



HEBREW UNION COLLEGE - JEWISH INSTITUTE OF RELIGION
היברו יוניון קולג - מכון למדעי היהדות

EFFECTIVE SUMMER 2017

Sexual Misconduct and Interpersonal Violence Policy

Title IX of the Education Amendments of 1972 prohibits sex discrimination—which includes sexual misconduct—in educational programs and activities. All public and private schools, school districts, colleges and universities receiving federal funds must comply with Title IX. If you have experienced sexual misconduct, please review this policy for information about your Title IX rights. Additionally, if you have experienced interpersonal violence including, but not necessarily limited to, domestic violence, dating violence, and stalking, please review this policy for more information.

The Hebrew Union College –Jewish Institute of Religion (“HUC-JIR”) does not tolerate any form of sexual misconduct, domestic violence, dating violence, or stalking at this institution. All students found in violation of this policy shall be subject to disciplinary action up to and including suspension or dismissal from the College. Similarly, any employees, professors, or administrators found in violation of this policy shall be subject to disciplinary action up to and including termination of employment. Behavior that violates this policy may also violate federal, state, and/or local laws.

In dealing with members of the HUC-JIR community, individual integrity and respect are the primary focus of the College's concern. The College seeks to foster a climate free from sexual misconduct, domestic violence, dating violence, and stalking through a coordinated education and prevention program, the promulgation of clear and effective policies, as well as investigative and grievance procedures that are prompt, equitable, and accessible to all. In the event that the College finds that instances of sexual misconduct, domestic violence, dating violence, or stalking have occurred under the scope of this policy, the College will take immediate and appropriate steps to eliminate the misconduct, prevent its reoccurrence, and address its impact.

Title IX Coordinator

Marviette Johnson is the designated Title IX Coordinator for HUC-JIR. She may be contacted at 3101 Clifton Ave., Cincinnati, OH 45220, (513) 487-3215, mjohnson@huc.edu.

Any questions concerning or related to this policy should be directed to the Title IX Coordinator.

Scope of the Policy

This policy applies to all College community members, including students, employees, professors, administrators, visitors, or any third parties performing services on any College campus.

This policy applies not only to sexual misconduct, domestic violence, dating violence, or stalking occurring within the typical classroom or campus settings, but also to any location owned or operated by the College as well as College-sponsored or College-sanctioned functions taking place outside those typical settings. Such College-sanctioned functions include, but are not necessarily limited to, Field-Based Educational Experiences. The College expects that all members of its community will help promote a learning environment free from sexual misconduct, domestic violence, dating violence, and stalking. Any such off-campus conduct that has an actual or potential adverse impact on another’s College environment may also be addressed under this policy.

Sexual Misconduct

Sexual misconduct, including sexual harassment as defined below, is a form of sex discrimination that has the purpose or foreseeable effect of unreasonably interfering with an individual's work or academic performance or of creating an intimidating, hostile, or offensive work or learning environment for that individual. Sexual misconduct includes, but is not necessarily limited to, sexual harassment, sexual assault (both non-consensual contact and non-consensual intercourse), sexual exploitation, and indecent exposure.

Often times, incidents of sexual misconduct also involve other acts of interpersonal violence such as domestic violence, dating violence, and stalking. The College prohibits such conduct, regardless of whether it is related to conduct of a sexual nature.

Retaliation

The College will not tolerate any form of retaliation taken against anyone who makes a complaint of conduct prohibited by this policy or anyone who cooperates in the investigation of a complaint of conduct prohibited by this policy.

Consensual Relations

The integrity of the student-teacher relationship is the foundation of the educational mission at HUC-JIR. This relationship vests considerable trust in the teacher, who, in turn, bears authority and accountability as a mentor, educator and evaluator. The unequal institutional power inherent in this relationship heightens the vulnerability of the student, as well as the potential for coercion. The same holds true for the relationship between senior faculty and junior faculty, mentors and mentees, and supervisors and employees. Therefore, HUC-JIR strongly advises against such relationships. While romantic and sexual relationships among administrators, faculty members and students, and between supervisors and employees may not involve sexual harassment, those who enter into a sexual relationship with a student or employee, where professional power differentials exist, must realize several things:

- a. Such relationships can be detrimental to the educational process due to the creation of dual roles and may undermine the integrity of the supervision and evaluation provided. Such sexual relationships are often perceived by fellow students and coworkers as opportunities for favoritism and biased treatment when evaluations are carried out.
- b. HUC-JIR is committed to protecting the academic freedom and freedom of expression of all members of its community. However, that expression is subject to regulation when it causes injury and pain to others, or creates a hostile learning and work environment.
- c. If a charge of sexual misconduct is subsequently lodged, it may be exceedingly difficult to prove mutual consent.

