



Policy and Procedure

Policy Name:	Title IX Policy	
Responsible Office:		Administration
Approved By:		C. Wynd
Issued:		8/1/2015
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Policy Statement

I. Introduction

MCCN is committed to maintaining a healthy and safe learning, living, educational, and working environment that is free from gender discrimination and harassment and to creating an environment that promotes responsibility, dignity, and respect in matters of sexual conduct. Title IX prohibits Discrimination, Harassment, and Retaliation of any kind on the basis of sex. Title IX also prohibits Violence Against Women Act offenses (“Sexual and Interpersonal Offenses”) such as sexual assault, sexual misconduct, sexual violence, domestic violence, dating violence, and stalking. Any person, regardless of gender, can be a victim/survivor of a Title IX violation. This Policy applies to both on-campus and off-campus conduct, academic, educational, co-curricular, and other MCCN programs. Any Title IX violation is strictly prohibited and will not be tolerated.

By providing resources for prevention, education, support, investigation, and a fair disciplinary process, MCCN seeks to eliminate Title IX violations. MCCN is dedicated to preventing these violations by providing:

- Education and prevention programming informing the community about the risks and myths that contribute to violence.
- Assistance and support including interim support measures.
- Processes for reliable and impartial investigation and adjudication that includes appropriate disciplinary sanctions for those who commit Title IX violations including suspension and dismissal. When a violation does occur, MCCN will take appropriate steps to prevent its recurrence and remedy the discriminatory effect on the reporter (and victim/survivor if different from the reporter) and others, as appropriate.

MCCN's Policy is designed to comply with applicable state and federal laws. MCCN reserves the right to modify or deviate from this Policy when, in the sole judgment of MCCN, circumstances warrant, in order to protect the rights of the involved parties, or to



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comply with the law.

This Policy describes how MCCN typically responds to reports of Title IX violations. It also:

- Provides guidance for those who have been the victim/survivor of such a violation.
- Outlines MCCN's student disciplinary response to alleged violations.
- Identifies the relevant places within MCCN responsible for the Policy and programs associated with it.

The MCCN Title IX Compliance Officer ("Compliance Officer")¹ handles matters related to Title IX violations. The Compliance Officer may be reached at 614-234-5021, 127 S. Davis Ave, Columbus, Ohio 43222 or equity@mccn.edu. The Compliance Officer will help students or employees:

- Access medical and mental health treatment.
- Report the Sexual or Interpersonal Offense to the police.
- Access support resources.
- Assist the victim/survivor in obtaining a MCCN no-contact order, a court-issued restraining order, or other lawful order of protection.

MCCN encourages students and employees who have been the victim/survivor of Sexual or Interpersonal Offenses to pursue criminal charges against the person or persons they believe to have committed the crime. A criminal charge and a MCCN investigation or disciplinary complaint may be pursued at the same time. Students or employees may file a disciplinary complaint with or without pursuing criminal charges. Victim/survivor support and resources are available regardless of criminal charges, or MCCN disciplinary action.

¹ If at any time MCCN has more than one Title IX Compliance Officer, the term Compliance Officer in this Policy refers to all Title IX Compliance Officers and the contact information is for the lead Title IX Compliance Officer.



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II. Definitions

A. Sexual and Interpersonal Offense under Title IX and the Violence Against Women Act (See Appendix A for definition and Appendix B for a list of Ohio Criminal Offenses meeting these definitions) Referred to in this Policy as Sexual and Interpersonal Offense(s)

- **Sex Offenses:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. These offenses include any act of Sexual Violence, Rape, Fondling, Incest, and Statutory Rape.
- **Domestic Violence**
- **Dating Violence**
- **Stalking**

B. Title IX Gender Discrimination, Harassment and Retaliation (See Appendix C for a definition of Discrimination and Harassment) Referred to in this Policy as Discrimination, Harassment, or Retaliation violation

- **Discrimination:** conduct that is based on a person's sex/gender (including sexual harassment, sexual misconduct) sexual orientation, gender non-conformity, gender identity, or pregnancy that:
 - Adversely affects a term or condition of a person's employment, education, living environment or participation in a MCCN activity; or
 - Is used as a basis for or a motivating factor in decisions affecting the person's employment, education, living environment or participation in a MCCN activity.
- **Harassment:** conduct that is based on a person's sex/gender (including sexual harassment, sexual violence, sexual misconduct), sexual orientation, gender non-conformity, gender identity, or pregnancy that has the purpose or effect of unreasonably interfering with a person's employment or educational experience



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or creates an intimidating, hostile, offensive working, educational or living environment.

