

Policy Administration

About

(<https://www.uc.edu/about/equity-inclusion/Office-Equal-Opportunity/AboutOEO.html>)

Accessibility

Expand All

Collapse All

Make a Report

(<https://www.uc.edu/about/equity-inclusion/Office-Equal-Opportunity/Make-Report.html>)

Section 504/ADA Grievance Procedure

>

[Section 504/ADA Grievance Procedure \(https://www.uc.edu/campus-life/accessibility-resources/policies-and-grievance-procedure.html\)](https://www.uc.edu/campus-life/accessibility-resources/policies-and-grievance-procedure.html)

Support and Resources

(<https://www.uc.edu/about/equity-inclusion/Office-Equal-Opportunity/Support-Resources.html>)

Affirmative Action / Equal Employment Opportunity

Expand All

Collapse All

Title IX

(<https://www.uc.edu/about/equity-inclusion/Office-Equal-Opportunity/title-ix.html>)

Affirmative Action / Equal Employment Opportunity

>

The Affirmative Action Plan (AAP) is a set of specific and results-oriented procedures to which we commit ourselves to apply every good faith effort. The objective of these procedures and special efforts is ***equal employment opportunity for all***.

Resolution Options

(<https://www.uc.edu/about/equity-inclusion/Office-Equal-Opportunity/Resolution-Options.html>)

In keeping with the purpose of equal opportunity, the University of Cincinnati has consistently striven to improve the total quality of its work environment. To accomplish this goal the university provides all of its employees a work place free from discrimination based upon disability, race, color, religion, national origin, ancestry, medical condition, genetic information, marital status, sex, age, sexual orientation, veteran status or gender identity and expression. See: [Notice of Non-Discrimination \(https://www.uc.edu/about/policies/non-discrimination.html\)](https://www.uc.edu/about/policies/non-discrimination.html).

Policy Administration

(<https://www.uc.edu/about/equity-inclusion/Office-Equal-Opportunity/Policy-Administration.html>)

As a federal contractor, the University of Cincinnati complies with affirmative action requirements of Executive Order 11246, as amended, the Rehabilitation Act of 1973, as amended, the Vietnam Veterans' Readjustment Assistance Act of 1974, 38-USC 4212, as amended and the associated regulations promulgated by the U.S.

Analytics
(<https://www.uc.edu/about/equity-inclusion/Office-Equal-Opportunity/Analytics-OEO.html>)

Green Dot
(<https://www.uc.edu/about/equity-inclusion/Office-Equal-Opportunity/Green-Dot.html>)

Department of Labor. In compliance with regulatory requirements, the University of Cincinnati prepares annual written affirmative action plans for women, minorities, persons with disabilities, and protected veterans.

To view or receive a copy of the University's AAP for women, minorities, persons with disabilities and protected veterans contact: oeohelp@uc.edu (<mailto:oeohelp@uc.edu>).

Non-Discrimination and Harassment

Expand All

Collapse All

Non-Discrimination Policy, Policy 11.01



[Non-Discrimination Policy \(/content/dam/refresh/equityinclusion-62/OGEI/11-01%20Non-Discrimination.pdf\)](/content/dam/refresh/equityinclusion-62/OGEI/11-01%20Non-Discrimination.pdf)

Discriminatory Harassment, Policy 11.02



[Discriminatory Harassment Policy \(/content/dam/refresh/equityinclusion-62/OGEI/11-02%20Discriminatory%20Harrassment%20Policy.pdf\)](/content/dam/refresh/equityinclusion-62/OGEI/11-02%20Discriminatory%20Harrassment%20Policy.pdf)

Policy Statement on Sexual Harassment, Policy 11.03



[Policy Statement on Sexual Harassment \(/content/dam/refresh/equityinclusion-62/OGEI/11-03%20Policy%20Statement%20on%20Sexual%20Harassment.pdf\)](/content/dam/refresh/equityinclusion-62/OGEI/11-03%20Policy%20Statement%20on%20Sexual%20Harassment.pdf)

Sex- and/or Gender-Based Misconduct Policy



I. Anti-Discrimination Statement

The University of Cincinnati does not tolerate discrimination on the basis of sex, including sexual harassment, sexual violence, or retaliation. UC takes steps to ensure that the campus community is not subject to a hostile environment and to respond promptly and appropriately to allegations of discrimination or harassment on the basis of sex. The university promptly investigates incidents of discrimination or harassment on the basis of sex,

takes appropriate action (including disciplinary action) against students found to have violated this policy, and provides remedies as appropriate 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.

The university is committed to upholding First Amendment principles and this policy does not impair the exercise of rights protected under the First Amendment. For more information about harassment and the First Amendment, please see the [University Policy on Discriminatory Harassment](https://www.uc.edu/content/dam/uc/hr/labor_and_employee_relations/policies/11_02_discriminatory_harassment.pdf) (https://www.uc.edu/content/dam/uc/hr/labor_and_employee_relations/policies/11_02_discriminatory_harassment.pdf).

Statement of Jurisdiction

Except as covered under the Title IX Sexual Harassment Policy, this policy applies to alleged sex/gender-based discrimination that takes place on university property (owned, leased or controlled premises), at university-sponsored events, in connection with a university-recognized program or activity, as well as off-campus behavior that is not associated with a university-sponsored event or a university-recognized program or activity, if the alleged discrimination could reasonably create a hostile environment on campus or in university programs or activities.

II. Definitions and Examples

The university's policies and definitions may differ from Ohio state law. Conduct may be both punishable under the criminal statutes and university policy. These processes are separate and distinct from one another, but can run concurrently. Definitions cited from the Ohio Revised Code may be revised at any time.

Amnesty

The university community encourages the reporting of conduct code violations and crimes. Sometimes, individuals who experience sexual misconduct are reluctant to report such conduct to university officials because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. To encourage reporting, the University of Cincinnati does not refer complainants with non-violent violations, such as unauthorized use of alcoholic beverages or drugs or narcotics related to the incident. The university may, however, impose educational responses rather than sanctions, at the discretion of the Department of Student Life.

Complainant

A Complainant is the individual who files a report or on whose behalf a report is filed.

Confidentiality

If you have experienced sexual misconduct and would like to speak confidentially with someone about your reporting options, please consider contacting one of the [confidential resources](https://uc.edu/about/equity-inclusion/gender-equity/make-report/confidentiality.html) (<https://uc.edu/about/equity-inclusion/gender-equity/make-report/confidentiality.html>). The university will generally honor a complainant's

request for confidentiality. However, complainants should be advised that this may limit the University's ability to respond fully to the report. Reports made to university employees other than those specifically identified as confidential sources must be reported to the Title IX Coordinator, who will evaluate the reports to determine whether action must be taken to protect the University community.

Consent

Consent is informed, freely given, mutual, and can be withdrawn at any time. A person cannot give consent if he or she is mentally or physically incapacitated or impaired such that the person cannot understand the fact, nature or extent of the sexual situation; this includes impairment or incapacitation due to age, alcohol or drug consumption, or being asleep or unconscious. Similarly, a person cannot give consent if force, expressed or implied, duress, intimidation, threats or deception are used on the complainant. Silence or the absence of resistance does not necessarily imply consent. Consent to some sexual acts does not imply consent to other acts, nor does prior consent to sexual activities imply ongoing future consent with that person or consent to that same sexual activity with another person. Whether an individual has taken advantage of a position of influence or authority over an alleged victim may be a factor in determining consent.

Dating Violence

Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes sexual or physical abuse or the threat of such abuse.

Domestic Violence

Domestic violence is violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Ohio.

Pursuant to Ohio Revised Code § 2919.25 Domestic Violence:

1. No person shall knowingly cause or attempt to cause physical harm to a family or household member.
2. No person shall recklessly cause serious physical harm to a family or household member.
3. 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.

* [Complete text of Ohio Revised Code §2919.25 \(http://codes.ohio.gov/orc/2919.25\)](http://codes.ohio.gov/orc/2919.25)

Employee

UC employees include university faculty and staff.

Incapacitated or Incapacitation

A state in which rational decision-making or the ability to consent is rendered impossible because of a person's temporary or permanent physical or mental impairment including, but not limited to, physical or mental impairment resulting from drugs or alcohol, disability, sleep, unconsciousness, or illness. Incapacitation is determined based on the totality of the circumstances. Incapacitation is more than intoxication, but intoxication can cause incapacitation. Factors to consider in determining incapacitation include, but are not limited to, the following:

- Lack of awareness of circumstances or surroundings (e.g., an inability to understand, either temporarily or permanently, the who, what, where, how and/or why of the circumstances; blackout state);
- Inability to physically or verbally communicate coherently, particularly with regard to consent (e.g., slurred or incoherent speech);
- Lack of full control over physical movements (e.g., difficulty walking or standing without stumbling or assistance); and/or
- Physical symptoms (e.g., vomiting or incontinence).

Mandatory Reporter

All university employees, except those specifically designated as confidential resources ([CAPS, Health Services, the counseling services at Blue Ash and Clermont Colleges, and On-Campus Women Helping Women Advocates](#)) (<https://uc.edu/titleix/Resources>), must report to the Title IX Coordinator any incidents of possible sexual harassment, sex discrimination, or retaliation on campus of which they are aware. Reports must be made within 24 hours using the [online reporting form](https://publicdocs.maxient.com/reportingform.php?UnivofCincinnati&layout_id=10) (https://publicdocs.maxient.com/reportingform.php?UnivofCincinnati&layout_id=10) or to the Title IX Coordinator or a Deputy using the contact information provided above. University employees who are responsible for reporting possible sex discrimination, sexual harassment, and retaliation include all faculty, administrators, staff, residence coordinators, and residence advisors.

Ohio law requires that any person learning of a felony report the crime to the police. All university employees must report a felony of which they are aware to the University of Cincinnati Police Department (exceptions to this are employees of the Counseling Center and University Health Services). Questions regarding identifying felony behavior can be directed to the Office of General Counsel or the University of Cincinnati Police Department.

Rape

Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the complainant.

