

Science description for the... > exub(-) treatment & interrelationships

John Carroll University

March 25, 2022

: Interim Sexual Harassment & Interpersonal Violence Policy

: Pending

: Division of Diversity, EqT

John Carroll University seeks to provide a community for faculty, staff and students that promotes personal growth and development in a safe and welcoming environment. The University is committed to the belief that

- 7. Whether the alleged conduct or actions could be appropriately assessed and addressed via the University's Policy and Resolution Process in light of the University's access to the facts and to the parties in the matter, and in light of other similar factors.
  - B. While this Policy applies broadly to the constituents and circumstances described above, the scope of "Title IX Sexual Harassment" violation (defined in Section V(D)(1) of this policy) and the circumstances in which the procedures governing a Title IX Sexual Harassment violation will apply are narrower than the scope of this Policy as a whole.
  - C. This Policy considers harassment, as well as other prohibited behaviors under this Policy, based on gender identity, gender expression, or sexual orientation as a form of sex- or gender-based harassment.
  - D. This Policy's scope does not apply to complaints regarding employment matters not involving sexual harassment or interpersonal violence, governed by Title VII of the Civil Rights Act, and resolved through other University policies through the Human Resources Office or Faculty Handbook, including but not limited to employment, promotion, pay, demotion, transfer, recruitment, hiring, termination, and compensation.
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- A. "Actual Knowledge": notice of Sexual Harassment or Interpersonal Violence, or allegations of

- H. "Third-Party Reporter": any person who was not the recipient of the behavior and reports an incident of Sexual Harassment or Interpersonal Violence. This term can apply to witnesses or other employees who report allegations of Sexual Harassment and Interpersonal Violence.
- I. "Title IX Coordinator": the University employee having primary responsibility for coordinating all Title IX compliance measures, which includes tracking and overseeing the resolution of Formal Complaints of Sexual Harassment and Interpersonal Violence falling under this Policy.

A. Policy Statement

- 1. Students and employees are entitled to a working environment and educational environment free of Sexual Harassment and Sexual Assaults





0. Dating Violence

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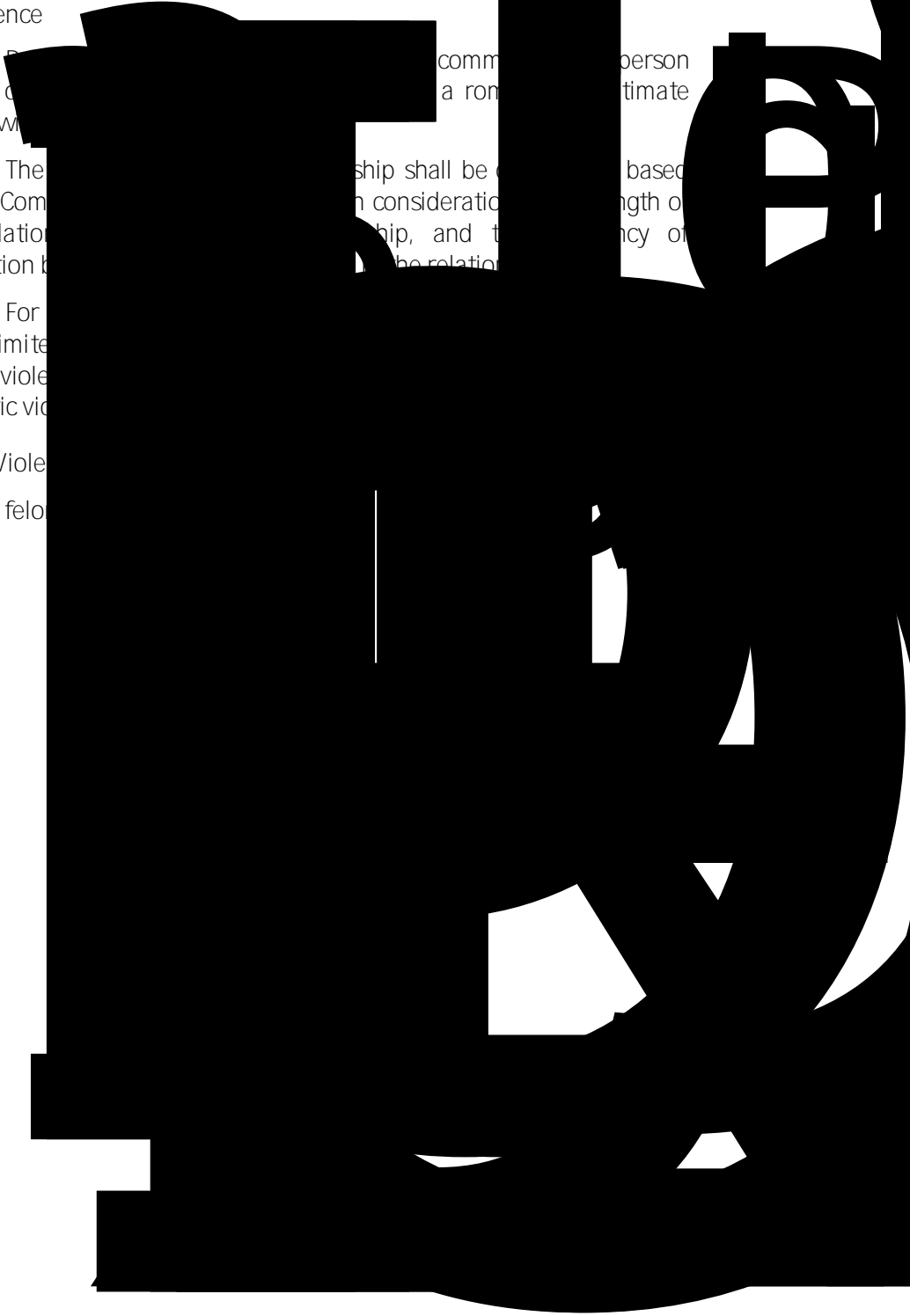
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1. Domestic Violence

