

5. SEXUAL MISCONDUCT POLICY & PROCEDURES

A. Introduction

- i. Members of the College community, guests and visitors have the right to be free from all forms of sex/gender harassment, discrimination and misconduct, examples of which can include acts of sexual violence, sexual harassment, domestic violence, dating violence, and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others.
- ii. The College believes in zero tolerance for sex/gender-based misconduct. Zero tolerance means that when an allegation of misconduct is brought to an appropriate administrator's attention, protective and other remedial measures will be used to reasonably ensure that such conduct ends, is not repeated, and the effects on the victim and community are remedied, including serious sanctions when a responding party is found to have violated this policy.
- iii. The College's sex/gender harassment, discrimination and misconduct policies are not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include controversial or sensitive subject matters protected by academic freedom.
- iv. The College uses preponderance of the evidence (also known as "more likely than not") as a standard for proof of whether a violation occurred. In campus resolution proceedings, legal terms like "guilt," "innocence" and "burdens of proof" are not applicable, but the College never assumes a responding party is in violation of College policy. Campus resolution proceedings are conducted to take into account the totality of all evidence available from all relevant sources.

B. Title IX Coordinator

- i. The College's Title IX Coordinator oversees compliance with all aspects of the sex/gender harassment, discrimination and misconduct policy. The Coordinator reports directly to the Vice President of Academic and Student Affairs, and is housed in the Administration Building. Questions about this policy should be directed to the Title IX Coordinator. Anyone wishing to make a report relating to discrimination or harassment may do so by reporting the concern to the College Title IX Coordinator: Tera Johnson, Office of the Dean of Students, 1st floor of the Clara Fritzsche Library Building, 216-373-5181, tjohnson@ndc.edu
- ii. Individuals experiencing harassment or discrimination also always have the right to file a formal grievance with government authorities: Office for Civil Rights (OCR), 233 N. Michigan Avenue, Suite 240, Chicago, IL 60601, Customer Service Hotline #: (800) 368-1019, Fax: (202) 619-3818, TDD#: (800) 537-7697, Email: ocrmail@hhs.gov, Web: <http://www.ed.gov/ocr>
- iii. In the event that an incident involves alleged misconduct by the Title IX Coordinator, reports should be made directly to a Deputy Title IX Coordinator: Susan Anderson, 216-373-6396, andersons@ndc.edu.

C. Expectations with respect to student and employee relationships.

- i. For purposes of this policy, an employee includes faculty, staff, and administrators, but not undergraduate student employees or graduate students. Examples of professional responsibility include teaching, academic advising, mentoring, coaching a sport, moderating a student club or organization, serving on an evaluation or awards committee, serving on a dissertation committee, and supervising a student employee.
- ii. All employees are considered to have potential professional responsibility for undergraduate students. Thus, consensual romantic and/or sexual relationships, hereinafter referred to as "consensual relationships", between employees and undergraduate students are strictly prohibited.
- iii. Graduate Students
 1. With respect to graduate students having relationships with employees, consensual relationships are prohibited in cases where the employee has, or reasonably can expect to have, professional responsibility for that graduate student.
 2. With respect to graduate students having relationships with undergraduate students, consensual relationships are prohibited in cases where the graduate student has, or

reasonably can expect to have, professional responsibility for that undergraduate student.