Respondent

A Respondent is the individual against whom a report has been filed.

Sex Discrimination

Sex discrimination takes place where a UC student or third party receives negative or adverse treatment based on sex, gender, or gender identity and the conduct denies or limits the individual's ability to obtain the benefits of UC's programs or activities.

Sex- and Gender-Based Harassment

Sex- and gender-based harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic success; or
- Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or study environment.

In addition, harassment without an overt sexual component can also violate the law and university policies where it is shown that the harassment is directed at an individual because of the individual's gender or gender identity. In determining whether alleged conduct constitutes sexual harassment, the University will look at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination whether a particular action violates this policy will be made from the facts, on a case by case basis. In cases in which a hostile environment is alleged, a determination of a violation requires not only a finding that the victim regarded the environment as hostile, but also that such conduct was severe, persistent or pervasive and would be considered hostile by any reasonable person. Offensive conduct that does not rise to the level of harassment, however, may be grounds for discipline under other applicable policies.

Sex- and Gender-Based Violence

Sex- and gender-based violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the person's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including rape, sexual assault, and sexual coercion. All such acts of sexual violence are forms of sexual harassment covered under Title IX. Gender-based violence may be directed at a person because of the person's gender, gender identity or perceived gender/gender identity.

Sexual Assault

Offenses including rape, fondling, or statutory rape. Sexual assault includes non-consensual intercourse (see definition of rape above) as well as non-consensual sexual contact (intentional sexual contact of the body parts of another person without that person's consent).

Sexual Coercion

This occurs when a respondent unreasonably pressures a complainant to engage in sexual activity despite the complainant indicating that he or she does not want to engage in sexual interaction. Sexual coercion can occur through the use of words/pressure, substances such as drugs or alcohol, force, or manipulation. Sexual coercion can also occur where the respondent is in a position of influence or authority over the complainant, or where the complainant is a minor.

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.

Pursuant to 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 cause mental distress to 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 mental distress, 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 electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, or computer system, shall post a message with purpose to urge or incite another to commit a violation of division (A)(1) of this section.

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

* [Complete text of Ohio Revised Code §2902.211 \(http://codes.ohio.gov/orc/2903.211\)](http://codes.ohio.gov/orc/2903.211)

Student

As defined in the Student Code of Conduct, an individual who has been accepted for admission to the university, registered for classes, enrolled at the university, or otherwise entered into any other relationship with the university to take or audit classes. Student status lasts until an individual graduates, withdraws from the university, is dismissed, or is not in attendance for two complete semesters.

Examples of Prohibited Conduct

Please note that this is not a comprehensive list but provides guidance to individuals seeking to understand some of the definitions provided above:

- Student 1 and Student 2 have many drinks at a party and go to Student 1's room in a residence hall on-campus, where the students lie down in Student 1's bed. Student 1 passes out and Student 2 has sexual intercourse with Student 1. Student 2's conduct violates this policy because Student 1 was incapacitated and unable to give consent.
- Student 1 has been in a consensual sexual relationship with Student 2. In the middle of a sexual encounter with Student 2, Student 1 pushes Student 2 away, expressing fatigue. Student 2 continues the sexual encounter by touching Student 1 intimately, and Student 1 pushes Student 2 away again and pretends to be asleep. Student 2's conduct violates this policy by continuing with sexual contact despite Student 1's withdrawal of consent.
- Student 1 files a sexual harassment complaint against Student 2. When they hear about this, Student 2's friends begin to follow Student 1 around campus and make derogatory comments to Student 1. Student 1 becomes afraid to go to classes. The conduct by Student 2's friends is prohibited by this policy as it constitutes harassment in retaliation for filing a Title IX complaint.
- Student 1 goes to a party and meets Student 2. The two students hang out for a couple of hours. Student 1 drinks five cups of an alcoholic juice served at the party and has three shots of tequila. Student 1 begins to throw up and Student 2 walks Student 1 to Student 1's apartment. On the way, Student 1 stumbles and has trouble walking. Student 1's speech is slurred and Student 1 needs assistance to swipe into the apartment. Student 2 has sex with Student 1 when they go to the apartment. Student 2's conduct violates this policy because Student 1's alcohol consumption and actions (e.g., throwing up, slurred speech) reasonably suggest that Student 1 is incapacitated and unable to give consent.
- Students 1 and 2 are in the same Biology class. Student 2 sits behind Student 1 in class and observes Student 1's cell phone number. Student 2 begins texting Student 1 daily and sometimes stands outside Student 1's classes. Student 1 tells Student 2 to stop. Student 2 moves to a different seat in Biology class but continues to text Student 1 every day and to stand outside Student 1's classes. Student 2's conduct constitutes stalking in violation of this policy.

III. Where to Make a Report or File a Complaint

Reports to the Office of Gender Equity & Inclusion

Reports or complaints of possible policy violations where the alleged perpetrator is not a UC employee can be made by contacting the Title IX Coordinator or appropriate Deputy Title IX Coordinator:

- Office of Gender Equity & Inclusion, Title IX Coordinator, Adrienne Lyles, titleix@uc.edu (<mailto:titleix@uc.edu>), (513) 556-3349
- Deputy Title IX Coordinator for UC Blue Ash College, Molly Scruta, (513)-936-1501
- Deputy Title IX Coordinator for UC Clermont College, Jennifer Radt, (513)732-8964 or 513-732-5319

Reports involving employees are addressed as set forth in the [University Policy Statement on Sexual](#)

[Harassment](#)

(https://www.uc.edu/content/dam/uc/hr/labor_and_employee_relations/policies/11_03_policy_statement_sexual_harassment.pdf),

the [University Policy on Discriminatory Harassment](#)

(https://www.uc.edu/content/dam/uc/hr/labor_and_employee_relations/policies/11_02_discriminatory_harassment.pdf) and

the [University Policy on Non-discrimination \(http://codes.ohio.gov/oac/3361%3A10-13\)](http://codes.ohio.gov/oac/3361%3A10-13).

Upon the Title IX Coordinator's receipt of a report, the Title IX Coordinator or designee will generally contact the reporter (or complainant) via email and/or telephone within 48 hours.

Reports to Law Enforcement

Reports also may be made to the University of Cincinnati Police Department at: [\(513\) 556-1111](tel:513-556-1111), 51 West Corry Blvd, <https://uc.edu/publicsafety.html> (<https://uc.edu/publicsafety.html>).

Reports may be made simultaneously to law enforcement and the Office of Gender Equity & Inclusion.

IV. Policies

Amnesty

The university community encourages the reporting of conduct code violations and crimes. Sometimes, individuals who experience sexual misconduct are reluctant to report such conduct to university officials because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. To encourage reporting, the University of Cincinnati does not refer complainants with non-violent violations, such as unauthorized use of alcoholic beverages or drugs or narcotics related to the incident. The university may, however, impose educational responses rather than sanctions, at the discretion of the Department of Student Life.

Confidentiality

If you have experienced sexual misconduct and would like to speak confidentially with someone about your reporting options, please consider contacting one of the [confidential resources \(https://uc.edu/about/equity-inclusion/gender-equity/resources.html\)](https://uc.edu/about/equity-inclusion/gender-equity/resources.html). The university will generally honor a complainant's request for confidentiality. However, complainants should be advised that this may limit the University's ability to respond fully to the report. Reports made to university employees other than those specifically identified as confidential sources must be reported to the Title IX Coordinator, who will evaluate the reports to determine whether action must be taken to protect the University community.

Mandatory Reporter

All university employees, except those specifically designated as confidential resources ([CAPS](#), [Health Services](#), and the [counseling services at Blue Ash and Clermont Colleges](#)) (<https://uc.edu/titleix/resources>), must report to the Title IX Coordinator any incidents of possible sexual harassment, sex discrimination, or retaliation on

campus of which they are aware. Reports must be made within 24 hours using the [online reporting form \(https://publicdocs.maxient.com/reportingform.php?UnivofCincinnati&layout_id=10\)](https://publicdocs.maxient.com/reportingform.php?UnivofCincinnati&layout_id=10) or to the Title IX Coordinator or a Deputy using the contact information provided above. University employees who are responsible for reporting possible sex discrimination, sexual harassment, and retaliation include all faculty, administrators, staff, residence coordinators, and residence advisors.

Ohio law requires that any person learning of a felony report the crime to the police. All university employees must report a felony of which they are aware to the University of Cincinnati Police Department (exceptions to this are employees of the Counseling Center and University Health Services). Questions regarding identifying felony behavior can be directed to the Office of General Counsel or the University of Cincinnati Police Department. For a list of reportable offenses, please see the [sexual offenses and related crimes chart \(https://www.uc.edu/content/dam/uc/titleix/docs/crimes-under-OH-law.pdf\)](https://www.uc.edu/content/dam/uc/titleix/docs/crimes-under-OH-law.pdf).

Minors as Complainant or Respondent

All University community members who receive information, suspect, or know that a minor is being or has been abused or neglected must advise their supervisor, the Office of Human Resources, and the University of Cincinnati Department of Public Safety promptly. If the report is about a supervisor or administrator, the next level of management should be contacted. Reports can be made to: Chief Human Resources Officer or Senior Director of Labor Relations & Policy Development at [\(513\) 556-0343](tel:513-556-0343); University of Cincinnati Department of Public Safety: Non-Emergency [\(513\) 556-1111](tel:513-556-1111). Also see the policy on [Protection of Minors on Campus \(https://www.uc.edu/content/dam/uc/hr/labor_and_employee_relations/policies/16_19_minors_on_campus.pdf\)](https://www.uc.edu/content/dam/uc/hr/labor_and_employee_relations/policies/16_19_minors_on_campus.pdf).

V. Formal Resolution Process

This procedure provides for the prompt, reliable, impartial resolution of complaints of sex discrimination. Complaints will generally be resolved within 60 days of the filing of a complaint; however, in some circumstances, complaints may take longer to resolve (e.g., if filed during university breaks.) If there is a need to extend the timelines set forth below, the Title IX Coordinator will make the determination and notify the parties. Notwithstanding the waiver, complainants who have experienced sexual violence are still encouraged to file complaints. Complainants and respondents will receive regular updates regarding the status of their complaints.

