

This Protocol describes how The University of Akron responds to reports of gender-based misconduct involving employees. It also:

- Provides guidance for employees who have been discriminated against;
- Outlines The University of Akron disciplinary response to formal complaints of discrimination;
- Identifies who is able to help and where to turn to for support.

When gender-based misconduct occurs, the University will take appropriate steps to end the discrimination/harassment, prevent its recurrence and remedy the discriminatory effect on the complainant and others, as appropriate.

## Policy and Procedural Definitions

### Consent, Incapacitation and Coercion

Consent is when a person agrees or gives permission to another person to engage in certain sexual acts.

- Consent is a knowing and voluntary verbal or non-verbal agreement between all parties to participate in each and every sexual act.
- Consent to one sexual act does not imply consent to other or all sexual acts.
- Conduct will be considered “non-consensual” if no clear consent, verbal or non-verbal, is given. The absence of “no” does not mean “yes.”
- A person has the right to change one’s mind at any time during the act. In other words, consent can be withdrawn at any point, as long as the person clearly informs the other party of the withdrawal.
- Taking drugs or consuming alcohol does not relieve the obligation to obtain consent.

#### Effective Consent

Effective consent can be given by words or actions so long as the words or actions create a mutual understanding between all parties regarding the conditions of the sexual activity. A helpful tool is to ask yourself: “Do all of us understand and agree regarding the who, what, when, where, why, and how this sexual activity will take place?”

#### Consent in Relationships

Current or past sexual relationships or current or past dating relationships are not sufficient grounds to constitute consent.

- Regardless of past experiences with other partners or a current partner, consent must be obtained.
- Consent can never be assumed, even in the context of a relationship. A person has the right to say “no” and has the right to change their mind at any time for whatever reason.

#### Incapacitation – Cannot Give Consent (No Matter What They Might Say)

Incapacitation can occur in several ways. For example, when a person is severely intoxicated due to use of alcohol or drugs. They may be unconscious or severely impaired.

A helpful tool is to ask yourself: “Do all of us understand and agree regarding the who, what, when, where, why, and how this sexual activity will take place?”

A person may also be incapacitated if that person is physically or mentally disabled.

#### Coercion

The use of force, threat of force, deception or when a person is beaten, threatened, isolated, or intimidated.

When a person affirmatively demonstrates that (1) they do not want to have sex, (2) they want to stop any sort of the sexual acts, or (3) they do not want to go any further, the other party must stop completely. Continued pressure after that point can be coercive. A person is not required to physically or otherwise resist an aggressor.

### Reporting Protocol Definitions

#### The Parties

These terms are used throughout this document and are defined as follows:

#### Complainant

Complainant(s) are individuals who are eligible to file a formal complaint or to report a violation of this policy. Complainants also include any person who is reported to have experienced a violation of this policy in cases where a third party has made a report. Terms that may be commonly used to describe a complainant: survivor, victim, target, or reporting party.

**Respondent**

Respondent(s) are individuals who have been alleged to have violated this policy. Terms that may be commonly used to describe a respondent: accused, alleged, perpetrator, or responding party.

**Witness**

A Witness is an individual who may have additional information about a report or formal complaint of gender-based misconduct. Witnesses may include, but are not limited to: eye-witnesses, friends, police, University students and staff who responded to an incident or received an initial report.

**Advisor**

Complainants and respondents have the right to be accompanied to any meeting or proceeding by an advisor of their choice. Advisors may include an attorney or advocate. Advisors are not permitted to participate or interject during any meeting or proceeding.

**Campus Security Authority**

The Clery Act requires the University to designate University staff members who have significant responsibility for student or campus activities as Campus Security Authorities. At The University of Akron, Campus Security Authorities include: the Dean of Students and Deputy Title IX Coordinator for Students; most managerial staff in The Division of Student Affairs; Residence Life staff, including resident assistants; advisors to registered student organizations; the Director and Associate Directors of Athletics and athletic coaches.

**Report**

A Report refers to notice provided to the University that gender-based misconduct has or may have occurred. Reports may be submitted by a complainant, respondent, responsible employee, a campus security authority (CSA), or by a third party.

**Formal Complaint**

A formal complaint refers to a request for an investigation by The University of Akron to determine if a University Policy has been violated or a criminal act has occurred. The University of Akron Police Department (or local police agency), The Department of Student Conduct and Community Standards, or The Office of Equal Employment Opportunity and Affirmative Action investigate formal complaints. Formal complaints may be initiated by a complainant, The University of Akron Title IX Coordinator, or their designee.

**Timely Warning – Safety Advisory**

If a report of a sexual misconduct or intimate partner violence indicates there is an immediate threat to the health or safety of persons on campus or that an on-going serious or continuing threat to the campus community exists, a Timely Warning Safety Advisory (“Timely Warning”) will be issued to the campus community. The purpose of a Timely Warning is to enable persons to protect themselves, heighten safety awareness, and seek information that will lead to an arrest and conviction of the perpetrator. Timely Warnings will not include the complainant’s name or other personally identifying information.

Information regarding Timely Warnings and sexual misconduct and intimate partner violence are included in the Annual Security and Fire Safety Report/Crime Statistics at: <http://www.uakron.edu/safety/annual-safety-report/>.

**Title IX Coordinator**

Ms. Jolene Lane serves as Chief Diversity Officer, Vice President for Inclusion and Equity and Title IX Coordinator. As Title IX Coordinator she is responsible for overseeing the University’s Title IX process and coordinates the University’s efforts and responsibilities to ensure compliance with Title IX.

**Deputy Title IX Coordinators**

The Title IX Coordinator is assisted by Deputy Title IX Coordinators:

**Deputy Title IX Coordinator for Employees**

Mrs. Tami Hannon serves as the intake coordinator for all reports of gender-based discrimination involving employees and third-parties. Mrs. Hannon meets with both complainants and respondents and may implement interim measures of support for both parties, when necessary to stop and prevent the effects of gender-based discrimination. Mrs. Hannon's office investigates complaints and he can be reached at The Administrative Services Building, The University of Akron, Akron, OH, 44325-4709, (330) 972-7300 or tlz2@uakron.edu.

**Deputy Title IX Coordinator for Students**

Mr. Michael Strong serves as the Dean of Students and Deputy Title IX Coordinator for Students. Mr. Strong serves as the intake coordinator for all reports of gender-based misconduct involving students on the main campus. Mr. Strong meets with both complainants and respondents and may implement interim measures of support for both parties, when necessary to stop and prevent the effects of gender-based misconduct. Mr. Strong also refers formal complaints to the Office of Student Conduct and Community Standards. Mr. Strong can be reached at the Student Union, 152, The University of Akron, OH 44325-4612, (330) 972-6048 or mstrong@uakron.edu.

**Deputy Title IX Coordinator for Regional Campuses, including Wayne College**

Mr. Gordon Holly serves at Assistant Dean of Student Success and Deputy Title IX Coordinator for Wayne College. Mr. Holly meets with both complainants and respondents from the regional campuses, including Wayne College. Mr. Holly may implement interim measures of support for both parties, when necessary to stop and prevent the effects of gender-based misconduct. Mr. Holly also refers formal complaints to the Office of Student Conduct and Community Standards. Mr. Holly can be reached at Wayne College, Boyer HPE Building, E242, (330) 972-8740 or gholly@uakron.edu.

**Deputy Title IX Coordinator for Athletics**

Mrs. Mary Lu Gribshaw serves as the Senior Associate Athletics Director and Deputy Title IX Coordinator for Athletics. Mrs. Gribshaw coordinates support for student athlete complainants and respondents. Mrs. Gribshaw also coordinates response to reports and formal complaints within the Department of Athletics. Mrs. Gribshaw can be reached at James A. Rhodes Arena 183, The University of Akron, OH 44325-5201 (330) 972-7080 or marylu@uakron.edu.

**Title IX Investigators**

When a formal complaint is initiated in which the respondent is a University of Akron student, The Department of Student Conduct and Community Standards staff serve as the investigator(s) of the formal complaint. The Department of Student Conduct and Community Standards is located in Simmons Hall 302, (330) 972-6380.

