

3344-202-03 Policy Against Discrimination/harassment policy., Harassment, Sexual Violence and Retaliation

(A) ~~Statement of policy~~

(A) Discrimination is Prohibited

~~Respect for diversity is an essential element of the university community. The university prohibits strongly opposes and does not tolerate discrimination/harassment toward individuals of the university community based on the basis of race, sex (including sexual harassment, sexual violence, sexual assault, sexual exploitation, relationship violence, domestic abuse and stalking), pregnancy, religion, color, age, national origin, veteran and/or military status, genetic information, disability, sexual orientation, gender identity and/or expression, marital status or parental status. The university shall conduct its programs, services and activities, participation in accordance with applicable protected activity (retaliation), and/or any other status protected by state or federal law, including Title IX of the Educational Amendments Act of 1972), state and local laws, regulations and orders and in conformance with university policies. The university shall not tolerate discrimination/harassment, rule or regulation. "Discrimination" is negative or adverse treatment of its faculty, staff or students by persons conducting business with or visiting an employee, student or other member of the university, even though such persons are not directly affiliated with community based on any of the university classifications listed above.~~

~~(1) This rule seeks policy applies to encourage faculty, staff and all students to report and address incidents of discrimination/harassment. Retaliation against faculty members, staff members or students for reporting or complaining of discrimination/harassment, for assisting or, employees, visitors and other individuals participating in the investigation of a complaint of discrimination/harassment, or for enforcing this rule is strictly prohibited.~~

~~university~~

~~(2) The university reserves the right to investigate circumstances that may involve discrimination/harassment in situations where~~

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~~no complaint, formal or informal, is filed. In appropriate circumstances, sanctions in accordance with this rule are implemented pursuant to university policies, procedures and applicable collective bargaining agreements.~~

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~~(B) Definitions~~

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~~(a) "Consent/consensual" is clear communication given by words or actions that show an active, knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent is given freely and voluntarily. Consent shall not be inferred from passivity or when an individual is incapacitated or otherwise prevented from giving consent resulting from impairment due to a mental or physical condition or age. No consent exists when there is a threat of force, or physical or psychological violence. Although consent may be initially given, it may be withdrawn at any point without regard to activity preceding the withdrawal of consent. The voluntary nature of consent shall be subject to heightened scrutiny in circumstances in which a person engages in a sexual relationship with a person over whom he or she has any power or authority within the university.~~

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~~(2) "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall be determined, based upon a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.~~

~~(3) "Domestic violence" knowingly or recklessly causing or attempting to cause physical harm to a family or household member. A family or household member is any of the following who is residing or has resided with the accused student:~~

~~(a) A spouse or partner, or person living as a spouse or partner, or former partner or spouse;~~

~~(b) A parent, foster parent, child of the accused student or another person related by blood to the accused student.~~

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~~(4) "Harassment" is conduct towards another person or identifiable group of persons that has the purpose or effect of:~~

~~(a) Creating an intimidating or hostile, educational environment, work environment or environment for participation in or employment opportunity or program. This policy covers conduct that occurs on university property, off-campus during a university activity, or off-campus outside of a university activity;~~

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~~(b)(1) Unreasonably interfering with a person's educational environment, work environment or environment for participation when the conduct has continuing adverse effects on or creates a hostile environment for students, employees, visitors or other individuals participating in a university activity; or~~

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~~(c) Unreasonably affecting a person's educational or work opportunities or participation in a university activity.~~

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~~(d) Use It is the responsibility of the term harassment includes all formsevery member of harassment, including: stalking, racial, harassment, and sexual harassment.~~

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~~(5) "Incapacitated/incapacitation" is a mental state in which an individual cannot make rational decisions because they lack the capacity university community to give knowing consent (e.g., to understand the who, what, where, why and how of their sexual interaction). Such incapacitation may be caused by alcohol or other drug use, sleep or unconsciousness, or physical or mental impairment.~~

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~~(6) "Racial harassment" is conduct that demonstrates hostility towards another person (or identifiable group of persons) on~~

~~the basis of race, color, national origin or ancestry and that has the purpose or effect of:~~

~~(a) Creating an intimidating or hostile educational foster an environment, work environment or environment for participation in a university activity;~~

~~(b) Unreasonably interfering with a person's educational environment, work environment or environment for participation in a university activity; or~~