1. The university strongly encourages individuals who experience sex discrimination to file complaints as soon as reasonably possible after the alleged sex discrimination occurs to allow for prompt resolution of inappropriate conduct. Complaints should be filed under this procedure within two years of the last act of alleged discrimination, unless extenuating circumstances precluded reporting a complaint within that time frame. The purpose of the time frame is to ensure that the passage of time does not limit the University's ability to conduct an investigation or locate witnesses, as memory lapses and other time-sensitive factors may impair an investigation. Complaints filed outside the two year time frame may be eligible for a discretionary waiver of the filing requirement. Waiver decisions will be made by the Title IX Coordinator in consultation with the General Counsel.

2. A complainant may initiate the formal Title IX process by filing a complaint with the Title IX Coordinator or a Deputy Coordinator (contact information provided above). During this meeting, the complainant will receive a copy of the university's Title IX policies and procedures, and information about the Title IX process, how to file a complaint with law enforcement, how to obtain interim measures, and information about on- and off-campus resources.
3. Within seven days of the filing of a complaint, a Deputy Title IX Coordinator or designee will generally initiate a meeting with the respondent. During this meeting, the respondent will receive notice of the complaint allegations, a copy of the university's Title IX policies and procedures, and information about the Title IX process. The respondent also will be provided an opportunity to discuss the nature of the complaint allegations.
4. Within 14 days of the filing of a complaint, a Deputy Title IX Coordinator or designee will begin interviewing witnesses, as appropriate, and review relevant evidence. The complainant and the respondent will have an equal opportunity to provide documents and witnesses during the investigation and adjudication of the complaint.
5. At the conclusion of the investigation, the Deputy Title IX Coordinator will prepare an interim investigatory report for review by the complainant and respondent. The complainant and respondent will be provided an equal opportunity to review, ask written questions about, and comment in writing on the report. Written input from the complainant and respondent will be incorporated into the report. If necessary, the Deputy Title IX Coordinator will conduct additional investigation prior to finalizing the report. The final report will be provided to the adjudicators (see adjudication process below) within five weeks of the filing of the formal complaint.
6. At any time prior to the adjudication of the complaint, a respondent may choose to accept responsibility, at which point the Director of Judicial Affairs may conduct an administrative review to determine appropriate sanctions. Such administrative review generally will be concluded within 60 days of the filing of the formal complaint.
7. Adjudication process:
 - a. The university maintains a pool of faculty and staff who receive training at least annually on sexual violence, sexual harassment, and the requirements of Title IX. Adjudication of complaint under this procedure will take place as set forth in the [Student Code of Conduct](https://uc.edu/conduct/Code_of_Conduct.html) (https://uc.edu/conduct/Code_of_Conduct.html).
 - b. The complainant and respondent will receive concurrent written notice of the outcome of the adjudicatory process.
8. Conflicts of interest: If either party believes that a Deputy Title IX Coordinator, investigator, or adjudicator involved in the case has a conflict of interest, the party should inform the Title IX Coordinator to permit a determination of whether a conflict exists and the designation of a replacement for that person.
9. Confidentiality: Information shared by the parties as part of the Title IX process will be kept private, consistent with state and federal law.
10. Advisors: The parties may be accompanied by an advisor of their choice during the Title IX process. Advisors are not permitted to speak on behalf of the parties during meetings or hearings. See [Student Code of Conduct](https://uc.edu/conduct/Code_of_Conduct.html) (https://uc.edu/conduct/Code_of_Conduct.html) for further discussion of the role of the advisor.

11. Mediation: The university does not mediate sexual assault complaints and does not require the complainant to work out an issue directly with the respondent.
12. Investigator: The university reserves the right to utilize outside investigators to conduct fact finding during this process.

VI. Interim Measures

Interim measures are available upon receipt of a report of sex discrimination, including sexual violence, and prior to the resolution of a complaint, as appropriate. Available interim measures include, but are not limited to, restrictions on contact between the respondent and complainant (“no contact” orders); changes in academic or living situations where appropriate; access to counseling, health, and mental health services at no cost; academic support; and escort services. Failure to abide by restrictions placed during the Title IX complaint resolution process constitute a violation of UC policy.

The Title IX Coordinator or Deputy Title IX Coordinator generally will offer interim measures upon receipt of a report of sex discrimination, if appropriate. Individuals who would like to request additional interim measures or who experience difficulty obtaining interim measures that they have been approved to receive should contact the Title IX Coordinator or Deputy Title IX Coordinator.

Protective measures also may be available by filing a complaint with law enforcement. For example, police departments may provide civil protection orders and other measures when criminal complaints are filed.

VII. Prohibition Against Retaliation

The University does not tolerate intimidation, retaliation, or retaliatory harassment against individuals because they filed a complaint, participated in a Title IX investigation, or otherwise asserted rights protected by Title IX. Individuals found responsible for retaliation in violation of Title IX will be held accountable under the Student Code of Conduct (https://uc.edu/conduct/Code_of_Conduct.html). Remedies may be available to complainants, witnesses, and participants in the Title IX process who experience retaliation.

VIII. Standard of Review

The university applies the preponderance of the evidence or “more likely than not” standard in investigating, adjudicating, and resolving complaints of sex discrimination, including allegations of sexual harassment or violence.

IX. Appeal

The complainant and respondent have equal rights to file an appeal. The university maintains a trained pool of individuals who may serve as appeal board panelists. The appeal process will be carried out consistent with the Student Code of Conduct (https://uc.edu/conduct/Code_of_Conduct.html). The complainant and respondent will receive concurrent written notice of the outcome of the appeal process.

X. Sanctions

Students found responsible for sex discrimination, including sexual violence, under this policy are subject to a range of sanctions up to, and including, suspension and dismissal from the university, as set forth in the [Student Code of Conduct \(https://uc.edu/conduct/Code_of_Conduct.html\)](https://uc.edu/conduct/Code_of_Conduct.html). Other sanctions may include removal from housing or changes in academic programming and restrictions on access to the complainant or campus. Third parties may be subject to bans from campus or termination of contractual arrangements with the university.

XI. Remedies

Following the adjudication of a complaint, remedies may be available for the complainant and campus community, as appropriate. Remedies may include counseling, housing changes, academic support, training and other educational programming.

XII. Resources

The University maintains a full list of on- and off-campus resources for individuals who have experienced sex discrimination, including sexual misconduct, available on the [Title IX Resources \(https://uc.edu/about/equity-inclusion/gender-equity/resources.html\)](https://uc.edu/about/equity-inclusion/gender-equity/resources.html) page.

XIII. Documentation

The university will retain through its data management systems all recordings of Title IX hearings and related documentation, consistent with the university's record retention policy.

XIV. Bystander Intervention

Bystanders play a critical role in the prevention of sexual and relationship violence. A bystander is anyone who observes an emergency or a situation that looks like someone could use some help. Even if you feel it is not your place to get involved, if it appears that someone is in immediate danger, you may choose to intervene if it is safe to do so, or get help by calling the police. It is important to notify the police if you feel you or someone else's safety has been threatened or is in danger.

Procedures

All student policies can be found in the [Student Code of Conduct \(https://uc.edu/conduct/Code_of_Conduct.html\)](https://uc.edu/conduct/Code_of_Conduct.html).

For complaints of sex discrimination, including sexual assault, involving UC employees, please use the procedures set forth in the [University Policy Statement on Sexual Harassment \(https://www.uc.edu/content/dam/uc/hr/labor_and_employee_relations/policies/11_03_policy_statement_sexual_harassment.pdf\)](https://www.uc.edu/content/dam/uc/hr/labor_and_employee_relations/policies/11_03_policy_statement_sexual_harassment.pdf), the [University Policy on Discriminatory Harassment](#)

(https://www.uc.edu/content/dam/uc/hr/labor_and_employee_relations/policies/11_02_discriminatory_harassment.pdf) and the [University Policy on Non-discrimination \(http://codes.ohio.gov/oac/3361%3A10-13\)](http://codes.ohio.gov/oac/3361%3A10-13). The definitions in this procedure supersede the definitions that may exist in other university policies and procedures with dates prior to October 2014.

Title IX of the Education Amendments of 1972 (<http://www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr106.html>) is a federal civil rights law that prohibits discrimination on the basis of sex, gender, or gender identity in the university's programs and activities.

Title IX prohibits discrimination on the basis of sex including retaliation against someone who has filed a report, is involved in an investigation, or otherwise asserted rights protected by Title IX. Individuals who experience sex discrimination are encouraged to report such incidents to the university. Employees are required to report information about possible sex discrimination of which they have notice.

University Policy on Non-Discrimination and Harassment



[University Policy on Non-Discrimination and Harassment \(https://www.uc.edu/content/dam/refresh/trustees-62/university-rules/rules_10/10-13-01.pdf\)](https://www.uc.edu/content/dam/refresh/trustees-62/university-rules/rules_10/10-13-01.pdf)

Student Religious Accommodations for Courses Policy



Policy Number: 1.3.7

Category: Administration

Effective Date: April 3, 2023

Policy Owner: Vice President for Equity, Inclusion & Community Impact, Office of the Provost, Office of General Counsel

Policy applicable for: Faculty/Employees/ Students

Enabling Acts: R.C. [3345.024](#)

Responsible Office(s): Office of the Provost, Office of Equal Opportunity & Access

Purpose

This Policy applies to University of Cincinnati (“University”) students and employees, including but not limited to faculty.

Ohio Revised Code [3345.024](#) requires each public university in Ohio to adopt a policy regarding reasonable accommodations for sincerely held religious beliefs and practices with regard to examinations or other academic requirements and absences. In addition to the requirements set forth in R.C. [3345.024](#), the University has and will continue to abide by all federal, state, and local laws and regulations that require the provision of reasonable accommodations to students for reasons of faith or religious or spiritual belief system.