3. All consensual relationships between graduate students and employees/undergraduate students must be immediately reported to the Director of Human Resources. Failure to do so may result in discipline.
 - iv. On occasion, an employee will have a dating, romantic, sexual or marital relationship with an individual who then becomes an undergraduate student, or an individual with a pre-existing relationship with an undergraduate student will become an employee. It is the obligation of the employee to disclose that relationship or marriage to the Director of Human Resources. It is the obligation of the Director of Human Resources, in consultation with appropriate academic or administrative personnel, to take the steps that he or she deem necessary to insure that the educational experience of the undergraduate student, and other students in the College, is not materially affected by the relationship. Since individual cases may vary, the Director of Human Resources has discretion to consider specific circumstances—the nature of the relationship, the specifics of the student’s academic program, the employee’s duties, and constraints on the College—in fashioning these steps. The steps can range from no action, to the recusal of the employee from matters involving the student, to changes in the employee’s duties.
 - v. In the case of a pre-existing consensual relationship, employees are expected to remove themselves from positions of professional responsibility with respect to the graduate student. Thus, the employee should resign from any committee affecting the graduate student, refrain from writing letters of reference or recommendation for the graduate student, and avoid or remove themselves from any other position of professional responsibility with respect to the graduate student. In cases where it is not feasible for the employee to remove themselves or where such removal would be harmful to the graduate student, the employee should submit a request for an exception from this paragraph to the Vice President of the division in which the employee works.
 - vi. The appearance of impropriety can also arise from excessive fraternization between employees and students, for example, when an employee regularly visits a local bar to drink with a student who is of legal age. The College reserves the right to discipline employees for such excessive fraternization, even if not part of a consensual relationship, as defined above. It is not the intent of this policy to prevent casual socializing between employees and students, but rather, to ensure that all employees exercise common sense in their dealings with students, both on campus and in the community at large.
 - vii. The College realizes that situations may arise where consensual relationships develop between consenting employees. Because of the potential for conflicts of interest, exploitation, favoritism and bias, the College prohibits this type of relationship between a supervisor and a subordinate. The individual in the position of greater authority bears the primary burden of accountability and must ensure that he/she does not exercise any supervisory or evaluative functions over the other person in the relationship. When a romantic or sexual relationship exists between a supervisor and a subordinate, the College reserves the right to take appropriate action, in its discretion, to protect the interests of the College, which may include transfer, alternative supervisory or evaluative arrangements or dismissal of both parties.
 - viii. Violation of this Policy by an employee is considered a breach of professional ethics and may result in disciplinary action, up to and including termination of employment.
- D. Applicable Definitions
- i. Reporting party – The person alleging a violation of the sexual misconduct policy.
 - ii. Responding party – The person who is alleged to have violated the sexual misconduct policy.
 - iii. Witness – A person who is requested to participate in an investigation because they may have information about alleged violations of the sexual misconduct policy.
 - iv. Consent – Consent is defined as clear, knowing, and voluntary words or actions, which give permission for specific sexual activity.

1. Consent is active, not passive.
 2. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in, and the conditions of, sexual activity.
 3. Silence, in and of itself, cannot be interpreted as consent.
 4. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
 5. Previous relationships or prior consent cannot imply consent to future sexual acts.
 6. Consent can be withdrawn once given, as long as that withdrawal is clearly communicated.
 7. In order to give consent, one must be of legal age. In the state of Ohio, that age is 16.
- v. Incapacitation – Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).
 1. Incapacitation can occur mentally or physically, from developmental disability, or by alcohol or other drug use.
 2. Examples of causes of incapacitation include, but are not limited to, mental disability, sleep, unconsciousness, involuntary physical restraint, consuming alcohol or other drugs, or from the taking of rape drugs.
 3. Sexual activity with someone you know to be, or should know to be, incapacitated constitutes a violation of this policy.
 - vi. Force – Force is defined as the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcomes free will or resistance, or that produces consent.
 - vii. Coercion – Coercion is defined as unreasonable pressure for sexual activity. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- E. Sexual Misconduct Offenses
- i. Sexual Harassment is unwelcome, sexual, sex-based and/or gender-based verbal, written, online and/or physical conduct. Sexual harassment may be disciplined when it takes the form of quid pro quo harassment, retaliatory harassment and/or creates a hostile environment.
 1. Quid Pro Quo Harassment is:
 - a. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature
 - b. By a person having power or authority over another constitutes sexual harassment when,
 - c. Submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual’s educational [or employment] progress, development, or performance.
 - d. This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational [or employment] program.
 - e. Examples include, but are not limited to: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.
 2. A hostile environment is created when sexual harassment is:
 - a. Sufficiently severe, or
 - b. Persistent or pervasive, and
 - c. Objectively offensive that it