~~(c) Unreasonably affecting a person's educational or work opportunities or participation in a university activity.~~

~~(7) "Relationship violence" is any physical, sexual and/or psychological harm against an individual by a current or former intimate partner. Intimate partners may include, but is not limited to, cohabitating, married, separated or divorced, and may be of the same or opposite sex.~~

~~(8) "Retaliation" is any overt or covert act of reprisal, interference, restraint, penalty, free from discrimination, intimidation, or harassment, against any person or group for exercising rights under this rule.~~

~~(9) "Sexual exploitation" is taking non-consensual, unjust or abusive sexual advantage of another. Examples include, but are not limited violence and retaliation, and to:~~

~~take reasonable action to prevent or stop,~~

~~(a) Prostituting another student;~~

~~(b) Non-consensual video or audio-taping of sexual activity;~~

~~(c)(2) Going beyond the boundaries of consent (such as knowingly allowing another to surreptitiously watch, otherwise, consensual sexual activity);conduct.~~

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(3) Information about incidents of discrimination, harassment, sexual violence and/or retaliation should be reported to the office for institutional equity.

(B) Harassment is Prohibited

(d) ~~The university~~ ~~Engaging in non-consensual voyeurism;~~ ~~and~~

(e) ~~Knowingly transmitting or exposing another person to a sexually transmitted infection (“STI”) without the knowledge of the person.~~

“strives to provide an environment for students, faculty, staff and other members of the university community that is free from harassment on the bases of race, sex (including sexual harassment, sexual violence, sexual assault, sexual exploitation, relationship violence, domestic abuse and stalking), pregnancy, religion, color, age, national origin, veteran and/or military status, genetic information, disability, sexual orientation, gender identity and/or expression, marital status or parental status, participation in protected activity (retaliation), and/or any other status protected by state or federal law, rule or regulation. Harassment on the basis of any of these protected classes is a form of discrimination prohibited by this policy.

(1) Harassment is unwelcome verbal, non-verbal, graphic, physical, electronic or other conduct that subjects an individual to an intimidating, hostile or offensive educational or employment environment, is based on one or more of the characteristics listed above, and which:

(a) ~~Denigrates, insults, ridicules, disparages or stereotypes an individual or an individual’s conduct, family, friends, habits or lifestyle; and~~

(b) ~~Is sufficiently severe, persistent or pervasive that it limits or interferes with the individual’s ability to participate in or benefit from the university’s programs or activities.~~

(2) Sexual Harassment is:

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~~(a)~~ Harassment that is based on gender, sexual orientation, gender expression, or a person's status as a woman or man, transgender, intersex person, or gender-nonconforming individual; and

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~~(4)(b)~~ Sexual harassment "is: includes:

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~~(a)~~ Any act of sexual violence.

~~(b)~~ Any act of sexual exploitation.

~~(e)(i)~~ Any unwelcome sexual advance, request for sexual favors or other written, verbal or physical conduct of a sexual nature when:

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~~(i)(a)~~ Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education or participation in a university activity; or is used as the basis for any university decisions affecting that individual.

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~~(ii)(b)~~ Submission to, or rejection of, such conduct by an individual is used as the basis for, or a factor in, decisions affecting an individual's employment, education or academic performance or creates an intimidating, offensive or hostile environment for that individual's employment, education or participation in a university activity; or,

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~~(iii)~~ Such conduct has the purpose or effect of unreasonably interfering with an individual's employment or academic performance or

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~~creating an intimidating, offensive or hostile environment for that individual's employment, education or participation in a university activity.~~

(ii) ~~"Sexual violence" is any non-consensual sexual act, including, but not limited to, rape.~~ Unwelcome verbal conduct, nonverbal conduct, visual conduct or physical conduct, including:

(a) ~~Jokes, slurs, innuendos, graphic sexual descriptions, or comments about a person's clothing, body, weight, shape, size or figure, sensuality, sexual assault, activities or gender-specific traits; sounds such as whistling, wolf calls or kissing; repeated unsolicited propositions for dates and/or sexual battery relations, and; questions about sexual coercion.—fantasies, preferences or history.~~

(b) ~~Leering, staring, looking a person's body up and down, licking lips or teeth, winking or throwing kisses; holding or eating food provocatively; lewd gestures, such as motions that mimic sexual activity; persistent flirting and; displaying sexually suggestive pictures, calendars, posters and other visuals.~~

(c) ~~Touching that is inappropriate in the workplace or classroom and/or violates boundaries, such as patting, pinching, stroking or brushing up against the body of another person; placing one's body in the personal space of another person; giving a massage around the neck or shoulders; attempted or actual kissing, grabbing or fondling; touching or rubbing one's body in a sexually manner where it can be observed by another person; exposing the underwear~~

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or body parts of another person, and; physical assault, coerced sexual relations, sexual assault or attempted assault.