Policy

Pursuant to R.C. [3345.024](#), the University adopts the following Policy that reasonably accommodates the sincerely held religious beliefs and practices of individual students with regard to all examinations or other academic requirements and absences for reasons of faith or religious or spiritual belief system:

1. A student may be absent for up to three days each academic semester to take holidays for reasons of faith or religious or spiritual belief system or participate in organized activities conducted under the auspices of a religious denomination, church, or other religious or spiritual organization. A student needing to be absent more than three days during an academic semester for reasons of faith or religious or spiritual belief system or to participate in organized activities conducted under the auspices of a religious denomination, church, or other religious or spiritual organization may make a request for such additional days. The instructor will review the particular request and engage in the interactive process with the requesting student as appropriate to determine whether and how the request for more than three days can be accommodated. The University shall not impose an academic penalty as a result of a student being absent as permitted in this Policy.
2. A student may be provided with alternative accommodations with regard to examinations and other academic requirements missed due to an absence described in section (1) of this Policy, if both of the following apply:
 - a. The student’s sincerely held religious belief or practice severely affects the student’s ability to take an examination or meet an academic requirement.
 - b. Not later than fourteen days after the first day of instruction in a particular in-person course, or not later than fourteen days after the first day of the semester session for classes taught in a hybrid or online format, the student provides the instructor with written notice of the specific dates for which the student requests alternative accommodations. Students providing notice within this fourteen-day window will be granted up to three days to take holidays for reasons of faith or religious or spiritual belief system or to participate in organized activities conducted under the auspices of a religious denomination, church, or other religious or spiritual organization. A student may request an alternative accommodation outside of the fourteen-day window, but the request should be made as soon as reasonably practicable and must be made prior to when the student expects to be absent. The instructor will review the particular request

and engage in an interactive process with the requesting student as appropriate to determine whether and how the request can be accommodated.

3. An instructor shall accept without question the sincerity of a student's religious or spiritual belief system. The instructor shall keep requests for alternative accommodations confidential consistent with applicable laws including the Family Educational Rights and Privacy Act. The instructor shall schedule a time and date for an alternative examination, which may be before or after the time and date the examination or other academic requirement was originally scheduled but shall do so without prejudicial effect.
4. This Policy will be posted on the University's Office of Equal Opportunity (OEO) website with the contact information of an individual from OEO who can provide more information about the Policy.
5. OEO will post a list of major religious holidays or festivals for the next two academic years. The posted list is non-exhaustive, and the list may not be used to deny accommodation to a student for a holiday or festival of the student's faith or religious or spiritual belief system that does not appear on the list.
6. Instructors must include in each course syllabus a statement regarding this Policy. The statement shall include both of the following:
 - a. A description of the general procedure for requesting accommodations.
 - b. Contact information for an individual whom a student may contact for more information about this Policy.

This Policy shall not be construed in such a way as to conflict or impair any right or activity protected by the U.S. Constitution or other applicable federal law. Nothing in this Policy, and no inclusion or exclusion of a religious holiday or festival on the list posted by the University (as set forth in section 5 of this Policy), shall preclude a student from full and reasonable accommodations for any sincerely held religious beliefs and practices with regard to all examinations or other academic requirements and absences for reasons of faith or religious or spiritual belief system.

Procedure

Any student with concerns about an alleged violation of this Policy is strongly encouraged, but not required, to first discuss those concerns with their instructor. Students may also report their concerns to OEO.

Religious Observances for the Academic Term

Religious Observances for the Academic Term (<https://www.uc.edu/about/equity-inclusion/equal-opportunity/student-religious-accommodations-for-courses-policy/observances.html>) is a non-exhaustive collection of major religious holidays and/or festivals. The absence of a particular holiday or festival of a student's faith or religious or spiritual belief system should not be used to deny an accommodation.

Contact Information

For additional assistance please contact the Executive Director of OEO.

Executive Director and Title IX Coordinator
Office of Equal Opportunity
225 Calhoun St., USquare 308
PO Box 210158
Cincinnati, OH [45221-0158](tel:513-556-3349)
Phone: [\(513\) 556-3349](tel:513-556-3349)
Email: eooffice@uc.edu (<mailto:eooffice@uc.edu>)

CAMPUS Act Policy



[CAMPUS Act Policy \(/content/dam/refresh/equityinclusion-62/OGEI/CAMPUS%20Act%20Policy%20\(FINAL%20-%2010-18-24\).pdf\)](/content/dam/refresh/equityinclusion-62/OGEI/CAMPUS%20Act%20Policy%20(FINAL%20-%2010-18-24).pdf)

Title IX

Expand All

Collapse All

Title IX Sexual Harassment Policy



A [.pdf of the Title IX Sexual Harassment Policy \(https://www.uc.edu/content/dam/uc/titleix/docs/Title%20IX%20Sexual%20Harassment%20Policy%2010.1.1%20\(11-24-20\).2021.07edit.pdf\)](https://www.uc.edu/content/dam/uc/titleix/docs/Title%20IX%20Sexual%20Harassment%20Policy%2010.1.1%20(11-24-20).2021.07edit.pdf) is also available.

Policy

The University of Cincinnati (“UC” or the “University”) is committed to providing a living, learning, and working environment that is equitable, inclusive, and free from discrimination, harassment, and retaliation. Title IX of the Education Amendments of 1972 is a federal law that prohibits discrimination on the basis of sex in education programs or activities that receive federal financial assistance. Consistent with federal, state, and local laws and regulations, the University prohibits discrimination and harassment on the basis of sex, in its academic, admissions, education and employment programs and activities. See also, University Notice of Non-Discrimination.

Scope

This Policy applies to University employees, students, volunteers, applicants, and other third parties as defined herein. This Policy serves to provide notice and information regarding the University’s policies and procedures related to sexual harassment and retaliation.

Jurisdiction and Response to Sexual Harassment

When the University has actual knowledge of sexual harassment in its education program or activity, against a person in the United States, it must respond promptly in a manner that is not deliberately indifferent. The University is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. Complaints of sexual harassment, as defined in this Policy, will be addressed using the procedures set forth in this Policy.

Alleged misconduct that falls outside the scope of this Policy may be addressed through other University policies and rules, including the Student Code of Conduct, collective bargaining agreements, and Human Resources policies.

This Policy applies to sexual harassment that occurs on or after August 14, 2020.

This Policy is designed to comply with applicable laws and regulations. The University reserves the right to modify or deviate from this Policy, when, in its sole discretion, the University determines it is necessary to protect the rights of the parties or to comply with the University's legal obligations.

Definitions

Actual Knowledge

Notice of sexual harassment or allegations of sexual harassment to the University's Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of the University.

Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the University with actual knowledge is the respondent in a matter. The mere ability or obligation to report sexual harassment or to inform an individual student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the University. "Notice" as used in definition includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator as described in this Policy.

Applicant

An individual who has applied for admission to, participation in, or employment with the University who meets the minimum qualifications for the position.

Business Day

Any day in which normal University business operations are conducted, which are Monday through Friday from 9 a.m. to 5 p.m. local time and excludes weekends, holidays, and other office closures recognized by the University. Although the University continues business operations during exam periods and breaks between terms, hearings may not be held during these times.

Complainant

An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Consent

An affirmative agreement through clear actions or words to engage in intimate and/or sexual activity. Individuals giving the consent must act freely, voluntarily, and with understanding of their actions. Consent can be withdrawn at any time. A person cannot give consent if the person is mentally or physically incapacitated such that the person cannot understand the fact, nature or extent of the sexual situation. Similarly, a person cannot give consent if force (expressed or implied) duress, intimidation, threats or deception are used on the person. Silence or the absence of resistance does not necessarily imply consent. Consent to some sexual acts does not imply consent to other acts, nor does prior consent to sexual activities imply ongoing future consent with that person or consent to that same sexual activity with another person. Consent does not exist when one knew or should have known of the other's incapacitation. A factor in determining consent is whether an individual has taken advantage of a position of influence or authority. Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the University to determine whether this Policy has been violated.

Dating Violence

Violence, on the basis of sex, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. 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. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence

Violence, on the basis of sex, committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, or by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of Ohio.

Education Program or Activity

Includes locations, events, or circumstances over which the University exercises substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

Formal Complaint

A document filed by a complainant or signed by the Title IX Coordinator alleging conduct in violation of this Policy against a respondent and requesting that the University investigate the allegation(s) of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in an education program or activity of the University with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, by electronic mail, or online through the Office of Gender Equity & Inclusion website. See Formal Complaint and Resolution, Section II below where contact information and details about how to report are provided.

As used in this definition, the phrase “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the University) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party.

Incapacitated or Incapacitation

A state in which rational decision-making or the ability to consent is rendered impossible because of a person’s temporary or permanent physical or mental impairment including, but not limited to, physical or mental impairment resulting from drugs or alcohol, disability, sleep, unconsciousness, or illness. Incapacitation is determined based on the totality of the circumstances. Incapacitation is more than intoxication, but intoxication can cause incapacitation.

Factors to consider in determining incapacitation include, but are not limited to, the following:

- Lack of awareness of circumstances or surroundings (e.g., an inability to understand, either temporarily or permanently, the who, what, where, how and/or why of the circumstances; blackout state);
- Inability to physically or verbally communicate coherently, particularly with regard to consent (e.g., slurred or incoherent speech);
- Lack of full control over physical movements (e.g., difficulty walking or standing without stumbling or assistance); and/or
- Physical symptoms (e.g., vomiting or incontinence).

Parties

A complainant and a respondent may be referred to as “party” or “parties.”

Report

A verbal or written account of alleged sexual harassment by any person pursuant to the Reporting section, subpart III. A report is not a formal complaint and does not initiate the grievance process.

Reporting Party

The individual or entity who notifies the University of conduct alleged to violate this Policy.

