for our students and for all members of the university community is our top priority.
- Sexual misconduct impedes the realization of the university's mission of distinction in education, scholarship, and service. We are a community that expects civility, looks out for one another, and encourages all members to do the right thing.

2. Who is covered by this policy?

- This is a unified policy and applies to our entire university community: all employees (faculty, staff, student employees, and graduate associates) as well as students, appointees, visitors, vendors, and volunteers.
- Allegations of sexual misconduct by employees will be investigated under this policy.
- While this policy also covers students, allegations of sexual misconduct by students will be investigated under this policy and charged under the [Code of Student Conduct](#).

3. What topics and behaviors does the policy cover?

- The policy covers key definitions, Title IX coordinator and deputy coordinator, romantic and/or sexual relationships, employee duty to report sexual misconduct, confidentiality, retaliation, investigation and resolution options, remedies, false allegations, and use of sexual misconduct allegations in employment or academic actions.
- The policy details procedures for reporting allegations of sexual misconduct, reporting retaliation, conducting investigations, and notification of findings.

4. What behaviors does the policy prohibit?

- The policy prohibits *sexual misconduct* which includes things such as sexual harassment, sexual violence, and relationship violence. Each of these three types of sexual misconduct is detailed below.
- The policy also prohibits certain relationships between individuals in a supervisory, teaching, evaluation, advising, coaching, or counseling relationships.

5. What is sexual misconduct?

- The policy defines sexual misconduct as conduct of a sexual nature or conduct based on sex or gender that is nonconsensual or has the effect of threatening, intimidating, or coercing a person.
- Sexual misconduct is a form of sex- and gender-based discrimination. As such, it's an umbrella term that includes:
 - Sexual harassment,
 - Sexual violence,
 - Relationship violence, and
 - Stalking

6. What is sexual harassment?

- Sexual harassment is a sub-set of sexual misconduct.



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- Sexual harassment differs from the employment context (working for the university) to the education context (being a student of the university), so the policy defines sexual harassment in both contexts.
 - *Employment* context: Unwelcome, sex- or gender-based verbal or physical conduct that unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.
 - *Education* context: Unwelcome, sex- or gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it interferes with, denies or limits an individual's ability to participate in or benefit from the university's educational programs and activities.
- No matter the context (employment or education), sexual harassment can take two forms:
 - Power differentials (commonly called "quid pro quo")
 - Hostile environment
- A single or isolated incident of sexual assault (non-consensual sexual intercourse, commonly called "rape," or non-consensual sexual contact) can constitute sexual harassment if it is severe enough to create a hostile environment.

7. Why are there two different definitions for sexual harassment?

- The definitions result from the different legal requirements for each type of setting. In the *employment* context, sexual harassment is covered by Title VII of the Civil Rights Act of 1964 (employment law) and Title IX of the Educational Amendments of 1972 (nondiscrimination law regarding sex and gender). In the *education* context, sexual harassment is covered by Title IX of the Educational Amendments of 1972 (nondiscrimination law regarding sex and gender).

8. What are some examples of conduct that could constitute sexual harassment?

- Sexual jokes, innuendoes, gestures
- Unwanted flirtation, advances, or propositions
- Pressure for sex
- Leering
- Display/transmission of sexually suggestive objects, visuals, or electronic content
- Any unnecessary, unwanted physical contact
- Sexual assault (includes non-consensual sexual intercourse, commonly called "rape," and non-consensual sexual contact) - if this occurs, call the police immediately and seek medical attention and preserve evidence

9. Why do all employees have a duty to report sexual assault?

- Sexual assault is a very serious crime and will not be tolerated at Ohio State. Sexual assault on college campuses is an increasing concern and the university has expanded the duty to report sexual assault to all employees. Ohio State will not tolerate this type of behavior and relies on its employees and community members to report allegations of sexual assault so the university can connect those impacted by sexual assault with resources. The university will take prompt and appropriate action to stop sexual assault and prevent its recurrence and relies on its employees to report when behavior like this has occurred so it can be addressed.
- As university employees, we are all responsible for promoting a safe environment for our students and each other.
- Because all employees have a duty to report sexual assault, they must know what it is and where to report. The policy provides specific information and training is also available to help employees be prepared to act.



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10. Why do some employees have an additional duty to report all other incidents of sexual misconduct?

