

Title IX Protocol | Sexual Misconduct Policy and Procedures for Employees at Miami University

Scope: Who is Covered by this Policy?

Employees

Policy

Introduction

Miami University is committed to maintaining a healthy and safe learning, living and working environment and to creating an environment that promotes responsibility, dignity and respect in matters of sexual and interpersonal conduct. Sexual misconduct, domestic violence, dating violence, stalking and sexual harassment (Title IX violations) are strictly prohibited and will not be tolerated. Any person, regardless of gender, gender identity or sexual orientation, can be experience a Title IX violation. This Protocol applies to Title IX offenses that are alleged to have been committed by students, faculty, staff or visitors when the alleged violation occurs on University property. This Protocol also applies if the alleged violation occurred in connection with a University or University recognized program or activity; or if the conduct may have the effect of creating an adverse impact or hostile environment on campus or in University programs or activities. By providing resources for prevention, education, support,

investigation and a fair disciplinary process, Miami University seeks to eliminate all Title IX violations. 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 sexual misconduct and interpersonal violence, as well as bystander training.
- Assistance and support, including interim ~~support~~supportive measures and accommodations.
- Procedures employees should follow if a crime of domestic violence, dating violence, sexual assault or stalking occurs.
- Processes for reliable and impartial investigation and adjudication that include appropriate disciplinary sanctions for those who commit Title IX violations, including suspension and dismissal.
- When a Title IX violation does occur, the University will take appropriate steps to end the harassment, prevent its recurrence and remedy the discriminatory effect.

Miami's Protocol is designed to comply with applicable state and federal laws. Miami University reserves the right to modify or deviate from this Protocol when, in the sole judgment of the University, circumstances warrant, in order to protect the rights of the involved parties or to comply with the law. This Protocol is not intended to and will not be enforced so as to infringe upon First Amendment rights, including the right to academic freedom.

This Protocol describes how the University typically responds to reports of Title IX violations involving employees. It also:

- Provides guidance for employees who have been impacted by a Title IX violation.
- Outlines the University's disciplinary response to alleged conduct violations.
- Identifies the relevant places within the University responsible for the Protocol and programs associated with it.

In reports where the complainant and the ~~accused~~respondent do not share the same status at the University (e.g. one party is a student and one party is a faculty member) the following guidelines apply:

- All reports of an alleged Title IX violation by a student will follow the Title IX Protocol for Students.

- All reports of an alleged Title IX violation by employees or non-students will follow the Title IX Protocol for Employees.

Definitions -Title IX Violations

Sexual Misconduct

1. 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:
 - a. ~~Any non~~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 (commonly referred to as rape.) Non-consensual sexual intercourse includes rape, incest and statutory rape.
 - b. ~~Any non~~Non-consensual sexual contact, ~~defined as~~ any intentional sexual touching, with any body part or object by any person upon any ~~other~~ person without consent including forcible fondling. Non-consensual sexual contact includes the touching of any body part for sexual gratification, without consent or where the person is incapable of giving consent because of age or temporary or permanent mental incapacity
2. 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 surreptitiously watch otherwise consensual sexual activity) and engaging in non-consensual voyeurism. person.~~
3. 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 ~~accused~~respondent may be readily observed.

Consent for Sexual Conduct

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

What is consent?

- Consent is a knowing and voluntary verbal or non-verbal agreement between both 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. 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.
- A person is not required to physically or otherwise resist an aggressor.

Effective Consent

- Effective consent can be given by words or actions so long as the words or actions create a mutual understanding between both parties regarding the conditions of the sexual activity. Ask “Do both of us understand and agree regarding the who, what, where, when, why, and how this sexual activity will take place?”
- When a person affirmatively demonstrates that (1) they do not want to have sex, (2) they want to stop any sort of ~~the sexual~~ actsact or (3) they do not want to go any further, the other party must stop completely. Continued pressure after that point can be coercive.

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.

A person cannot legally give consent (no matter what they might say), when:

- The person is substantially impaired due to alcohol or drugs, incapacitated or unconscious.

- The person's ability to resist or consent is substantially impaired because of a physical or mental condition
- The person was coerced due to force, threat of force or deception or when the person was beaten, threatened, isolated or intimidated.

Interpersonal Violence

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.

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. For the 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.

A person who has experienced stalking should retain all communications from the ~~accused~~respondent individual, including email, voicemail, text-messages social media communication, etc.

Sexual Harassment

In the employment context, sexual harassment is unwelcome, sex- or gender-based verbal or physical conduct that unreasonably interferes with an individual’s work performance or creates an intimidating, hostile, or offensive work environment.

In the educational context, sexual harassment is unwelcome, sex- or gender-based verbal or physical conduct that is sufficiently severe, persistent, or pervasive that it interferes with, denies, or limits an individual’s ability to participate in or benefit from the University’s educational programs and activities.

Sexual Harassment can take two forms: power differentials (quid pro quo) or hostile environment:

1. Quid pro quo sexual harassment exists when:
 - a. There are unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature; and
 - b. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment or academic status; or
 - c. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions adversely affecting such individual.
2. Hostile environment in the employment context includes any situation in which there is harassing conduct that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with an individual’s work performance or creates an intimidating, hostile, or offensive work environment. Hostile environment in the education context includes any situation in which there is harassing conduct that limits, interferes with, or denies educational benefits or opportunities, from an

objective (reasonable person's) viewpoint. - The determination of whether an environment is "hostile" is based on a totality of circumstances. These circumstances may include:

- a. The degree to which the conduct interfered with the complainant's educational or work performance;
- b. The type, frequency, and duration of the conduct;
- c. The identity of and relationship between the accused and the complainant(s);
- d. The number of individuals involved;
- e. The age and sex of the accused and the complainant(s);
- f. The location of the incident(s) and the context in which it occurred;
- g. The nature and severity of the conduct;
- h. Whether the conduct was physically threatening;
- i. Whether the conduct was humiliating;
- j. The effect of the conduct on the complainant's mental or emotional state;
- k. Whether the conduct arose in the context of other discriminatory conduct;
- l. Whether the speech or conduct deserves the protections of academic freedom or the First Amendment.

