What you Need to Know About Ohio University Policy: Sexual Misconduct, Relationship Violence and Stalking

University Equity and Civil Rights Compliance
Discrimination and Harassment

Ohio University Policy 40.001

- Conduct directed toward and individual/group based on race, color, religion, age, ethnicity, national origin, national ancestry, sex, pregnancy, gender, gender identity or expression, sexual orientation, military service or veteran status, mental or physical disability, or genetic information

- Severe OR pervasive enough to:
  - limit ability to participate in university activity;
  - Create an intimidating/offensive/hostile environment
Title IX – Education Amendments

- Enacted June 23, 1972
- “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.”
Sexual Misconduct, Relationship Violence, and Stalking

- Ohio University Policy 03.004
  - Prohibits sexual misconduct in any employment situation, educational programs, and activities
  - Includes sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, dating/domestic violence, and stalking.
Sexual Harassment

• Sexual harassment includes sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature that is unwelcome and is sufficiently severe or pervasive.
  – Hostile Environment
  – Quid Pro Quo
Severe or Pervasive

• ...severe enough to deny or limit participation in or full benefit of employment or educational opportunity at Ohio University; or

• ...pervasive enough to create a work or educational environment that a reasonable person would consider intimidating, hostile, or abusive
What is consent?

• Informed, knowing and voluntary agreement
• Clear and unambiguous for each participate throughout any sexual encounter
• Consent to some sexual acts does not imply consent to others, nor does past consent to any act imply ongoing or future consent
• Consent can be revoked at any time
• CANNOT be obtained from someone who is asleep or otherwise incapacitated, whether due to alcohol, drugs, or some other condition.
Non-Consensual Sexual Contact

• Intentional contact with breasts, buttock, groin, or genitals;
• Touching another with any of these body parts, or making another touch you or themselves with on on any of these body parts;
• Any intentional bodily contact in a sexual manner;
• Without consent
Non-Consensual Sexual Intercourse

• Vaginal or anal penetration by any body part or foreign object;
• Oral copulation (mouth to genital contact or genital to mouth contact);
• However slight;
• Without consent
Sexual Exploitation

Sexual exploitation occurs when

• a person, knowingly or recklessly, takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses.

• Non-consensual video/audio recording or photographing of sexual activity
• Going beyond the boundaries of consent
• Voyeurism;
• Public indecency;
Domestic Violence

• Physical violence committed
  – by a current or former spouse, or intimate partner of the complainant;
  – by a person with whom the complainant shares a child;
  – by a person cohabiting with the complainant as a spouse or intimate partner;
  – or by a family or household member (i.e., parent, child, other persons related by blood, marriage, or prior marriage
Dating Violence

• Physical violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant; and where the existence of such a relationship shall be determined based on the complainant's statement, and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship
Stalking

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.
- Stalking, as a "course of conduct," requires two or more acts, such as the following:
  - 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.

- Examples:
  - Unwanted emails, texts, letters, or gifts; Repeated calling; Appearing at someone’s class or residence without a legitimate reason
Retaliatory Harassment

• Adverse action or threat of an adverse action taken in response to a protected disclosure including:
  – Reporting sexual misconduct, relationship violence, and stalking’
  – Participating in an investigation or proceeding;
  – Filing a complaint or lawsuit under federal or state law or university policy that prohibits sexual misconduct
Consensual Relationship Policy

- Consensual romantic or sexual relationships in which one party retains a direct supervisory or evaluative role over the other party are unethical, create a risk for real or perceived coercion and are a violation of policy 03.004 (Sexual Misconduct, Relationship Violence, and Stalking)
Confidential Resources

• Survivor Advocacy Program
  Lindley Hall, 038
  740.597.7233

• Campus Care Center
  Hudson Health
  740.593-1660

• Counseling & Psych Services
  Hudson Health
  740.593.1616
Campus Resources

• ECRC - Lindley Hall, 006
  740.593.9140

• Community Standards - Baker Center, 349
  740.593-2629

• OU Police Department - Scott Quad, 135
  740.593.1911
Thank You!

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