(C) Sexual violence is prohibited.

Sexual violence also includes relationship violence. Examples is conduct of a sexual nature or conduct based on sex or gender that occurs without affirmative consent or when an individual is incapable of giving affirmative consent. Sexual violence is prohibited.

(1) Acts of sexual violence include, but are not limited to: forms of sex- and gender-based discrimination and harassment.

(2) Non consensual Sexual violence includes sexual assault, sexual exploitation, relationship violence, domestic abuse and stalking.

(a) Sexual assault is sexual contact or sexual intercourse without affirmative consent.

(b) Sexual exploitation is purposely or knowingly doing any of the following:

(i) Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give or withhold affirmative consent to sexual activity;

(ii) Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means;

(iii) Engaging in voyeurism (e.g., watching private sexual activity without the consent of the participants or viewing another person's intimate parts in a place where that person would have a reasonable expectation of privacy);

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- (iv) Recording or photographing private sexual activity and/or a person's intimate parts without affirmative consent;
- (v) Disseminating or posting images of private sexual activity and/or a person's intimate parts without affirmative consent;
- (vi) Prostituting another person; or
- (vii) Exposing another person to a sexually transmitted infection or virus without the other's knowledge.
- (c) Relationship violence is violence or the threat of violence by a person towards another based on sex or gender where the individuals are or were in a social relationship of a romantic or intimate nature. Relationship violence may include sexual, financial, emotional, psychological or other coercion or abuse directed at a current or former intimate partner, whether or not accompanied by physical violence.
- (d) Domestic abuse means violence or the threat of violence by a person towards another based on sex or gender where the individuals are current or former spouses, persons who have had a child together, or persons who cohabit or have cohabited as a spouses or intimate partners. Domestic abuse may include physical, sexual, financial, emotional, psychological or other coercion or abuse directed at a current or former spouse or person similarly situated to a spouse, whether or not accompanied by physical violence.
- (e) Stalking means a course of conduct directed at a specific individual that would cause a reasonable person, if aware of the conduct, under similar circumstances to fear for her, his or others' safety, or to suffer substantial emotional distress. A course of conduct includes two or more acts, including but not limited to, those in which the alleged perpetrator directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about the person

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towards which such conduct is directed or interferes with that person's property.

(3) Definitions

(a) Affirmative, touching consent is: informed (knowing), voluntary (freely given) and active (not passive), meaning that, through the demonstration of clear words or actions, a person has indicated permission to engage in mutually agreed-upon sexual activity. Affirmative consent to one form of sexual activity does not, by itself, constitute affirmative consent to another form of sexual activity. Silence, without more, is not affirmative consent. Affirmative consent may be withdrawn at any time by communicating, through clear words or actions, a decision to cease the sexual activity. Once affirmative consent is withdrawn, the sexual activity must cease immediately. Affirmative consent is absent where:

(i) Force is applied to obtain consent. Force includes physical violence, abuse of power, threats, intimidation, and/or coercion.

(ii) An individual knows or should know, based on the circumstances, that the individual seemingly giving consent is substantially impaired (e.g., by alcohol or drug use, unconsciousness or other reason). An individual who is substantially impaired cannot make a rational, reasonable assessment whether to give consent because she/he lacks the capacity to understand the "who, what, when, where, why, or how" of the sexual interaction.