Duty to Report

All employees who become aware of an alleged Title IX violation, including sexual misconduct, interpersonal violence or sexual harassment or retaliation are required to report it to the University's Title IX Coordinator. The duty to report includes administrators, supervisors, managers, faculty and staff.

Graduate Assistants (GAs), Residential Assistants (RAs), Student Undergraduate Orientation Leaders (SOULS) and student managers in Campus Services are also required to report.

Exemptions:

1. 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 in the course of a confidential communication.

2. 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 employees do not intend to make a report of discrimination or harassment. Information about Title IX rights and available University and community resources and support should be provided at public awareness events. In the classroom, instructors should remind employees that faculty are required to report Title IX violations and any report that is not general or hypothetical may be required to be reported.
3. Researchers are not required to report if the information is disclosed by a subject during participation in an Institutional Review Board-approved human subjects research protocol (IRB Research). The University’s Institutional Review Board (IRB) may, in appropriate cases, require researchers to provide such information to all subjects of the IRB-approved research.

Note: In addition to reporting Title IX violations, information regarding alleged retaliation must also be reported. Retaliation against any person(s) who in good faith reports a crime, makes a report of an alleged Title IX violation, brings a disciplinary complaint, pursues legal action or participates in an investigation or is a witness in any investigation or proceeding is strictly prohibited and will not be tolerated. Those who engage in retaliation will face University disciplinary action up to and including suspension or dismissal. Allegations of retaliation should be reported to the Title IX Coordinator.

Reporting Violations

All reports or concerns about conduct that may violate Title IX should be reported to the University’s Title IX Coordinator, Ms. Kenya Ash, Director of the Office of Equity and Equal Opportunity, Hanna House, Miami University, Oxford, Ohio 45056, 513-529-7157 or ashkd@MiamiOH.edu.

Employees who believe they have experienced sexual misconduct or interpersonal violence may both report to the University’s Title IX Coordinator and pursue criminal charges against the person or persons they believe to have committed the crime. A criminal charge and a University investigation may be pursued at the same time. Support and resources are available regardless of criminal charges, University investigations or University disciplinary action.

A report should be made on behalf of any person who is incapacitated and unable to report. Reports may be made by employees who have experienced a Title IX violation or others on their behalf.

Anonymous reports will be accepted; however, the University's options for investigating or resolving anonymous reports may be limited because of the unique challenges presented.

Important Personal Safety Note: If a person is dealing with a stalking or domestic/dating violence situation, it is important to take precautions when accessing any kind of support. In some circumstances, stalkers and/or abusers may access phone or computer records. When possible, people in these situations may want to use public computers or phones to seek out information. It is also good to safeguard your information by frequently changing passwords to random, unpredictable ones. It may also be helpful to think about steps that can be taken to keep information away from individuals (e.g., keeping things with a friend or getting mail at a different address).

Romantic and Sexual Relationships in the Instructional and Supervisory Contexts

The University discourages romantic and sexual relationships between supervisor and employee or employee and student. In the event of an allegation of a Title IX violation, the University will carefully scrutinize any defense based on a claim that the relationship was consensual when the facts establish that an academic or employment power differential existed within the relationship. (See ~~the~~ policy "[Reporting Romantic and Sexual Relationships in the Instructional and Supervisory Setting.](#)")

Confidentiality

Miami University will preserve the employee's and other necessary parties' confidentiality to the extent possible and allowed by law.

Confidential Reporting

A person may speak confidentially with certain persons in legally protected roles including the following:

- Women Helping Women (rape crisis counselors) are available 24 hours a day at 513-381-5610 or toll-free at 877-889-5610 and on campus during office hours at the Shriver Center or 513-431-1111 (call or text).
- Off campus with clergy, counselors and physicians, including McCullough-Hyde Memorial Hospital (513-523-2111), where a Sexual Assault Nurse Examiner (SANE) is available.

A confidential report does not result in a report to law enforcement or a University investigation. It will not be reported to the Title IX Coordinator.

Non-Confidential Reporting and Recordkeeping

Ohio law requires those not in a legally protected role with knowledge of a felony to report it to law enforcement. Miami personnel, including the Title IX Coordinator, Deputy Title IX Coordinators, and the Office of Residence Life Resident Assistants and professional ~~residence life~~ staff, are required to notify the Miami University Police of any report of sexual misconduct or interpersonal violence. Conduct reported to the Miami University Police that may be a Title IX violation will be reported to the Title IX Coordinator. A report to the Miami University Police or other law enforcement agency does not require the pursuit of criminal charges. Neither the accuser/complainant nor the accused/respondent is under any obligation to speak with law enforcement authorities, even when the conduct is reported to them. Miami University will upon request assist an employee in notifying law enforcement authorities.

For sexual misconduct or interpersonal violence that may also constitute a criminal offense that occurred on the Oxford campus, contact the Miami University Police Department directly at 911 (or 9-911 from a campus phone) or 513-529-2222 (non-emergency) to file a police report. Miami University Police officers will respond quickly, with sensitivity and compassion. (See Promises to Victims of Crime.) Regional Campus employees should report to local law enforcement (Hamilton Campus- Hamilton Police at 513-868-5811, Middletown Campus- Middletown Police 513-425-7700, VOA- West Chester Police, 513-777-2231, Greentree Health Science Academy- Middletown Police, 513-425-7700, Luxembourg- Police Grand-Ducale, Luxembourg, +352 4997-1, Dublin Coffman Campus – Dublin Police, 614-889-1112, Coldwater Campus – Coldwater Police, 419-586-7244, Upper Arlington Campus – Upper Arlington Police, 614-459-2800)

To report a criminal offense that occurred offcampus, contact the local police in the area the offense occurred or call 911 (emergency).