When a formal complaint is initiated in which the respondent is a University of Akron faculty member, staff member, or guest of the University, The Office of Equal Employment Opportunity and Affirmative Action staff serve as the investigator(s) of the formal complaint. The Office of Equal Opportunity Employment and Affirmative is located in the Administrative Services Building, 185 E. Mill Street, 330-972-7300.

Criminal complaints occurring at The University are investigated by The University of Akron Police Department. The University of Akron Police Department may also assist and liaison with local police agencies when a crime is investigated in a nearby community. The University of Akron Police Department is located at 146 Hill St. Akron, OH 44325-0402, (330) 972-2911.

**University Staff Required to Report**

All members of the University community share a responsibility for ensuring violations of this policy are reported.

**Responsible Employees**

Pursuant to Title IX, all employees of the University of Akron are considered "responsible employees." Therefore, should a responsible employee become aware of an instance of gender-based misconduct, or if they observe such conduct, they are required to report the conduct to one of the University's Deputy Title IX Coordinators. This duty to report applies to all University of Akron administrators, supervisors, managers, faculty and staff. Specific student employees, considered responsible employees, are identified below in sections (2) and (3). To ensure the safety of the

community, responsible employees are required to report when they know gender-based misconduct has occurred or when they believe misconduct may have occurred – even if they are not certain. Responsible employees are not required to investigate, ask for additional information, question or compel a complainant, respondent or witness for more information than initially provided.

#### *Exemption*

Responsible employees are not required to report information disclosed at public awareness events (e.g., “Take Back the Night,” “candlelight vigils,” “survivor speak-outs,” or other public forums or discussions in which students or employees do not intend to make a report of gender-based misconduct.) Information about the University reporting protocols for gender-based misconduct, community resources and support should be provided at such public awareness events. In the classroom, instructors should remind students that faculty are required to report gender-based misconduct.

#### **Confidential Employees (Not Required to Report)**

Only those employees with a legal privilege of confidentiality under Ohio law (including doctors and licensed counselors acting in their capacity as counselors) are not required to report when the information is obtained during a confidential communication. Those offices with staff who are exempt from reporting include:

- The University of Akron Counseling & Testing Center - Simmons Hall
- The University of Akron Wayne College - Counseling and Accessibility Services
- The University of Akron Health Services - Student Recreation and Wellness Center
- The University of Akron Clinic for Individual and Family Counseling – Chima Family Center
- The University of Akron Department of Psychology Counseling Clinic – Buchtel College of Arts and Sciences

#### **Graduate Students who are Responsible Employees (Required to Report)**

Some graduate assistants may also be required to report instances of gender-based misconduct, or retaliation. Those required to report are as follows:

- Teaching Assistants
- Graduate Assistants in administrative units

Most graduate students are not required to report.

#### **Undergraduate Students who are Responsible Employees (Required to Report)**

Some undergraduate students are required to report by virtue of their specific student employment to report instances of sexual misconduct, intimate partner violence, sexual harassment, or retaliation. Those undergraduate students required to report are as follows:

- Resident Assistants
- Student employees in the Department of Student Recreation and Wellness Services
- Student employees in the Department of Student Life including, but not limited to, student employees of: the SOuRce, Zips Program Network, Student Union Game Room, Marketing, Campus Programs, Serve Akron, Lead Akron, and the Student Union Information Desk
- Office of Multicultural Development Peer Mentors
- Choose Ohio First Peer Mentors.

#### **Campus Security Authorities**

Campus Security Authorities are required to provide information regarding any report of a Title IX offense to UAPD to be included in the University’s Annual Report of Crime Statistics and, if appropriate, for issuing a safety advisory (timely warning) or other emergency notification. A victim’s name and other personally identifying information is not included in any safety alert or emergency notification.

## **Prohibited Behaviors Gender-Based Misconduct (Policy Violations)**

Any person, regardless of gender, can be a target of these behaviors.

### **Sexual Misconduct**

The following behaviors are considered sexual misconduct and are criminal actions:

#### **Sexual Assault**

Sexual assault is any sexual act directed against another person, without their consent, including instances where the person is incapable of giving consent. Examples include:

**Rape**

Any non-consensual sexual intercourse, defined as any sexual penetration however slight, with any body part or object by any person upon any person without consent.

**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.

**Statutory Rape**

Non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Incest**

Non-forcible sexual intercourse between persons who are related to each other within the degrees where marriage is prohibited by law.

**Sexual Exploitation**

Sexual exploitation is taking non-consensual, unjust or abusive sexual advantage of another. Examples include non-consensual video or audio recording of sexual activity, going beyond the boundaries of consent (such as knowingly allowing another to secretly watch otherwise consensual sexual activity) and engaging in non-consensual voyeurism.

**Indecent Exposure**

Indecent exposure is the exposure of the private or intimate parts of the body in a lewd manner in public or in private when the respondent(s) may be readily observed.

**Intimate Partner Violence/Interpersonal Violence**

The following behaviors are considered intimate partner violence or interpersonal violence and are prohibited:

**Dating Violence**

Dating Violence is an act of violence committed by a person who is or has been in a social relationship of an intimate or romantic nature with the victim. Examples include threatened physical violence, intimidation or force that causes a reasonable person to fear harm to self or others.

The existence of such a relationship shall be determined based on consideration of the following factors:

- Length of the relationship.
- Type of relationship.
- Frequency of interaction between the persons involved in the relationship.

**Domestic Violence**

Domestic Violence is an act of violence committed by a current or former spouse or intimate partner of the victim or a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner or person similarly situated, or by a parent with whom the victim shares a child in common.

**Stalking**

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. Stalking includes repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death.

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.

**Battery**

Battery is intentionally, or negligently, causing physical contact or bodily harm to another person. When this action is taken because of a person’s sex or gender the crime is also prohibited by this policy.

**Sexual Harassment**

Sexual Harassment is unwelcome sex or gender based verbal or physical conduct that unreasonably interferes with a student or employee’s work or educational experience or creates an intimidating, hostile or offensive working, educational or residential environment. Sexual harassment includes sex or gender based conduct that is sufficiently severe or pervasive such that it unreasonably interferes with, denies, or limits a student or employee’s ability to participate in or benefit from the University’s educational programs and activities. The more severe the conduct, the less need there is to show a repetitive series of incidents to demonstrate a hostile environment. In fact, a single severe incident may be sufficient to create a hostile environment. Sexual Harassment exists when:

**Quid Pro Quo**

There are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct and submission to such conduct is made explicitly or implicitly a term or condition of a student or employee’s employment or academic status.

The submission or rejection of such conduct is used as the basis for employment or academic decisions.

**Hostile Environment**

There is verbal or physical sexual conduct that is sufficiently severe or persistent that it unreasonably interferes with a student or employee’s work performance or creates an intimidating, hostile or offensive work, educational or campus residential environment.

**Gender-Based Discrimination**

Gender-based discrimination is treating someone unfavorably because of that person’s sex or gender. An example of gender-based discrimination is when a person is treated unfavorably in class, at work, or in housing due to social behavior such as the nonconformance of gender roles.

**Retaliation**

Retaliation, including vengeful harassment, against any individual who reports, makes a formal complaint, pursues legal action, participates in an investigation or is a witness in any investigation of gender-based misconduct is strictly prohibited. Retaliation is prohibited by Title IX. Like with sexual misconduct, intimate partner violence, interpersonal violence and sexual harassment, and gender-based discrimination, retaliation is a violation of this policy.

**Procedures to Address Retaliation**

The same procedures outlined in this policy to address all forms of gender-based misconduct will be used to address retaliation.

Those who engage in retaliation will face University disciplinary action up to and including suspension or termination. Formal complaints of retaliation should be reported to the Deputy Title IX Coordinator for Employees. At the Akron Campus reports are submitted to Mrs. Hannon, Deputy Title IX Coordinator for Employees, and those that occur at any of the regional campus locations, including those at the Wayne Campus, are submitted to Mr. Gordon Holly, Deputy Title IX Coordinator for Wayne College.