(b) Sexual contact means intentional contact, however slight, with the breasts, buttock, groin or genitals of another, touching another with any of these body parts or any object(s), or compelling another to touch his or her own body parts or the body parts of another in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

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- ~~(a)(c) Sexual intercourse is sexual penetration, however slight, with any body part or object, another person's intimate parts (e.g., genitalia, groin, breast, buttocks), whether clothed or unclothed by any individual upon another.~~
- ~~(b) Non consensual sexual intercourse, oral, anal and/or Sexual penetration includes: vaginal penetration, by a penis, object, tongue or finger; anal penetration by a penis, object, tongue or finger; and oral copulation (mouth to any degree and with any body part or object.~~
- ~~(e)(d) Compelling genital contact or genital to mouth contact), no matter how slight the penetration or contact. "Sexual penetration" also includes compelling a person to touch their penetrate his or her own or another person's intimate body parts or the intimate body parts of another, without consent.~~
- ~~(12) "Stalking" is engaging in a course of conduct directed at another person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.~~

Consensual relationships

(D) Retaliation is prohibited

The university prohibits retaliation against any person for reporting or complaining of discrimination, harassment or sexual violence; supporting a person who complains about such conduct; assisting, providing information or participating in the investigation of an incident of discrimination, harassment or sexual violence; enforcing university policies with respect to discrimination, harassment or sexual violence; whether or not the exercise of rights is substantiated by an investigation or otherwise. Retaliation is a form of discrimination.

- (1) Retaliation is any overt or covert act of reprisal, interference, restraint, penalty, discrimination, intimidation or harassment, against any person or group for exercising any rights under this policy as described above.

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(2) Prohibited retaliation includes retaliatory harassment and retaliation through a third person or persons.

~~(C)~~(1)

~~The university does not intrude upon private choices regarding personal relationships when these relationships do not violate the policies of the university, cause harm to the safety and well-being of members of the campus community, or increase the risk of harm to the safety and well-being of members of the campus community. Consensual romantic or sexual relationships in which one party retains a direct supervisory or evaluative role over the other party are unethical, create a risk for real or perceived coercion, and are expressly a violation of this rule. Furthermore, the possibility of a future amorous relationship may distort the present instructional or advisory relationship. Therefore, persons with direct supervisory, evaluative, grading, or academic advising responsibilities who are involved in such relationships shall, as soon as possible, report those relationships to the attention of their supervisor, department chair or director. Such reporting of those relationships will likely result in the necessity to remove any supervisory, evaluative, grading, or academic advising responsibilities for the interests of the individuals and university. The supervisor, department chair or director, to whom such relationship is reported, shall take effective measures as soon as practicable.~~

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~~(D)~~(E) Reporting guidelinesdiscrimination, harassment, sexual violence and retaliation.

~~(1) Duty to report~~

~~(1) Any executive or administrative officers, dean, chair/Information about incidents of discrimination, harassment, sexual violence and/or retaliation should be reported to the office for institutional equity.~~

~~(a) The director of the office for institutional equity is the university's title ix coordinator. The associate director of the office for institutional equity is the deputy title ix coordinator.~~

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~~(b) The office for institutional equity ; faculty or administrative supervisor; faculty member; coach; or humanis located in the parker hannifin administration center (ac), room 236. The phone number for the office for institutional equity is 216-687-2223. The office for institutional equity may also be reached by email.~~

~~(a)(2) All university employees, except confidential resources-consultant, who becomesbecome aware of information that would lead a reasonable person to believe that discrimination—and/or, harassment, sexual violence or retaliation, has occurred will notifymust promptly report all relevant details to the office for institutional equity, by ensuring that a discrimination/harassment complaint form or other appropriate documentation is filed within five working days of becoming aware of the information. Graduate. Student employees, including graduate assistants and student employeesteaching assistants, have a duty to timely report violationsincidents of this rule of whichdiscrimination when they become aware of the information in the course of their duties when these duties include responsibility for the safety and wellbeing of other members of the campus community or if they have supervisory, evaluative, grading, or advisory responsibility over other members of the campus community.~~

~~(b) In addition to the duty to report sexual misconduct to the office for institutional equity as identified above, in some circumstances there is a duty to report allegations of criminal conduct to law enforcement authorities. Section 2921.22 of the Revised Code requires every person who knows that a felony has been or is being committed, to report it to law enforcement authorities. It is a criminal offense to knowingly fail to make the report. If you suspect or have knowledge of criminal activity occurring on-The university provides options for reporting discrimination, harassment, sexual violence and/or retaliation, including reporting to a university property, call CSU police at (216) 687-2111 (in an emergency, dial 911 immediately). Incidents that occur off campus shall immediately be reported to local law enforcement.~~

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~~(2) Filing a formal report of violation of this rule employee.~~