Definitions

Sexual Harassment: Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on gender (opposite or same sex), gender identity, or sexual orientation. Such prohibited conduct may include situations where: (1) submission to the conduct is an explicit or implicit term or condition of employment decisions or academic decisions; (2) submission to or rejection of the conduct is used as the basis for employment or academic decisions; or (3) the conduct has the purpose or effect of unreasonably interfering with a person's performance or creating an intimidating, hostile or offensive environment. A single or isolated incident of sexual harassment may create an intimidating, hostile, or offensive environment if the incident is sufficiently severe. In addition to the foregoing, examples of sexual harassment may include: sex-oriented verbal joking or kidding; subtle pressure for sexual activity; patting, pinching or other forms of physical contact; demand for sexual favors, accompanied by implied or overt promises of preferential treatment or threats concerning an individual's academic or employment status; sexually degrading words used to describe an individual; a display of sexually suggestive objects or pictures, or electronic (including e-mail) or written communications; or other behavior motivated by the foregoing conduct.

Sexual Assault: Sexual assault is any forced or coerced sexual activity, committed against a person's will or without affirmative consent. Rape is a sexual assault that includes but is not limited to forcing or attempting to force vaginal, anal, and oral penetration. In addition to rape, sexual assault also includes having or attempting to have sexual contact of any kind with another individual without affirmative consent. Sexual contact can include, but is not limited to, kissing, touching the intimate parts of another, causing the other to touch one's intimate parts, or disrobing another without permission or affirmative consent. Rape and sexual assault are crimes of violence with sex used as a weapon that can be committed by strangers, friends, relatives, dates, boyfriends, girlfriends, partners, lovers and/or spouses.

Sexual Exploitation: Sexual exploitation includes when a person takes advantage of another person for the benefit of anyone other than that person without that person's affirmative consent. Examples of sexual exploitation include, but are not limited to, photographing or recording someone involved in sexual activity or in a state of undress without that person's knowledge or affirmative consent; voyeurism; non-consensual streaming or transmitting of images or video of another person involved in sexual activity; or prostituting another person.

Indecent Exposure: Indecent exposure includes the intentional exposure of one's private or intimate parts of the body or engaging in any sexual conduct in a place where the conduct involved may reasonably be expected to be viewed by and affront others.

Dating Violence: 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 the complaining party'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. The violence covered by this definition includes, but is not limited to, sexual or physical abuse or the threat of such abuse, psychological abuse, and/or social isolation.

Domestic Violence: 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; by a person similarly situated to a spouse of the victim 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 victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. The violence covered by this definition includes, but is not limited to, sexual or physical abuse or the threat of such abuse, psychological abuse, and/or social isolation.

Stalking: Stalking includes repeated conduct involving unwanted attention, harassment, physical or verbal contact, or any other repeated conduct that would cause a reasonable person to fear for the person's safety (or the safety of others) or suffer substantial emotional distress. This includes, but is not necessarily limited to, making unwelcome appearances at another's residence; unwelcome contact via phone calls, text messages, or emails; and/or unwelcome contact through various internet or social media avenues (i.e. Facebook, Twitter, etc.).

Affirmative Consent: Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. Someone who is incapacitated (e.g., due to the use of alcohol or drugs; when an individual is unconscious or asleep; involuntary restraint; or because the individual suffers from any disability rendering him or her incapable of consent) cannot give consent. Prior consent to a sexual act and/or prior sexual relations between parties cannot be used by itself to assume present consent. Consent must be ongoing throughout any sexual activity and can be withdrawn at any moment. Consent is not present when it is the result of coercion, intimidation, force, or threat. Intoxication by alcohol or drugs does not excuse the person initiating the sexual act from ensuring that consent is present. The person initiating the sexual act must take all reasonable steps to ensure affirmative consent is present. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identify, or gender expression.

Retaliation: Retaliation includes acting upon or attempting to seek retribution against anyone who makes a complaint of conduct prohibited by this policy or anyone who cooperates in the investigation of a complaint of conduct prohibited by this policy.

The above definitions are those used by the College for its disciplinary policies. If you are interested in the specific criminal law definitions of the foregoing terms (to the extent they exist) in the state your campus is located, please contact the Title IX Coordinator. Additionally, the educational programming described below will be tailored to your specific campus so as to provide another resource available to educate you regarding the above terms.

Options and Recommendations for Assistance

Interim Measures: Interim measures, also known as accommodations, are available upon receipt of a report of sex discrimination, sexual misconduct, domestic violence, dating violence, or stalking and prior to the resolution of a complaint, as appropriate. Available interim measures include, but are not limited to, restrictions on contact between an alleged victim and an alleged perpetrator ("no contact" orders); changes in academic or living situations; access to counseling, health, and mental health services at no cost; academic support; victim advocacy; and escort services. If appropriate, the Title IX Coordinator generally will offer interim measures upon receipt of a report of sex discrimination, sexual

misconduct, domestic violence, dating violence, or stalking. Individuals requesting additional interim measures or experiencing difficulty obtaining interim measures that have been approved should immediately contact the Title IX Coordinator. Interim measures will be offered to a complainant regardless of whether the complainant chooses to participate in a hearing against the accused or whether the complainant chooses to report the incident to law enforcement. To the extent possible, any interim measures that are provided will be confidential.

