

 <p>Category: Code of Conduct</p> <p>Policy applicable for: Faculty/Staff/Students</p>	<h2>Policy Statement on Sex Offenses</h2> <p>Effective Date: 8/15/12</p> <p>Prior Effective Date: 10/01/2011, 08/01/2008</p> <p>Enabling Acts: Federal Crime Awareness & Campus Security Act of 1990; University Rules 3361:10-17-03 and 3361: 40-5-05</p>	<p>1.3.4</p> <p>Policy Owner: VP for Student Affairs & Chief Diversity Officer</p> <p>Responsible Office(s): UC Women's Center; UC Police; Labor Relations; Judicial Affairs; Office of the University Ombuds; Office of Equal Opportunity</p>
---	---	---

Background

The University of Cincinnati is committed to the creation and promotion of a just community. Therefore, sexual assault, sexual harassment, intimate partner violence and stalking, as defined by State and Federal laws, will not be tolerated at the University of Cincinnati.

Policy

The University of Cincinnati is proactive in our efforts to reduce sexual violence in all its forms and is intentional in our response to reports of sexual assault and other sexual violence by or against student and employees.

- A number of resources and educational programs related to sexual assault exist.
- There are clear procedures for reporting and responding to incidents.
- Appropriate options for remediation are available.
- Reporting is encouraged regardless of the gender of the survivor; the gender of the alleged perpetrators; and/or any relationship or lack thereof between them.
- Ohio law requires that any person learning of a felony must report the crime to the police. Exceptions to this law are employees of the Counseling Center, University Health Services and the Women's Center's Sexual Assault Response Coordinator and the Reclaim program. Therefore, any university employee might be required to report such allegations to the university's Office of Public Safety. University employees cannot guarantee absolute confidentiality.
 - Questions regarding identifying felony behavior can be directed to the Office of General Counsel or the University of Cincinnati Police Department.
- The university strictly prohibits and will not tolerate any retaliation against individuals who report incidents of sexual violence.

I. SEXUAL ASSAULT PREVENTION AND EDUCATION

A. Sexual Offense Response Team (SORT)

- a. Composed of representatives from key constituents on campus, including Counseling Center, Resident Education and Development, University Health Services, Ombuds Office, UC Public Safety, UC Women's Center, faculty, Governmental Relations and University Communications, Athletics, Title IX Coordinator, Fraternity and Sorority Life and Office of University Judicial Affairs.
- b. The purpose of SORT is to
 - i. Educate the community about the prevalence of sexual violence among college students;
 - ii. Inform the community of related campus services and reporting options;
 - iii. Ensure university policies and procedures are updated and in line with best practices. To this end, SORT maintains and disseminates statistics on reported sex and gender-based offenses; regularly issues university-wide educational reports; meets regularly to review and evaluate relevant policies and procedures and makes appropriate recommendations for improvement.

B. UC Women's Center

- a. Coordinates ongoing educational programming throughout the year;
- b. Provides professional training to staff, faculty, and student groups;
- c. Coordinates a peer advocacy program that prepares students to offer support to survivors of sexual violence and to educate other students about healthy sexual relationships;
- d. Maintains updated resource library, including literature and videos.

C. University Police Crime Prevention Unit

- a. Offers self-defense programs to provide insight and education about appropriate measures to limit the possibility of an offense. Programs are given upon request to student and community groups.

D. Counseling Center

- a. Presents workshops and provides educational programs upon request on topics related to protection against and survival of sex offenses.

E. Student Wellness Center

- a. Offers educational programming and information on sexual health topics, as well as free resources and products to encourage healthy sexual behaviors.

F. Title IX Coordinator

- a. Title IX of the Education Amendments of 1972 is federal legislation that bans sex discrimination in education programs and activities that receive Federal financial assistance (like the university).
- b. The Title IX Coordinator oversees the University investigations and response to Title IX-related matters, including sexual offenses.
- c. The Title IX Coordinator is housed in the Office of Equal Opportunity.

II. REPORTING PROCEDURES

Reporting an offense is necessary in meeting the needs of the survivor and in holding the accused assailant accountable for his/her behavior. There are a number of ways in which a student or employee can report a sexual assault.