- **Retaliation:** Retaliation against any person(s) who reports a crime, brings a disciplinary complaint, pursues legal action, or participates in an investigation or is a witness in any investigation or proceeding is strictly prohibited and will not be tolerated. Students or employees who retaliate will face disciplinary action.

III. Confidentiality

MCCN will preserve confidentiality to the extent possible and allowed by law.

A. Confidential Reporting

Upon the Title IX Compliance Officer's receipt of a discrimination, harassment, or retaliation complaint, the reporter may request confidentiality. MCCN takes such requests seriously; however, such requests may severely limit MCCN's ability to investigate and take reasonable action in response to the report. In such cases, the Title IX Compliance Officer will evaluate the request for confidentiality in the context of MCCN's commitment to provide a reasonably safe and non-discriminatory environment.

If a student wishes to reach out for help to a privileged, confidential source, the Mount Carmel College of Nursing Student Counselor, William Bumgardner, is available to students who wish to do so. He is available by phone (614) 234-5900 or by email wbumgardner@mccn.edu. Some off-campus reports also may be legally confidential (e.g. reports to clergy or healthcare professionals).

B. Non-Confidential Reporting

Ohio law and MCCN policy require those not in a legally protected role with knowledge of a felony to report it to law enforcement. MCCN personnel, including Resident Assistants and professional residence life staff, are required to report Sexual and Interpersonal Offenses to the MCW Security who will, in turn, report it to the Compliance Officer. Reporting to MCW Security, FMC Police or other law enforcement does not



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require the victim/survivor to pursue criminal charges.

Police Reports

Police reports are open for inspection and copying under Ohio's Public Records Act. The extent to which MCCN can protect the identity of a victim/survivor contained in police reports is not absolute; however MCCN uses its best efforts to protect the identity of the Title IX victim/survivor and the intimate details of the report. Ohio law specifically permits MCCN to withhold the identity of an uncharged suspect.

FERPA

In addition, the Family Educational Rights and Privacy Act (FERPA) protects students' educational records. FERPA prohibits MCCN from releasing these records to persons outside the institution without the student's consent except in response to a lawful subpoena or as otherwise required by law. However, if the student-offender is found to have committed a Sexual or Interpersonal Offense, MCCN may release the following information to anyone:

- Name of the student-offender (but not the identity of the victim/survivor);
- The violation; and
- Sanctions imposed as a result of the disciplinary proceedings

IV. Crime Alerts/Emergency Notification

If a report of a Sexual or Interpersonal Offense reveals there is an immediate threat to the health or safety of students or employees on campus or that an on-going serious or continuing threat to the campus community exists, an Emergency Notification or a Campus Crime Alert will be issued. The purpose of a Campus Crime Alert is to enable persons to protect themselves, heighten safety awareness, and seek information that will lead to an arrest and conviction of the perpetrator. **The victim's/survivor's name and other personally identifying information will NOT be included in any Emergency Notification or Crime Alert.**



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For more information on the Clery Act, Campus Crime Alerts, and Emergency Notifications, go to Emergency Notification and Response Policy, which can be found here: http://catalog.mccn.edu/content.php?catoid=10&navoid=438#Emergency_Notification_and_Response_Policy, and http://catalog.mccn.edu/content.php?catoid=10&navoid=447#Communications_Alert_System.

Reports of sexual assault, domestic violence, dating violence, and stalking are included in the Annual Security and Fire Safety Report/Crime Statistics at: http://catalog.mccn.edu/content.php?catoid=10&navoid=447#Annual_Campus_Security_and_Fire_Safety_Report.

V. Resources and Support Services

A. Medical and Counseling Resources

MCCN provides a number of resources and support services to any student who has been the victim/survivor of a Sexual or Interpersonal Offense. Students are encouraged to seek support and obtain medical attention.

1. Medical Treatment

A person who has been the victim/survivor of an offense is urged to seek appropriate medical evaluation immediately, ideally within 96 hours of the incident. For life-threatening conditions, call 911 ("3" from a campus phone) or go to the nearest hospital emergency department. Mount Carmel Hospital and Fairfield Medical Center have emergency room specialists trained to treat Sexual Assault victims.