- HRPs; anyone who supervises faculty, staff, students, and volunteers; chairs/directors; and all faculty members have an **additional** obligation to report known or suspected incidents of sexual misconduct. Because of their positions of authority, these individuals have always had a heightened responsibility to report all other incidents of sexual misconduct.

11. Who doesn't have to report?

- Only those employees expressly identified as a confidential reporter are exempt from the duty to report.
- At Ohio State, this list includes:
 - Professional counselors,
 - Pastoral counselors,
 - Other employees with a professional license requiring confidentiality who are functioning within the scope of that license or certification and their university employment (e.g., physician with dual appointments as a clinician and a professor), and
 - Employees who are functioning within the scope of their university employment and who are supervised by or performing duties for university employees with a professional license requiring confidentiality (e.g., Student Health Center employees or Medical Center employees functioning within the scope of that license or certification).

12. I am an employee who works in an office that provides confidential support resources for the university, and I am supervised by a clinician with professional privilege (i.e. Counseling and Consultation Service or Student Health Services). If I become aware that a patient/client has experienced a sexual assault in the course of my responsibilities as an employee, do I have a duty to report under the policy?

- No. You are exempt from the duty to report sexual assault and sexual misconduct. Since you are engaging in duties that support the clinician with professional privilege, even if not directly supervised by such a person, you would be covered by the privilege as well.
- You are not exempt if someone makes a disclosure to you outside of your patient care responsibilities.

13. What must employees report, when, and to whom?

- All employees have an obligation to *immediately report* that a sexual assault has occurred and all known information that would lead a reasonable person to believe that *sexual assault* may have occurred involving anyone covered under the policy.
- HRPs; anyone who supervises faculty, staff, students, and volunteers; chairs/directors; or faculty members have an additional obligation to report all other incidents of *sexual misconduct* within *five work days*.
- Question 18 includes a chart that shows how anyone can make a report.

14. Are there any instances when an employee might not have to report?

- Yes, under very limited circumstances, an employee is not required to report if information is disclosed:

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- At a public awareness event when individuals do not intend to make a disclosure such as “Take Back the Night,” candlelight vigils, protests, survivor speak-outs, etc.; or
- During an individual’s participation as a subject in an Institutional Review Board (IRB)-approved human subjects research protocol.
- Employees who are confidential reporters are not required to report (see question 11).

15. Is there training available on the policy and these topics?

- Online training modules have been available since autumn 2015 for undergraduate students, graduate/professional students, and employees/volunteers. Each of these trainings is tailored to the target audience.
 - The student modules are available through [CampusClarity](#).
 - The employee module is available in [BuckeyeLearn](#).
- In-person sexual misconduct training for employees is offered by the Office of Human Resources.
- In-person Title IX training is offered by the Title IX Coordinator.
- In-person trainings for students, student organizations, and university units (covering topics like consent, coercion, bystander intervention, alcohol-fueled sexual violence, rape myths, gender stereotyping, and prevention/disclosure/response) are offered by Student Advocacy.

16. What are my confidential resources?

- Support resources:

Community Served	Scope/Purpose	Office/Agency	Contact Information	Confidentiality
Students	Offers individual and group counseling and therapy to help students address personal, academic and career concerns.	Counseling and Consultation Service	614-292-5766 ccs.osu.edu	Confidential
Students	Provides legal services (e.g., civil protection orders, crime victim compensation, and criminal proceedings guidance) to eligible students.	Student Legal Services	614-247-5853 studentlegal.osu.edu	Confidential
Employees	Provides life assistance for an array of personal, work-related, and daily living challenges for benefits-eligible employees and family members.	Employee Assistance Program	614-292-4472 800-678-6265 (24/7 hotline) osuhealthplan.com/members/ohio-state-employee-assistance-program-eap	Confidential
Anyone	Provides 24/7 emergency room, 24/7 helpline, law enforcement, and long-term aftercare advocacy; survivor options, resources, and emotional support; and education and prevention programming.	Sexual Assault Response Network of Central Ohio (SARNCO)	614-267-7020 (24/7 helpline) ohiohealth.com/sexualassaultresponsenetwork	Confidential
Anyone	Provides survivor advocacy and assistance to LGBTQI survivors regarding hate and bias violence, discrimination, intimate partner violence, sexual assault, and stalking.	Buckeye Region Anti-Violence Organization (BRAVO)	614-294-7867 866-862-7286 (toll free) bravo-ohio.org	Confidential