Protective Measures: In addition to the interim measures described above, other protective measures also may be available by contacting law enforcement and/or the local prosecutor's office. For example, in addition to the normal criminal process, law enforcement and/or the local prosecutor's office may assist a student in obtaining a protection order. A protection order is a temporary order intended to help provide safety and protection to victims of certain crimes. If you have a protection order against someone and that person violates the protection order in any way, law enforcement may be able to arrest that person and charge that person with a violation of the protection order. To the extent possible, any protective measures that are provided will be confidential. If needed and to the extent necessary, HUC-JIR will provide assistance in obtaining a protection order. **Please contact the Title IX Coordinator for more information about these protective measures, including for contact information for local law enforcement and/or the local prosecutor's office.**

Educational Programming: HUC-JIR provides educational programming designed to target, prevent and eliminate sexual misconduct, dating violence, domestic violence, and stalking. That programming includes, but is not necessarily limited to, primary prevention programs, awareness programs, ongoing prevention and awareness campaigns, programs regarding bystander intervention, and programs regarding risk reduction.

The primary prevention programming includes programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop sexual misconduct, dating violence, domestic violence, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

HUC-JIR's awareness programs are designed to help prevent sexual misconduct, domestic violence, dating violence and stalking which would also include promoting the awareness of: Rape, acquaintance rape, other forcible and non-forcible sex offenses and procedures to follow when a sex offense occurs. The awareness programs offered by the College include audience-specific programming, initiatives, and strategies designed to increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

The College will also offer ongoing prevention and awareness campaigns, which include programming, initiatives, and strategies that are sustained and focused on increasing understanding of topics relevant to and skill for addressing sexual misconduct, dating violence, domestic violence, and stalking.

Further, the College offers programs regarding bystander intervention. The bystander intervention programs are designed to provide safe and positive options that may be carried out by an individual or

individuals to prevent harm or intervene when there is a risk of sexual misconduct, dating violence, domestic violence, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. The programming on risk reduction is designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

These programs are typically offered at the beginning of the academic year.

Medical Treatment and Services: If you have been the victim of sexual misconduct, domestic violence, dating violence, or stalking, it is important to seek immediate and follow-up medical attention for several reasons: first, to assess and treat any physical injuries you may have sustained; second, to determine the risk of sexually transmitted diseases or pregnancy and take preventive measures; and third, to gather evidence that could aid criminal prosecution. Physical evidence should be collected immediately, ideally within the first 96 hours. It may be collected later than this, but the quality and quantity of the evidence may be diminished. A special exam should be conducted as soon as possible following an assault to make sure of your physical well-being and to collect evidence that may be useful in criminal proceedings. Even if you have not been physically hurt, this special exam is strongly recommended to maintain all your legal options. After the evidence is collected, it is stored in case you wish to press criminal charges. The exam is performed by a Sexual Assault Nurse Examiner (S.A.N.E.). A support person of your choice can also be present. There is no charge for this exam.

Contact information for Additional Resources and Services is located below.

Advocacy, Counseling, Emotional Support, and Other Services Available:

On Campus: Counseling may be arranged with a HUC-JIR staff member. Please contact the National Human Resources Director, Marvienne Johnson (513) 487-3215

Off-Campus Resources:

Cincinnati:

Women Helping Women – (513) 381-5610 <https://www.womenhelpingwomen.org/>

- Community-based free, confidential support, accompaniment and advocacy. Located at 215 East 9th Street, 7th Floor.

- Provides support groups and hospital, court & police accompaniment.

- Walk-in or call 24-hour crisis hotline (513) 381-5610

TriHealth CARES, Bethesda North Hospital – (513) 865-5163

<https://www.trihealth.com/institutes-and-services/rape-emergency-services/>

- Sexual Assault Nurse Examiner Program provides medical attention to sexual assault survivors.

- Nurses on-call 24-hours, trained to help sexual assault survivors.

YWCA Domestic Violence Shelter – (888) 872-9259

<http://www.ywacincinnati.org/site/c.biINIZNKKjK0F/b.8108237/k.BE91/Home.htm>

- Domestic violence shelter in Hamilton County serving 55 women and children.
- Also provides case management, advocacy and referral.
- For the YWCA shelter serving Brown and Clermont Counties, call (800) 540-4764.