2. Medical—Legal Evidence Collection

A person who has experienced sexual assault or sexual misconduct is encouraged to request collection of medical/legal evidence. Prompt collection of physical evidence is essential should a person later decide to pursue criminal prosecution and/or a civil action. Collection of evidence may involve interaction with police and a police report. If the sexual assault or sexual misconduct occurred, an exam can be administered at local hospitals. The sooner the sexual assault or sexual misconduct is reported, the more likely evidence will still be present. "Date rape" drugs, including rohypnol and GHB,



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may still be present in the victim/survivor's system and should be tested for if the victim/survivor believes they may have been drugged. To help preserve evidence, the victim/survivor is encouraged to put any soiled clothes in a paper (not plastic) bag, and to refrain from the following:

- Bathing or douching
- Washing hands or face
- Urinating
- Drinking any liquids
- Smoking, eating, or brushing teeth (including mouthwash and flossing)

If an individual is uncertain about whether or not they want to report what has occurred, they can still have evidence collected. In cases of sexual assault or severe injuries, the police will be called to the hospital. The survivor can decide whether or not to speak with the police at that time to officially report what has happened.

While evidence may be collected anonymously (i.e., without the survivor's name attached to it) and/or when there is no report made to police, these cases are handled differently. A discussion about the merit of collecting evidence "anonymously" and in instances where the survivor does not want to report should be discussed with medical personnel and/or an advocate. Questions about evidence collection can be directed to the Compliance Officer.

Medical-Legal Evidence Collection for Domestic Violence, Dating Violence and/or Stalking

A person who has experienced domestic violence, dating violence, or stalking is encouraged to request collection of medical-legal evidence. Prompt collection of physical evidence is essential should a person later decide to pursue criminal prosecution and/or a civil action. Collection of evidence may involve interaction with police and a police report.

A person who has experienced domestic violence or dating violence should seek prompt



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medical care and documentation of any injuries. To help preserve evidence, the victim is encouraged to put any soiled cloths in a paper (not plastic) bag, and to refrain from the following:

- Bathing or douching
- Washing hands or face
- Urinating
- Drinking any liquids
- Smoking, eating, or brushing teeth (including mouthwash and flossing)

A person who has experienced stalking should retain all communications from their stalker including email, voice-mail, and text-messages.

3. Confidential Counseling Resources

Counselors at a variety of agencies can help a person decide what steps to take, such as seeking medical attention, preserving evidence, obtaining counseling, and reporting to authorities. Information, support and advice are available for anyone who wishes to discuss issues related to Sexual or Interpersonal Offenses, whether or not a Sexual or Interpersonal Offense has actually occurred, whether or not the person seeking information has been a victim/survivor of a Sexual or Interpersonal Offense, has been accused of a Sexual or Interpersonal Offense, is a witness or other affected person. One source of counseling available to students is the Student Counselor, William Bumgardner at wbumgardner@mccn.edu or 614-234-5900.

Off Campus

MCCN is located on Mount Carmel Hospital Medical complex and therefore has access to the Hospital's supportive services and does not provide any on-campus supportive services. The College is able to provide supportive services to victims of sexual assault through the Hospital's Mount Carmel Crime and Trauma Assistance Program (614-234-5900). This program provides support and assistance for victims of assault, including



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counseling for such individuals. In addition, Sexual Assault Response Network of Central Ohio (SARNCO) that maintains a 24-hour rape crisis helpline at 614-267-7020. The SARNCO website is located at <https://www.ohiohealth.com/sexualassaultresponsenetwork/>.

B. Interim Support Measures

MCCN provides a number of interim support services, upon request, to students who have been victims/survivors of any Title IX violations. Students may, upon request, obtain interim support services, such as changing academic, residential, working, and transportation circumstances from the Compliance Officer. **No police report, disciplinary complaint or investigation need occur before this option is available. The Compliance Officer will exercise discretion and sensitivity about sharing the identity of the victim/survivor when arranging for interim support services. A victim/survivor can access these services at any time, even if the student initially declined the service.**

These services include the following:

- Changing residence hall assignments so that neither party shares the same residence hall (available to residential students)
- Changing class assignments so that the parties do not share the same classes (available to instructional staff and students)
- Providing academic support services including tutoring
- Changing the students' work situation
- Transportation/parking options
- Prohibiting any contact between the parties
- Assisting the victim/survivor in obtaining a MCCN no-contact order or a court-issued restraining order or other lawful order of protection

To access interim support services, contact the Compliance Officer. The Compliance Officer is available during regular business hours throughout the year to meet with students who need information or guidance about Title IX violations.