Respondent

An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Retaliation

An adverse action taken against an individual because of an individual's good faith complaint of harassment, good faith participation in an investigation of such complaint, or good faith opposition to harassment in the educational or workplace setting. Many factors, including but not limited to past performance evaluations/reviews, temporal proximity, and comments made by others, should be considered when evaluating whether an adverse action was taken against an individual because of the individual's good faith complaint of harassment, good faith participation in an investigation of such complaint, or good faith opposition to harassment in the educational or workplace setting.

Sanction

Discipline or corrective action made for the purpose of enforcing this Policy and applied to a respondent following the determination of responsibility for violating this Policy.

Sexual Assault

Sexual assault is defined as:

- Sex Offenses, Forcible: Any sexual act directed against another person, without the consent of the complainant, including instances in which the complainant is incapable of giving consent because of incapacitation.
- Forcible Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the complainant.

- Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of incapacitation.
- Sexual Assault with an Object: The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of incapacitation.
- Forcible Fondling: The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of incapacitation.
- Sex Offenses, Non-forcible:

- o Incest: Non-forcible sexual intercourse, between persons who are related to each other, within the degrees wherein marriage is prohibited by Ohio law.

- o Statutory Rape: Non-forcible sexual intercourse, with a person who is under the statutory age of consent of 16.

Sexual Harassment

Conduct on the basis of sex, occurring in the United States, that satisfies one or more of the following:

- An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or
- Sexual assault, dating violence, domestic violence, or stalking. (See definitions for Sexual Assault, Dating Violence, Domestic Violence, and Stalking.)

Stalking

Engaging in a course of conduct, on the basis of sex, directed at a specific person, that (i) would cause a reasonable person to fear for the person's safety, or (ii) the safety of others; or (iii) suffer substantial emotional distress. For purposes of this definition, course of conduct means two or more acts, including, but not limited to, acts in which the respondent 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. Reasonable person means a reasonable person under similar circumstances and with similar identities to the complainant. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Supportive Measures

Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent, before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment.

Third Party

A guest, visitor, program participant/attendee, vendor, contractor, subcontractor, or other person contracted to provide service or conduct business with the University.

University Community

Employees, students, volunteers, applicants, and other third parties as defined herein.

Reporting

I. Reporting Obligations for Allegations of Conduct in Violation of this Policy

A. All Individuals

All individuals who are directly involved in, who observe, or who receive reliable information that a violation of this Policy may have occurred may report such allegations and are strongly encouraged to do so.

B. University Employees/University Community

All University employees and any member of the University community who supervises faculty, staff, students, or volunteers, except those exempt from reporting as set forth in this Policy or expressly identified as a confidential reporter, have an obligation to report incidents that may be a violation of this Policy. Any such individual who receives a disclosure of allegations of conduct in violation of this Policy or becomes aware of information that would lead a reasonable person to believe that a violation may have occurred involving anyone covered under this Policy, must report all known information immediately.

II. Reporting Exemptions

The following categories of individuals are exempt from the duty to report allegations of conduct in violation of this Policy when such information is shared with them while acting in their professional, confidential capacity:

A. Professional and Pastoral Counselors

i. A professional counselor is a person whose official responsibilities include providing mental health counseling to members of the University community and who is functioning within the scope of that license or certification and their University employment. This definition applies to professional counselors who are not employees of the University but are under contract to provide counseling at the University. This also includes an individual who is not yet licensed or certified (e.g., a Ph.D. counselor-trainee acting under the supervision of a professional counselor at the University).

ii. A pastoral counselor is a person who is associated with a religious order or denomination, is recognized by the religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition and their role at the University. In this context, a pastor or priest who is functioning as an athletic director or as a student advocate would not be exempt from the reporting obligation.

B. Other Employees with a Professional License

Other employees with a professional license requiring confidentiality who are functioning within the scope of the license or certification and their University employment. For example, a physician with dual appointments (clinician and professor) would be required to report alleged violations of the Policy of which they became aware of in the scope of their employment as a professor, but while operating as a clinician must keep such information confidential and privileged by the physician-patient relationship unless there is a mandatory reporting requirement under state law.

C. Employees Supervised or Performing Duties

Employees who are functioning within the scope of their University employment and who are supervised by or performing duties for University employees identified in parts A and B of this section requiring confidentiality. For example, student health services and medical center employees cannot disclose confidential information but must follow reporting requirements for any non-confidential information.

D. Specific Events/Activities/Scope

Employees and members of the University community, including those who supervise faculty, staff, students, or volunteers, are not required to report alleged violations of this Policy that are disclosed:

i. At public awareness events (e.g., "Take Back the Night," candlelight vigils, survivor "speak outs," etc.);

ii. During an individual's participation as a subject in an Institutional Review Board (IRB)-approved human subjects research protocol; or

If they receive the information regarding sexual harassment outside the scope or course of their employment and/or engagement with University.

E. Minors

For conduct involving the abuse of minors, see Section V(D), infra.

III. Where to Report Allegations of Conduct in Violation of this Policy

A. Reports

Any person may report allegations of conduct in violation of this Policy (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute conduct in violation of this Policy) in person, by mail, by telephone, by electronic email, or by electronic submission, or by any other means that results in the Title IX Coordinator receiving the verbal or written report. A report may be made at any time (including during non-business hours) by using the telephone number, electronic mail address, electronic submission, or by mail to the office address. Reports may be made anonymously, but to initiate the grievance process, a formal complaint must be filed pursuant to the process outlined in this policy.

B. Formal Complaints

In order to initiate the grievance process, a complainant must file a formal complaint with the Title IX Coordinator. A formal complaint requires the complainant's physical or digital signature, or other indicia that the complainant is the person filing the formal complaint. A formal complaint may be filed in person, by mail, by electronic email, or by electronic submission. A complainant may receive supportive measures without filing a formal complaint. Formal complaints may not be filed anonymously.

C. Contact Information

i. Primary Contact:

Title IX Coordinator

225 Calhoun St., USquare 308

PO Box 210158

Cincinnati, OH [45221-0158](https://www.cincinnati-oh.gov/zip-codes/45221-0158)

Phone: [\(513\) 556-3349](tel:5135563349)

Email: [titleix@uc.edu](mailto:titleix@ucmail.uc.edu) (<mailto:titleix@ucmail.uc.edu>)

[Electronic Submission Form \(https://cm.maxient.com/reportingform.php?UnivofCincinnati&layout_id=10\)](https://cm.maxient.com/reportingform.php?UnivofCincinnati&layout_id=10)

ii. Deputy Title IX Coordinators on the regional campuses are available to assist with reporting Title IX matters to the Title IX Coordinator:

UC Blue Ash College

Deputy Title IX Coordinator

Muntz Hall, Room 140Q

9555 Plainfield Drive

Blue Ash, OH 45236-0086

Phone: (513) 936-1501

UC Clermont

Deputy Title IX Coordinator

Clermont Student Services, Room 140C

4200 Clermont College Drive

Batavia, OH 45103-0162

Phone: (513) 732-8964

iii. EthicsPoint Anonymous Reporting Hotline:

(800) 889-1547 or (800) 889-1547

[Electronic Submission Form \(https://uc.edu/af/intaudit/ethicshotline.html\)](https://uc.edu/af/intaudit/ethicshotline.html)

The University will review and take appropriate action on anonymous reports. Note that the grievance process may not be initiated by filing an anonymous report via EthicsPoint.

D. Outside Agencies

Filing a complaint with the University does not preclude an individual from filing a complaint with an external agency nor does it extend time limits with those agencies.

E. Notifying Law Enforcement

The University retains the right to notify law enforcement authorities and may engage in appropriate investigatory processes when concerns exist for conduct threatening the personal safety of an individual or well-being of the University community, with or without the complainant's participation. Depending on the nature of the report or allegation, investigations may be conducted by the University and law enforcement. These processes are separate and distinct from one another but can run concurrently. At times, the University may determine that law enforcement's involvement in the investigation or remediation of the complaint is necessary to ensure the safety of the University community. If this determination by the University is in conflict with an individual's request for confidentiality, the University will notify the individual of its decision to involve law enforcement authorities or pursue criminal proceedings.

IV. Receipt of Allegations

Upon receipt of information indicating that a complainant may have a complaint or concern regarding conduct in violation of this Policy, the Office of Gender Equity & Inclusion shall promptly contact the complainant to provide information on supportive measures and the grievance process.

Complainants may choose whether or not to initiate the grievance process by filing a formal complaint, and/or whether or not to receive supportive measures. A complainant's choice to participate in the grievance process and/or to receive supportive measures can be revoked, altered, or otherwise changed by providing notice to the Office of Gender Equity & Inclusion at any time prior to adjudication of the complaint.

A complainant may elect to receive supportive measures, whether or not they elect to file a formal complaint or participate in complaint resolution processes.

V. Reports to Law Enforcement

A. Emergencies

In the event of an emergency, an immediate threat, or if a crime is in progress, call 911 immediately.

B. Crimes

When the alleged conduct is potentially of a criminal nature, individuals are encouraged to also make a report to the University of Cincinnati Police Division at [\(513\) 556-1111](tel:513-556-1111), 51 West Corry Blvd, [Public Safety's website](https://uc.edu/publicsafety.html) (<https://uc.edu/publicsafety.html>), or to local law enforcement.

C. Felonies

Ohio law requires any person knowing that a felony has been or is being committed to report the crime to the police. In the event University employees, in the course and scope of their employment, become aware of a felony that has been or is being committed on University property or during a University event, they must report it to the University of Cincinnati Police Division (exceptions to this requirement are persons employed by the University who are exempted by law from reporting under R.C. 2921.22 or other applicable statute(s)).

D. Minors

All University community members who receive information, suspect, or know that a minor is being or has been abused or neglected must advise their supervisor, the Office of Human Resources, and the University of Cincinnati Division of Public Safety promptly. If the report is about a supervisor or administrator, the next level of management should be contacted. Reports can be made to: Chief Human Resources Officer or Senior Director of Labor Relations & Policy Development at [\(513\) 556-6372](tel:513-556-6372); University of Cincinnati Department of Public Safety: Non-Emergency [\(513\) 556-1111](tel:513-556-1111).