**Reporting Options**

**Personally Reporting**

**Reporting To Deputy Title IX Coordinator**

Reporting to a Deputy Title IX Coordinator provides the complainant access to additional support, interim measures, and opportunities for investigations not available through confidential reporting and anonymous reporting options.

Reports may be submitted to a Deputy Title IX Coordinator from:

- responsible employees who are required to report;
- police who are reporting criminal conduct;

- bystanders and third parties who are concerned for the welfare of employees or students; and,
- employees who are sharing first-hand (witness) accounts of violations.

The University may be able to provide appropriate supportive measures no matter how long ago the alleged incident(s) occurred.

If the complainant is incapacitated for any reason and unable to report, a report should be made on their behalf.

### **Confidential Reporting Options**

A complainant or respondent may speak confidentially to individuals in legally protected roles, including the following:

- The Rape Crisis Center of Medina and Summit Counties, Student Recreation and Wellness Center, 246, (330) 972-6328.
- The University of Akron's Employee Assistance Program provider ("EAP"). Information about the EAP can be obtained from Mrs. Tami Hannon at The Administrative Services Building. The University of Akron, Akron, OH, 44325-4709, (330) 972-7300 or tlz2@uakron.edu.
- The University of Akron, Wayne College, Counseling and Accessibility Services, Wayne College and Boyer HPE Building, B112, Wayne College, Orrville OH (330) 972-8767.
- The University of Akron Health Services, Student Recreation and Wellness Center, 260, (330) 972-7808.
- Off-campus with clergy, counselors, physicians, and Sexual Assault Nurse Examiners (SANE).

A confidential report will not result in a report to law enforcement or a University investigation. It will not be reported to the Title IX Coordinator, a Deputy Coordinator, or to The University of Akron Equal Employment Opportunity/Affirmative Action Office. A confidential report will not be included in the annual Campus Security Report.

### **Anonymous Reporting**

Anonymous reports will be accepted by The University of Akron.

Options for Anonymous reporting are available at <http://www.uakron.edu/safety/report-a-problem/anonymous-reporting.dot>. The University's options for investigating or resolving anonymous reports may be limited because of the unique challenges presented, including the following:

- The University is not able to provide support or services to a complainant that has not been identified.
- The University may not be able to hold a student or employee responsible for an alleged violation of this policy because a respondent has a right to know the name of the reporter (or complainant if different from the reporter) as well as information regarding the nature of the formal complaint.

The University encourages all complainants to consider reporting to a Title IX Coordinator or choosing a Confidential Reporting Option.

## **Reporting Requirements of Responsible Employees**

Responsible employees have a duty to report gender-based misconduct. In addition, Ohio law requires those not in a legally protected role with knowledge of a felony to report it to law enforcement. All responsible employees also have an obligation to notify The University of Akron Police Department of a felony. For sexual misconduct, intimate partner violence, or interpersonal violence that may also constitute a criminal offense that occurred on The University of Akron campus, contact the University Police directly at (330) 972-2911 to file a police report. The University of Akron Police officers are trained to respond quickly, with sensitivity and compassion.

Employees at the Wayne College Campus should report to the Wayne College Campus Police at (330) 684-8910.

## **Third Party Reports**

Students, active bystanders, family, or other concerned individuals are not required, but are able to report gender-based misconduct. Reports from third parties will result in the Deputy Title IX Coordinator for Employees contacting the complainant as with all other such reports.

## **How to Submit a Report**

All concerns about sexual misconduct, intimate partner violence, sexual harassment, or retaliation should be reported to:

- Deputy Title IX Coordinator for Employees – Tami Hannon tlz2@uakron.edu (330) 972-7300.
- Deputy Title IX Coordinator for Wayne College – Gordon Holly gholly@uakron.edu (330) 972-8740 (if the alleged conduct is related to a regional campus, including Wayne College).
- Title IX Coordinator – Jolene Lane jolenealane@uakron.edu (330) 972-7522.

Another easy and effective way to report Title IX violation is through The University of Akron’s online reporting system at: [www.uakron.edu/title-ix/online](http://www.uakron.edu/title-ix/online). All online reports are transmitted electronically to the Title IX Coordinator and Deputy Title IX Coordinators

An employee who experienced gender-based misconduct (sexual misconduct, intimate partner violence, interpersonal violence, sexual harassment, or gender-based discrimination) should retain all communications from the respondent, including email, voicemail, text-messages, and social media communication.

For emergency situations, please contact The University of Akron Police Department by calling (330) 972-2911.

### **When Police Receive a Report**

Responsible employees are required to report criminal behavior; however, complainants are not required to speak with police. The University of Akron will comply with an employee’s request for assistance in notifying the University of Akron Police. A report to The University of Akron Police or other law enforcement agency does not require the complainant to pursue a University investigation (formal complaint).

When the University of Akron Police Department receives a report of sexual misconduct or intimate personal violence, they will investigate the criminal behavior. The University of Akron Police will verify that a Title IX referral has been submitted and evaluate the available information to determine if a timely warning safety notification will be made.

When the University of Akron Police receive a report from a Deputy Title IX Coordinator on behalf of a complainant who does not wish to speak to the police, the Police, when possible, will defer to the request from a complainant for privacy.

Please note that a delay in reporting to police could weaken or result in a loss of evidence used to determine whether an individual is responsible for a criminal offense. In the State of Ohio individuals may have up to 20 years to file a sexual assault report with the police.

### **When an Employee is arrested for A Crime of Violence**

An employee arrested for certain criminal offenses, including rape, sexual battery, gross sexual imposition and domestic violence, may be subject to a “1219” proceeding. “1219” refers to the section of Ohio law which provides for the suspension and termination of employees arrested and convicted of crimes of violence that occur on or affecting University persons or property. The initiation of a “1219” proceeding against an employee does not prohibit the University from investigating and taking University disciplinary action against the same employee applicable University Rules/Policies for the same conduct that gave rise to the “1219” proceeding.

## **When a report is received**

If the investigation finds sufficient information exists to believe that gender-based misconduct has occurred, the University will take immediate and appropriate steps to stop the misconduct, prevent any further violations, remedy the effects of the misconduct and prevent retaliation. Such steps may include increasing security in a designated spaces, no-contact directives, and/or required education/training of the respondent or department or campus training.

### **Outreach and Support from Deputy Title IX Coordinator for Employees**

Upon receipt of a report, the Deputy Title IX Coordinator for Employees will reach out to the complainant and request to meet to discuss support and to ensure the complainant is aware of and understands all available options.

The Deputy Title IX Coordinator for Employees provides the complainant with written notification of this policy and information about support services available to complainants.

No police report, formal complaint or investigation need occur before this support is available. A complainant can access these services at any time, even if the employee initially declined the service.

When a complainant meets with the Deputy Title IX Coordinator, or designee, they will discuss the report submitted, safety planning and any possible timely warning safety notifications. The complainants will also be offered personalized support through interim measures and will discuss possible formal complaints (investigations) related to the report. Complainants have the right not to meet with the Deputy Title IX Coordinator, or designee, but are encouraged to do so.

To initiate support or report prohibited behaviors on the Akron campus, contact Mrs. Tami Hannon, who serves as the Deputy Title IX Coordinator for Employees. Mrs. Hannon is available during regular business hours and serves as the intake coordinator for all reports of gender-based misconduct involving employees. Mrs. Hannon can be reached at the Administrative Services Building, 138B, The University of Akron, OH 44325-4709, (330) 972-7300 or tlz2@uakron.edu.

To initiate support or report prohibited behaviors at a regional campus, including the Wayne College Campus, contact Mr. Gordon Holly who serves as the Deputy Title IX Coordinator for Wayne College. Mr. Holly is available during regular business hours and meets with students to discuss interim measures of support. When appropriate, Mr. Holly may coordinate support with Mrs. Smith at the main campus. Mr. Holly can be reached at Wayne College, Boyer HPE Building, E242, (330) 972-8740 or gholly@uakron.edu.