Upon request, a Title IX Coordinator and Miami University Police will assist an employee in obtaining protection or restraining orders.

Upon request, a Title IX Coordinator or the Miami University Police will assist employees in notifying the Oxford Police or other appropriate police department of an off-campus offense.

For definitions of criminal offenses, please see Appendix A.

The Miami University Police, the Title IX Coordinators and the Oxford Police Department share information on a need-to-know basis under an [Information Sharing Agreement](#).

Please note, 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.

Even if a party does not specifically request their information remain confidential, the University will seek to protect the confidentiality of both parties. When possible, the University will complete publicly available recordkeeping without personally identifying information about the parties (e.g. first and last name, home or physical address, contact information email, telephone, fax, social security number, driver's license number, passport number, identification number, date of birth, racial or ethnic background or religious affiliation.). The Annual Security [and Fire Safety](#) Report, Crime Log and any other publicly available documents will not disclose either parties' name, address, contact information, social security number, license/passport identification number or any other personally identifiable information.

Police Reports

Police reports are open for inspection and copying under Ohio's Public Records Act. The extent to which Miami University can protect the identity of a person contained in police reports is not absolute; however, the University uses its best efforts to protect the identity of the parties and the intimate details of the report. Ohio law specifically permits the University to withhold the identity of an uncharged suspect but requires the release of the identity of a charged suspect.

Initial police incident reports and Campus Security Authority reports do not include personally identifying information (e.g. first and last name, home or physical address,

contact information email, telephone and fax, social security number, driver's license number, passport number, identification number, date of birth, racial or ethnic background or religious affiliation.)

An employee arrested for certain criminal offenses, including rape, sexual battery, gross sexual imposition and domestic violence, may be subjected to a "1219" proceeding. "1219" refers to the section of Ohio law in which provides for the suspension and dismissal 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 person for the same conduct that gave rise to the "1219" proceeding. Additional information about "1219" procedures is in the Miami University Policy and Information Manual.

University Records - FERPA

The Family Educational Rights and Privacy Act (FERPA) protects students' educational records, including reports made to the Title IX Coordinator. FERPA prohibits the University from releasing these records to persons outside the institution without the student's consent except in response to a lawful subpoena or as otherwise required by law.

Requests for Confidentiality

An employee may request confidentiality. The University takes such requests seriously; however, such requests may severely limit the University's ability to investigate and take reasonable action in response to a report. In such cases, the Title IX Coordinator will evaluate the request for confidentiality in the context of the University's commitment to provide a reasonably safe and non-discriminatory environment.

In order to evaluate a request for confidentiality, the Title IX Coordinator, Ms. Kenya Ash, Director of the Office of Equity and Equal Opportunity, Hanna House, 513-529-7157 or ashkd@miamioh.edu, may 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 ~~accused persons~~respondents, etc.).

- Whether there have been other complaints/reports made regarding the accusedrespondent (e.g., a history of arrests, a record of misconduct at Miami or other institutions).
- ~~Accused's right to access the complaint/report, including the accuser's identity.~~
- Applicability of any laws requiring disclosure.
- Availability of other information to support the alleged violation.
- Whether the circumstances suggest there is an increased risk of the accusedrespondent committing additional Title IX violations (e.g., a pattern of behavior).
- Whether the accusedrespondent has threatened the accusercomplainant or others.
- Safety of the accusercomplainant and others.

If the accusercomplainant insists that their privacy be protected and that their name or other identifiable information not be disclosed to the accusedrespondent, the Title IX Coordinator will advise the accusercomplainant of the University's limited ability to respond to the report. ~~An accused~~ A respondent has a right to know the name of the accusercomplainant and information regarding the nature of the allegations in order to defend against the report; thus the University may not be able to both investigate a report and maintain the confidentiality of the accusercomplainant. If the request for confidentiality is granted, the University will generally not conduct an investigation. However, the University may take other steps to end the harassment, limit the effects of the alleged harassment or discrimination and prevent its recurrence. Under some circumstances, the Title IX Coordinator may determine the University has an obligation to investigate a report, such as when there is a risk to the campus community. The accusercomplainant will be informed of the decision to investigate.

Safety Bulletins/Emergency Notification

If a report of a sexual misconduct or interpersonal 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, an Emergency Notification or a Safety Bulletin will be issued. The purpose of a Safety Bulletin is to enable persons to protect themselves, heighten safety awareness and seek information that will lead to an arrest and conviction of the perpetrator. The Emergency Notification or Safety Bulletin does not include names or other personally identifying information.

For more information on the Clery Act, Safety Bulletins and Emergency Notifications, go to [Annual Security and Fire Safety Report](#).

Statistics regarding reports of sexual misconduct and interpersonal violence are included in the Annual Security and Fire Safety Report/Crime Statistics at <http://miamioh.edu/campus-safety/crime-stats/index.html>.

Resources and Support ServicesSupportive Measures

Miami University provides a number of resources and support servicessupportive measures to employees. Employees are encouraged to seek support and obtain appropriate medical attention.

Upon receipt of a report, the Title IX Coordinator provides written notification to employees about existing counseling, health, mental health, advocacy services, legal assistance, visa and immigration assistance and other services available both within the University and the community. The University provides written notification about options for and available assistance in, and how to request changes to academic, living, transportation and working situation or protection measures.

No Contact Directives

The Title IX Coordinator or Title IX Investigator, may direct an employee to have no contact with another individual for a specified period. No Contact Directives are issued when, in the judgment of the Title IX Coordinator or Title IX Investigator, there is reason to believe that a directive would be in the best interest of the parties and/or the community for maintaining safety. Such situations include, but are not limited to: harassment, threats, physical assault, stalking, domestic violence, dating violence, sexual misconduct, retaliation or other behaviors as indicated in this Protocol. No Contact Directives will typically be issued as mutual and time-limited, meaning both parties involved are subject to the same restrictions for a specified period of time. No Contact Directives prohibit all forms of communication between designated parties; direct or indirect, written, electronic, through a third party, or social media. Should a party fail to comply with a No Contact Directive, the party may be subject to disciplinary action.