VI. Confidentiality

The University recognizes the importance of confidentiality. To the extent possible, all information received in connection with the filing, investigation, and resolution of allegations will be treated as confidential except when necessary to conduct an appropriate investigation, to provide assistance and resources to University community members, to perform other appropriate University functions, or when the University is compelled to produce information in accordance with applicable law and/or other controlling authority. Confidentiality is not the equivalent of anonymity, and confidentiality will be limited in the formal complaint grievance process.

VII. Amnesty

To maintain a safe and scholarly community, the University encourages the reporting of Student Code of Conduct and policy violations, crimes involving an alleged victim, and/or violations of this Policy. To encourage reporting, the University has the discretion to not pursue certain Student Code of Conduct and/or other policy violations. Such amnesty may be granted as set forth in the Student Code of Conduct or other policy provisions.

VIII. False Reporting

False reporting is making an intentional inaccurate report or accusation in relation to this Policy as opposed to a report or accusation, which, even if erroneous, is made in good faith. False reporting is a serious offense subject to appropriate disciplinary action up to and including dismissal or termination.

IX. Failure to Report

An employee, or any member of the University community who supervises faculty, staff, students, or volunteers, who is required to report under this Policy and fails to do so is subject to disciplinary action up to and including termination or removal.

Supportive Measures

I. What are Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services designed to restore or preserve equal access to the University's education program or activity, without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment. Supportive measures include, but are not limited to: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties and/or other parties ("no contact orders"), changes in work or housing arrangements, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures.

II. Availability of Supportive Measures

Supportive measures are available upon receipt of a report of sexual harassment as appropriate. Individuals who would like to request supportive measures or who experience difficulty obtaining supportive measures that have been approved should contact the Title IX Coordinator.

III. Confidentiality of Supportive Measures

Subject to other confidentiality provisions of this Policy, the University shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.

IV. Complying with Supportive Measures

Failure to abide by supportive measures may constitute a violation of this Policy, and/or other University policies, including the Student Code of Conduct.

V. Length of Supportive Measures

Supportive measures may continue to be available to complainant, respondent, and the University community following the resolution of a report or complaint.

Formal Complaint Processing and Resolution

I. Formal Complaint

In order to initiate the grievance process, a complainant must file a formal complaint with the Title IX Coordinator. A formal complaint requires the complainant's physical or digital signature, or other indicia that the complainant is the person filing the formal complaint. A formal complaint may be filed in person, by mail, by

electronic email, or by electronic submission. A complainant may receive supportive measures without filing a formal complaint. Formal complaints may not be filed anonymously.

The Title IX Coordinator may sign a formal complaint when concerns exist for conduct threatening the safety of the University community. The Title IX Coordinator is not a complainant or a party in the grievance process.

II. Where to File a Formal Complaint

Primary Contact:

Title IX Coordinator

225 Calhoun St., USquare 308

PO Box 210158 (ML 0158)

Cincinnati, OH 45221-0158

Phone: (513) 556-3349

Email: titleix@uc.edu (<mailto:titleix@ucmail.uc.edu>)

[Electronic Submission Form \(https://cm.maxient.com/reportingform.php?UnivofCincinnati&layout_id=10\)](https://cm.maxient.com/reportingform.php?UnivofCincinnati&layout_id=10)

Deputy Title IX Coordinators on the regional campuses are available to assist with filing formal complaints:

UC Blue Ash College

Deputy Title IX Coordinator

Muntz Hall, Room 140Q

9555 Plainfield Drive

Blue Ash, OH 45236-0086

Phone: (513) 936-1501

UC Clermont

Deputy Title IX Coordinator

Clermont Student Services, Room 140C

4200 Clermont College Drive

Batavia, OH [45103-0162](tel:513-732-8964)

Phone: [\(513\) 732-8964](tel:513-732-8964)

III. Timeframe for Filing a Formal Complaint

Notice of conduct alleged to violate this Policy may be reported at any time. However, at the time of filing a formal complaint, a complainant must be participating in or attempting to participate in a University education program or activity. While there is no strict deadline for filing a formal complaint, and timeliness may vary according to the specific circumstances, prompt reporting is important to facilitate a thorough investigation. It is expected that reports and formal complaints about sexual harassment will be reported within a proximate time of the occurrence of the alleged conduct or the date upon which the alleged conduct became known to the reporting party. Delayed reporting or filing of a formal complaint may limit the University's ability to gather relevant evidence, to effectively address the conduct at issue, and to initiate the grievance process. Complainants and other University community members with knowledge of sexual harassment are encouraged to report to the Title IX Coordinator within 24 hours.

IV. Presumption of Not Responsible

Throughout the process, there is a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. Disciplinary sanctions or other actions that are not supportive measures will be imposed against a respondent only after completion of a grievance process that complies with this Policy.

V. Equal Treatment

Complainants and respondents shall be treated equitably throughout the grievance process.

VI. Standard of Evidence

The standard of evidence to be used to determine responsibility for a violation of this Policy is the preponderance of the evidence. In determining whether alleged conduct constitutes a violation of this Policy, the University will look at the totality of the circumstances, including the nature of the alleged offense as well as the location of and the context in which the alleged incident(s) occurred. The determination as to whether a

particular action constitutes a violation of this Policy will be a factual determination made on a case-by-case basis, based on relevant evidence. In the grievance process, an objective evaluation of all relevant evidence is required, including both inculpatory and exculpatory evidence.

VII. Credibility

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

VIII. No Conflict of Interest or Bias

No individual designated by the University as a Title IX Coordinator, investigator, decision-maker, or any person designated by the University to facilitate the grievance process, may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

IX. Timeframe to Resolve a Matter

A. Reasonably Prompt

Reasonably prompt timeframes for conclusion of the grievance process, including reasonably prompt timeframes for filing and resolving appeals and informal resolution processes have been established by the University. These timeframes are estimations of the duration of time necessary to complete a reasonably prompt, thorough and appropriate grievance process.

B. Delays

Temporary delay of the grievance process or the limited extension of timeframes for good cause, with written notice to the complainant and the respondent of the delay or extension and the reasons for the action, are permissible. Good cause may include, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

C. Timeframes

i. Grievance Process

The University shall make appropriate efforts to ensure that from the date of its receipt of a formal complaint, the investigation, hearing, and issuance of the adjudicating body's report shall be concluded in ninety (90) business days.

ii. Appeals

Appeals are expected to be resolved within twenty (20) business days after the parties' submission of their statements.

iii. Informal Resolution

The University shall make appropriate efforts to ensure, except where otherwise agreed to by the parties, that from the date of its receipt of a formal complaint, informal resolution processes shall be concluded within ninety (90) business days.

Emergency Removal/Administrative Leave

The University may remove a respondent from the University's program, activity, property, or place the respondent on administrative leave on an emergency basis, after conducting an individualized safety and risk analysis and determining that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. Emergency removal/administrative leave determinations and appeals shall be conducted in accordance with established University policies, procedures, and agreements. For more information see, Student Code of Conduct, Human Resource policies and procedures, and/or applicable collective bargaining agreements. The University will provide the respondent with notice and an opportunity to challenge the decision immediately following the removal or administrative leave.

Grievance Procedures

I. Conflicts of Interest

If either party asserts that an actual or apparent conflict of interest may adversely impact the investigation, the complaint should be submitted to the Vice President of Equity, & Inclusion & Community Impact, or designee. If the Vice President of Equity, & Inclusion & Community Impact or designee determines there is no actual or apparent conflict of interest, the investigation will proceed according to this procedure. If a determination is made that a conflict of interest exists, the Vice President of Equity & Inclusion, or designee, shall appoint an independent individual with appropriate experience and training to conduct the investigation into the complaint.

II. Formal Complaint

A formal complaint is received when the complainant and/or Title IX Coordinator files the complaint with the Office of Gender Equity & Inclusion.

Upon receipt of a formal complaint, the Title IX Coordinator, or designee, will provide written notice to the known parties with the following information:

- A description of the University's grievance process, including any applicable informal resolution process.
- Notice of the allegations of sexual harassment. The notice will provide sufficient details known at the time, which include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The parties will be provided sufficient time to prepare a response before any initial interview.

- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- Notice that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.
- Notice that University policy prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- Information regarding resources available to provide academic and personal support on and off campus, including counseling services, academic advising, and resources for pursuing complaint resolution.

If, in the course of an investigation, the University decides to investigate allegations about the complainant or respondent that are not included in the initial written notice of a formal complaint, or additional allegations which are outside the scope of the Office of Gender Equity & Inclusion's jurisdiction, the Office of Gender Equity & Inclusion and/or another appropriate University office shall provide notice of the additional allegations to the parties whose identities are known.

If the formal complaint contains allegations that fall outside the scope of this Policy, but are covered under the University's sex- and/or gender-based misconduct policy, the Office of Gender Equity & Inclusion may consolidate the allegations into one investigation and a single hearing may be held pursuant to this Policy, if a hearing is applicable.

III. Dismissal of a Formal Complaint

The University must investigate the allegations in a formal complaint. The University shall dismiss the formal complaint with regard to conduct under this Policy if during the investigation the University determines the conduct alleged in the formal complaint: does not constitute sexual harassment even if proved; did not occur in the University's education program or activity; or, did not occur against a person in the United States. Such a dismissal does not preclude action under another University policy or code of conduct.

The University may dismiss a formal complaint or any allegations therein, if at any time during the investigation or hearing: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the University; or, specific circumstances prevent the investigator from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal, the University shall promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to the parties. The decision to dismiss a formal complaint or any of its allegations may be appealed. See Section X, subpart (A). for appeal procedures.

IV. Consolidation of Formal Complaints

The University may consolidate formal complaints as to allegations against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances.

V. Advisors

Parties may elect to have up to two advisors of their choice. An advisor may consult with a party verbally or in writing in a quiet, non-disruptive manner, and an advisor may not participate as a spokesperson or vocal advocate in meetings, interviews, or hearings, other than as described below, and must comply with all rules of decorum established for the particular proceeding. Should the matter proceed to a hearing, one advisor will be responsible for conducting cross-examination of witnesses. If a party does not have an advisor for a hearing, the University will provide one free of charge to the party for the purpose of conducting cross-examination of witnesses on behalf of the party. Parties are not permitted to conduct cross-examination of witnesses directly. Cross-examination may be conducted only through an advisor.