Cincinnati Police Department – District 5 1012 Ludlow Avenue, Cincinnati, Ohio 45223

Emergencies – 911

Non-Emergencies – (513) 569-8500

<http://www.cincinnati-oh.gov/police/districts/district-5/>

University of Cincinnati Health Sexual Assault Nurse Examiner (SANE) Program – 234

Goodman, Street, Cincinnati, Ohio 45219 – (513) 584-3379

<http://uchealth.com/university-of-cincinnati-medical-center/services/sexual-assault-nurse-examiners/>

Ohio Department of Health Sexual Assault and Domestic Violence Prevention -

<https://www.odh.ohio.gov/health/sadv/sadv.aspx>

New York:

New York State Police 24-Hour Hotline for Reporting Sexual Assault on New York College Campuses – (844) 845-7269

<https://www.ny.gov/enough-enough-make-all-new-york-college-campuses-safe/resources-students>

New York State Office of Victim Services -

https://www.health.ny.gov/prevention/sexual_violence/what_to_do.htm

Police Department – Sixth Precinct –

http://www.nyc.gov/html/nypd/html/precincts/precinct_006.shtml

(212) 741-4811 – or 911

National Organization for Women – New York City - <http://nownyc.org/service-fund/get-help/rape-sexual-assault/>

Safe Horizon Sexual Assault 24-hour Hotline – (212) 227-3000 -

<https://www.safehorizon.org/our-services/counseling/>

Los Angeles:

L.A. Police Department – (213) 485-2582 or 911 -

http://www.lapdonline.org/southwest_community_police_station

Violence Intervention Program – (323) 226-3961

http://www.violenceinterventionprogram.org/?option=com_content&view=article&id=108&Itemid=127

Rape Treatment Center – Santa Monica – UCLA Medical Center – (310) 319-4000 -

<http://therapefoundation.org/programs/rape-treatment-center/>

YWCA Greater Los Angeles – (323) 296-0920 – 1020 S. Olive Street, 7th Floor, Los Angeles, CA 90015

Peace Over Violence - <http://www.peaceoverviolence.org/emergency/>

(310) 392-8381 (South Los Angeles)

(213) 626-3393 (Central Los Angeles)

Jerusalem:

Jerusalem Rape Crisis Center - <http://www.jrcc1202.org/about-us> - 24/7 Hotline – 1202 or 02.6255558

The Association of Rape Crisis Centers in Israel – <http://www.1202.org.il/en/>

Awareness and Preparation: Often times your first line of defense to any type of harm is your own awareness and preparation. Be aware of your capabilities and limitations. Your judgment and thinking will often be your best weapons. Evaluate the situation for possible avenues of escape. Your first concern should be for your safety and survival. Use your judgment to do what is necessary to save your life. That may mean making a scene or drawing others’ attention so that the assailant leaves. It may buy you enough time to escape. It may mean fighting back. It may mean not physically resisting. If you choose not to physically resist the attack, it does not mean that you have asked to be assaulted or harmed. It means that you did what you needed to do to survive. Remember—There is no one “right” way to respond. The person being attacked is the best judge of which options will work well for him or her in that situation.

This information, as well as other information throughout this policy, is designed to assist in reducing the risk of violence in the College community. Risk reduction information is designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

Recommended Steps if you are the Victim of Sexual Misconduct:

- (1) Get to a safe place as soon as you can. Try to preserve all physical evidence.
- (2) If it can be avoided, do not wash, use the toilet, or change clothing. If you do change clothes, put all clothing you were wearing at the time of the attack in a bag separated from other materials.
- (3) Get medical attention within 96 hours, if possible, to make sure you are physically well and to collect important evidence in the event you may later wish to take legal action. If the

incident occurred on an HUC-JIR Campus, immediately contact the Title IX Coordinator and/or the local police.

- (4) Contact and report the incident to the Title IX Coordinator. The Title IX Coordinator will assist you in notifying any other appropriate authorities.
- (5) Contact someone you trust to be with you and support you.

How to Report a Complaint

You should immediately report any complaint of sexual misconduct, domestic violence, dating violence, or stalking by contacting any designated campus official. The designated campus official to contact is the Title IX Coordinator, Ms. Marviette Johnson, (513) 487-3215. You may also always contact the local police department and/or dial 911 for emergencies. If you report your complaint to a designated campus official other than the Title IX Coordinator, that designated campus official shall contact the Title IX Coordinator as soon as practicable. Although you are under no obligation to do so, if you choose to involve law enforcement, the Title IX Coordinator will be available to assist you in notifying the local police department.