No Contact Directives are distinct and different from court-imposed restraining orders or protective orders as they only apply to employees of Miami University or enrolled

students. A No Contact Directive is a University action and is not recognized by city, county or state law as a legal action. If a party wishes to pursue a civil protection order, they must make the request through an appropriate court

A No Contact Directive may be requested at any time through the Office of Equity and Equal Opportunity. Modification requests will be considered when submitted through the Office of Equity and Equal Opportunity and accompanied by evidence to support the request.

Medical and Counseling Resources

Medical Treatment

A person who has experienced sexual misconduct, dating violence or domestic violence is urged to seek appropriate medical evaluation immediately, ideally within 96 hours (4 full days) of the incident.

For life-threatening conditions, call 911 (9-911 from a campus phone) or go to the nearest hospital emergency department. In Oxford, McCullough-Hyde Memorial Hospital has a trained Sexual Assault Nurse Examiner (SANE) who can help. Most area hospitals have a Sexual Assault Nurse Examiner (SANE) who will respond.

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. Collection of evidence may involve interaction with police and a police report, but the decision to speak with the police about the alleged violation is the employee's. If the sexual assault occurred within 96 hours (4 full days), a free and confidential exam can be administered at most local hospitals. The sooner the sexual assault is reported, the more likely evidence will still be present. "Date rape" drugs, including rohypnol and GHB, may still be present in the body and should be tested for if the person believes they may have been drugged. To help preserve evidence that may assist in proving the alleged violation/offense or obtaining a protection order, any soiled clothes should be placed in a paper (not plastic) bag, and the following should be avoided:

- Bathing or douching
- Washing hands or face
- Urinating

- Drinking any liquids
- Smoking, eating or brushing teeth (including mouthwash and flossing)

If a person is uncertain about whether or not they want to report what has occurred, they can still have evidence collected. In cases of sexual assault or severe injuries, the police will be called to the hospital. The patient can decide whether or not to speak with the police at that time to officially report what has happened.

While evidence may be collected anonymously (i.e., without the person's name attached to it) and/or when there is no report made to police, these cases are handled differently. A discussion about the merit of collecting evidence "anonymously" and in instances where the patient does not want to report should be discussed with medical personnel and/or an advocate.

Questions about evidence collection can be directed to Women Helping Women at 513-381-5610 or 877-889-5610 or the Sexual Assault Nurse Examiner (SANE).

SANE of Butler County provides medico-legal examination and treatment of reported sexual assault cases. SANE of Butler County responds to area hospitals, including:

- Fort Hamilton Hospital, 630 Eaton Ave, Hamilton, OH 45013, (513) 867-2000
- McCullough Hyde Memorial Hospital, 110 N. Poplar St, Oxford, OH 45056, 513-523-2111
- Mercy Health– Fairfield Hospital, 3000 Mack Rd, Fairfield OH 45014
- West Chester Hospital, 7700 University Dr, West Chester Township, OH 45069, 513-298-3000
- Atrium Medical Center, 1 Medical Center Dr, Middletown, OH 45005, (513) 424-2111

Confidential Counseling/Advocacy Resources

Counselors at a variety of agencies off campus can help a person decide what steps to take, such as seeking medical attention, preserving evidence, obtaining counseling and reporting to authorities. Information, support and advice are available for anyone who wishes to discuss issues related to Title IX violations, whether or not a Title IX violation has actually occurred, and whether or not the person seeking information has experienced a Title IX violation, has been accused of a Title IX violation or is a witness or other affected person.

Confidential support for those who have experienced sexual misconduct, stalking, dating violence, and domestic violence is available off campus through Women Helping Women at 6 S. 2nd Street, Floor 8, Hamilton, OH 45011, 24-hour Hotline: 1-877-889-5610 and on campus during office hours at the Shriver Center or 513-431-1111 (call or text).

Off-Campus Services

Crisis intervention and assistance in reporting are available to persons who experience a Title IX violation 24 hours a day by calling the independent Women Helping Women at 513-381-5610 or toll-free at 877-889-5610 and on campus during office hours at the Shriver Center or 513-431-1111 (call or text). Women Helping Women advocates for and supports persons of all genders who experience a Title IX violation.

The National Sexual Assault Telephone hotline is available 24 hours a day at 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.

Domestic violence, dating violence and stalking services, including assistance in reporting and advocacy is available through the Dove House, YWCA Hamilton, 244 Dayton St., Hamilton, OH at 1-800-618-6523. Domestic Violence services including resources and advocacy are also available through the National Domestic Violence Hotline at 1-800-799-SAFE (7233).

Ohio's Sexual Violence Helpline is available at 1-844-OHIO-HELP (1-844-644-6435). This helpline is a confidential, statewide hotline dedicated to serving persons who experience sexual assault and relationship violence.

Campus Support Services

Miami University provides a number of support services, upon request. Employees may, upon request, obtain interim support services, such as changing working and transportation circumstances, from the Title IX Coordinator. The University will make such accommodations or provide such protective measures if requested and if they are reasonably available. No police report, disciplinary complaint or investigation need occur before this option is available. The Title IX Coordinator will exercise discretion and sensitivity about sharing the identity of the employee when arranging for interim support services. An employee can access these services at any time, even if the person initially declined the service.

The Title IX Coordinator will maintain as confidential any support services or protective measures provided 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 employee to a third party in order to provide accommodations or protective measures. This information will be limited only to what and who is needed to complete the accommodation/protective measure. The Title IX Coordinator will consult with the appropriate human resources office to determine what information will be disclosed and to whom based upon the accommodation/protective measure information, including the specific request, expressed need and availability, and limiting the sharing of information. When possible, the Title IX Coordinator will consult with the employee regarding what and with whom the information will be shared prior to sharing the information.