### **Discuss - Safety Planning**

The Deputy Title IX Coordinator will assist the employee with possible interim measures of support/protective measures such as:

- immediately attending to any medical needs. The Deputy Title IX Coordinator for Employees can assist in arranging an advocate to accompany the employee to the hospital, if requested by the employee;
- contacting a support person such as a friend or family member, if desired;
- obtaining a University no contact directive or assist in referring the employee for a court-issued restraining order or other lawful order of protection;
- amending work schedules, when appropriate, to minimize the chance of contact with the respondent;
- changing of work locations or working conditions;
- transportation/parking options; and,
- discussing support such as safe escorts available through the University of Akron Police Department.

### **Timely Warning Safety Advisory**

If a report of a sexual misconduct or intimate partner violence indicates there is an immediate threat to the health or safety of persons on campus or that an on-going serious or continuing threat to the campus community exists, a timely warning will be issued to the campus community. When possible, complainants will be advised if the Deputy Title IX Coordinator anticipates a timely warning may be issued.

### **Privacy Protections**

Even if a complainant does not specifically request their information remain confidential, The University of Akron will seek to protect their privacy, to the extent possible. The Deputy Title IX Coordinator for Employees will discuss with complainants what information is confidential and what information is not. This discussion includes the privacy protections related to crime logs, annual security reports, timely warnings, police reports, evidence gathered during investigations and interim measures.

It is also possible that reports of gender-based misconduct are incomplete and submitted without all possible detail. The Deputy Title IX Coordinator will discuss with the complainant what information has been reported before providing an opportunity to disclose additional information.

### **Personalize Support**

The Deputy Title IX Coordinator will assist the employee with interim measures of support which may include, but are not limited to:

- Information about medical and psychological resources available through the EAP;
- assistance in receiving academic support services including tutoring;
- reporting criminal conduct to appropriate authorities;
- offering an alternative work location or work schedule.

Interim measures may also take the form of a personalized or expedited referral to campus resources. Employees are encouraged to seek support from such resources.

**Counseling**

Counselors at a variety of agencies both on and off campus can help a person decide what steps to take, such as seeking medical attention, preserving evidence, obtaining counseling, and reporting to authorities. The University of Akron has rape crisis center advocates on campus. Information, support and advice are available for anyone who wishes to discuss issues related to sexual misconduct, intimate partner violence or sexual harassment; whether a report of gender-based misconduct has been submitted or if the person is seeking information on behalf of a complainant, witness or respondent.

**On Campus Counseling Resources**

Professional staff members who are legally obligated to maintain confidentiality work at these offices. Meeting with one of these staff members will not initiate the reporting process.

- The Rape Crisis Center of Medina and Summit Counties, Student Recreation and Wellness Center, 246, (330) 972-6328.
- The University of Akron EAP. Information about the EAP can be obtained from Mrs. Tami Hannon at The Administrative Services Building, The University of Akron, Akron, OH, 44325-4709, (330) 972-7300 or tlz2@uakron.edu.
- The University of Akron, Wayne College, Counseling and Accessibility Services, Wayne College and Boyer HPE Building, B112, Wayne College, Orville OH (330) 972-8767.

**Off Campus Counseling Resources**

Crisis intervention and assistance in reporting is available to victims/survivors 24 hours a day by calling:

- The Rape Crisis Center of Medina and Summit County at 877-906-7272.
- The National Sexual Assault Telephone hotline 800-656-HOPE (4673). This hotline, operated by RAINN, connects a caller with a local RAINN affiliate organization based on the first six digits of the caller's phone number.
- Ohio Sexual Violence Helpline at 1-844-OHIO-HELP (1-844-644-6435). This helpline is a confidential, statewide hotline dedicated to serving survivors of sexual assault and relationship violence.

**Medical Treatment**

A complainant targeted with sexual misconduct or intimate partner violence is urged to seek appropriate medical evaluation immediately after the incident.

For life-threatening conditions, call (330) 972-2911, or go to the nearest hospital emergency department.

The University Health Services also offers services through the Well Women's Clinic.

**Medical – Legal Evidence Collection**

A person who has experienced a violation is encouraged to request collection of medical/legal evidence. Prompt collection of physical evidence is essential should a person later decide to pursue criminal prosecution and/or a civil action against the respondent. Collection of evidence may involve interaction with police and a police report. It is the decision of the complainant whether to speak with the police or not, even if the police are notified about the alleged violation.

A free and confidential exam can be administered at most hospitals. The sooner the sexual assault is reported, the more likely important evidence will still be present. "Date rape" drugs may still be present in the complainant's system and should be tested for if the complainant believes they may have been drugged. To help preserve evidence that may assist in proving a formal complaint or obtaining a protection order, the complainant is encouraged to put any soiled clothes in a paper (not plastic) bag, and to refrain from the following:

- Bathing or douching
- Washing hands or face
- Urinating
- Drinking any liquids
- Smoking, eating, or brushing teeth (including mouthwash and flossing)

If an individual is uncertain about whether they want to report what has occurred, they can still have evidence collected. In cases of sexual assault, the police may be called to the hospital. The complainant can then decide whether to speak with the police at that time to report what has happened.

**Legal Assistance**

For legal assistance you may contact Community Legal Aid Services in Akron at (330) 535-4191 or the Akron Bar Association at (330) 253-5007. Legal services may include, but are not limited to, restraining orders, child support, custody, divorce, visitation restrictions, visa adjustments, and division of debts and property. There may be fees associated with some or all of these legal services.

**Advocacy**

The Deputy Title IX Coordinator will assist the complainant in contacting the Rape Crisis Center of Medina and Summit County, or other local agency, if they request assistance with a personal advocate.

**Formal Complaints and Discipline**

The University of Akron recommends that all incidents of gender-based misconduct be investigated to the extent possible. A Deputy Title IX Coordinator will review available options for investigations with the complainant.

A Deputy Title IX Coordinator will assist the complainant in determining:

- If the respondent is a University of Akron student, faculty member, or staff member;
- What, if any, University of Akron rules/policies may have been violated;
- Which University investigation model (Equal Employment Opportunity/Affirmative Action or Student Conduct and Community Standards) is applicable;
- If criminal behavior is alleged, which police agency has jurisdiction;
- Reporting options to another college or university, if applicable.

A Deputy Title IX Coordinator will encourage, but not force, the complainant to consider participating in an investigation.

**Options for Investigation**

Complainants are provided information about possible criminal investigations as well as possible University investigations.

A criminal charge and a University investigation may be pursued at the same time but they are two separate and distinct processes.

If a complainant requests an investigation, the Deputy Title IX Coordinator for Employees will assist the employee by submitting a formal complaint to the appropriate University department or police agency.

**When a Complainant Requests That an Incident Not Be Investigated**

The University has an obligation to promptly take steps to investigate or otherwise determine what occurred and then to take appropriate steps to resolve formal complaints, to the extent feasible, when it knows or reasonably should know about possible gender-based misconduct, from any source, regardless of whether a complainant declines to participate in the process or a respondent is a third-party or is no longer a University employee.

Reporters (or the complainant if different from the reporter) may request that a report not be investigated or that their identity remain confidential. In such cases, a Deputy Title IX Coordinator, in consultation with the Title IX Coordinator, will evaluate the request for confidentiality in the context of the University's commitment to provide a safe and non-discriminatory campus environment.

If the request for confidentiality or that a report not be investigated is granted, the University will not conduct a formal investigation.

However, under some circumstances, a Deputy Title IX Coordinator, in consultation with the Title IX Coordinator, may determine that, despite the request for confidentiality or that the report not be investigated, the University has an obligation to formally investigate a report, such as when there is a significant risk to the campus community. In this case the complainant will be informed of the decision to conduct a formal investigation.