- Medical resources:

Community Served	Scope/Purpose	Office/Agency	Contact	Confidentiality
Students	Outpatient facility; provides a variety of health care services.	Wilce Student Health Center	614-292-4321 shs.osu.edu	Confidential

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Community Served	Scope/Purpose	Office/Agency	Contact	Confidentiality
Anyone	24/7 medical services.	OSU Wexner Medical Center	614-293-8333 wexnermedical.osu.edu	Confidential
Anyone	24/7 medical services.	Ohio State University Hospital East	614-257-3000 wexnermedical.osu.edu/patient-care/locations-and-parking/university-hospital-east	Confidential
Anyone	24/7 medical emergencies.	Nearest Emergency Room	9-1-1 (emergencies)	Confidential

17. What are my non-confidential resources?

- Support resources:

Community Served	Scope/Purpose	Office/Agency	Contact Information	Confidentiality
Students	Helps students resolve issues encountered at the university and navigate the university structure; assists in academic, housing, transportation accommodations.	Student Advocacy Center	614-292-1111 advocacy.osu.edu	Non-confidential
All members of university community	Coordinates Title IX compliance; leads Title IX activities; consults with units; provides education and training; helps to ensure Ohio State responds appropriately, effectively and equitably to Title IX issues.	Title IX coordinator	614-247-5838 titleix.osu.edu	Non-confidential
Students residing on campus	Assists student residents in short- and long-term needs.	Resident advisors and hall directors in Residence Life	housing.osu.edu	Non-confidential
Anyone	Responds to criminal conduct on campus.	University Police	614-292-2121 or 9-1-1 dps.osu.edu	Non-confidential
Anyone	Responds to criminal conduct off-campus.	Columbus Police	614-645-4545 or 9-1-1 columbus.gov/police	Non-confidential
Anyone	Responds to criminal conduct off-campus, at regional campuses; provides emergency assistance.	Local law enforcement agency	9-1-1 (emergencies)	Non-confidential

18. How do I report an incident?

- All members of the university community can make reports/file complaints as outlined below.
- Contacting the offices below **does satisfy** the employee duty to report:

Report/Complaint Type	Agency/Office	Contact Information
Sexual misconduct involving employees	Office of Human Resources (deputy Title IX coordinator)	614-292-2800 614-293-4988 (medical center employees) hr.osu.edu/services/elr/sexualharassment@osu.edu Discrimination and Harassment Complaint form
Sexual misconduct involving students	Office of Student Life, Student Conduct Department (deputy Title IX coordinator)	614-292-0748 studentconduct.osu.edu studentconduct@osu.edu
Any sexual misconduct	Office of University Compliance and Integrity, Title IX coordinator	titleix.osu.edu titleix@osu.edu



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- Members of the university community may also make reports/file complaints by contacting the following (please note that these reporting options **do not satisfy** the employee duty to report):

Report/Complaint Type	Agency/Office	Contact Information
Criminal conduct	University Police	614-292-2121 or 9-1-1 for emergencies dps.osu.edu
Criminal conduct	Columbus Police	614-645-4545 or 9-1-1 for emergencies columbus.gov/police
Criminal conduct	Local law enforcement agency	9-1-1 for emergencies
Any sexual misconduct	University Anonymous Reporting Line	1-866-294-9350 ohio-state.ethicspoint.com

19. What if I'm a student and an employee?

- The policy covers you! If sexual misconduct arises involving individuals who are both students and employees, the situation is assessed in the context in which the misconduct arose.
- For example, a student employee who harasses a co-worker will typically be investigated in the employment context, because that's where the behavior arose and impacted others. However, information about the incident will also be reviewed to determine whether the student disciplinary process should be initiated, and if the student is found in violation as a result of the Student Conduct process, separate sanctions may be issued.

20. Is sexual misconduct only male to female? Supervisor to employee? Faculty to student?

- Sexual misconduct occurs when individuals feel they are the recipients of conduct (of a sexual nature or conduct based on sex or gender) that is nonconsensual or has the purpose or effect of threatening, intimidating, or coercing a person.
- All of the behaviors that fall under sexual misconduct (sexual harassment, sexual violence, and relationship violence) can happen to or be perpetrated *by anyone against anyone*: male, female, gender-nonconforming individuals, students, faculty, staff, supervisors, employees, volunteers, visitors, and vendors.

