

Appendix D

Title IX Offense Definitions

1. **Code of Student Conduct.** University Rule [3359-41-01](#).
2. **Consent.** In general, non-consensual sexual conduct may constitute a crime. Ohio law does not define consent for sexual conduct; however, Ohio law states that the following are not consent*:
 - if the offender substantially impairs the victim's judgment or control by administering any drug, intoxicant or controlled substance to the other person surreptitiously or by force, threat of force or deception;
 - if the victim's ability to apprise the nature of or control their 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.

**This is a non-exhaustive list and does not constitute legal advice. Individuals should consult with law enforcement and prosecutors for advice.*

3. **Dating Violence:** means violence committed by a person:
 - who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - where the existence of the relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of the relationship; and the frequency of interaction between the persons involved in the relationship. **(42 U.S.C. 13925(a))**.
 - Dating violence includes, but is not limited to sexual or physical abuse or threat of such abuse.
 - Dating violence does not include acts covered under the definition of Domestic Violence.
4. **Domestic Violence:**
 - A felony or misdemeanor crime of violence committed by:
 - a current or former spouse of the victim;
 - a person with whom the victim shares a child in common;
 - a person who is cohabitating with or has cohabitated with the victim as a spouse;
 - a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies; or
 - any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. **(42 U.S.C. 13925(a))**.

- Ohio Revised Code §2919.25 defines Domestic Violence** as:
 - (A) No person shall knowingly cause or attempt to cause physical harm to a family or household member.
 - (B) No person shall recklessly cause serious physical harm to a family or household member.
 - (C) 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.

** Full text for Ohio Revised Code §2919.25 is available at: <http://codes.ohio.gov/orc/2919.25>.

5. **Sexual Assault** means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

6. **Sexual Offenses** means any sexual act directed against another person, without the consent of the victim, include instances when the victim is unable to give consent. Offenses include:

- 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 victim.
- Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- Incest: non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: non-forcible sexual intercourse with a person who is under the statutory age of consent.

7. **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. **(42 U.S.C. 13925(a))**. For purpose of this definition:
 - Course of conduct means two or more acts, including but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device or means follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property.
 - Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - "Reasonable Person" means a reasonable person under similar circumstances and with similar identities to the victim.

- **Ohio Revised Code §2903.211** defines Menacing by Stalking** as:

(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.

(A)(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.

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

** Full text for Ohio Revised Code §2902.211 is available at: <http://codes.ohio.gov/orc/2903.211>.

8. **Title IX offense** means those criminal offenses that create a discriminatory environment base on gender in violation of the United States Code. Offenses include: sex offenses (rape, fondling, incest and statutory rape); dating violence; domestic violence; and stalking.

Please note: Definitions of crimes may be legislatively modified at any time and specific crime elements may vary by jurisdiction. Additional offenses also may meet the defined elements of the crimes above (e.g. a trespass also may be considered stalking.)

The following are examples of specific offenses under Ohio law that may fall under the broader categories identified above. This list is not exhaustive and, depending upon the circumstances of the crime and the individuals involved, other offenses could fall into these categories.

- **Sex Offenses**

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| • Ohio Revised Code §2907.02 | Rape |
| • Ohio Revised Code §2907.03 | Sexual Battery |
| • Ohio Revised Code §2907.04 | Unlawful Sexual Conduct with a Minor |
| • Ohio Revised Code §2907.05 | Gross Sexual Imposition |
| • Ohio Revised Code §2907.06 | Sexual Imposition |

- **Dating Violence**

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| • Ohio Revised Code §2903.11 | Felonious Assault |
| • Ohio Revised Code §2903.12 | Aggravated Assault |
| • Ohio Revised Code §2903.13 | Assault |
| • Ohio Revised Code §2903.14 | Negligent Assault |
| • Ohio Revised Code §2905.01 | Kidnapping |
| • Ohio Revised Code §2905.02 | Abduction |
| • Ohio Revised Code §2905.03 | Unlawful Restraint |
| • Ohio Revised Code §2905.12 | Coercion |
| • Ohio Revised Code §2917.11 | Disorderly Conduct |

- **Stalking**

- Ohio Revised Code §2903.21 Aggravated Menacing
- Ohio Revised Code §2903.211 Menacing by Stalking
- Ohio Revised Code §2903.22 Menacing
- Ohio Revised Code §2911.21 Criminal Trespass
- Ohio Revised Code §2911.211 Aggravated Trespass
- Ohio Revised Code §2917.21 Telecommunication Harassment
- Ohio Revised Code §2919.27 Violating a Protection Order

Sexual Harassment

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. Sexual harassment is subject to a separate set of policies and guidelines. For the full Sexual Harassment Policy and definitions, you can go to <http://www.uakron.edu/dotAsset/777511.pdf>.