**Evaluating Requests Not To Investigate**

To evaluate a request for confidentiality or not to investigate a report, a Deputy Title IX Coordinator, in consultation with the University's Title IX Coordinator, may take appropriate steps to conduct a preliminary review into the alleged violation and weigh the request against the following factors:

- Seriousness of the alleged violation (including whether the violation involved the use of a weapon, other illegal activity, illegal drug or intoxicant, multiple respondents, etc.).
- Whether there have been other formal complaints or reports made regarding the respondent (e.g., a history of arrests, a record of misconduct at The University of Akron or other institutions).
- Respondent's right to access the formal complaint or report including the complainant's identity.
- Applicability of any laws requiring disclosure.
- Availability of other information to verify the formal complaint.
- Whether the circumstances suggest there is an increased risk of the respondent(s) committing additional Title IX violations (e.g., a pattern of behavior).
- Whether the respondent has threatened the complainant or others.
- Safety of the reporter and/or complainant.
- Safety of the campus community.

If the reporter (or complainant if different from the reporter) insists that their privacy be protected and that their name or other identifiable information not be disclosed to the respondent, a Deputy Title IX Coordinator will advise the reporter and/or complainant of the University's limited ability to respond to the report.

**Requests for Confidentiality Limit the Ability of the University to Investigate**

A respondent has a right to know the name of the reporter (or complainant if different from the reporter) as well as information included in the formal complaint; thus the University may not be able to both investigate a report and maintain the confidentiality of the reporter (or complainant if different from the reporter).

The University may take other steps to limit (stop and prevent) the effects of the reported gender-based misconduct. The University will respond to formal complaints, reports, or information about incidents of gender-based misconduct to stop prohibited discrimination, eliminate any hostile environment, take steps to prevent the recurrence of the discrimination, and address any effects on campus or in the context of any University programs and activities regardless of location.

**Types of Investigations****University Investigations**

The Deputy Title IX Coordinator for Employees will inform the complainant of their right to request an investigation through the Equal Employment Opportunity/Affirmative Action Office if the respondent is an employee or third-party. If the respondent is a student, the Deputy Coordinator will notify the employee of their right to request an investigation. In this case the matter may be investigated by either The University of Akron Equal Employment Opportunity/Affirmative Action Office and/or The Department of Student Conduct and Community Standards. If the respondent is a third party, the Deputy Coordinator will assist the complainant in reporting the alleged conduct to the authorities in the appropriate jurisdiction.

The University of Akron will preserve the complainant's (and respondent's) privacy to the extent possible and permitted by law.

**Student Conduct Investigation**

When the complainant(s) and the respondent(s) in a formal complaint are University of Akron students the Department of Student Conduct and Community Standards staff serve as the investigator(s) of the formal complaint. The Department of Student Conduct and Community Standards is located in Simmons Hall 302 and can be reached at (330) 972-6380.

### **Equal Employment Opportunity and Affirmative Action Investigation**

When the respondent in a formal complaint is a University of Akron faculty member, staff member, or guest of the University, the Director of The Office of Equal Employment Opportunity and Affirmative Action will serve as the investigator of the formal complaint. The Office of Equal Opportunity Employment and Affirmative is located in the Administrative Services Building Room 138 and can be reached at (330) 972-7300.

### **Police Investigations**

The University of Akron informs employees who have been the victim/survivor of sexual misconduct, intimate partner violence, or interpersonal violence of their ability to pursue criminal charges against the person or persons they believe to have committed the crime.

A Deputy Title IX Coordinator will assist the employee in filing a formal complaint with The University of Akron Police if on-campus or assist in referring the student to another appropriate police department, if off-campus.

If a police report has already been filed, a Deputy Title IX Coordinator may assist the employee in learning about the status of an investigation.

### **Legal Options**

Formal complaints may also be filed with the United States Department of Education, Office for Civil Rights. Additional information can be found at: <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

## **Available Interim Measures of Support, Protection, and Remedy**

Interim measures are issued to protect complainants and respondents from harm and to remedy the effects of gender-based misconduct. Interim measures may also be issued to protect the larger campus community from harm. Interim measures will be issued by a Deputy Title IX Coordinator after an evaluation to ensure the complainant and respondent are treated fairly and have equitable access to support through these measures.

Employees may, upon request, obtain interim support services from a Deputy Title IX Coordinator, such as changing work schedules, working locations, and transportation circumstances. The University will make such accommodations or provide such reasonable protective measures if they are reasonably available. A Deputy Title IX Coordinator will exercise discretion and sensitivity about sharing the identity of the complainant when arranging for interim support services.

The Deputy Title IX Coordinator will maintain as confidential any support services or protective measures provided to the complainant to the extent that maintaining such confidentiality would not impair the ability of the University to provide the support services or protective measures. There may be times when the University must disclose some information about the complainant to University faculty or staff to provide accommodations or protective measures. This information will be limited only to what and who is needed to complete the accommodation/protective measure(s). A Deputy Title IX Coordinator will determine what information will be disclosed and to whom based upon the request.

### **No Contact Directives and Orders of Protection**

A Deputy Title IX Coordinator, the Rape Crisis Center of Medina and Summit County, as well as The University of Akron Police Department may assist the employee in obtaining a “no contact” directive, an order of protection, or a restraining order.

#### **University of Akron - No Contact Directive**

A University of Akron “No Contact Directive” can be requested following a report of sexual misconduct, intimate partner violence or sexual harassment. The directive may also be requested upon the initiation of or at any point during an investigation of a formal complaint. This request can be made to a Deputy Title IX Coordinator.

No contact directives can be requested by complainants or respondents.

Any violation of a No Contact Directive should be reported immediately to a Deputy Title IX Coordinator. A violation of a “No Contact Directive” may result in referral to the Equal Employment Opportunity/Affirmative Action Office for possible rule/policy violations even if a formal complaint has already been made.

**Criminal – Temporary Protection Order**

Upon request, a Deputy Title IX Coordinator, The University of Akron Police, or a Rape Crisis advocate may assist complainants in requesting protection or restraining orders.

An individual who believes they have been the victim of a crime can request a court-issued order from the jurisdiction in which the crime took place and/or the accused individual is located.

Temporary Criminal Protection orders can be requested through the appropriate police departments and/or criminal court. These orders can be issued during an active criminal case against an alleged offender for a specific duration.

For additional information or to request a criminal protection order contact:

- The University of Akron Police Department, (330) 972-2911.
- Criminal Courts: Summit County Court of Common Pleas; Akron Municipal Court.

After a court order is issued, the protected party should provide a copy of the court order to the Deputy Title IX Coordinator for Employees. The University of Akron will comply with a lawful order of protection upon receipt of the order.

Any violation of a court-issued order should be promptly reported to the police.

**Civil Protection Order**

Upon request, a Deputy Title IX Coordinator, The University of Akron Police, or a Rape Crisis advocate may assist complainants in requesting protection or restraining orders.

An individual who has experienced or believes they are at risk of experiencing violence, threats, or abuse may apply for a civil protection order. Protection orders may be issued following reports of: domestic violence and stalking or sexually-oriented offense. Civil protection orders can be obtained through local courts, depending upon the location of the incident/accused individual.

After a court order is issued, the protected party should provide a copy of the court order to the Deputy Title IX Coordinator for Employees. The University of Akron will comply with a lawful order of protection upon receipt of the order.

Any violation of a court-issued order should be promptly reported to the police.

**Police Investigations**

A respondent who commits a crime may be subject to criminal prosecution and/or civil litigation as well as disciplinary action by The University of Akron. A police report must be made for criminal prosecution to be considered by the local prosecuting attorney. The chances of successful prosecution are greater if the report is timely and is supported by the collection of medical and/or legal evidence.

**Concurrent Investigations**

In certain circumstances the University may need to briefly suspend the investigation of a formal complaint at the request of law enforcement while the law enforcement agency is in the process of gathering evidence. The University will maintain regular contact with law enforcement to determine when it will begin/resume its investigation, usually after the law enforcement agency has completed the evidence-gathering process, or sooner if the University determines that the evidence-gathering process will be lengthy or delayed. The University will not wait until the ultimate outcome of the criminal investigation to begin or complete its own investigation of a formal complaint.