21. I'm a volunteer for a program at the university, does this policy cover me and what is my role?

- Yes, this policy applies to you as a member of the university community. If you are made aware of an incident of sexual assault, you are required to report to the university following the requirements established in the policy.

22. Can I file a confidential complaint?

- The university recognizes the importance of confidentiality but cannot promise complete confidentiality. To the extent possible, information received in connection with the filing, investigation, and resolution of allegations will be treated as confidential except when necessary to conduct an appropriate investigation, to provide assistance and resources to complainants, to perform other appropriate university functions, or when the university is required to provide information under the law.
- When requests for confidentiality arise, they will be evaluated by the Title IX coordinator to determine whether the university can honor the request while still providing a safe and nondiscriminatory environment. Complainants will be advised that honoring a request for confidentiality may limit the university's ability to respond fully to the incident, including pursuing disciplinary action against the accused. All individuals involved in the process should observe the same standard of discretion and respect for everyone involved in the process.



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23. What is the purpose and possible outcome of an investigation?

- The purpose of the investigation is to evaluate the allegations of sexual misconduct, formulate a response to address the situation, and follow up to ensure that recommended actions have been taken. The ultimate goal is to stop the behavior and prevent it from occurring again.
- For investigations of sexual misconduct by employees, outcomes may include:
 - A determination that there is sufficient evidence to indicate a violation of university policy.
 - A determination that there is insufficient evidence to indicate a violation of university policy.
 - A determination that there is no evidence to indicate a violation of university policy
 - A determination that inappropriate behavior has occurred.
 - A determination that there is sufficient evidence to indicate that an allegation is false.
- For investigations of sexual misconduct by students, outcomes may include:
 - A determination that a student is not responsible for a violation of the Student Code of Conduct.
 - A determination that a student is responsible for a violation of the Student Code of Conduct. If a student is found responsible, the university will issue sanctions up to and including separation from the university in the form of suspension or dismissal.

24. What about false allegations?

- Sanctions may be imposed on individuals who knowingly or with reckless disregard for the truth make false accusations. Just because a complaint cannot be proven does not mean that it is false.

25. Who is typically involved in an investigation?

- Investigations of sexual misconduct are conducted by specially trained investigators in the Office of Human Resources, Student Conduct, or the Office of University Compliance and Integrity, as appropriate. Investigations include interviewing the parties and any available witnesses and may be conducted in conjunction with a concurrent criminal investigation. Information from the investigation will only be shared with individuals who have a “need to know.”

26. What if I am retaliated against?

- The university will not tolerate retaliation in any form against any individual who makes an allegation, files a report, serves as a witness, assists a complainant, or participates in an investigation of discrimination or harassment. University policy and state and federal law prohibit retaliation against an individual for reporting discrimination or harassment, or for participating in an investigation.
- Retaliation is a serious violation that can subject the offender to discipline, up to and including termination of employment and/or student status, independent of the merits of the underlying allegation.
- Allegations of retaliation should be directed to the [Title IX coordinator or deputy coordinator](#).

27. What should I do if I feel in danger?

- If something has occurred on campus that causes you to fear for your personal safety, report the incident to law enforcement: [University Police](#) (9-1-1 for emergencies, 614-292-2121 for non-emergencies) or local law enforcement agency at regional campuses or off-campus.
- Employees can contact the [Office of Human Resources](#) at 614-292-2800 or 614-293-4988.
- Students may contact the [Office of Student Conduct](#) 292-0748.



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Policy Resources and Additional Information

- Sexual Misconduct, policy 1.15, hr.osu.edu/public/documents/policy/policy115.pdf
- Code of Student Conduct, studentlife.osu.edu/csc/

To Report or Request Assistance

- Title IX Coordinator, 614-297-5838, titleix@osu.edu, titleix.osu.edu
- Title IX Deputy Coordinator for *Employees*:
 - OHR Employee Relations, 614-292-2800, sexualharassment@osu.edu, hr.osu.edu/services/elr/
 - WMC Employee Relations, 614-293-4988
- Title IX Deputy Coordinator for *Students*:
 - Student Conduct, 614-292-0748, studentconduct@osu.edu, studentconduct.osu.edu/
- University Police, 9-1-1 (emergencies), 614-292-2121 (non-emergencies), dps.osu.edu