Upon receipt of a report, the Title IX Coordinator will reach out to meet with the accuser/complainant and the accused/respondent in order to:

- Assist the person in immediately attending to any medical needs. The Title IX Coordinator can arrange for a professional to accompany the person to the hospital if requested.
- Assist the person in contacting a support person, such as a spouse/partner, friend or parent if desired.
- Assist the person in obtaining a University no-contact order or a court-issued restraining order or other lawful order of protection.
- Provide information on medical and psychological resources available.
- Change class assignments so that the parties do not share the same classes (available to employees who are also students).
- Change working conditions for on campus employment.
- Provide transportation/parking options.
- Assist in filing a complaint with the Miami University Police if on campus and Oxford Police or other appropriate police department if off campus. The Title IX Coordinator is required by law to notify appropriate law enforcement authorities of any reported incident of sexual assault, or interpersonal violence.
- Inform the person of the right to have an investigation through the Office of Equity and Equal Opportunity. If the accused/respondent is a University student, the Title IX Coordinator will inform the employee of the right to have an

investigation by the Office of Community Standards. The University's processes address a much broader range of conduct than the criminal law.

For support services contact the Title IX Coordinator, Ms. Kenya Ash, Director of the Office of Equity and Equal Opportunity, Hanna House, Miami University, Oxford, Ohio 45056, 513-529-7157 or ashkd@MiamiOH.edu.

Immigrants or International Visa Information

There are certain legal protections that may be available to immigrants or international employees in the form of Visas, particularly the U visa and the T visa. The U visa provides temporary legal status and work eligibility for victims of certain crimes (including domestic violence, sexual assault, human trafficking, involuntary servitude and other violations). The T visa provides victims of human trafficking and immediate family members with temporary legal status and work eligibility. These visas can be applied for when agreeing to assist law enforcement, unless an individual meets one of the exceptions. Additional information is available through the [U.S. Department of Homeland Security U.S. Citizenship and Immigration Services](#). For assistance, with this or other immigrant status questions, please contact Women Helping Women, 513-381-5610 or toll-free at 877-889-5610, or Legal Aid Society of Southwest Ohio, 513-241-9400 or toll-free 1-800-582-2682.

Legal Assistance

Legal Aid Society of Southwest Ohio, 513-241-9400 or toll-free 1-800-582-2682. The Legal Aid Society of Southwest Ohio provides legal services to those struggling to recover from domestic violence, sexual assault and stalking. Legal services include restraining orders, child support, custody, divorce, visitation restrictions, visa adjustments and division of debts and property.

Court Issued Protection Orders and No-Contact Orders

Women Helping Women (513-381-5610), the Center for Family Solutions (513-887-4303), the Miami University Police Department, (911(emergency) or 513-529-2222) and the Title IX Coordinator (513-529-7157) are all available to assist in obtaining an order of protection, a ~~“no-contact” order, a~~ restraining order or a similar lawful order issued by a criminal, civil or tribal court, ~~and/or a University no-contact order.~~

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**respondent is located.

Criminal

- Criminal Temporary Protection orders can be requested through the appropriate police departments and/or criminal court. These orders can typically 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:
 - Police Departments: Miami University Police Department, Police Services Center, Oxford, 513-529-2222; Oxford Police Department, 11 S. Poplar St., Oxford, 513-523-4321; Hamilton Police Department, 331 S. Front St, Hamilton, 513-868-5811; Middletown Police Department, 1 Donham Plaza, Middletown, 513-425-7700; West Chester Policy Department, 9577 Beckett Rd. #500, West Chester Township, OH 45069, 513-777-2231.
 - Criminal Courts: Butler County Area I Court, 118 High St, Oxford, OH, 513-523-4748, Butler County Area II Court, 101 High St, Hamilton, 513-887-3459; Butler County Area II Court, 9577 Beckett Rd, West Chester, 513-867-5070; Hamilton Criminal & Traffic Court, 345 High St, Hamilton, 513-785-7300.

Civil

- 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 order types generally include: domestic violence, dating violence and stalking or sexually-oriented offense. There is no cost for obtaining a civil protection order. Civil protection orders can be obtained through local courts, depending upon the location of the incident/**accused individual**respondent.
- In Butler County, an individual can petition for themselves or a family or household member at the following locations:
 - Domestic Violence and Dating Violence petitions can be obtained and filed with the Domestic Relations Division, Butler County Court of Common Pleas, Government Services Center, 2nd Floor, 315 High Street, Hamilton, 513-887-3278.

- Stalking or Sexually-Oriented Offense petitions can be obtained online or at the Clerk of Courts Office, Government Services Center, 5th Floor, 315 High Street, Hamilton, 513-887-3278.
- Additional information regarding Butler County court-issued orders can be found at: [Butler County Clerk of Courts](#).

After a court order is issued, the protected party should provide a copy of the court order to the Title IX Coordinator and the Miami University Police Department. Miami University 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.

~~A Miami University No-Contact Order can be requested upon the initiation of or at any point during an investigation and/or hearing process. This request can be made to the Title IX Coordinator or directly to the Investigator.~~

~~Any violation of the Miami University No-Contact Order should be reported immediately to the Title IX Coordinator. A violation of a No-Contact Order may result in the disciplinary charges.~~

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Protecting Directory Information

An individual's directory information can be protected and/or limited. To modify information online: Log in to miamioh.edu/directory and choose which information to be hidden or viewable.

Financial Assistance

An employee may be financially impacted by a Title IX violation. Financial services may be available through the following resources:

Ohio Attorney General's Victims Compensation is available for "innocent victims of a violent crime." Individuals can obtain additional information and/or apply online through the [Attorney General's website](#).

Investigation and Disciplinary Action

Investigation and Review

Investigation

The University is committed to a full and fair disciplinary process for every party to an investigation. On occasion an investigation may be delayed for good reason including the absence of parties or witnesses, concurrent police investigations, or the need to accommodate an employee's or student's disability. The timeline may also be affected by the winter or spring break periods and summer or winter terms when a student is one of the parties to the investigation.