**If a Complainant Stops Speaking with Police**

The University of Akron Police Department will not close an investigation due to non-cooperation of a complainant without first providing time to respond that is adequate and reasonable under the circumstance. Nor will University police personnel prohibit the complainant or others from discussing a formal complaint. Support services and resources are available regardless of criminal charges, participation in a University investigation, or University disciplinary action.

## University Investigations **Review and investigation**

Title IX formal complaints involving respondents who are employees of The University of Akron will be investigated by the Equal Employment Opportunity and Affirmative Action Office (EEO/AA).

A formal complaint involves an investigation, when appropriate, and will conclude with a written finding providing whether, by a preponderance of the evidence, there has been a violation of The University of Akron's Sexual Harassment and/or Affirmative Action Policy. A formal complaint can be made with the Office of EEO/AA. The investigation is conducted in good faith to provide a prompt, adequate, reliable, equitable, and impartial investigation of the formal complaint. The Office of EEO/AA also investigates allegations of retaliation, as defined by this Policy.

Note: In some instances, the parties may agree to an informal resolution. The main purpose of an informal resolution is to stop the offending behavior. Some examples of an informal resolution may include, but are not limited to, educational counseling with the respondent, or disciplinary action against the responsible employee. An informal approach does not result in finding a policy violation. An individual may choose to advance to the formal process at any time. Incidents of sexual assault will not be subject to an informal resolution.

Prior to the resolution of a formal Title IX complaint, and to ensure compliance, the Title IX Coordinator, or relevant Deputy Title IX Coordinator, will review any proposed resolution (finding and sanctions, if any). The failure of an investigator to find sufficient information for cause is not the same as filing a false allegation.

Even absent a finding of responsibility for a Title IX violation, the University may still institute remedial actions deemed necessary to remedy any effects of the alleged incident, including but not limited to, education/training.

Title IX formal complaints involving complainant(s) and respondent(s) that are University of Akron students will be investigated by the Department of Student Conduct and Community Standards (SCCS). The complaint process for students is outlined in the Title IX Reporting Protocol for Students at: [www.uakron.edu/title-ix/students](http://www.uakron.edu/title-ix/students).

### **Notice and Due Process**

The complainant and respondent have the right to be accompanied by an advisor of their choice, including an attorney or advocate, to any related meeting or proceeding. The role of the advisor is only to be present to advise; they will not be permitted to interject during the meeting. If the advisor is determined to be unreasonably interfering with the investigation, they may be asked to leave.

The complainant and respondent will have equitable and timely access to information being considered in the investigation process.

The complainant and respondent are entitled to the same opportunity to file a written statement, to submit relevant information/evidence, and to identify relevant witnesses.

The investigator will contact the parties and witnesses to establish interview times and locations, as necessary.

Confidential medical/counseling records and information regarding an employee's sexual history with others will not be provided to the other party without written consent.

The investigator will prepare a written report of the findings of the investigation. The complainant and the respondent will both be provided with a copy of the final investigative report.

If the investigator determines that, based on a preponderance of the evidence, a violation of the Sexual Harassment Policy and/or Affirmative Action Policy has occurred, the investigating officer shall provide a copy of the investigative report to the respondents immediate supervisor, the Dean of the relevant College, Talent Development & Human Resources, and any other relevant individuals, to issue an appropriate sanction or sanctions.

The failure of an investigator to find a rule/policy violation is not the same as filing a false report.

### **Disciplinary Sanctions**

Employee sanctions vary depending on the severity of the violation and are commensurate with the violation(s) found to have occurred. In cases where sexual misconduct is found to have occurred,

the University will determine appropriate, enforceable sanctions and other measures reasonably calculated to stop the harassment and prevent its recurrence. More than one sanction may be imposed for any single violation. Individual circumstances and prior conduct history are included in the factors that are considered when determining the sanction(s).

Sanctions include, but are not limited to, the following:

- Verbal reprimand – a documented verbal notice to the employee that the employee has violated university rules/policies and that future violations will result in progressive disciplinary action.
- Formal reprimand - a notice in writing to the employee that the employee has violated university rules/policies and that future violations will result in progressive disciplinary action.
- Loss of privileges - denial of specified privileges for a designated period of time.
- Suspension - separation of the employee from the University for a specified period of time, after which the employee is eligible to return.
- Termination - permanent separation of the employee from the University.

### Appeal Process

Both the complainant and respondent have the right to appeal the findings of the EEO/AA Officer. Appeals of EEO/AA findings shall be submitted to the Associate Vice President for Human Resources at sarah30@uakron.edu within five (5) business days from the date of the EEO/AA findings. The party filing the appeal shall give notice of the appeal, along with the specific reason(s) for the appeal, in writing, to the Title IX Coordinator.

The grounds for appeal are to determine the following:

- whether there was a misapplication or misinterpretation of the rule/policy alleged to have been violated;
- to determine whether the investigation was conducted in violation of procedural requirements set forth in the rule/policy and whether these violation(s) could have affected the outcome;
- to determine whether there was a reasonable basis for the findings of the EEO/AA Officer that a violation of the Sexual Harassment Policy and/or Affirmative Action Policy has been established by the applicable standard of the evidence, or;
- to consider new evidence unavailable to the appellant(s) at the time of the investigation, which is also sufficient to alter the decision.

Notice of the outcome of the appeal will be provided to the complainant and respondent.

### Interim Measures

During any stage of the investigation, if the investigator reasonably suspects that an employee's continued presence on campus presents a safety threat to the university community or a threat to the employee's own physical or emotional safety, the investigator will notify the University of Akron Police Department, the Deputy Title IX Coordinator for Employees and the Title IX Coordinator. If it is determined that such a threat exists, the employee may be placed on administrative leave immediately, pending the investigation. This administrative leave does not replace the regular investigation process.

Administrative leave may prohibit the employee from all or part of University property and activities or permit the employee to be present on campus only under specified conditions (e.g., with a police escort).

## Related Considerations

The University is dedicated to preventing Title IX violations by providing:

- Education and prevention programming informing the community about the risks and myths that contribute to gender-based misconduct, including bystander intervention training.
- Assistance and support, including interim support measures and accommodations.
- Processes for prompt, equitable, and impartial investigation and adjudication that include appropriate disciplinary sanctions for those who commit Title IX violations, including suspension and termination.

### University Records

#### Records Retention

Title IX records are subject to the University of Akron records retention policy available at <http://www.uakron.edu/ogc/legal-policies-and-procedures/records/records-retention.dot>

### **Jurisdiction**

This protocol applies to on-campus conduct, as well as off-campus conduct, academic, educational, co-curricular, athletic, study abroad, and all other University programs and activities. This protocol applies to all forms of gender based misconduct, including pregnancy or marital status-based discrimination. It applies to all Title IX athletics issues and to different treatment based on sex.

### **Standard of Review**

The standard of review used to determine responsibility is a “preponderance” standard. This determination is based on the greater weight of the information/evidence and does not require a standard beyond a reasonable doubt.

### **Timeline**

The University of Akron is committed to addressing all complaints of Title IX violations in a prompt and equitable manner.

#### **University Investigation**

Reports of gender-based misconduct can be reported to a Deputy Title IX Coordinator at any time following an incident. There is no requirement that a report be submitted immediately following an incident. The extent to which a formal complaint of gender-based misconduct can be investigated may decrease when involved individuals leave The University of Akron or if evidence becomes unavailable.

The length of a University investigation and disciplinary action will vary depending on the facts and circumstances following receipt of the report. Some of the factors influencing this timeline include the complexity of the investigation and the severity and extent of the alleged violation.

The timeline may also be affected by the availability of witnesses, holidays, break periods, and the parties’ requests for continuances. Reasonable requests for extensions of time will not be denied and will be available equally to each party. Other factors may also affect the typical timeline.

#### **Police Investigation**

In the State of Ohio individuals may have over 20 years to file a sexual assault report with the police.

### **Code of Student Conduct**

The policies, procedures, and sanctions outlined in the Code of Student Conduct apply to all student violations of the Code of Student Conduct. The Code of Student Conduct can be found at: <http://www.uakron.edu/ogc/UniversityRules/pdf/41-01.pdf>.