Depending on when the conduct at issue took place, either the official to whom you made your complaint or the Title IX Coordinator will take a statement from you regarding what happened. That individual will ask you to describe the accused individual(s), and may ask questions about the scene of the incident, any witnesses, and what happened before and after the incident. A referral to the local police department may be made at that time. You may have a support person with you during the interview. Unless you request confidentiality and the College is able to honor that request, an investigation into the incident will begin promptly after you report the incident. The Title IX Coordinator will also provide you with a written explanation of your rights and options under Title IX and this policy which will include, but may not be limited to, your right to make a report to local law enforcement, your right to file a complaint with HUC-JIR, your right to be free from retaliation for reporting an incident, and your right to receive assistance and resources from HUC-JIR.

In addition to reporting a complaint to an HUC-JIR official, you may also report a complaint to or seek information from federal or state agencies such as:

- The U.S. Department of Education's Office for Civil Rights ("OCR")
 - Chicago Office (for Cincinnati campus): (312) 886-8434
 - San Francisco Office (for Los Angeles campus): (415) 556-4275
 - New York City Office (for NY campus): (212) 637-6466
- The Ohio Civil Rights Commission ("OCRC"), Cincinnati Regional Office: (513) 852-3344
- The State of California Department of Fair Employment and Housing ("DFEF"): (800) 884-1684 (toll free for complaints and information)
- The New York City Equal Employment Practices Commission: (212) 240-7902

- The New York State Human Rights Commission on Discrimination Complaints: (212) 306-7450

Investigation

All complaints of sexual misconduct, domestic violence, dating violence, and stalking will be addressed in a prompt and equitable manner, including in instances where there is a pending law enforcement proceeding. The College will not delay its own independent investigation until after a criminal investigation, if any, is complete. Additionally, because the College has a duty to provide a safe and non-discriminatory environment for all students, the College may be required to conduct an investigation into an incident regardless of whether a formal complaint is filed.

Confidentiality: The College will, to the extent permitted by law, honor a request by a complainant that his or her complaint of sexual misconduct, domestic violence, dating violence, and stalking will not be disclosed to the alleged perpetrator or that no investigation be pursued. Such requests should be made to the Title IX Coordinator. If a student requests the College to not reveal his or her name to his or her alleged perpetrator or asks the College to not investigate his or her complaint, this may limit the College's ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator. In order to ensure a safe and nondiscriminatory environment for all students or if required to report the incident by law, the College may not be able to honor a request for confidentiality. Additionally, the College has a duty to complete certain publicly available recordkeeping including reporting and disclosing information about certain crimes pursuant to a federal law known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. However, duties under the Clery Act will not require the College to report or disclose a complainant's personally identifying information. Nonetheless, even where HUC-JIR cannot guarantee confidentiality, your privacy will be maintained to the greatest extent possible. If confidentiality cannot be guaranteed, the information you provide will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

Typical Steps in an Investigation of Sexual Misconduct, Domestic Violence, Dating Violence, or Stalking:

While all investigations will vary due to the individual circumstances surrounding the particular complaint, investigations falling under this policy will typically involve the following:

1. Preliminary review of the complaint by the Title IX Coordinator to determine whether probable cause exists to believe a violation of this policy occurred.
2. Assignment of the investigation from the Title IX Coordinator to an investigative team of no fewer than two (2) persons who have been trained annually to investigate complaints.
3. Notification to the accused that an investigation has commenced.
4. Interviews of the complainant, the accused, and any witnesses. The accused shall be provided a copy of any written complaint or otherwise informed of the substance of the complainant's allegations. Similarly, the complainant shall be provided with a copy of any written response provided by the accused or otherwise informed of the substance of the accused's response to the allegations.

5. Gathering and examining of relevant documents or evidence (e.g., law enforcement investigatory records, student and/or personnel files, etc.). Both the complainant and respondent will be asked to provide a list of possible witnesses as well as any written or physical evidence (e.g., text messages, social media postings, emails, photos, medical records, etc.) that they wish to be considered by the investigatory team.
6. Preparation of an investigatory report complete with a summary of interviews, relevant documents, findings, and recommendations for further action.

Both the complainant and the accused have a right to be accompanied by one support person of his or her choosing during any meeting with an investigator. That support person should not be someone who may be considered a witness. The purpose of the support person is to provide support, not advocate or impede the investigation.

Typical Timeframe: Generally, an investigation and, if applicable, a Grievance Committee proceeding regarding conduct falling under this policy will be completed within 60 days of the complaint. However, each situation will vary depending on its individual circumstances.

During the investigation, the College will continue to provide any appropriate interim or protective measures.

Disciplinary/Adjudication Procedure

Upon completion of its report, the investigatory team will deliver the report to the Title IX Coordinator. In the event that the Title IX Coordinator finds that there are reasonable grounds to believe that a violation of this policy has occurred, the Title IX Coordinator will issue a notice of violation in writing to the accused and provide a copy of that notice to the complainant. Any notice of violation will also include a recommendation with regard to disciplinary action. In the event that the Title IX Coordinator does not find that there are reasonable grounds to believe that a violation has occurred, the Title IX Coordinator will notify both the complainant and the accused in writing of that finding.