C. Immigrants or International Student Visa Information



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There are certain legal protections available to immigrants or international students in the form of Visas, particularly the U visa and the T visa. The U visa provides temporary legal status and work eligibility for victim/survivors of certain crimes (including domestic violence, sexual assault, human trafficking, involuntary servitude, and other offenses). The T visa provides victim/survivors of human trafficking and immediate family members with temporary legal status and work eligibility. These visas can be applied for when agreeing to assist law enforcement, unless an individual meets one of the exceptions. Additional information is available through the U.S. Department of Homeland Security U.S. Citizenship and Immigration Services: www.uscis.gov.

D. Legal Assistance

Legal Aid Society of Central Ohio, 614-224-8374 provides legal services to those struggling to recover from domestic violence, sexual assault, and stalking. Legal services include restraining orders, child support, custody, divorce, and visitation restrictions.

E. Protection Orders

MCW Security and FMC Police and the Compliance Officer, are all available to assist the student in obtaining a MCCN no-contact order or a court-issued restraining order or other lawful order of protection.

After a protection order is issued, the protected party should provide a copy of the court order to Associate Dean of Undergraduate Program or the Graduate Program, MCW Security and/or FMC Police. Any violation of the court order should be promptly reported to the police.

VI. Making a Report

A. Making a Report of Discrimination, Harassment, or Retaliation



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A student or employee who believes he/she has been subjected to discrimination, harassment or retaliation based on their sex by a student, MCCN employee, or third parties is encouraged to report the incident to the Compliance Officer. Reports may be made by victims/survivors or others on their behalf. If such a report is made to any other MCCN faculty or employee, other than the Compliance Officer, such person shall report the information to the Compliance Officer within 24 hours of receiving the information about the alleged incident.

B. Making a Report of a Sexual or Interpersonal Offense

A student or employee who has been the victim/survivor of a Sexual or Interpersonal Offense is encouraged to promptly report the incident to the police and/or the Compliance Officer. If the victim/survivor is incapacitated, for any reason, and unable to report, a report should be made on behalf of the victim/survivor. Reports may be made by victims/survivors or others on their behalf. Any reports made to MCW Security will promptly be communicated to the Compliance Officer and vice versa. If a report of a Sexual and Interpersonal Offense is made to any other MCCN faculty or employee, other than the Compliance Officer, such person shall immediately report emergencies to MCW Security or the police and then report the information to the Compliance Officer.

Note: *If a person is dealing with a stalker or domestic/dating violence situation, it is important to take precautions when accessing any kind of support. In some circumstances, stalkers and/or abusers may access phone or computer records. When possible, people in these situations may want to use public computers or phones to seek out information. It is also good to safeguard your information by frequently changing passwords to random, unpredictable ones. It may also be helpful to think about steps that can be taken to keep information away from individuals (e.g., keeping things with a friend or getting mail at a different address).*

C. Limited Amnesty

While MCCN does not condone underage drinking or violation of other MCCN policies, it considers reporting Title IX Violations to be of paramount importance. To encourage



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reporting and adjudication of Title IX violations, MCCN extends limited amnesty to students who have been victims/survivors of Title IX violations. MCCN will generally not seek to hold the student responsible for a violation of the law (e.g., underage drinking) or the Code of Student Conduct during the period immediately surrounding the violation.

D. Reporting to MCW Security/FMC Police/Off-Campus Police

For a Sexual or Interpersonal Offense that occurred on campus, contact MCW Security directly at 614-234-5000 (or "3" from a campus phone) or 614-234-5283 (non-emergency) or FMC Police (740) 687-8124 to file a police report. MCW Security or the FMC Police will respond quickly, with sensitivity and compassion.

To report a Sexual or Interpersonal Offense that occurred off-campus, contact the local police in the area the offense occurred or call 911 (emergency). Upon request, MCW Security or FMC Police will assist victims/survivors in obtaining protection or restraining orders.

Upon request, MCW Security, FMC Police or Compliance Officer, will assist students or employees in notifying the appropriate police department of an off-campus sexual offense.