Additional information about the Code of Student Conduct or its implementation is available in the Department of Student Conduct and Community Standards, Simmons Hall 302 or online at [www.uakron.edu/studentconduct](http://www.uakron.edu/studentconduct).

### **Affirmative Action**

The University of Akron is committed to a working and learning environment free of discrimination. The University of Akron Affirmative Action policy can be found at [www.uakron.edu/ogc/UniversityRules/pdf/38-01.pdf](http://www.uakron.edu/ogc/UniversityRules/pdf/38-01.pdf).

Additional information about the Affirmative Action Policy or its implementation is available in the Office of Equal Employment Opportunity and Affirmative Action, Administrative Services Building Room 138 or online at [www.uakron.edu/hr/eoaa](http://www.uakron.edu/hr/eoaa).

### **False Reports**

It is a violation of this protocol to knowingly make a false report of a Title IX violation. However, failure to prove a claim is not equivalent to making a false report. It is also a violation of this protocol for an employee or other person to knowingly make a false statement as part of the investigation or disciplinary hearing.

### **Training of Title IX Staff and Investigators of Misconduct**

The investigation is conducted by professionals who receive annual training on issues related to Title IX violations and on conducting an investigation that protects the safety of employees and promotes accountability.

### Annual Review of Reporting Protocols and Procedures

The Title IX Coordinator is responsible for this protocol. It is reviewed annually and posted as required by law as part of the Annual Campus Safety Report.

The University of Akron's Protocol is designed to comply with applicable state and federal laws. The University of Akron reserves the right to modify or deviate from this Protocol when, in the sole judgment of the University, circumstances warrant, to protect the rights of the involved parties or to comply with applicable law or regulations.

### Immigration or International Visa Information

There are certain legal protections available to international employees or international students. The U-visa and the T-visa are currently among those options. The U-visa provides temporary legal status and work eligibility for complainants of specific crimes (including domestic violence, sexual assault, human trafficking, involuntary servitude, and other violations). The T-visa provides complainants of human trafficking and immediate family members with temporary legal status and work eligibility. Additional information is available through the U.S. Department of Homeland Security U.S. Citizenship and Immigration Services at: [www.uscis.gov](http://www.uscis.gov). For further information with this or other immigrant status questions, please contact Community Legal Aid Services in Akron at (330) 535-4191.

## Law Title IX

The Education Amendments of 1972, or Title IX, provides:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Title IX applies to institutions that receive federal financial assistance from the Department of Education, including state and local educational agencies.

Additional information about Title IX is available at <https://www2.ed.gov/about/offices/list/ocr/index.html>.

### First Amendment

This Protocol is not intended to and will not be enforced to infringe upon First Amendment rights, including the right to freedom of speech or academic freedom.

### Clery Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990 ("Clery Act"), requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses and to notify the campus community of certain safety concerns. The Clery Act requires colleges and universities to:

- Publish and distribute an annual campus security report (available at [www.uakron.edu/safety](http://www.uakron.edu/safety));
- Maintain a public log of all reported crimes;
- Issue timely warnings ("Safety Advisory") of crimes that represent a threat to the safety of students or employees; and
- Keep statistics of crime that occur on campus, in institutional residential facilities, in non-campus buildings or on public property adjacent to campus.

### Violence Against Women Act

The Violence Against Women Reauthorization Act of 2013 ("VAWA") amended the Clery Act. VAWA requires institutions to compile statistics for incidents of dating violence, domestic violence, sexual assault, and stalking and to include certain policies, procedures and programs pertaining to these incidents in their annual security reports.

Additional Information about VAWA is available at [www.justice.gov/ovw](http://www.justice.gov/ovw).

### Ohio Law

#### Ohio Criminal Offenses

The following definitions of criminal behavior in the State of Ohio are considered violations of Title IX.

These definitions describe many of the same crimes outlined in the prohibited behaviors section of this policy.

### **Sex Offenses**

There is currently no definition of “Sexual Assault” in the Ohio Revised Code.

#### **Ohio Revised Code 2907.02 – Rape**

(A)(1) No person shall engage in sexual conduct with another who is not the spouse of the offender or who is the spouse of the offender but is living separate and apart from the offender, when any of the following applies:

- For the purpose of preventing resistance, the offender substantially impairs the other person’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.
- The other person is less than thirteen years of age, whether or not the offender knows the age of the other person.
- The other person’s ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the other person’s ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age.
- No person shall engage in sexual conduct with another when the offender purposely compels the other person to submit by force or threat of force.

#### **Ohio Revised Code 2907.03 – Sexual Battery**

(A) No person shall engage in sexual conduct with another, not the spouse of the offender, when any of the following apply:

- The offender knowingly coerces the other person to submit by any means that would prevent resistance by a person of ordinary resolution.
- The offender knows that the other person’s ability to appraise the nature of or control the other person’s own conduct is substantially impaired.
- The offender knows that the other person submits because the other person is unaware that the act is being committed.
- The offender knows that the other person submits because the other person mistakenly identifies the offender as the other person’s spouse.
- The offender is the other person’s natural or adoptive parent, or a stepparent, or guardian, custodian, or person in loco parentis of the other person.
- The other person is in custody of law or a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the other person.
- The offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, the other person is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school.
- The other person is a minor, the offender is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the other person is enrolled in or attends that institution.
- The other person is a minor, and the offender is the other person’s athletic or other type of coach, is the other person’s instructor, is the leader of a scouting troop of which the other person is a member, or is a person with temporary or occasional disciplinary control over the other person.
- The offender is a mental health professional, the other person is a mental health client or patient of the offender, and the offender induces the other person to submit by falsely representing to the other person that the sexual conduct is necessary for mental health treatment purposes.
- The other person is confined in a detention facility, and the offender is an employee of that detention facility.
- The other person is a minor, the offender is a cleric, and the other person is a member of, or attends, the church or congregation served by the cleric.
- The other person is a minor, the offender is a peace officer, and the offender is more than two years older than the other person.

**Ohio Revised Code 2907.04 – Unlawful Sexual Conduct with a Minor**

(A) No person who is eighteen years of age or older shall engage in sexual conduct with another, who is not the spouse of the offender, when the offender knows the other person is thirteen years of age or older but less than sixteen years of age, or the offender is reckless in that regard.

**Ohio Revised Code 2907.05 – Gross Sexual Imposition**

(A) No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more other persons to have sexual contact when any of the following applies:

- The offender purposely compels the other person, or one of the other persons, to submit by force or threat of force.
- For the purpose of preventing resistance, the offender substantially impairs the judgment or control of the other person or of one of the other persons by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception.
- The offender knows that the judgment or control of the other person or of one of the other persons is substantially impaired as a result of the influence of any drug or intoxicant administered to the other person with the other person's consent for the purpose of any kind of medical or dental examination, treatment, or surgery.
- The other person, or one of the other persons, is less than thirteen years of age, whether or not the offender knows the age of that person.
- The ability of the other person to resist or consent or the ability of one of the other persons to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the ability to resist or consent of the other person or of one of the other persons is substantially impaired because of a mental or physical condition or because of advanced age.

(B) No person shall knowingly touch the genitalia of another, when the touching is not through clothing, the other person is less than twelve years of age, whether or not the offender knows the age of that person, and the touching is done with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

**Ohio Revised Code 2907.06 – Sexual Imposition**

(A) No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more other persons to have sexual contact when any of the following applies:

- The offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard.
- The offender knows that the other person's, or one of the other person's, ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired.
- The offender knows that the other person, or one of the other persons, submits because of being unaware of the sexual contact.
- The other person, or one of the other persons, is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of such person, and the offender is at least eighteen years of age and four or more years older than such other person.
- The offender is a mental health professional, the other person or one of the other persons is a mental health client or patient of the offender, and the offender induces the other person who is the client or patient to submit by falsely representing to the other person who is the client or patient that the sexual contact is necessary for mental health treatment purposes.