Reports ~~alleging Title IX violations involving accused employees will be investigated by the~~ can be received from members of the Miami University community or external entities, including law enforcement and members of the general public. The Office of Equity and Equal Opportunity (OEEO), after reviewing a report or on its own initiative, may initiate the investigation process outlined in this Protocol. Upon receipt of a report and if appropriate, interim measures including supportive measures and/or a summary suspension) may be implemented

Notice of Complaint

If information is presented in a report received by the Office of Equity and Equal Opportunity that suggests a Title IX violation has occurred, an investigation will be conducted. Written notification of an investigation will include:

- A copy of the signed report received by the Office of Equity and Equal Opportunity upon which the charges are based;
- A copy of this Protocol (and the Title IX Protocol for Students) if the complainant is a student;
- The specific sections of this Protocol allegedly violated and the date and location of the alleged incident, if known;
- A statement that the respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility has been made at the conclusion of the conduct process;
- A statement that the complainant and respondent may be accompanied by an advisor and support person of their choice throughout any investigation and the disciplinary process;
- A statement that the complainant and respondent may request to inspect and review evidence;

- A statement informing the parties that it is a violation of this Protocol to knowingly make false statements or knowingly submitting false information during any investigation or disciplinary process under this Protocol; and
- The potential disciplinary action.

When a report is received by the Office of Equity and Equal Opportunity that alleges a Title IX violation(s) an investigation will be initiated. The University reserves the right, ~~in its sole discretion,~~ to appoint an external investigator. The University does not mediate allegations of sexual misconduct or interpersonal violence.

The investigation is designed to provide a prompt, fair and impartial investigation of the report. The investigation is conducted by persons 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. ~~The accuser is not required to discuss issues directly with the accused. The investigator will contact all parties and witnesses to establish interview times and locations. Contact between the parties will be limited to necessity.~~ Investigations will consist of interviews with the complainant, respondent, and relevant witnesses. Witness names may be suggested by the complainant and respondent. The investigator may interview additional witnesses or acquire documentation/evidence on their own initiative. Absent extraordinary circumstances, the parties will receive the written notice at least five (5) business days before they are interviewed by the investigator.

~~The investigation is designed to provide a prompt, fair and impartial investigation of the report. Once a decision is made to pursue an investigation, the University will provide written notice to the parties, which will include a description of the parties involved, the specific sections of the policy allegedly violated, the specific alleged misconduct and the date(s) and location(s) of the misconduct. Absent extraordinary circumstances, the parties~~ The investigator will contact all parties and witnesses to establish interview times and locations. Absent extraordinary circumstances, the complainant and respondent will receive the written notice at least three (3) business days before they are interviewed by the investigator. The complainant is not required to discuss issues directly with the respondent.

The complainant and the ~~accused~~ respondent have the right to be accompanied by ~~an~~ one advisor and one support person, including an attorney or advocate, to any ~~related~~ interview meeting or proceeding. The role of the advisor and support person is only to be present to advise or support; they will not be provided documentation or

permitted to interject during the meeting. If the advisor or support person is determined to be unreasonably interfering with the investigation, they may be asked to leave.

Credibility determinations will not be made based on a person's status as a complainant, respondent or witness.

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

Confidential medical/counseling records and information regarding the ~~complainant's~~complainant's sexual history with others will not be provided to the ~~accused~~respondent without the written consent of the complainant. Any party may request additional or different interim supportive measures as the investigation progresses.

~~Any party may request additional or different interim measures as the investigation progresses.~~

~~The purpose of the investigation is to ascertain whether reasonable cause exists to believe a Title IX violation occurred and what responses need to occur. The standard of review used to determine responsibility on campus is a "preponderance" standard. This determination is based on the greater weight of the information and does not require a standard beyond a reasonable doubt.~~

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At the conclusion of the Title IX investigation, the investigator will prepare a preliminary report ~~summarizing the relevant evidence collected~~based on the information gathered during the investigation. Each party will have five (5) business days to review the preliminary report and provide any comment or response. Thereafter, the investigator will finalize the report and include a determination as to whether or not reasonable cause exists, ~~whether a~~ to believe a Title IX violation occurred, and what responses need to occur.

During any stage of the investigation, if the investigator reasonably suspects that either party poses an imminent threat of harm or disruption to the campus community, the investigator will notify the Miami University Police, the Title IX Coordinator and the appropriate personnel office, which may initiate the summary suspension process under the relevant disciplinary process to immediately remove the ~~accused~~respondent from campus and/or impose other restrictions.

The ~~complainant and the accused parties~~ will ~~simultaneously~~ be provided with a copy of the investigative report. The parties will be given timely and equal access to information that will be used during ~~any subsequent~~ disciplinary meetings and hearings.

Review

The complainant and the respondent each have the right to ~~a review of the investigation~~ by request that the Vice President for Institutional Diversity and Inclusion review the investigation based on:

- Alleged material violations of this Policy that resulted in a failure to conduct a reasonably thorough investigation, in which case the matter will be remanded to OEE0 for additional investigation;
- New evidence that was not available at the time of the investigation; or
- Conclusions that are clearly erroneous and not supported by the investigation.

~~Requests~~ The request for review must be submitted in writing to the Vice President for Institutional Diversity and Inclusion within five (5) University business days of the issuance of the OEE0 report. The request for review must state the basis for review and include all supporting materials.

~~The request for review must be submitted in writing, stating the basis for review and with all supporting materials attached.~~ The request for review will be shared with all parties and the OEE0 for their response, if any. Responses shall be filed within five (5) University business days of the parties' and OEE0's receipt of the request for review.

~~The~~ After review of the investigation, the Vice President for Institutional Diversity and Inclusion will issue a written report and share it with all parties and the OEE0. The parties will be given timely and equal access to information that will be used during any subsequent disciplinary meetings and hearings.