~~The office for institutional equity serves as the recipient for any formal complaint or report of discrimination/harassment. Other offices may handle certain aspects of the university response, such as the department of human resources, dean of students offices, CSU police, etc. The office for institutional equity is responsible for investigating complaints under this rule, and monitoring/coordinating the response of other campus offices that may respond to complaints of sex based offenses under this rule, including complaints of retaliation for filing a complaint on the basis of this rule. The director, office for institutional equity serves as the university's Title IX coordinator. The office for institutional equity is located in the Parker Hannifin administration center (AC), room 236; phone number 216-687-2223; facsimile 216-687-9274.~~

~~(3) Self reporting of sexual offenses~~

~~Persons who are victims or survivors of sexual offenses are encouraged to contact university police. Reporting an assault to university police may not require criminal prosecution; however, it does allow the university to assist and provide resources. The Cleveland state university police department can be contacted at 216-687-2020.~~

~~(4) Confidential assistance for victims or complainants~~

~~Cleveland state university offers some confidential resources for persons who have been affected by sexual offenses. In most circumstances, these confidential resources do not have a duty to report violations of this rule to the office for institutional equity or law enforcement. There is no expectation that a report to a confidential resource puts the university on notice of a violation of this rule.~~

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~~(5) Privacy/confidentiality~~

~~(a) Information received in connection with the filing, investigation, and resolution of allegations will be treated as confidential except to the extent it is necessary to disclose information in the course of the investigation, for the purposes of addressing conduct or practices that violate the rule, or when required to do so by law. All persons involved in the process should observe the same standard of discretion and respect for the privacy of persons involved in the process.~~

~~(b) If the complaint contains sufficiently detailed resource will not share information about conduct that discrimination, sexual violence and/or retaliation with the office for institutional equity without the consent of the person providing the information except in cases of an emergency), reporting anonymously, and law enforcement. Reports may constitute a crime, then the matter shall be reported to the CSU police department.~~

~~(6) Cooperation with investigation~~

~~(a) A person with a duty to report shall actively provide information in the time and manner deemed necessary and appropriate by the university to conduct the investigation. Failure to cooperate with the investigation process in a timely manner may compromise the university's ability to conduct an investigation and address allegations fully.~~

~~(b) If the complaint contains sufficiently detailed information about conduct that would constitute a violation of this rule, the office for institutional equity~~

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~~will exercise due diligence to address the concerns identified with the appropriate unit officials to the extent possible with the available information.~~

~~(7) — Anonymous complaints~~

~~Anonymous complaints will also be accepted; however, the university's ability to obtain additional information may be compromised and the ability to investigate or resolve anonymous complaints may be limited.~~

~~(8) — Filing a false complaint~~

~~It is a violation of this rule to make a knowingly false and malicious complaint. In the event the investigation of a complaint demonstrates that the complaint was filed with knowingly false or malicious charges, the office for institutional equity will refer the matter to the office of general counsel.~~

~~(E) — Procedures~~

~~(1) — Individuals who believe they have experienced or witnessed discrimination/harassment are encouraged to bring forward a complaint under the procedures for investigating complaints of discrimination and harassment at <http://www.csuohio.edu/offices/affirmativeaction/>.~~

~~(2) — To determine whether a particular act or course of conduct constitutes discrimination/harassment under this rule, the alleged behavior will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context and duration of the questioned behavior. Although repeated incidents generally create a stronger claim of harassment, a serious incident, even if isolated, can be sufficient.~~

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~~(3) — Consideration of classroom and instructional settings~~

~~(a) — The classroom or other instructional setting (e.g., studio, laboratory, office hours) presents special issues because academic freedom protects the expression of ideas, even where the idea or its expression is perceived to be mature, controversial, explicit, graphic, or offensive. Nevertheless, conduct that would otherwise constitute violation of this rule will not be exempt merely because it occurs in an instructional setting. Rather, the investigation will consider the legitimate pedagogical context, and will take into account discipline specific guidelines for professional practice as defined by the appropriate educational unit.~~

~~(b) — Accordingly, if the conduct that was the basis for the complaint occurred in an instructional context, broad deference is given to the presentation or discussion in an instructional setting of sexual topics that are mature, controversial, graphic, or explicit and such conduct shall not be considered sexual harassment even if some persons find these topics subjectively offensive, when there is legitimate pedagogical basis for the presentation.~~

~~(4)(2) — Sanctions/corrective action implementation made to the Ohio civil rights commission, the U.S. equal employment opportunity commission or the U.S. department of education's office for civil rights.~~