In general, non-consensual sexual conduct may constitute a crime. While Ohio law does not define consent, it provides the following is not consent*:

- If the offender substantially impairs the victim's judgment or control by administering any drug, intoxicant or controlled substance to the other person surreptitiously or by force, threat of force or deception.
- The victim's ability to judge the nature of or control their own conduct is substantially impaired.
- The victim is coerced.
- The offender uses force or threat of force.
- The victim is unaware the act is being committed (e.g. unconscious).
- The victim's ability to consent is substantially impaired because of a mental or



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physical condition or because of advanced age.

** This is a non-exhaustive list and is not intended to provide legal advice. Persons should consult with law enforcement and prosecutors for advice.*

Sexual and Interpersonal Offenses reported to MCW Security and FMC Police are shared with the Compliance Officer. MCW Security and the Compliance Officer share information about sex-based offenses on a need-to-know basis.

E. Report to the Compliance Officer

Students/employees and others may elect to report a Title IX violation directly to the Compliance Officer. Upon request, the Compliance Officer will:

- For Sexual and Interpersonal Offenses assist the student in immediately attending to any medical needs. The Compliance Officer can arrange for a professional staff member to accompany the student to the hospital if requested by the student.
- Assist the student in contacting a support person such as a friend or parent if desired.
- Assist the student in obtaining a MCCN no-contact order or a court-issued restraining order or other lawful order of protection.
- Provide information on medical and psychological resources available.
- Provide a temporary safe space within the MCCN residence halls (available to students).
- Change residence hall assignments so that the parties do not share the same residence hall (available to residential students).
- Change class assignments so that the parties do not share the same classes (available to instructional staff and students).
- Facilitate the process for the student to access academic support services including tutoring.
- Facilitate changing working conditions .
- Provide transportation/parking options.



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- For Sexual and Interpersonal Offenses assist the student in filing a complaint with MCW Security if on-campus and the Police or other appropriate police department if off-campus. The Compliance Officer is required by law to notify appropriate law enforcement authorities of any sexual assault, domestic violence, dating violence, and stalking reported to her.

Once the Compliance Officer receives a report of a Title IX violation, the Compliance Officer will conduct a preliminary assessment of the report. The Compliance Officer will conduct an investigation to determine whether there is reasonable cause to believe that a violation of this Policy has occurred, including the extent and severity of the violation. Every effort will be made to handle such reports fairly, impartially and quickly. If the Compliance Officer believes there is reasonable cause to believe that a violation has occurred and the accused is another MCCN student, the complaint will be referred to the Disciplinary Process below. If the accused is someone other than a student (e.g., a MCCN employee, vendor, contractor or subcontractor), the Compliance Officer will inform the complainant of the right to pursue a complaint using the appropriate process and refer and guide the complainant to the appropriate process. If the accused is a student at another college, the Compliance Officer will assist the student in reporting the conduct to the accused's home school.

VII. Filing a Disciplinary Complaint

If the accused is a MCCN student, students may file a disciplinary complaint of a Title IX violation with the Compliance Officer. Criminal investigations/prosecutions do not determine whether a violation of this Policy has occurred. Disciplinary action generally cannot begin without disclosing the victim/survivor's identity. MCCN reserves the right to pursue disciplinary action if MCCN believes there is sufficient information to proceed without the participation of the victim/survivor.

Students can file a disciplinary complaint without pursuing criminal charges. The purpose of these disciplinary proceedings is to provide a prompt, fair and impartial investigation and resolution of the complaint(s). Disciplinary complaints may be filed at any time the accused is a student at MCCN.



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Summary Suspensions—An accused student may be summarily suspended from campus pending the final outcome of the disciplinary proceedings. Summary suspension hearings are typically held within the first 48 hours of the filing of a disciplinary complaint. Summary suspensions may prohibit the student from all or part of MCCN property and activities or permit the student to remain only under specified conditions (e.g., no-contact orders).

Disciplinary Hearings—Disciplinary hearings for alleged Title IX violations will be held before a trained Administrative Hearing Panel (two faculty and one staff member). The hearings are designed to provide a prompt, fair and impartial investigation and resolution of the complaint. The hearings are conducted by people who receive annual training on issues related to Title IX violations and on conducting a hearing process that protects the safety of students and promotes accountability.