A. Reporting Options

- a. UC Police Department. Even if the survivor does not want to press charges, he/she should still consider filing a police report. Filing a police report does not obligate the survivor to participate in a criminal investigation or prosecution.
- b. Reclaim Sexual Violence Helpline
- c. University Judicial Affairs Office, if the alleged perpetrator is a student
- d. Provost's Office, if the alleged perpetrator is a faculty member
- e. Office of Equal Opportunity, if the alleged perpetrator is a non-faculty employee
- f. Reporting anonymously *All reports can be made anonymously so that no personally identifying information need be given.*
 - i. Persons are encouraged to report the incident to the Sexual Assault Response Coordinator (SARC) or use the anonymous online form so that the incident can be included in the campus crime statistics. The SARC then compiles the data and submits it to UCPD for inclusion in the campus crime statistics.
 - ii. EthicsPoint hotline or Ethics Point web
- g. Other police jurisdictions (for incidents occurring outside the jurisdiction of University of Cincinnati Police). UCPD can assist in identifying the appropriate police agency if needed.

B. Medical Care is recommended after any sexual offense. At a minimum, such care allows for testing, treatment of sexually transmitted infections (STIs) and medication to prevent pregnancy. In addition, if the assault has taken place within 72 hours, an exam can be conducted (known as a rape kit exam) for the purpose of collecting evidence for prosecution. The University Hospital offers a Sexual Assault Nurse Examiners (SANE) program that provides medical professionals with training in sexual assault response. The hospital can also provide testing to determine if drugs were used to facilitate a sexual assault. Seeking medical care at University Hospital does NOT obligate one to file charges of any sort.

- C. Criminal Prosecution** Reporting a crime to police is important to hold the perpetrator responsible. Even if a survivor is unsure whether he/she wants to participate in a possible prosecution, making a police report allows for timely evidence collection and early interviews with the victim/witnesses and gives more credibility if prosecution is pursued at a later date. It can also substantiate a separate charge of sexual assault against the same perpetrator.
- D. University Judicial Action** The Code of Student Conduct delineates matters of applicability and jurisdiction. When the Code is applicable to the incident in question, the Director of University Judicial Affairs (or a designee) will contact the reporting person to begin investigating the allegations.
- E. Advocacy and Support Resources** Survivors can receive support through a variety of offices and individuals.
- a. Sexual Assault Response Coordinator, UC Women's Center offers crisis intervention and emergency support services including accompaniments to the hospital, court and to the police. She supports survivors and assists with concerns related to on-campus housing, academics and counseling.
 - b. Reclaim Sexual Violence Helpline offers information/referral services, hospital accompaniment, crisis intervention and support to survivors of sexual assault and sexual violence.
 - c. Reclaim Peer Advocates. Trained students who provide confidential support and advocacy to victims. Advocates respond to the Helpline and respond to the online support e-mail service.
 - d. The University's Title IX Coordinator assists with such matters as changes in on-campus housing, course schedule/section changes, etc.
 - e. The UC Counseling Center offers educational programs, crisis intervention, individual and group therapy.
 - f. University Health Services offers individual mental health services and medical treatment.
 - g. Women Helping Women offers information, referral, hospital and court accompaniment, crisis intervention and community support groups.

III. RESPONSE PROCEDURES

- A. University Discipline** Allegations of sexual assault will be processed according to the disciplinary procedures described in the Student Code of Conduct if the accused is a student or under the applicable University Rule or union contract if the accused is an employee. If the alleged perpetrator is a student, a survivor may utilize the Student Disciplinary Process, which is the university's system of disciplinary action for students. This course of action can be initiated through University Judicial Affairs. Allegations against an employee should be reported to

the University Police and to either the Office of Equal Opportunity or the Provost's Office. Possible sanctions include probation, suspension, or dismissal/termination from the university. Anyone committing a sex offense may also be subject to criminal prosecution and to the penalties provided by law in case of conviction of a crime. Both the accused and the accuser are entitled to the same opportunity to have others present during a university disciplinary proceeding. Both the accused and accuser will be informed of the outcome of any campus disciplinary hearing. University disciplinary proceedings may occur independently of any criminal proceedings and are subject to a different burden of proof.

