

Terminology and Definitions (This is a non-exhaustive list)

“Consent” in connection with sexual conduct is not specifically defined under Ohio law. However, under Ohio law the following circumstances are not consent:

- If the offender substantially impairs the victim’s judgement or control by administering any drug, intoxicant or controlled substance to the other individual surreptitiously or by force, threat of force or deception;
- If the victim’s ability to apprise the nature of or control his/her own conduct is substantially impaired;
- If the victim is coerced;
- If the offender uses force or threat of force;
- If the victim is unaware the act is being committed (e.g. unconscious); or
- If the victim’s ability to consent is substantially impaired because of a mental or physical condition or because of advanced age.

“Knowledge” means, with respect to a Party, the actual or constructive knowledge of such Party, after due inquiry.

“Complainant” is defined as a person who lodges a complaint.

“Respondent” is defined as a defendant in a filed complaint, investigation or lawsuit.

“Coercion” is the practice of persuading someone to do something by using force or threats.

“Formal Complaint” is defined as a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment.

“Dating violence” means violence committed by an individual who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship will be determined, based upon a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

“Domestic violence” means knowingly or recklessly causing or attempting to cause physical harm to a family or household member. Domestic violence includes, by threat of force, knowingly causing a family or household member to believe that the actor will cause imminent physical harm to the family or household member. A family or household member is any of the following who is residing or has resided with the accused:

- A spouse, an individual living as a spouse, or a former spouse of the offender;
- A parent, a foster parent, or a child of the offender, or another individual related by consanguinity or affinity to the offender;
- A parent or a child of a spouse, an individual living as a spouse, or former spouse of the offender, or another individual related by consanguinity or affinity to a spouse, individual living as a spouse, or former spouse of the offender. (Note this definition is derived from Ohio Rev. Code 2919.25 (domestic violence))

“Hostile environment” includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. A hostile environment with respect to sexual harassment occurs when 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 learning environment. In addition, a hostile environment occurs when unwelcome sexually harassing conduct is so severe, persistent or pervasive that it

affects an individual's ability to participate in or benefit from a College program or activity, or creates an intimidating, threatening or abusive environment.

"Incapacitated/incapacitation" is a mental state in which an individual cannot make rational decisions because they lack the capacity to give knowing consent. Such incapacitation may be caused by alcohol or other drug use, sleep or unconsciousness, or physical or mental impairment.

"Intimidation" is an implied or actual threat to commit a sex act against another individual, or behavior used to coerce participation in a sex act.

"Parties" includes both the individual lodging a complaint of harassment (complainant), and the individual about whom the complaint is made (respondent).

"Relationship violence" is any physical, sexual and/or psychological harm against an individual by a current or former domestic partner. Domestic partners may include, but are not limited to, individuals who are cohabitating, married, separated or divorced, and may be of the same or opposite sex.

"Retaliation" is any overt or covert act of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment, against any individual or group for exercising rights under this policy.

"Sexual exploitation" is taking non-consensual, unjust or abusive sexual advantage of another. Examples include, but are not limited to:

- Prostituting another student;
- Non-consensual video or audio-taping of sexual activity;
- Going beyond the boundaries of consent (such as knowingly allowing another to surreptitiously watch, otherwise, consensual sexual activity);
- Engaging in non-consensual voyeurism; and
- Knowingly transmitting or exposing another individual to a sexually transmitted infection ("STD") without the knowledge of the individual.

"Sexual harassment" is a form of sex discrimination which violates state and federal laws respecting both employees and students. The definitions used in this policy will be interpreted consistent with such laws. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:

- Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, of obtaining an education, or of obtaining educational benefits or opportunities; or
- Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, education, educational benefits or opportunities; or
- Such conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment, education, educational benefits or opportunities, or creating an intimidating, hostile or offensive employment or educational environment. Any sexual harassment as defined herein is not limited to conduct or communication by someone in authority, but also includes any sexual harassment as defined herein when perpetrated on any student or employee by any other student, employee, or third party.
- Sexual harassment is sexual conduct that is 'unwelcome'. It may include, but is not limited to:

- Uninvited verbal harassment or abuse such as sexual name calling, jokes, spreading sexual rumors, leers, or overly personal conversations of a sexual nature;
- Subtle pressure for sexual activity;
- Inappropriate patting, pinching or fondling, pulling at clothes, or intentional brushing against a student's or an employee's body.
- Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
- Demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status;
- Any sexually motivated unwelcome touching, cornering, or blocking an individual's movement;
- Conditioning a student's grade or academic progress on submission to sexual activity;
- Hanging or displaying inappropriate and sexually explicit pictures, posters, or drawings in the workplace or learning environment;
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- Hanging or displaying inappropriate and sexually explicit pictures, posters, or drawings in the workplace or learning environment;
- A pattern of conduct intended to discomfort or humiliate, or both, a reasonable individual at whom the conduct was directed that includes one or more of the following: unnecessary touching or hugging, remarks of a sexual nature about an individual's clothing or body, or remarks about sexual activity or speculations about previous sexual experience.
- Any act of sexual violence as defined in this policy
- Any act of sexual exploitation as defined in this policy.

“Sexual violence” is any non-consensual sexual act, including, but not limited to, rape, sexual assault, sexual battery and sexual coercion. Sexual violence also includes relationship violence. Examples of sexual violence include, but are not limited to:

- Non-consensual sexual contact, touching with any body part or object, another individual's intimate parts (e.g., genitalia, groin, breast, buttocks), whether clothed or unclothed.
- Non-consensual sexual intercourse, oral, anal and/or vaginal penetration, to any degree and with any body part or object.
- Compelling an individual to touch his or her own intimate body-parts or the intimate body-parts of another, without consent.

“Stalking” is engaging in a course of conduct directed at another individual that would cause a reasonable individual to fear for his or her safety or the safety of others or suffer substantial emotional distress. A course of conduct consists of at least two acts.

“Supportive Measures” – are non-disciplinary and non-punitive individualized services available to a Complainant or Respondent.