Both the accuser and the accused are entitled to the same opportunity to file a written statement, to submit information and to present relevant witnesses. If the complaint is a Sexual or Interpersonal offense, the advisor may include an attorney. However if the complaint is a Discrimination, Harassment or Retaliation violation, the advisor may be anyone with no formal legal training. Confidential medical/counseling records and information regarding the victim's/survivor's sexual history with others will not be provided to the accused and is not admissible at any disciplinary proceeding. The questioning of the victim/survivor and accused will be conducted through the Administrative Hearing Panel.

MCCN will accommodate concerns for personal safety, well-being, and/ or concerns regarding confrontation among the complainant (and the victim/survivor if different from the complainant), the accused student(s) and other witnesses by providing separate facilities, by using a visual screen or permitting participation by video phone, video conferencing, written statement or other means.

Standard of Review—The standard of review used to determine responsibility on campus is a “preponderance” standard. This determination is based on the greater



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weight of the information and does not require a standard beyond a reasonable doubt.

Disciplinary Sanctions—Sanctions against a student who has violated this Policy include suspension, dismissal, expulsion from campus housing, educational intervention, no-contact orders, and restrictions from participating in extracurricular activities and vary depending on the severity of the violation and the accused’s conduct history. The recommended sanction for Sexual and Interpersonal Offenses is often dismissal. Both the accuser and the accused will be simultaneously informed in writing of the outcome of each stage of the disciplinary proceedings and of their right to appeal.

Appeal Process—Both the accuser and accused have the right to appeal on the basis of alleged procedural error, new information and/or inappropriate sanction by filing a written appeal to the Associate Dean of the Undergraduate or Graduate Programs within fourteen (14) calendar days of the date of the determination.

Interests of the Accused—It must be recognized that the accused person in a MCCN investigation has legal and other rights, and that complaints in which each of the parties are members of the campus community are the most ethically and legally complex. A presumption of responsibility should not be made as the result of any allegations. In the event that a student is accused of a Title IX violation and a disciplinary complaint is filed, the accused will be encouraged to seek advice from a member of the MCCN community and is entitled to the same information as the accuser. An accused student has a right to know the name of the reporter (and victim/survivor if different from the reporter) and information regarding the nature of the allegations in order to respond to the complaint; thus MCCN may not be able to pursue discipline and maintain the confidentiality of the reporter (and victim/survivor if different from the reporter). MCCN may take other steps to limit the effects of the alleged Title IX violation and prevent its recurrence.

Timeline—MCCN is committed to addressing all Title IX complaints in a prompt and equitable manner. Upon receipt of a complaint, the Compliance Officer will generally conduct its initial review and assessment within 1 to 3 days, the Procedural Review within 3-5 days, and the disciplinary hearing within 21 calendar days. Appeals will be typically conducted within 21 calendar days following the disciplinary hearing. These



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timelines may be extended based upon the complexity, severity and extent of the misconduct or for good cause. The timelines may also be affected by the fall or spring break period and summer or fall terms.

VIII. Retaliation

Any retaliatory action or conduct taken by any person against a person who has sought relief under this Policy is strictly prohibited and will be regarded as a violation of this Policy.

IX. Legal Options

In addition to MCCN disciplinary action, a person who engages in a Title IX violation may be the subject of criminal prosecution and/or civil litigation. A police report must be made for criminal prosecution to be considered by the local prosecuting attorney. The chances of successful prosecution are greater if the report is timely and is supported by the collection of medical and/or legal evidence.

The Legal Aid Society of Central Ohio, provides legal services to those struggling to recover from domestic violence, sexual assault, and stalking.

Complaints may also be filed with the United States Department of Education Office for Civil Rights or by consulting an attorney at the person's own expense.

See: <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

X. Education and Prevention

The Title IX Office creates, supports, and evaluates education and support programs aimed at the eradication of Title IX Violations. The Compliance Officer shall educate students and employees about the following:

- Title IX Policy and MCCN's commitment to enforce it.
- Steps to minimize individual risk of sexual assault, sexual misconduct, domestic violence, dating violence and stalking.
- Process and responsibility for reporting Violations.



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- Awareness and resources for students and employees who have been victim/survivors of Title IX Violation and for those accused of Title IX Violation.
 - How to be a knowledgeable and supportive peer presence, including bystander intervention education.
 - On-going wellness promotion programs that address issues including but not limited to sexual health and wellness, and drug and alcohol education.

MCCN requires all new incoming students to complete an orientation education program, where MCW Security presents to students on domestic situations and abuse and informs the students on risk reduction and security services offered.