- d. Unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the College's educational, employment, social and/or residential program.
- 3. Examples of sexual harassment include, but are not limited to:
 - a. A professor insisting that a student has sex with him/her in exchange for a good grade regardless of whether the student agrees to the request.
 - b. A student repeatedly sending sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.
 - c. Explicit sexual pictures displayed in a professor's office, on the exterior of a residence hall door, or in other public spaces.
 - d. A professor engages students in a class in discussions about their past sexual experiences, yet the conversation is not in any way relevant to the subject matter of the class, and probes for explicit details, and demands that students answer, though they are clearly uncomfortable and hesitant.
 - e. An "ex" widely spreads false stories about his/her sex life with his/her former partner to the clear discomfort of the partner, turning the partner into a social outsider on campus.
 - f. Students take to calling a particular brunette student "Monica" because of her resemblance to Monica Lewinsky. Soon, everyone adopts this nickname for her, and she is the target of relentless remarks about cigars, the president, "sexual relations" and Weight Watchers.
- ii. Non-Consensual Sexual Contact is any intentional sexual touching, however slight, with any object, by a person upon another person, which is without consent and/or by force.
 - 1. Sexual contact includes, but is not limited to, intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or any other intentional bodily contact in a sexual manner.
- iii. Non-Consensual Sexual Intercourse is any sexual intercourse however slight, with any object, by a person upon another person, which is without consent and/or by force.
 - 1. Intercourse includes, but is not limited to, vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.
- iv. Sexual Exploitation occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses.
 - 1. Examples of sexual exploitation include, but are not limited to, invasion of sexual privacy; prostituting another person; non-consensual digital, video or audio recording of nudity or sexual activity; unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity; engaging in voyeurism; going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex); knowingly exposing someone to or transmitting an STI, STD or HIV to another person; intentionally or recklessly exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals; sexually-based stalking and/or bullying may also be forms of sexual exploitation
- v. Relationship Violence is violence committed by a person who is, or has been in, a relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on 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.

1. Relationship violence can be physical, sexual, emotional, economic, or psychological actions, or threats of actions, that influence another person.
 2. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.
- vi. Stalking is a pattern of two or more incidents of unwanted attention, harassment, contact, or other misconduct directed at a specific person based on sex or sexual orientation that would cause reasonable persons to fear harm to their physical health, mental or emotional health, safety, friends, family or property. Stalking may take many forms, including, but not limited to, persistent calling, texting, instant messaging, posting on a social networking site, monitoring behavior, and taking pictures as well as physical stalking. When the content of the messages or the nature of the physical stalking is of a sexual nature, sexual misconduct has occurred.
- vii. Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for an allegation, for supporting a reporting party, or for assisting in providing information relevant to an allegation, is a violation of College policy.
- F. Reporting violations of the Sexual Misconduct Policy – The College strongly encourages any person who has experienced sexual misconduct to immediately report what occurred for their own protection and that of the entire College community. Reports of sexual misconduct can be made in person, by phone, via email or in writing and will be accepted at any time, regardless of when the incident occurred.
- i. All members of the College community can report alleged violations of the sexual misconduct policy, including students, faculty, staff, guests, visitors, etc. to a member of the Title IX team:
 1. Tera Johnson, Title IX Coordinator, 216-373-5181, tjohnson@ndc.edu, office located on the 1st floor of the Clara Fritzsche Library Building.
 2. Susan Anderson, Deputy Title IX Coordinator, 216-373-6396, andersons@ndc.edu, office located on the 1st floor of the Administration Building.
 - ii. Anyone can also report alleged violations of sexual misconduct to the police.
 1. Notre Dame College Police, 216-373-5212, office located on the ground floor of the Administration Building
 2. South Euclid Police, 216-381-1234, located at 1349 South Green Road, South Euclid, OH.
 - iii. Confidential Reporting & Resources – those wishing to make a confidential report of alleged violations of sexual misconduct can report to the following:
 1. NDC Counseling Center, 216-373-6459, office located in the Connelly Center.
 2. NDC Campus Ministry
 - a. Staff
 - i. Ted Steiner – 216-373-5387
 - ii. Anita Hooley Yoder – 216-373-6375
 - b. Priests
 - i. Fr. John Blazek – 216-570-9276 (cell)
 - ii. Fr. Anslem Zupka, 330-605-4842 (cell)
 - iii. Fr. Edward Mehok, 216-382-5872 (home)
 3. Cleveland Rape Crisis Center
 - a. The Cleveland Rape Crisis Center offers convenient access to specialized services and resources on campus for students, faculty and staff impacted by all forms of rape and sexual abuse. Whether you were hurt on campus, or prior to attending NDC, they are available for you and free of charge.
 - b. Walk in hours are available with a Campus Outreach Specialist from the Cleveland Rape Crisis Center Mondays from 10am-2pm. Their office is located in the NDC Counseling Center.
 - c. Call or text the CRCC 24-Hour Crisis and Support Hotline at (216) 619-6192 or (440) 423-2020.
 - d. [Request an appointment](#) online.

- e. [Chat online](#) to learn more about counseling and/or advocacy available to you on campus or at the main office downtown.