If either party feels aggrieved by the findings, he or she may challenge those findings through the College's applicable grievance procedure. The procedure for challenging those finding through a grievance can be found in the policy titled "Complaint/Grievance Policy – Sexual Misconduct and Interpersonal Violence."

Possible Discipline/Sanctions

Possible discipline or sanctions for engaging in sexual misconduct, domestic violence, dating violence, or stalking may include:

- Oral warning
- Letter of warning or reprimand, and a copy placed in the student's file
- Probation
- Forced leave of absence

- Suspension for a defined period of time
- Dismissal from the College

Alcohol/Drug Use Amnesty

When reporting instances of sexual misconduct, domestic violence, dating violence, or stalking, students and/or bystanders who are acting in good faith will not be subject to alcohol and/or drug use policy violations occurring at or near the time of the alleged incident. This policy is intended to encourage reporting by eliminating students' hesitation to report sexual misconduct, domestic violence, dating violence, or stalking out fear that their own conduct may subject them to HUC-JIR disciplinary action.

“No Contact” Orders and Interim Suspensions

After receiving a report or complaint of sexual misconduct, domestic violence, dating violence, or stalking, the Title IX Coordinator has discretion to issue an order of “no contact” between the parties at issue and/or order that the accused be suspended on an interim basis, pending further review. Interim suspensions will be reserved for those situations where the Title IX Coordinator reasonably believes that the accused may present a continuing threat to the health and safety of the HUC-JIR community. Within five (5) days of the Title IX Coordinator issuing a “no contact” order or an interim suspension, any affected party may submit a written request (with evidence, if applicable) to the Title IX Coordinator to review the need for, and terms of, the “no contact” order or interim suspension. The other affected party or parties will be notified of the request and similarly given five (5) days to respond in writing (with evidence, if applicable) to the Title IX Coordinator. The Title IX Coordinator will then promptly notify all parties regarding a modification, if any, to the “no contact” order or interim suspension.

Students’ Rights

All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by HUC-JIR;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from HUC-JIR courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;

7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by HUC-JIR, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of HUC-JIR;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, grievant, accused, or respondent throughout the investigative and disciplinary process including during all meetings and hearings related to such process;
11. A presumption that the accused is “not responsible” for any policy violation until a finding of responsibility is made pursuant to HUC-JIR policies and procedures; and
12. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of HUC-JIR.

Campus Climate Assessments

HUC-JIR will conduct biennial anonymous campus climate assessments to ascertain general awareness and knowledge of the provisions of its sexual misconduct and interpersonal violence policy, including, but not limited to, the role of the institution’s Title IX Coordinator or similar representative, how and where to report sexual misconduct and/or interpersonal violence, the definition of affirmative consent, and utilization of the institution’s policies and procedures addressing sexual misconduct and/or interpersonal violence. HUC-JIR will publish the results of such assessments on its website.

Additional Resources and Services for Victims of Sexual Misconduct and/or Interpersonal Violence:

Cincinnati:

Police Department, District #5, (513) 352-3578 or 911
Women Helping Women Rape Crisis Center, (513) 381-5610

Los Angeles:

L.A. Police Department (213) 485-2582 or 911
University of Southern California Security, (213) 740-6000
L.A. Rape and Battering Hotline, (310) 392-8381

New York City:

Police Department, Sixth Precinct, (212) 741-4811
Rape Crisis Hotline, 1-800/621-4673

Mental Health Association of Southwestern Ohio Suicide and Domestic Violence Prevention

Hotline: (513) 287.8542

Phone: (513) 287.8544

Hamilton County

2400 Reading Rd, Ste. 412

Cincinnati, OH. 45202

Phone: (513) 721-2910

Fax: (513) 287- 8544

Ohio Department of Health

Children and Family Health Services Hotline: (800) 282-3435

Report abuse of persons with Developmental Disorders: (800) 231-5872

Emergency Response Hotline: (888) 411-4142

Help Me Grow Hotline: (800) 755-4769

Ohio AIDS/HIV/STD Hotline (Confidential): (800) 332-2437

Web: Ohio Department of Health

Victim of Crimes Compensation (800) 824-8263

Crime Victims Services (800) 582-2877

Ohio Domestic Violence Network (800) 934-9840

Complaint/Grievance Procedure –Sexual Misconduct and Interpersonal Violence

Introduction:

Title IX of the Education Amendments of 1972 prohibits sex discrimination—which includes sexual misconduct—in educational programs and activities. All public and private schools, school districts, colleges and universities receiving federal funds must comply with Title IX. It is the policy of this College to prohibit all forms of sex discrimination. Additionally, it is the policy of this College to prohibit all instances of domestic violence, dating violence, and/or stalking.