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ii. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

O. Sexual Harassment and Interpersonal Violence Beyond the Purview of Title IX

a. Consistent with the Scope of this Policy described in Section III, the University also prohibits acts of Sexual Harassment and Interpersonal Violence that may occur outside the scope of employment or an education program or activity, or that may include behaviors other than those described in Section V(D)(1) as Title IX Sexual Harassment.

a. All Formal Complaints alleging such acts of Sexual Harassment and Interpersonal Violence Beyond the Purview of Title IX will be resolved through the Sexual Harassment and Interpersonal Violence Resolution Process, and will not be subject to the Grievance Process for Title IX Sexual Harassment. However,

ii. The target of the Quid Pro Quo Sexual Harassment need not accept the proposed aid, benefit, or service, nor engage in the sexual conduct, in order for a violation to occur. An individual violates this policy upon making it known to the targeted person that the provision of the aid, benefit, or service is conditioned upon the sexual conduct.

2. Sexual Harassment Resulting in a Hostile Environment

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a. Sexual Exploitation is defined as: taking non-consens

0. Bullying

a. Bullying is defined as: repeated, severe, and/or aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally on the basis of actual or perceived sex and/or gender.

b. Bullying that falls outside this Policy (i.e., is not based on sex or gender or an act of interpersonal violence) may nonetheless violate other University policies.

3. Other Prohibited Behaviors

a. A violation of any other University rule or policy, when motivated by the individual's actual or perceived sex or gender, may be resolved under this Policy and the Interim Sexual Harassment and Interpersonal Violence Resolution Process. This Policy's scope generally does not apply to complaints regarding employment matters not involving sexual harassment or interpersonal violence. These complaints, including but not limited to, employment, promotion, pay, demotion, transfer, recruitment, hiring, termination, and compensation, are governed by other university policies and Title

of a knowingly false statement must be supported by information beyond mere suspicion or speculation before it will be referred to the Resolution Processes.

3. The Title IX Coordinator, or designee, will review the sufficiency of any allegation(s) before referring a matter for resolution under the Interim Sexual Harassment and Interpersonal Violence Resolution Process.
- c. Retaliation
1. No person or group, including University officials or the institution as an entity, 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 in

0. Consent is mutually understandable when

the coercive activity in the face of resistance, the degree of pressure applied, or the initiator's knowledge that the pressure is unwanted

regarding emergency removal, including the removed person's opportunity to challenge that removal.

#### A. Reporting Options

1. The University strongly encourages persons who experience Sexual Harassment to file a Formal Complaint with the Title IX Coordinator or a Deputy Title IX Coordinator in person, by phone or online using the form located at: <http://jcu.edu/title-ix>.
2. To avoid a conflict of interest, any allegations of Sexual Harassment by the Title IX Coordinator should be reported directly to either the Vice President for Diversity, Equity, and Inclusion, or to the University President.