Remedial Actions

If the investigation finds reasonable cause to believe that a Title IX violation occurred, the University will take immediate steps to stop the misconduct, prevent any further Title IX violations, remedy the effects of the misconduct and prevent retaliation. Remedial action includes providing support services. (See the section of this policy titled "Campus Support Services.") Other remedial measures may include training on Title IX violations, increasing security in a designated space, no-contact orders, no shared classes or labs and/or required education/training of the ~~accused~~ respondent. If the ~~accused~~ respondent

is an employee, disciplinary action will be initiated against the accused employee/respondent.

Disciplinary Action

The University reserves the right to pursue disciplinary action if the University believes there is sufficient information to proceed without the participation of the complainant.

Summary Suspensions—An accused A respondent may be summarily suspended from campus pending the investigation or disciplinary proceedings. Summary suspensions may prohibit the employee from all or part of University property and activities or permit the employee to remain only under specified conditions (e.g., no-contact orders/directives).

Disciplinary Hearings—If the investigation finds reasonable cause to believe a Title IX violation occurred disciplinary action will be initiated according to the procedures described in: the Ohio Civil Service Law or a collective bargaining agreement then in effect, whichever is applicable, if the person is a member of the classified staff; the policy titled “Unclassified Administrative Staff Disciplinary Procedures” of the *Miami University Policy and Information Manual*, if the person is a member of the unclassified administrative staff; or the policy titled “Procedures for Disciplinary Action” of the *Miami University Policy and Information Manual*, if the person is a member of the instructional staff. In cases involving employees subject to collective bargaining agreements or university rules, parties will retain all rights afforded under applicable federal, state or local laws.

If disciplinary action is initiated, the complainant, the accused/respondent, the person or office initiating disciplinary action and the hearing body will be entitled to full access to the OEEEO investigation file.

Both parties will have the same opportunities to have others present during any institutional disciplinary proceedings, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.

The disciplinary proceedings will be conducted in a manner that:

1. Is consistent with University policies and is transparent to both parties, including timely notice of meetings at which both parties may be present.

2. Provides timely access to both parties and appropriate officials to any information that will be used after the fact-finding investigation but during informal and formal disciplinary meetings and hearings.
3. Is conducted by officials who do not have a conflict of interest or bias for, or against either or both parties.
4. Has responsibility determined based on a preponderance of the evidence standard.
5. Does not permit the complainant to be asked about prior sexual history with anyone other than the accused.

The complainant and the accused will receive simultaneous notification, in writing, of:

1. The results of any institutional disciplinary proceeding that arises from an allegation of sexual misconduct, interpersonal violence or sexual harassment.
2. The University's procedures for the complainant and the accused/respondent to appeal the result of the disciplinary proceeding, if appeals are permitted.
3. Any change to the result of the disciplinary proceedings.
4. When such results become final.

If there has been a finding that reasonable cause exists to believe that a vendor, contractor, subcontractor, visitor, guest or other person who does business with the University has violated this policy, the matter shall be referred to the Seniore Vice President for Finance and Business Services for appropriate administrative action.

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 and does not require a standard beyond a reasonable doubt.

Disciplinary Sanctions

Sanctions include suspension and dismissal and vary depending on the severity of the violation and the accused's/respondent's conduct history. The recommended sanction for Title IX violations is often dismissal. Possible sanctions for Title IX violations include: dismissal, suspension, demotion, educational intervention, no-contact orders/directives and/or restrictions on merit salary increases, instructional opportunities, detouring, and letters of reprimand.

~~Interests of the Accused~~

~~It must be recognized that the accused person in a University investigation has legal and other rights and that complaints in which each of the parties are members of the campus community are the most ethically and legally complex. A presumption of responsibility should not be made as the result of any allegations.~~

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Timeline

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

A typical process will take approximately 60 calendar days following receipt of the report. This will vary depending on the complexity of the investigation and the severity and extent of the alleged violation.

The timeline may also be affected by the unavailability of witnesses, holidays, winter or spring break periods and summer or winter terms.

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

Annual Investigation Training

Officials who investigate, are involved in conduct decision-making or conduct proceedings regarding sexual assault, dating violence, domestic violence, stalking and sexual harassment receive annual training regarding the following:

- Relevant evidence and how it should be used.
- Proper techniques for questioning witnesses.
- Basic procedural rules for conducting a proceeding and/or investigation.
- Avoiding actual and perceived conflicts of interest.
- Role of drugs and/or alcohol.
- Standard of evidence.

- Conducting hearings that protect the safety of the parties and promote accountability.
- Effects or use of medical/forensic information and criminal/civil proceedings.
- Dynamics and impacts of domestic violence, dating violence, sexual assault and stalking.
- Trauma reactions.

Legal Options

In addition to University disciplinary action, a person who engages in a Title IX violation may be the subject of criminal prosecution and/or civil litigation. 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.

Complaints may also be filed with the United States Department of Education Office for Civil Rights or by consulting an attorney at the person's own expense. See [U.S. Department of Education](#). [See How to File a Discrimination Complaint](#)

Education and Prevention

Miami University creates, supports and evaluates education and support programs aimed at the eradication of Title IX violations involving the Miami community. To support these programs, the University will coordinate Title IX violation education, awareness and prevention programs. Through this commitment, employees of the university will have opportunities to be educated about the following:

- Title IX Protocol and the University's commitment to enforce it.
- Miami University Policy "Prohibiting Harassment and Discrimination", where applicable.
- Miami University prohibits the crimes of dating violence, domestic violence, sexual assault and stalking as those terms are defined for purposes of the Clery Act.
- Steps to minimize individual risk of sexual assault, sexual misconduct, sexual harassment, domestic violence, dating violence and stalking, including crime reduction tips, safety tips and healthy relationship education.