G. Once a Report is Received

- i. When the Title IX Coordinator or Deputy Coordinator receives a report of an alleged violation of the sexual misconduct policy, an initial assessment will be done to consider the nature of the report, the safety of the campus community, and the reporting party's preference for resolution. The reporting party will receive information about the resolution process options, information about their rights as a reporting party, and campus and local support resources.
- ii. At the conclusion of the initial assessment, and in consultation with the Title IX Coordinator, interim measures may be put in place. These include, but are not limited to:
 - 1. Referral to the counseling center, health center, or local support services
 - 2. Education to the community
 - 3. Altering a housing situation
 - 4. Providing campus escorts through the College Police Department
 - 5. Implementing a no-contact order between the parties
 - 6. Altering work or work-study arrangements
 - 7. Offering adjustments to academic deadlines, course schedules, etc.
 - 8. Interim suspension
 - a. During an interim suspension, individuals are not permitted to be on Notre Dame College property for any reason, and are not permitted to attend any College sponsored events, activities, or classes.
 - b. During an interim suspension, individuals are permitted to continue to complete and submit coursework as long as it is submitted by the deadlines outlined in the course syllabus. Assignments that must be completed in class (such as attendance, labs, etc.) will not be able to be made up. Tests that are missed during an interim suspension must be made up within one week of the end of an interim suspension.
- iii. The report will then be referred for either informal resolution or formal resolution. Please note that informal resolution is never used when violent behavior is involved, when the Title IX Coordinator determines a situation is not eligible, or the parties are reluctant to participate in good faith.

H. Sexual Misconduct Resolution Processes

- i. Informal Resolution Process
 - 1. Before pursuing the Formal Resolution Process, every reasonable effort will be made to constructively resolve the conflict between parties by ways of mediation. Both parties will be brought together by the Title IX Coordinator to discuss the behavior.
 - 2. If informal efforts are unsuccessful, the formal resolution process will be initiated.
 - 3. Either party has the right to end the informal process and begin the formal process at any time prior to the conclusion of the process.
- ii. Formal Resolution Process (for reports of misconduct by students).
 - 1. If the reporting party wishes to pursue a formal resolution, if the College – based on the alleged policy violation – wishes to pursue a formal resolution, or informal resolution is unsuccessful, the formal resolution process will begin.
 - 2. The Title IX Coordinator will appoint two investigators to conduct the investigation. The College has trained and certified Title IX investigators designated to formally investigate reports of alleged violations of the sexual misconduct policy.
 - 3. The investigators will take the following steps:
 - a. Gather information, typically via interview, from the reporting party, responding party, and any witnesses who may have information relevant to the initial

- report. Both the reporting and responding party will have the opportunity to provide a list of witnesses they wish the interviewers to speak with.
- i. All interviews will be recorded and, upon conclusion, summarized in writing and sent to the individual who was interviewed for review. The individual can accept the written summary of the interview by submitting an electronic statement saying the notes are an accurate account of their interview or can add to/edit the written summary of their interview. If there are discrepancies between the notes and what the individual wants to add/edit, they recording will be reviewed again.
 - ii. Once an individual accepts the summary of their interview, the electronic recording will be destroyed. The written summary will be what is used in the investigators' report.
 - iii. Additional information, including photographs, electronic evidence and/or forensic evidence will also be gathered through this process.
 - iv. Investigators may need to conduct multiple interview in order to follow up or clarify information gathered through other interviews.
- b. Based on the interviews and review of additional information (if provided), a formal charge letter will be issued to the responding party outlining the specific alleged policy violations.
- c. At the conclusion of the investigation, the investigators will write a preliminary report which will including the following:
- i. The names of the investigators and their contact information.
 - ii. Alleged policy violations.
 - iii. A list of involved parties.
 - iv. A brief overview of the case.
 - v. The steps in which the investigators took to gather information.
 - vi. Summaries of all interviews.
 - vii. Any additional information or materials collected.
 - viii. The report will be made available to both the reporting and responding party for review.
 1. Both parties have the opportunity to respond to information in the report as well as provide the investigators questions they would like asked of other parties.
 2. The investigators will follow up, as appropriate, on any responses and/or questions based on the preliminary report.
- d. Any updates or changes will be made to the preliminary report and then the final report will be submitted to the sexual misconduct hearing board.
4. Once a hearing board has the report, they will take the following steps:
- a. The board will review all parts of the report.
 - b. The board may question the investigators as necessary.
 - c. The board will use the preponderance of evidence standard to make a determination of responsibility on all alleged violations.
 - d. Both the reporting and responding parties will have the option to provide an impact statement to the board. This can be done in writing, face to face, or via electronic means such as Skype, and will be provided to the board after responsibility is determined, but before sanctions are determined.
 - e. If there is a finding of responsibility, the board will impose sanctions.
 - f. The Title IX Coordinator will present the findings in writing to both the reporting and responding parties.