#### B. Confidentiality and Privacy

1. Concerns regarding Sexual Harassment and Interpersonal Violence may also be shared with University community members, but the obligations of each University community member to report to the Title IX Coordinator or one of the Deputy Title IX Coordinators depends on their reporting responsibilities. In order to make informed choices when consulting campus resources, one should be aware of confidentiality and mandatory reporting requirements described in the paragraphs below.
2. On campus, some resources may maintain confidentiality, offering options and advice without any obligation to inform University officials or an outside agency or individual unless the Complainant requests that the information be shared. Other campus resources, such as JCUPD or other ~~rrf~~ obli



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Non-Confidential Formal Reporting Option for Sexual Harassment and Interpersonal Violence

1. A party wishing to initiate a Formal Complaint, an investigation or other action by the University is encouraged to speak to a "responsible employee" to make a Formal Complaint concerning incidents of Sexual Harassment and Interpersonal Violence. Under the University's Mandatory Reporting Policy, all University employees, except those identified as confidential resources in Section IX(B)(5)(c) of this Policy, are designated as "mandatory reporters" and have a duty to report incidents of possible Sexual Harassment and Interpersonal Violence to the Title IX Coordinator. This makes all employees (except for those identified in Section IX(B)(5)(c)) "Responsible Employees" with regard to incidents of Sexual Harassment and Interpersonal Violence.
2. When a party informs a "Responsible Employee" about an incident involving Sexual Harassment and

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extent reasonable in order for an adequate, reliable and impartial investigation to be conducted.

- b. Privileged and Confidential Communications for All Sexual Harassment and Interpersonal Violence Reports
  1. If a party who has experienced an incident of Sexual Harassment and/or Interpersonal Violence

Reporting Policy and cannot guarantee confidentiality. If a party who wishes to discuss an incident is unsure of someone's duties and ability to maintain privacy, one should ask that person about confidentiality before talking to them.

- a. Reporting of Instances Involving Minors
  1. Sexual Harassment and Interpersonal Violence involving a minor who is a student will be processed consistent with this Policy. Anyone witnessing or otherwise knowing of a violation of this Policy that involves a non-student individual under the age of 18, or under the age of 21 and physically or mentally impaired, should refer to the University's Minors on Campus Policy. Any observed violations of that policy should be reported to the Title IX Coordinator and/or to JCUPD and the person in charge of the program. Whether involving a student or non-student, the University, the Title IX Coordinator, and/or privileged and confidential resources also may be required to report Sexual Harassment and Interpersonal Violence involving a minor to Cuyahoga County's Children & Family Services at (216) 431-4500.

- A. There may be instances in which Sexual Harassment and Interpersonal Violence constitutes a criminal act. Anyone who has experienced Sexual Harassment and Interpersonal Violence that they believe may constitute a crime may choose to contact at any time the JCU Police Department or a local police jurisdiction where the Sexual Harassment and Interpersonal Violence occurred. Pursuant to Ohio law and depending on the behaviors alleged and the location of the behavior, the Title IX Coordinator will be obligated to report certain reported crimes (i.e. felonies) to the JCU Police Department, who will be obligated to report the crime to the appropriate police jurisdiction. Reports made to police departments are generally public records.
- B. Choosing not to pursue criminal action does not alter the responsibility of the University to investigate and take appropriate action related to the report of Sexual Harassment and Interpersonal Violence.
- C. Parties reporting Sexual Harassment and Interpersonal Violence should be aware that under the Clery Act, the University, via JCUPD, must issue timely warnings for incidents reported to them that pose a substantial threat of bodily injury to the University community.



<p>Complaints Involving Students</p> <p>Lisa Brown Cornelius Deputy Title IX Coordinator and Senior Director of Residence Life D.J. Lombardo Student Ctr., Ground Level 1 John Carroll Blvd. University Heights, OH 44118 216-397-4008 <a href="mailto:lbrown@jcu.edu">lbrown@jcu.edu</a></p>	<p>Complaints Involving Staff</p> <p>Leslie Beck Deputy Title IX Coordinator and Human Resources Coordinator Rodman Hall, Room 25 1 John Carroll Blvd. University Heights, OH 44118 216-397-1726 <a href="mailto:lbeck@jcu.edu">lbeck@jcu.edu</a></p>
<p>Complaints Involving Athletics</p> <p>Katie Hine Deputy Title IX Coordinator and Associate Athletic Director DeCarlo Varsity Center, Room 110 1 John Carroll Blvd. University Heights, OH 44118 (216) 397-1997 <a href="mailto:khine@jcu.edu">khine@jcu.edu</a></p>	<p>EXTERNAL CONTACTS</p> <p>Inquiries about this Policy and accompanying complaint procedures may be made externally to:</p> <p>Office for Civil Rights (OCR) U.S. Department of Education Telephone #: (800) 421-3481 Email: <a href="mailto:OCR@ed.gov">OCR@ed.gov</a> Web: <a href="http://www.ed.gov/ocr">http://www.ed.gov/ocr</a></p> <p>Equal Employment Opportunity Commission (EEOC) Contact: <a href="http://www.eeoc.gov/contact/">http://www.eeoc.gov/contact/</a></p>