- B. Employees Receiving Notice of Sexual Assault** Faculty and staff are obligated (except as otherwise designated by law) to report a sexual assault that has been disclosed to them. As a representative of the university, employees are responsible for reporting incidents to the appropriate office so that the university can effectively respond.
- C. Notice of Alleged Felony Behavior** With limited exceptions, Ohio law requires that any person learning of a felony must report the crime to the police. Questions regarding identifying felony behavior can be directed to the Office of General Counsel or the University of Cincinnati Police Department.
- D. Statistical Reporting** The university will provide statistics of reported sexual assaults as required by the Campus Security and Right to Know Act. All personally identifying information will be removed from statistical reports. Because of Ohio public records law, UC is not permitted to promise confidentiality to persons reporting crimes to individuals or offices that supply crime statistics for this annual report. Crimes reported to the following individuals or offices are included in our annual crime statistics report: UCPD, Sexual Assault Response Coordinator, UC Women's Center, University Judicial Affairs, Resident Education and Development. Crimes reported to the Counseling Center or to a physician or nurse at the University Health Services are confidential by law and are not included in the annual crime statistics. For updated information on crime statistics, please refer to the UCPD webpage. Other individuals and offices are also encouraged to report a sexual assault that has been disclosed to them so that the incident can be included in the campus crime statistics. These reports should be made during office hours to the Sexual Assault Response Coordinator who then compiles the data and submits it to UCPD for inclusion in the campus crime statistics. *All reports can be made anonymously so that no identifying information will be given.*

IV. LEGAL DEFINITIONS AND CATEGORIES

(Based on Ohio Revised Code 2907.01-2907.09)

Gross Sexual Imposition. Having sexual contact with another, by force or threat of force, or if the offender substantially impairs the other person's judgment or control using drugs or intoxicant secretly or by force, threat of force or deception.

Public Indecency. Recklessly exposing one's private parts or masturbating; engaging in conduct appearing to an ordinary observer to be sexual conduct or masturbation.

Rape. Vaginal, oral or anal penetration committed against a person's will and without consent. Rape can be committed by force, threat of force or by deception. Victim need not prove physical resistance.

Sexual Assault. An umbrella term covering a wide range of actions taken against a person without the person's consent, against the person's will or under force, threat of force, or coercion. Legally, consent cannot be given while intoxicated or medicated since these states inhibit an aware state of mind.

Sexual Conduct. Vaginal intercourse between a male and female, anal intercourse or oral sexual activity between persons regardless of gender. Penetration with any body part or object, however slight, is sufficient to complete vaginal or anal intercourse.

Sexual Contact. Any touching of an erogenous zone of another, including the thigh, genitals, buttocks, anal zones, pubic region, areas particularly sensitive to sexual stimulation or, if such person is female, breast(s), for the purpose of sexually arousing or gratifying either person.

Sexual Other. Minor incidents of a sexual nature which may or may not involve physical contact. (Example: offensive sexual words or comments, bumping, gestures, etc.)

Voyeurism. Trespassing or secretly invading privacy of another to spy or eavesdrop upon another with the purpose of sexually arousing or gratifying one's self.

Related links:

Anonymous online form	http://www.uc.edu/ucwc/sexual_violence.html
Ethics Point web	https://secure.ethicspoint.com/domain/en/default_reporter.asp
Resource Guide: Student Survivors of Sexual Assault	http://www.uc.edu/conduct/sa_resource_guide.html
Sexual Harassment Policy	http://www.uc.edu/hr/lrpd/policy_manual.html#area3

UC Crime Statistics	www.uc.edu/publicsafety/police/CrimeStatistics.html
UC Women's Center	www.uc.edu/ucwc
UC Women's Center Peer Advocates	ucpeeradvocate@gmail.com

Phone Contacts

Cincinnati Police	513.765.1212
EthicsPoint Hotline	800.889.1547
Office of Equal Opportunity	513.556.5508
Provost's Office	513.556.1146
Sexual Assault Response Coordinator, UC Women's Center	513.556.0173
Title IX Coordinator	513.556.5508
UC Counseling Center	513.556.0648
UC Police Department	513.556.1111
UC Reclaim Sexual Violence Help Line	513.218.9531
University Health Services	513.556.2564
University Judicial Affairs	513.556.6814
Women Helping Women	513.381.5610