Parties are required to notify the relevant office three (3) business days prior to any meeting, call, interview, hearing, or other event if the advisor is an attorney.

VI. Informal Resolution Process

A. About

Informal resolution is a voluntary process through which parties consensually work toward resolution of a matter. The informal resolution process provides a remedies-based approach specific to the circumstances of the incident, without making a determination as to whether a policy has been violated. This approach allows the parties and University to tailor responses to the unique facts and circumstances of an incident, particularly in cases where there is not a broader threat to individual or campus safety.

B. Limitations

The University may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

C. Notice & Consent

Informal resolution processes are facilitated by the Office of Gender Equity & Inclusion (“OGEI”) and/or its designee. To participate in informal resolution, the University must:

- i. Provide the parties with a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a

resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared, and

ii. Obtain the parties' voluntary, written consent acknowledging their desire to participate in the informal resolution process.

D. Possible Outcomes

OGEI and/or its designee may do one or more of the following, as appropriate:

i. Identify, develop, and/or support the administration of interim or long-term supportive measures available to the parties.

ii. Provide targeted or broad-based educational programs or training.

iii. Meet with the parties, discussing the behavior as alleged, providing opportunity for a response, reviewing institutional policies, and/or mediating agreed upon resolutions.

iv. Facilitate the development of strategies, plans, and/or other agreements to assure discontinuance of identified conduct, prevention of recurrence/furtherance, and/or avoidance of retaliation.

v. If the respondent is an employee, OGEI may notify the respondent's supervisor of the allegations, informal resolution process, outcomes, and/or subsequent expectations.

vi. If the respondent is a student, OGEI may notify the Office of Student Conduct and Community Standards and/or other appropriate University employees of the allegations, informal resolution process, outcomes, and/or subsequent expectations.

E. No Waiver of Rights

The University may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment. The University may not require the parties to participate in an informal resolution process.

F. Withdrawing Consent

Where the parties have agreed to pursue informal resolution, neither party nor the University shall be precluded from withdrawing their consent to participate in the informal resolution process and/or pursuing a formal resolution process arising from the same allegations at any time prior to reaching the agreed upon informal resolution.

G. Deferring Investigation

In appropriate situations, misconduct investigations may be deferred while parties pursue informal resolution. When an investigation is deferred, the University refrains from taking any action on a case for a designated period of time, during which a party may be given the opportunity to satisfy certain conditions or obligations as a means of avoiding further investigation and/or other University proceedings. In such cases, failure to fulfill informal resolution agreements may result in subsequent formal resolution processes. The University reserves the right to end an informal resolution process if, in its discretion, there is not substantial progress toward resolution.

H. Confidentiality of Records

Informal resolution processes shall be conducted confidentially to the extent permitted by law. Informal resolution process may result in the creation of records and/or other materials subject to institutional record retention policies, as permitted by the Family Education Rights and Privacy Act, or as required by law.

I. Timeline

Generally, informal resolution processes shall be concluded within ninety (90) business days of the filing of the formal complaint. Following the conclusion of an informal resolution process, written notice of the outcome and closure of the formal complaint will be provided to the parties within thirty (30) business days.

VII. Formal Complaint Resolution

A. About

The formal resolution process consists of an investigation and a hearing. As used in this Policy, the term “investigation” refers to the process that the University uses to review allegations and gather relevant evidence. Unless a respondent accepts responsibility, at the conclusion of the investigation, a hearing will be held to determine: (1) whether or not conduct in violation of this Policy occurred; and (2) if the conduct occurred, what actions the University will take to respond, remediate, eliminate, and prevent recurrence of the prohibited conduct within the University community, which may include imposing disciplinary or corrective action and/or the provision of remedies to affected parties and/or the University community.

B. Burden of Proof

The University has the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility.

C. Investigation

i. Gathering of Evidence

The investigator shall interview individuals involved, witnesses, and any other persons determined to have relevant knowledge of the circumstances and/or deemed necessary for the completion of a thorough and accurate investigation. Investigations of allegations may include review of related physical evidence and/or materials, review of electronic transmissions, records, and/or other documentation, interviews, and other fact-finding activities. Each party shall have an equal opportunity to present witnesses, including fact and expert witnesses, as well as other inculpatory or exculpatory evidence. The University shall not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

Parties interviewed by the investigator shall be invited to provide written statements and/or other relevant documentation for consideration of the investigator. The University will respect determinations made by the complainant(s) and respondent(s) regarding their level of participation in an investigation.

ii. Consent to Use Certain Records

The University will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so.

iii. Inspection of Evidence

Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the University does not intend to rely on in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. The University shall make all such evidence subject to the parties' inspection and review available at any hearing or give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

Prior to the completion of the investigative report, the University shall send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) business days to submit a written response, which the investigator will consider prior to completion of the investigative report.

iv. Cooperation

University community members are expected to comply with reasonable investigator requests for records, documentation, and/or other materials and to cooperate in the investigatory process, including the timely arrangement of meetings, evidence production, and following of investigator directives. A factual finding and/or appropriate corrective or disciplinary action may be taken against University community members who disrupt, obstruct, and/or otherwise fail to cooperate, in University investigatory processes.

v. Notice

The University will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

vi. Investigative Report

The investigative report will be simultaneously distributed to all parties and their advisors, if any, at least ten (10) business days prior to a hearing, in an electronic format or hard copy, for their review and written response. The report will not contain any findings or conclusions, but will instead fairly summarize the relevant evidence and will contain:

1. A summary of alleged conduct in violation of this Policy, including a description of the impact or effect alleged to have been caused;
2. A summary of the response to the allegations;
3. A summary of facts found during the investigation; and
4. Analysis of the application of this Policy to facts found in the investigation;

vii. Extensions of Time

Where parties, witnesses, and/or evidence needed by the investigator are delayed, temporarily unavailable, and/or otherwise withheld, good cause exists for the investigator to extend the timeframe of the investigatory process as necessary to complete a thorough and appropriate review of the matter. When an extension is inevitable, the investigator shall notify the parties simultaneously, with written notice of the delay or extension and the reasons for the action.

D. Hearing

i. Location & Accommodations

In the absence of an informal resolution or a respondent accepting responsibility, a live hearing shall be conducted to determine responsibility. Hearings may be conducted with all parties physically present in the same geographic location, or at the University's discretion, any or all parties, witnesses, or other participants may appear at the hearing virtually, with technology enabling participants simultaneously to see and hear each other. The hearing chair reserves the right to make appropriate accommodations to secure the safety and comfort of all parties and witnesses during a conduct proceeding or reasonable accommodations required under law. This may include having complainants and respondents in separate rooms, the use of technology to accommodate a virtual hearing, or periodic breaks so parties may speak with their advisors.

ii. Recordings

Hearings will be recorded by the University. Panel deliberations will not be recorded. Any record of the hearing will remain the property of the University and be subject to the Family Educational Rights and Privacy Act. Either party may have post-hearing access to the recorded hearing. To maintain confidentiality, parties will be permitted access to inspect and review the recording. Persons given access to the recording will be required to sign a confidentiality agreement in order to protect the privacy of the information contained in the recording.

iii. Hearing Panel

1. Hearing Panel Pool

A pool of individuals shall be available to serve as members of the Hearing Panel. The pool shall consist of individuals who are trained on issues relating to this Policy as well as how to conduct hearings.

2. Hearing Panel

The hearing panel will consist of three members, one of whom will serve as the hearing chair. All three members will vote as to responsibility and as to sanctions and remedies, if any.

3. Conflicts of Interest

The complainant or respondent may challenge participation of any hearing panel member on the grounds of conflict of interest. Challenges must be submitted in writing to the hearing chair within three (3) business days of notice of the proposed panel composition. The challenge must specify reasons the parties believes the challenged member has a conflict of interest. The Vice President for Equity, Inclusion & Community Impact, or designee, shall determine whether a conflict of interest exists. If the challenge is granted, the conflicted member shall be replaced by another member from the Hearing Panel pool.

iv. Hearing Participants

1. Restricted Attendance

Presence at hearings shall be restricted to the parties involved (complainants and respondents) along with their advisors, witnesses, the hearing panel, and appropriate administrative University personnel. Hearings are closed to the public.

2. Advisors

Advisors may provide guidance to their respective parties, and, except for conducting cross-examination of witnesses, may not play an active role in the hearing. The parties are required to notify the hearing chair three (3) business days prior to the hearing if one or more of their advisors are an attorney.

3. Appointment of an Advisor

If a party does not have an advisor present at the hearing, the University shall provide, without fee or charge, to the party, an advisor of the University's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

4. Investigator

The Investigator will be present to answer questions.

5. Participation in Hearing

If either party or a witness does not submit to cross-examination at the hearing, the panel must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the panel cannot draw an inference about the party or witness' testimony or credibility based solely on a party's or witness' absence from the live hearing or refusal to answer cross-examination or other questions. The parties shall be afforded the same opportunities to have witnesses present for hearings.

6. Witness List Submission

Three (3) business days prior to the hearing, the parties may submit to the hearing chair a list of witness names they wish to provide testimony at the hearing. This will help ensure the witnesses receive information on the date and time of the hearing and any necessary links if appearing virtually.

v. Hearing Procedures

1. Standard of Proof

The standard of proof shall be preponderance of the evidence. The panel must conclude that it is more likely than not that each alleged violation of the Policy has occurred.

2. Opening Statements

a. The hearing chair will open the proceeding with a statement that includes the nature and purpose of the hearing, an overview of the hearing process, and an expectation for decorum during the hearing. The hearing chair may place time limitations on testimony.

b. The complainant and respondent shall each be entitled to make a ten (10) minute opening statement. The parties shall confine their presentation to facts relevant to the allegations.