- g. The written notification will include the following: the finding, sanctions if applicable, rationale for the decision, and information about the College's appeal process.
 - 5. If either party wishes to appeal, they will follow the process outlined in the Student Code of Conduct (section 4, I).
 - iii. At any point during the investigation, if it is determined there is no reasonable cause to believe that College policy has been violated, the Title IX Coordinator has authority to terminate the investigation and end resolution proceedings.
 - iv. The College's resolution will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. However, the College may undertake a short delay (several days to weeks) in its investigation or resolution process, to comply with a law enforcement request for cooperation (e.g.: to allow for criminal evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The College will promptly resume its investigation and processes once notified by law enforcement that the initial evidence collection process is complete.
- I. Sanctions – The following sanctions may be imposed upon students of the College community found to have violated this sexual misconduct policy.
 - i. Student Sanctions (as defined in section 4, H) include, but are not limited to warning, probation, residence hall suspension, suspension from the College, expulsion, or other sanctions as appropriate.
 - 1. Any student found responsible for violating the Sexual Exploitation or Sexual Harassment policies will likely receive a recommended sanction ranging from warning to expulsion, depending on the severity of the incident, and taking in to account any previous disciplinary actions.
 - 2. Any student found responsible for violating the Non-Consensual Sexual Contact policy (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and taking in to account any previous disciplinary actions.
 - 3. Any student found responsible for violating the Non-Consensual Sexual Intercourse policy will likely face a recommended sanction of suspension or expulsion.
 - ii. The decision-making body reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.
- J. Participation of advisors/advocates in the resolution process
 - i. All parties are entitled to an advisor/advocate of their choosing to guide and accompany them throughout the resolution process. The advisor/advocate may be the Assistant Dean for Student Care and Conflict Resolution, any member of the Notre Dame College community, friend, mentor, family member, attorney or any other supporter a party chooses who is both eligible and available.
 - ii. People who will be called as witnesses may not serve as advisors/advocates.
 - iii. The parties are entitled to be accompanied by their advisor/advocate in all meetings and interviews at which the party is entitled to be present
 - iv. Advisors/advocates should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity, and in good faith.
 - v. The College cannot guarantee equal advisory rights, meaning that if one party selects an advisor/advocate who is an attorney, but the other party does not, or cannot afford an attorney, the College is not obligated to provide one.
 - vi. All advisors/advocates are subject to the same campus rules, whether they are attorneys or not.
 - vii. Advisors/advocates may not present on behalf of their party at any point during the process.

1. Advisors/advocates should request or wait for a break in the proceedings if they wish to interact with campus officials.
 2. Advisors/advocates may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks to allow for private conversation.
- viii. Advisors/advocates are expected to refrain from interference with the College investigation and resolution. Any advisor/advocate who steps out of their role in any meeting under the resolution process will be warned once. If the advisor/advocate continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor/advocate will be asked to leave.
1. When an advisor/advocate is removed from a meeting, that meeting will typically continue without the advisor present.
 2. The Title IX Coordinator or Deputy Coordinator will determine whether the advisor/advocate may be reinstated, may be replaced by a different advisor/advocate, or whether the party will forfeit the right to an advisor/advocate for the remainder of the process.
- ix. Advisors/advocates are expected to maintain the privacy of the records shared with them by the College. These records may not be shared with 3rd parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any advisor/advocate who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.
- x. The College expects an advisor/advocate to adjust their schedule to allow them to attend College meetings when scheduled. The College does not typically change scheduled meetings to accommodate an advisor's/advocate's inability to attend. The College will, however make provisions to allow an advisor/advocate who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.
- xi. The parties must advise the investigators of the identity of their advisor/advocate at least two (2) business days before the date of their first meeting with investigators. The parties must provide subsequent timely notice to the investigators if they change advisors/advocates at any time.
- xii. No audio or video recording of any kind other than as required by institutional procedure is permitted during meetings with campus officials.
- K. Rights of both the reporting and responding parties
- i. The right to have all alleged violations treated with seriousness, dignity, and confidentiality.
 - ii. The right to preservation of confidentiality, to the extent possible and allowed by law.
 - iii. The right to a prompt and equitable resolution to the complaint.
 - iv. The right not to have any complaint of sexual violence mediated.
 - v. The right to be informed of College and community resources, including, but not limited to, College Police, the College Counseling Center, local police, and the Cleveland Rape Crisis Center.
 - vi. The right to bring an advocate/advisor to all phases of the process.
 - vii. The right to interim measures as described above in section 5, G.
 - viii. The right to have the case investigated and heard by individuals who have received, at minimum, annual sexual misconduct training.
 - ix. The right to receive regular updates regarding the investigation including the timeline of investigation and any changes that may be made to it.
 - x. The right to review all documentary evidence available regarding the complaint.
 - xi. The right to recommend witnesses during the investigation.
 - xii. The right not to have irrelevant sexual history discussed.
 - xiii. The right to make an impact statement and to have it considered by the hearing board when determining sanctions.
 - xiv. The right to be informed of the outcome and sanction(s) of the process within a timely manner.