When an allegation of sexual misconduct, domestic violence, dating violence, or stalking is brought to the College's attention, a prompt investigation will be performed. Please see the College's Sexual Misconduct policy for more detailed information related to filing a complaint and a possible resulting investigation. Upon conclusion of the investigation, a report will be prepared and submitted to the Title IX Coordinator. In the event that the Title IX Coordinator has reasonable grounds to believe that a violation of this policy has occurred, the Title IX Coordinator will issue a written notice of violation to the accused and provide a copy of that notice to the complainant. Any notice of violation will also include a recommendation regarding disciplinary measures. In the event that the Title IX Coordinator does not have reasonable grounds to believe that a violation has

occurred, the Title IX Coordinator will notify both the complainant and the accused student in writing of that finding.

If either party feels aggrieved by the findings, he or she may challenge those findings through this grievance procedure.

If a notice of violation has been issued, and the accused fails to challenge the notice of violation by submitting a written grievance response within the requisite time period, the notice of violation will be submitted to the Provost for a final decision regarding discipline.

Grievance and Adjudication Procedure:

Step 1: All grievances shall be written and submitted to the Title IX Coordinator within ten (10) days of the date the grievant receives the above-described notice from the Title IX Coordinator. All written grievances shall include the following: (1) the name, addresses, and phone number of the grievant; (2) a detailed description of the circumstances surrounding the grievance; and (3) the specific relief the grievance is requesting through the grievance procedure. The Title IX Coordinator will promptly provide a copy of the grievance to the other involved individual(s), hereafter referred to as the respondent(s). The respondent may submit a written response to the grievance to the Title IX Coordinator within 10 days of receipt of the grievance.

If the grievant or respondent believes that the Title IX Coordinator has a conflict of interest or bias, the grievant or respondent shall identify his or her reasons for that belief in writing and submit that writing within 3 business days of the filing of the grievance. If it is determined that the Title IX Coordinator has a conflict of interest or bias, the Title IX Coordinator will be recused from the grievance process and a non-involved noninvolved member of the senior administration will perform all duties assigned to the Title IX Coordinator.

Step 2: After receipt of the grievance, the Title IX Coordinator will contact the grievant and the respondent within five (5) business days to schedule separate pre-hearing meetings. Pre-hearing meetings are not mandatory. These pre-hearing meetings are designed to allow the grievant and/or the respondent to ask questions regarding the grievance and adjudication procedure as well as review any investigatory report. Both the grievant and the respondent are permitted to be accompanied by an advisor during the pre-hearing meeting. The advisor should not be someone who may be considered a witness to the incident at issue.

Step 3: After the pre-hearing meetings (or after the parties decline the pre-hearing meetings), the Title IX Coordinator will submit the grievance and the respondent's response, if any, to a Grievance Committee. The Grievance Committee will consist of three (3) College faculty members or administrators randomly chosen from a defined pool. If either party is a faculty member or administrator, no faculty member or administrator from that party's same department will be chosen to be on the Grievance Committee. Each of the faculty members in the defined pool receives annual training on issues related to sexual harassment, sexual assault, domestic violence, dating violence, and stalking and on the College's grievance and adjudication process. The grievant and the respondent will be promptly notified of the Grievance Committee's composition.

If either party believes that a member of the Grievance Committee has a conflict of interest or bias, that party shall identify his or her reasons for that belief in writing and submit that to the Title IX Coordinator within three (3) business days of notification of the Grievance Committee's composition. If the Title IX Coordinator determines that a member(s) of the Grievance Committee has a conflict of interest or bias, that member(s) of the Grievance Committee will be replaced by a different faculty member(s) from the defined pool. That process will continue with the newly identified member(s) until the Grievance Committee is finalized.

Step 4: After the Grievance Committee is finalized, the Title IX Coordinator will notify the grievant and the respondent of the date, time, and location of the grievance hearing. The parties will receive at least ten (10) days' notice of the hearing. Prior to the Grievance Committee hearing, the Grievance Committee will be provided a copy of any investigatory report. The parties will also be provided a copy of the investigatory report, but without copies of sensitive documents such as medical records. Note that the parties have an opportunity to review the full investigatory report in the pre-hearing meeting.

Both the grievant and the respondent are permitted to present relevant witnesses and evidence at the hearing. Each party must identify in writing to the Title IX Coordinator the witnesses and/or evidence he or she intends to present at the hearing no later than seven (7) days prior to the hearing. The College prefers the use of live witnesses, but if a witness is unavailable to participate in a live proceeding, a signed, written statement may be submitted for the witness. If a signed, written statement is submitted for a witness, it must be provided to the Title IX Coordinator no later than seven (7) days prior to the hearing.

The Title IX Coordinator will promptly provide each party with the other party's list of identified witnesses, evidence, and/or signed, written statement(s).