**Domestic Violence****Ohio Revised Code 2919.25 – Domestic Violence**

(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.

**Dating Violence**

There is currently no definition of “Dating Violence” in the Ohio Revised Code.

**Ohio Revised Code 2903.11 – Felonious Assault**

(A) No person shall knowingly do either of the following:

- Cause serious physical harm to another or to another’s unborn;
- Cause or attempt to cause physical harm to another or to another’s unborn by means of a deadly weapon or dangerous ordnance.

(B) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall knowingly do any of the following:

- Engage in sexual conduct with another person without disclosing that knowledge to the other person prior to engaging in the sexual conduct;
- Engage in sexual conduct with a person whom the offender knows or has reasonable cause to believe lacks the mental capacity to appreciate the significance of the knowledge that the offender has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome;
- Engage in sexual conduct with a person under eighteen years of age who is not the spouse of the offender.

**Stalking****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 a family or household member of the other person or cause mental distress to the other person or a family or household member of 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 family or household member or mental distress to the other person or the other person’s family or household member, 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 form of written communication or any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, r-computer system, or telecommunication device shall post a message or use any intentionally written or verbal graphic gesture with purpose to do either of the following:

- Violate division (A)(1) of this section:
- Urge or incite another to commit a violation of division (A)(1) of this section.
- No person, with a sexual motivation, shall violate division (A)(1) or (2) of this section.

**Additional**

The following is a list of additional 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:

- 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 2917.11 – Disorderly Conduct
- Ohio Revised Code 2903.21 – Aggravated Menacing
- Ohio Revised Code 2903.22 – Menacing
- Ohio Revised Code 2917.21 – Telecommunications Harassment
- Ohio Revised Code 2151.421 describes the responsibility to report child abuse or neglect which may become apparent when working with students under the age of eighteen.

## Education and Prevention

By providing resources for prevention, education, support, investigation, and a fair disciplinary process, The University of Akron seeks to eliminate all Title IX violations.

### Sexual Assault and Violence Education (SAVE) Team Initiatives

The SAVE team, Office of Student Success, in collaboration with the Title IX Coordinator, creates, supports, and evaluates educational and support programs aimed at the eradication of Title IX violations involving the University of Akron. To support these programs, the Deputy Coordinator for Students at Akron's main campus coordinates campus-wide Title IX violation education, awareness, and prevention programs. These educational opportunities are available for both students and employees.

Through this commitment, the Office of Student Success educates the campus community on the following:

- Title IX Protocol and the University's commitment to enforce it.
- Code of Student Conduct, including the applicable Title IX Code violations.
- The definitions of dating violence, domestic violence, sexual assault, and stalking as those terms are defined for purposes of VAWA and the Clery Act.
- Steps to minimize individual risk of sexual assault, sexual misconduct, domestic violence, dating violence and stalking, including crime reduction tips, safety tips, and healthy relationship education.
- Process and responsibility for reporting Title IX violations.
- How to recognize and obtain consent for sexual activity.
- Resources for those who have been victim/survivors of Title IX violations as well as for those accused of Title IX violations.
- How to be a knowledgeable and supportive peer presence, including bystander intervention education training.
- On-going wellness promotion programs that address issues including but not limited to sexual health and wellness, healthy relationships, violence prevention, and drug and alcohol education.
- Comprehensive, ongoing, universal campus-wide campaign committed to creating an environment that promotes responsibility, dignity, and respect.

### Campus Orientation Programs

The University of Akron requires all incoming employees to complete an online education program entitled Eliminate Campus Sexual Violence, through the education technology company Everfi. Additionally, new faculty are invited to attend and participate in New Faculty Orientation, where they receive Title IX specific training, including sexual harassment training and that they are responsible employees with a duty to report Title IX related violations. They have access prevention and awareness programming. All employees will be offered the online education programming which features Title IX education and prevention training embedded in its content. Targeted training sessions are provided to various departments and colleges including but not limited to the Athletics Department and Residence Life & Housing. Trainings are also provided by EEO/AA and/or the Title IX Coordinator(s), upon request.

The University of Akron Police foster a safe and non-discriminatory campus environment by doing the following:

- Providing safety and security patrols as part of regular University police/regional campus security responsibilities.
- Including Title IX Protocol information on its website and directly to victim/survivors who elect to file a police report.
- Provide survivor centered investigatory techniques.

- Accurately maintain and report statistics of Title IX violations as required by the Clery Act.
- Provide sufficient emergency phones and cameras throughout campus.

Revised April 15, 2019

## **The University of Akron Non-discrimination Statement**

The University of Akron does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity, age, national or ethnic origin, disability, military status, genetic information, or status as a veteran in its programs and activities. The University does not tolerate discrimination, sexual harassment, or retaliation on these bases and takes steps to ensure that students, employees, and third parties are not subject to a hostile environment in University programs or activities.

The University responds promptly and effectively to allegations of discrimination, sexual harassment, and retaliation. It promptly conducts investigations and takes appropriate action, including disciplinary action, against individuals found to have violated its policies, as well as provides appropriate remedies 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.

## **Contacts**

Jolene Lane serves as Chief Diversity Officer, Vice President for Equity and Inclusion and Title IX Coordinator. As Title IX Coordinator she is responsible for overseeing the University's Title IX process and coordinates the University's efforts and responsibilities to ensure compliance with Title IX. Ms. Lane can be reached at Buchtel Hall, 209, The University of Akron, OH 44325-6237, (330) 972-7522 or jolenealane@uakron.edu.

Michael Strong serves as the Dean of Students and Deputy Title IX Coordinator for Students. Mr. Strong serves as the intake coordinator for all reports of gender-based discrimination involving students on the main campus. Mr. Strong meets with both complainants and respondents and may implement interim measures of support for both parties, when necessary to stop and prevent the effects of gender-based discrimination. Mr. Strong also refers complaints to the Office of Student Conduct and Community Standards. Mr. Strong can be reached at the Student Union, 152, The University of Akron, OH 44325-4612, (330) 972-6048 or mstrong@uakron.edu.

Tami Hannon serves as the intake coordinator for all reports of gender-based discrimination involving employees and third-parties. Mrs. Hannon meets with both complainants and respondents and may implement interim measures of support for both parties, when necessary to stop and prevent the effects of gender-based discrimination. Mrs. Hannon refers complaints to the Equal Employment Opportunity and Affirmative Action Office and she can be reached at The Administrative Services Building, The University of Akron, Akron, OH, 44325-4709, (330) 972-7300 or tlz2@uakron.edu.

Mary Lu Gribschaw serves as the Senior Associate Athletics Director and Deputy Title IX Coordinator for Athletics. Ms. Gribschaw coordinates support for student athlete complainants and respondents. Ms. Gribschaw also coordinates response to reports and complaints within the Department of Athletics. Ms. Gribschaw can be reached at James A. Rhodes Arena 183, The University of Akron, OH 44325-5201 (330) 972-7080 or marylu@uakron.edu.

Gordon Holly serves as Assistant Dean of Student Success and Deputy Title IX Coordinator for Wayne College. Mr. Holly meets with both complainants and respondents from the University regional campuses, including Wayne College. Mr. Holly may implement interim measures of support for complainants and respondents, when necessary to stop and prevent the effects of gender-based discrimination. Mr. Holly also refers complaints to the Office of Student Conduct and Community Standards. Mr. Holly can be reached at Wayne College, Boyer HPE Building, E242, (330) 972-8740 or gholly@uakron.edu.

Tami Hannon is the Director of Equal Employment Opportunity and Affirmative Action and he investigates all complaints of discrimination, including gender discrimination, involving University employees and third-parties. Mrs. Hannon can be reached at the Administrative Services Building 138B, The University of Akron, OH 44325-4709, (330) 972-7300 or tlz2@uakron.edu.

The strength of the University's process and procedures is that these individuals work collaboratively to provide multiple levels of support along with various campus offices for both complainants and respondents, to respond promptly, and when necessary provide measures to stop and prevent the effects of gender-based discrimination.