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~~When discrimination and/or harassment is found, steps will be taken to ensure that the behavior is stopped promptly, the effects, if any, are remedied and that reoccurrence is prevented, whenever possible. Appropriate corrective action may range from counseling, written reprimands, suspensions, or other action up to and including termination or expulsion, in accordance with applicable rule, code of conduct, or collective bargaining agreement.~~

~~(5) The office for institutional equity is responsible for the administration of this rule. The president and each vice president, dean, department chair, director, administrator, coaches, faculty member and supervisor are responsible for assuring compliance with this rule.~~

~~(F) Forms, references counseling and support~~

~~(1) Forms~~

~~The discrimination and harassment complaint form is available upon request from the office for institutional equity or online through the office for institutional equity website, "How to File a _____ Complaint," at <http://www.csuohio.edu/offices/affirmativeaction/>.~~

~~(2) References~~

~~(a) Procedures for investigating complaints of discrimination and harassment are available online at the office for institutional equity website (<http://www.csuohio.edu/offices/affirmativeaction/>).~~

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~~(b) Sections 2921.22 and 4112.02 of the Revised Code.~~

~~(c) Affirmative action, equal access, equal opportunity and discrimination/harassment policy statement~~

~~(d) The CSU code of student conduct~~

~~(3) Counseling and support~~

~~(a) For contact information for resources and support, visit www.csuohio.edu.~~

~~(b) CSU counseling center 216 687 2277*~~

~~(c) CSU employee assistance program (800) 227 6007*~~

~~(d) CSU health and wellness services 216 687 3649*~~

~~(e) CSU maryjoyce green women's center 216 687 4674~~

~~(f) CSU office for institutional equity 216-687-2223~~

~~(g) CSU office of judicial affairs 216 523-7346~~

~~(h) CSU ombudsperson~~

~~(i) CSU police 216-687-2020~~

~~(j) CSU residence hall director~~

~~(k) Cleveland rape crisis center 216-619-6192*~~

~~(l) Domestic violence & child advocacy center of Cleveland 216-229-2420 or 216-391-HELP for emergency assistance*~~

~~(m) Legal aid 216 687 1900~~

~~(n) Witness/victim services center 216 443 7345*~~

~~(o) *Denotes a confidential resource~~

~~(G) External agency filing~~

~~(3) Persons who believe that they have been subjected to discrimination/harassment may be able to file a complaint with the Ohio civil rights commission, the U. S. equal employment opportunity commission or the U. S. department of education's office for civil rights. Information regarding filing charges with any of these agencies may be obtained from the agency directly or from the office for institutional equity.~~

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(4) Resources available to members of the campus community dealing with discrimination, harassment, sexual violence and retaliation are available from the Office for Institutional Equity, including on its website. Information about the university's prohibition against sexual violence is available on the Title IX webpage.

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(F) Addressing reports of discrimination, harassment, sexual violence and/or retaliation

(1) The office for institutional equity is responsible for implementing this policy and issuing related procedures, investigating allegations of violations of this policy, responding to reports of such violations, and ensuring that the university takes appropriate remedial measures to eliminate any violation of this policy and its effects.

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(2) The university takes seriously the desire for privacy sought by persons involved in a matter concerning discrimination, harassment, sexual violence or retaliation. The university shares information about such matters on a limited, "need to know" basis, in accordance with federal and state privacy laws and the Ohio Public Records Act.

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(3) When an investigation substantiates a report of discrimination, harassment, sexual violence and/or retaliation, remedial measures will be promptly taken to correct the violation, eliminate its effects, and prevent its reoccurrence. The intentional provision of false information pursuant to a report of a possible violation of this policy or during the course of an investigation constitutes a violation of this policy. Information provided in good faith about suspected discrimination, harassment, sexual violence or retaliation does not constitute the provision of false information even if, upon investigation, the report is not substantiated.

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(4) The university recognizes that a student who has been drinking alcohol or using recreational or other drugs at the time of a possible violation of this policy may be hesitant to make a report or participate in an investigation because of potential consequences arising from a violation of the student code of conduct. To encourage the reporting of possible violations of this policy and participation in an investigation, the University will not pursue

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sanctions against students for student code of conduct violations, such as underage possession or consumption of alcohol, drugs or narcotics, when the violation does not place the health and safety of another person at risk, when information about the violation is learned by the office of institutional equity as a result of a report and/or during the course of an investigation relating to this policy.

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