Step 5. Grievance hearings are closed to the public. Both the grievant and the respondent are permitted have an advisor present. However, that advisor is not permitted to participate as a vocal advocate during the hearing. The investigators shall be present at the Grievance Committee Hearing.

At the hearing, each party will be permitted to give an opening statement. Each party will then be permitted to present evidence and/or witnesses. A party will permitted to ask questions of the other party and/or the other party's witnesses, but the questions must be first submitted to the Grievance Committee. The Grievance Committee will then ask the questions on the party's behalf. The Grievance Committee retains discretion to refrain from asking questions it believes are irrelevant or unnecessary and/or exclude presentation of any witnesses or evidence. For example, information about a party's prior sexual history with persons other than the other party will typically be excluded. Each party will also be permitted to make a closing statement.

The College will accommodate requests from either the grievant or the respondent to not be present in the same room during the grievance hearing.

Official minutes of the hearing will be kept. The official minutes will be made available to either party.

Step 6: Within fourteen (14) days of the conclusion of the grievance hearing, the Grievance Committee will issue a written decision. The Grievance Committee will use a preponderance of the evidence (i.e., “more likely than not”) standard to determine whether or not an alleged violation occurred. The Grievance Committee will also issue a recommendation on the discipline, if applicable. If the Grievance Committee is not unanimous in its findings or recommended discipline, its written decision shall record that fact.

The Title IX Coordinator will promptly provide written notice to both the grievant and the respondent of the Grievance Committee’s decision. The Title IX Coordinator will also notify the parties of their right to appeal the decision and, if applicable, the sanctions or disciplinary measures to be imposed.

Step 7: After the Title IX Coordinator notifies the parties of the Grievance Committee’s decision, either party will have ten (10) days to submit a written appeal of the Grievance Committee’s decision to the Provost. The possible bases for appeal include: (1) a procedural error that has significantly impacted the outcome of the hearing; (2) the introduction of previously unavailable relevant evidence which would have significantly impacted the outcome of the hearing; or (3) where a sanction is substantially disproportionate to the Grievance Committee’s findings.

If either party chooses to appeal, the other party will have ten (10) days to submit a written opposition to the appeal to the Provost. Upon receipt of the written opposition or the passing of the timeframe allowed to submit a written opposition, the Provost will promptly issue a written decision affirming the Grievance Committee’s decision; reversing the Grievance Committee’s decision; or remanding the grievance back to the Grievance Committee to consider additional evidence or remedy a procedural error. If the Provost remands the Grievance Committee’s decision, the Provost may order that a new Grievance Committee hear the matter. The Provost’s decision will be issued in writing to both parties.

A decision will be considered final if no party submits a timely appeal of a Grievance Committee’s decision or if the Provost affirms or reverses the Grievance Committee’s decision. Any sanctions or discipline imposed will be stayed until the resolution of the appeal process.

All of the time frames above may be extended by a showing of good cause. All parties involved will be promptly notified if a time extension has been granted.

A student is not required to file a grievance with the College and, if applicable, may file a complaint with federal or state agencies such as:

- The U.S. Department of Education’s Office for Civil Rights (“OCR”)
 - Chicago Office (for Cincinnati campus): (312) 886-8434
 - San Francisco Office (for Los Angeles campus): (415) 556-4275
 - New York City Office (for NY campus): (212) 637-6466
- The Ohio Civil Rights Commission (“OCRC”), Cincinnati Regional Office: (513) 852-3344
- The State of California Department of Fair Employment and Housing (“DFEH”): (800) 884-1684 (toll free for complaints and information)

- The New York City Equal Employment Practices Commission: (212) 240-7902
- The New York State Human Rights Commission on Discrimination Complaints: (212) 306-7450

In the event that the College finds that any student has been a victim of discrimination or harassment relating to his or her sex, any form of sexual misconduct, domestic violence, dating violence, or stalking, the College will take immediate measures to remediate and/or correct the conduct or circumstances. Any individual who is subjected to such conduct will be notified of the College's measures to remediate and/or correct such conduct.

The College prohibits retaliation against anyone who files a grievance under this section or otherwise complains that he or she has been a victim of discrimination or harassment relating to his or her sex, any form of sexual misconduct, domestic violence, dating violence, or stalking. This prohibition of retaliation similarly extends to anyone who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing relating to a grievance or complaint under this section.

All documents, witness statements, evidence, and written submissions associated with a grievance under this section will be confidentially maintained, to the extent permitted by law, in the student's disciplinary record. Any request by a student to review the documents, witness statements, evidence, and written submissions associated with his or her grievance under this policy should be submitted to the Title IX Coordinator.

The notifications required by this policy will not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. § 1232g), commonly known as the Family Education Rights and Privacy Act of 1974 (FERPA).