- Process and responsibility for reporting Title IX violations.
- Awareness and resources for employees who have experienced Title IX violations and for those accused respondents of Title IX violations.
- How to be a knowledgeable and supportive presence, including bystander intervention education that provides safe and positive options through recognizing, evaluating and determining one of three options: direct action, distraction or delegation.
- On-going wellness promotion programs that address issues including, but not limited, to sexual health and wellness, healthy relationships and violence prevention.
- Comprehensive, ongoing universal campus-wide campaign: It's On Us. This campaign is committed to creating an environment that promotes responsibility, dignity and respect, conveying that each one of us has the power to prevent violence, can step up to help each other and has the ability to demonstrate love and honor by supporting and caring for our fellow Miamians.

Miami University requires all new incoming employees to complete a training program regarding Title IX, harassment, and discrimination. Employees have access to an online educational opportunity providing:

- Key definitions and statistics.
- Reflective and personalized content.
- Bystander skills and confidence-building strategies.
- Campus-specific policies, procedures and resources.

The Miami University Police foster a safe 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 those who elect to file a police report.
- Accurately maintaining and reporting statistics of Title IX violations as required by the Jeanne Clery Campus Security Act.
- Working with Facilities Management to provide adequate lighting on campus.

- Working with Telecommunications to provide sufficient emergency phones on campus.

Other information sources including the following:

- [Annual Security and Fire Safety Report](#)
- [Sexual Assault and Interpersonal Violence](#)
- [If It Happens to You or Someone You Know](#)
- [Acquaintance Rape Resource Guide](#)
- [No-Hate Initiative](#)
- [No-Hazing Policy](#)
- [Drug Free Policy](#)

Appendix A -Ohio Criminal Offenses

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:

(a) 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.

(b) The other person is less than thirteen years of age, whether or not the offender knows the age of the other person.

(c) 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.

(2) 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:

(1) The offender knowingly coerces the other person to submit by any means that would prevent resistance by a person of ordinary resolution.

(2) 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.

(3) The offender knows that the other person submits because the other person is unaware that the act is being committed.

(4) The offender knows that the other person submits because the other person mistakenly identifies the offender as the other person's spouse.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(9) 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.

(10) 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.

(11) The other person is confined in a detention facility, and the offender is an employee of that detention facility.

(12) 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.

(13) 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 w/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:

(1) The offender purposely compels the other person, or one of the other persons, to submit by force or threat of force.

(2) 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.

(3) 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.

(4) 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.

(5) 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:

(1) 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.

(2) 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.

(3) The offender knows that the other person, or one of the other persons, submits because of being unaware of the sexual contact.

(4) 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.

(5) 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 (Criminal Statute)

"Domestic violence" means any of the following: (1) Attempting to cause or causing bodily injury to a family or household member, or placing a family or household member by threat of force in fear of imminent physical harm; (2) Attempting to cause or causing bodily injury to a person with whom the actor is or was in a dating relationship or placing a person with whom the actor is or was in a dating relationship by threat of force in fear of imminent physical harm

(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 (Protection Orders)

Dating Violence is included in the definition of Domestic Violence for the purpose of obtaining protection orders and is defined in Ohio Revised Code 3313.33 (A) as follows:

- "Domestic Violence" means any of the following:
 - The occurrence of one or more of the following acts against a family member or household member:
 - Attempting to cause or recklessly causing bodily injury;
 - Placing another person by threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code;
 - Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code;

- Committing a sexually oriented offense.
- The occurrence of one or more of the acts identified in divisions (A)(1)(a)(i) to(iv) of this section against whom the respondent is or was in a dating relationship.

(8) “Dating relationship” means a relationship a relationship between individuals who have or have had a relationship of a romantic or intimate nature. “Dating Relationship” does not include a casual acquaintanceship or ordinary fraternization in a business or social context.

(9) “Person with whom the respondent is or was in a dating relationship” means an adult who, at the time of the conduct in question, is in a dating relationship with the respondent who is also an adult or who, within the twelve months preceding the conduct in question, has had a dating relationship with the respondent who is also an adult.

Ohio Revised Code 2903.11 – Felonious Assault

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

- (1) Cause serious physical harm to another or to another’s unborn;
- (2) 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:

- (1) Engage in sexual conduct with another person without disclosing that knowledge to the other person prior to engaging in the sexual conduct;
- (2) 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;
- (3) 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:

(a) Violate division (A)(1) of this section:

(b) Urge or incite another to commit a violation of division (A)(1) of this section.

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

Consent

Ohio law does not define consent for sexual conduct. In general, non-consensual sexual conduct may constitute a crime. Ohio law includes the following regarding 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.
- The victim's ability to judge the nature of or control their own conduct is substantially impaired.
- The victim is coerced.
- The offender uses force or threat of force.
- The victim is unaware the act is being committed (e.g. unconscious).

- 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 is not intended to provide legal advice. Persons should consult with law enforcement and prosecutors for advice.*

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

Related Form(s)

Not applicable.

Additional Resources and Procedures

Websites

- [If It Happens to You or Someone You Know](#)
 - [Resource Guide](#)
 - [Promises to Victims of Crime](#)
 - [Information Sharing Agreement](#)
 - [Annual Security and Fire Safety Report](#)
 - [S. Department of Homeland Security U.S. Citizenship and Immigration Services](#)
 - [Butler County Clerk](#)
 - [Attorney General's website](#)
 - [Miami University Police](#)
 - [Sexual Assault and Interpersonal Violence](#)
 - [If It Happens to You or Someone You Know](#)
 - [Acquaintance Rape Resource Guide](#)
 - [No-Hate Initiative](#)
 - [No-Hazing Policy](#)
 - [Drug Free Policy](#)
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FAQ

Not Applicable.

Policy Administration

Next Review Date

7/1/2019

Responsible Officers

- Director of Equity and Equal Opportunity
- AVP for Human Resources
- Director of Academic Personnel Services
- General Counsel

Legal Authority

- Clery Act
- Title IX

Compliance Policy

Yes

Recent Revision History

Amended July 2018; Amended July 2019

Reference ID(s)

MUPIM 3.26

Reviewing Bodies

Administrative