- xv. The right to appeal in accordance with the standards for appeal as outlined in section 4, I.
- L. Additional Information
 - i. The College aims to bring all allegations to a resolution within 60 business days, but can be extended as necessary for appropriate cause.
 - ii. Use of alcohol or other drugs will never function to excuse any behavior that violates this policy.
 - iii. This policy is applicable regardless of the sexual orientation and/or gender identity of individuals engaging in sexual activity.
 - iv. Witnesses are expected to cooperate with and participate in the College's investigation.
 - 1. Any witness who declines to participate in, or cooperate with, an investigation will not be permitted to offer evidence or testimony later in a hearing.
 - 2. Witnesses may provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone, Skype (or similar technology), if they cannot be interviewed in person.
 - v. Any other College policies may fall within this section when a violation is motivated by the actual, or perceived, membership of the reporting party's sex or gender.
 - vi. In most circumstances, the College will treat attempts to commit any of the violations listed in the Sexual Misconduct Policy as if those attempts had been completed.
 - vii. The College will not tolerate intentional false reporting of incidents. It is a violation of the Dishonesty Policy (section 3, E) to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.
 - viii. If there is a Code of Conduct (section 3) violation or violations associated with an alleged violation of this Sexual Misconduct policy, all violations will follow the Sexual Misconduct resolution process.
 - ix. Amnesty for Victims and Witnesses
 - 1. The College community encourages the reporting of misconduct and crimes by victims and witnesses. Sometimes, victims or witnesses are hesitant to report to College officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as the alcohol or drug policies, at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report to College officials, and that witnesses come forward to share what they know. To encourage reporting, the College pursues a policy of offering victims of misconduct and witnesses amnesty from minor policy violations related to the incident.
 - 2. Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble (for example, as student who has been drinking might hesitate to help take a sexual misconduct victim to the Campus Police). The College pursues a policy of amnesty for students who offer help to others in need. While policy violations cannot be overlooked, the College will provide educational options, rather than punishment, to those who offer their assistance to others in need.
 - x. Training of personnel tasked with implementing these procedures (the Title IX Coordinator, investigators, hearing officers, appellate officers, etc.) will be trained at least annually. This training will include, but is not limited to: how to appropriately remedy, investigate, render findings and determine appropriate sanctions in reference to sexual misconduct allegations; the College's Sexual Misconduct Policy and Procedures; confidentiality and privacy; and applicable laws, regulations and federal regulatory guidance.
 - xi. All records will be kept indefinitely.
 - xii. Campus Resources (all are confidential reporting options, too)
 - 1. NDC Counseling Center, 216-373-6459, office located in the Connelly Center.
 - 2. NDC Priests
 - a. Fr. John Blazek – 216-570-9276 (cell)
 - b. Fr. Anslem Zupka, 330-605-4842 (cell)

c. Fr. Edward Mehok, 216-382-5872 (home)

xiii. Local Resources

1. Cleveland Rape Crisis Center: 216-619-6192 (24/7)
2. Domestic Violence & Child Advocacy Center: 216-391-4357 (24/7)
3. Hillcrest Hospital SANE Unit: 440-312-3138
4. University Hospitals SANE Unit: 216-844-3722

xiv. National Resources

1. Rape, Abuse, Incest National Network (RAINN): 800-656-4673
2. National Domestic Violence Hotline: 800-799-7233