3. Hearing Panel Questions

The hearing chair shall open the floor for direct questions from the hearing panel to the parties. The hearing panel may coordinate questioning; however, each individual hearing panel member shall retain the right to question both parties and their witnesses. The hearing panel shall question the complainant and the respondent. The hearing panel may also request the presence of and question witnesses cited in the investigation report at its discretion. Other than the complainant and respondent, only one witness at a time shall be present in the hearing room.

4. Cross-Examination

Each party's advisor will conduct cross-examination of the other party and of any witnesses. Cross-examination at the hearing shall be conducted directly, orally, and in real time by the party's advisor and never by a party personally. During the hearing, only relevant information shall be considered.

5. Relevancy Determinations

The hearing panel shall determine the relevance of evidence and its admissibility. The hearing panel shall determine the relevance of questions before they are answered and shall explain any decision to exclude a question as not relevant.

6. Prior Sexual History

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

7. Closing Statements

The parties will be permitted to make a ten (10) minute oral closing statement.

8. Deliberations

The hearing panel will deliberate privately to determine whether the respondent violated the University's Title IX Policy, and to determine appropriate sanctions, if any, and appropriate remedies, if any.

vi. Post Hearing Procedures

1. Vote

The hearing panel shall seek to reach consensus in adjudicating cases. In the event there is no consensus, a majority vote shall determine the outcome.

2. Written Determination

1. Within ten (10) business days, the panel will issue its written determination simultaneously to the parties and it will include:

a. Identification of the allegations potentially constituting sexual harassment as defined in this Policy.

b. A description of the procedural steps taken, from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held.

c. Findings of fact supporting the determination.

d. Conclusions regarding the application of the Policy to the facts;

e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the complainant; and

f. The University's procedures and permissible bases for the complainant and respondent to appeal.

3. Finality

The determination becomes final either on the date that the University provides the parties with the written determination of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

4. Implementation of Remedies and Sanctions

The Title IX Coordinator is responsible for effective implementation of any remedies and will communicate any applicable sanctions to the appropriate University office for implementation.

5. Records

Records related to the hearing and the determination will be retained by the Division of Equity, Inclusion & Community Impact. A copy of the determination will also be provided to the appropriate University office if applicable.

X. Appeals

A. Appeals from Dismissal of Formal Complaint

i. Submission of Appeals

A party may appeal a dismissal of a formal complaint within five (5) business days of receipt of the notice of dismissal. The appeal must be made in writing and state the bases for the appeal. The written appeal must be sent via email to:

Vice President for Equity, Inclusion & Community Impact

University of Cincinnati

Email: T9appeal@uc.edu (<mailto:titleixappeal@uc.edu>)

ii. Notification

Upon receipt of an appeal, the Vice President for Equity, Inclusion & Community Impact and/or designee, will notify both parties of the appeal and provide a copy of the appealing party's written appeal statement, identify the appeal officer assigned to the matter, provide notice regarding how to object to the appeal officer based on bias and/or conflict of interest, and provide the non-appealing party five (5) business days to respond to the appealing party's statement.

iii. Appeal Officer

Upon receipt of an appeal, the Vice President for Equity, Inclusion & Community Impact, and/or designee, will assign an appeal officer who was not involved in the dismissal determination. The University will ensure that the appeal officer complies with the guidelines of this Policy.

iv. Written Decision

Unless circumstances warrant additional review, within twenty (20) business days after receipt of all statements from the parties, the appeal officer will issue a written decision describing the result of the appeal and the rationale for the result and provide it simultaneously to the parties.

v. Finality

All appeal determinations are final. Notice of the University's appeal determination shall be provided to the parties and appropriate campus entities and/or offices necessary to implement the determination.

B. Appeals from Hearing Written Determination

i. Basis for Appeal

An appeal of the determination regarding responsibility may be made by the complainant(s) and/or respondent(s) on one or more of the following bases:

1. Procedural irregularity that affected the outcome of the matter
2. New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
4. A sanction is not commensurate with the violation.

ii. Submission of Appeal

A party may appeal a hearing written determination within five (5) business days of receipt of the written determination of responsible or not responsible. The appeal must be made in writing and state the basis and reasoning for the appeal. The written appeal must be sent to:

Vice President for Equity, Inclusion & Community Impact

Email: T9appeal@uc.edu (mailto:%20T9appeal@uc.edu)

iii. Appeal Panel

The Vice President for Equity, Inclusion & Community Impact and/or designee, will assign three appeal panel members who were not on the hearing panel that decided the matter. The University will ensure that the appeal panel members comply with the guidelines of this Policy.

iv. Notification

Upon receipt of an appeal, the Vice President for Equity, Inclusion & Community Impact and/or designee, will notify both parties of the appeal and provide a copy of the appealing party's written appeal statement, identify the appeal panel members assigned to the matter, provide notice regarding how to object to members of the appeal panel based on bias and/or conflict of interest, and provide the non-appealing party five (5) business days to respond to the appealing party's statement.

v. Written Decision

Unless circumstances warrant additional review, within twenty (20) business days after receipt of all statements from the parties, a written decision describing the result of the appeal and the rationale for the result will be issued and provided simultaneously to the parties. The appeal panel may:

1. Remand the matter to the investigator and/or hearing panel to correct a procedural irregularity;
2. Remand the matter to the investigator and/or hearing panel for consideration of whether new information or evidence would materially affect determinations of fact and/or conclusions reached in the hearing;
3. Remand the matter to be re-investigated by a third party due to the fact that bias or procedural error materially affected determinations of fact and/or conclusions of the hearing;
4. Affirm the findings and conclusions of the hearing panel;
5. Revise any sanctions imposed to be commensurate with the finding of responsibility;
6. Revise any remedies provided to be commensurate with the finding of responsibility; and/or
7. Reverse the findings of the hearing panel as to responsibility, sanctions, and/or remedies, and impose any modified sanctions or provide any modified remedies, as may be appropriate.

vi. Finality

All appeal determinations are final. Notice of the University's appeal determination shall be provided to the parties and appropriate campus entities and/or offices necessary to implement the determination.

Remedies and Sanctions Following the Resolution of a Complaint

I. Remedies

Remedies will be provided to a complainant, as appropriate, when a determination of responsibility for sexual harassment has been made against the respondent. Remedies must be designed to restore or preserve equal access to the University's education program, activity, or employment, and may include, but are not limited to, referral to counseling and health services, referral to the Employee Assistance Program, transfer, reassignment, housing changes, academic support, climate surveys, training, and other educational programming.

II. Sanctions

A. Students

Students found to have engaged in prohibited conduct in violation of this Policy are subject to a range of sanctions which include: educational conferences and/or discussions, reflection papers, educational workshops, service to the University or University community; restrictions on the right of access to campus facilities, events, and participation in student organizations or events; removal from activities, courses, and University housing; and probation, suspension, or dismissal from the University, as set forth in the Student Code of Conduct.

B. Employees

Employees found to have engaged in prohibited conduct in violation of this Policy may be subject to discipline including, but not limited to, educational conferences; educational workshops and/or discussions; service to the University or University community; restrictions on the right of access to campus facilities and University events; removal from activities and University events; and warning, reprimand, counseling, demotion, suspension, or termination as set forth by the University's Human Resources policies and procedures and/or the applicable collective bargaining agreements.

C. Volunteers and Third Parties

Volunteers and third parties, including visitors, guests, program participants, vendors, contractors, subcontractors, or other persons who do business with the University, may be subject to bans from campus, termination of participation in activities or programs, or termination of contractual arrangements with the University.

III. Constitutional Rights

The University does not infringe upon rights protected by the First Amendment of the Constitution. The University may sanction acts in violation of this Policy that do not qualify for First Amendment protection.

Prohibition Against Retaliation

University policy, state law, and federal law prohibit retaliation against an individual for reporting in good faith complaints of sexual harassment, for the individual's good faith participation in an investigation, or for otherwise asserting protected rights in good faith. Retaliation is a serious violation that can subject the offender to sanctions independent of the merits of the complaint of sexual harassment.

Neither the University nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sexual harassment, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this policy, constitute retaliation. Complaints alleging retaliation may be filed according to the grievance procedures for sexual harassment provided in this Policy.

The exercise of rights protected under the First Amendment does not constitute prohibited retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Training

The University will ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process will receive training on the definition of sexual harassment; the scope of the University's education program or activity; how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable; and, how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The University will ensure that hearing panel members receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

The University will ensure that hearing panel members receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

The University will ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Any materials used to train Title IX Coordinators, investigators, grievance panel members, appeal panel members, and any person who facilitates an informal resolution process, will not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual harassment.

Educational Awareness and Prevention

The University is committed to preventing and eliminating sexual harassment. To that end, the University's Division of Equity, Inclusion & Community Impact, Human Resources, and the Division of Student Affairs have developed educational awareness programs to inform staff, faculty, and students about issues such as diversity and inclusion, equal opportunity, understanding implicit bias, respectful workplace, teamwork communications, discrimination, sex discrimination, sexual harassment, gender-based violence, dating violence, domestic violence, and intimate partner violence.

The University will continue its ongoing mission of training and informing students, faculty, and staff about identifying and preventing discrimination, harassment, and retaliation, as well as advising members of the University community of their rights and responsibilities under this Policy.

Records

The University will maintain for a period of at least seven years, the following records:

- Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the University's education program or activity;
- Any appeal and the result therefrom;
- Any informal resolution and the result therefrom;
- For each response to a report of sexual harassment, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the University must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the University's education program or activity; and
- If the University does not provide a complainant with supportive measures, then the University must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The documentation of certain bases or measures does not limit the University in the future from providing additional explanations or detailing additional measures taken.

Conduct

Expand All

Collapse All

Student Code of Conduct



[Student Code of Conduct \(https://www.uc.edu/campus-life/conduct/student-code-of-conduct.html\)](https://www.uc.edu/campus-life/conduct/student-code-of-conduct.html)

Conduct Policy for Faculty and Staff, 15.02



This policy can be found on Bearcats Landing.