MCW Security and FMC Police foster a safe campus environment by doing the following:

- Providing safety and security patrols as part of regular MCCN campus safety responsibilities.
- Accurately maintaining and reporting statistics of Sexual and Interpersonal Offenses as required by the Jeanne Clery Campus Security Act.
- Working to provide adequate lighting on campus.
- Providing sufficient emergency call boxes on campus.

Appendix A—Definitions

Sex Offenses

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- *Rape*—The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- *Fondling*—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including



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instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

- *Incest*—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- *Statutory Rape*—Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Domestic Violence

A felony or misdemeanor crime of violence committed by:

- A current or former spouse or intimate partner of the victim.
- A person with whom the victim shares a child in common.
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner.
- A person similarly situated to a spouse of the victim under the domestic or family violence occurred.
- 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.

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.

1. The existence of such a relationship shall be determined based on the reporting 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.

For the purpose of this definition—

- Dating violence includes, but is not limited to, sexual or physical abuse or threat



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of such abuse.

- Dating violence does not include acts covered under the definition of domestic violence.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purpose of this definition—

- Course of conduct means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.

Consent

Sexual conduct requires consent. Consent must be voluntary. An individual cannot consent who is substantially impaired by any drug or intoxicant; or who has been compelled by force, threat of force, or deception; or if the accused substantially impairs the victim/survivor's judgment or control by administering any drug, intoxicant or controlled substance to the other person surreptitiously or by force, threat of force or deception; or who is unaware that the act is being committed; or whose ability to consent is impaired because of a mental or physical condition; or who is coerced by supervisory



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or disciplinary authority. Consent may be withdrawn at any time. Prior sexual activity or relationship does not, in and of itself, constitute consent.

Appendix B—Ohio Criminal Offenses

Sex Offenses

Ohio Revised Code 2907.02 – Rape
Ohio Revised Code 2907.03 – Sexual Battery
Ohio Revised Code 2907.05 – Gross Sexual Imposition

Non-Forcible Sex Offenses

Ohio Revised Code 2907.03 – Sexual Battery
Ohio Revised Code 2907.04 – Unlawful Sexual Conduct w/a Minor

Domestic Violence

Ohio Revised Code 2919.25 – Domestic Violence

Dating Violence

Ohio Revised Code 2903.11 – Felonious Assault
Ohio Revised Code 2903.12 – Aggravated Assault
Ohio Revised Code 2903.13 – Assault
Ohio Revised Code 2903.14 – Negligent Assault
Ohio Revised Code 2905.01 – Kidnapping
Ohio Revised Code 2905.02 – Abduction
Ohio Revised Code 2905.03 – Unlawful Restraint
Ohio Revised Code 2917.11 – Disorderly Conduct

Stalking



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Ohio Revised Code 2903.21 – Aggravated Menacing
Ohio Revised Code 2903.211 – Menacing by Stalking
Ohio Revised Code 2903.22 – Menacing
Ohio Revised Code 2917.21 – Telecommunications Harassment

Appendix C—Discrimination and Harassment Definitions

For the purpose of determining whether particular conduct constitutes a violation of this Policy the following definitions will be used:

Discrimination: conduct that is based on a person’s sex/gender (including sexual harassment, sexual violence, sexual misconduct, domestic violence, dating violence, or stalking), sexual orientation, gender non-conformity, gender identity, or pregnancy that:

1. Adversely affects a term or condition of a person’s employment, education, living environment or participation in a MCCN activity; or
2. Is used as a basis for or a motivating factor in decisions affecting the person’s employment, education, living environment or participation in a MCCN activity.

Harassment: sex/gender (including sexual harassment, sexual violence, sexual misconduct, domestic violence, dating violence, or stalking), sexual orientation, gender non-conformity, gender identity, or pregnancy that has the purpose or effect of unreasonably interfering with a person’s employment or educational experience or creates an intimidating, hostile, offensive working, educational or living environment. Examples of conduct prohibited by this Policy include but are no means limited to:

1. Denying a person access to an educational program based on the person’s sex, sexual orientation, gender identity, or pregnancy.
2. Denying salary increases and/or promotions on the basis of the person’s sex, sexual orientation, gender identity, or pregnancy.
3. Preventing a person from using MCCN facilities or services on the basis of that person’s sex, sexual orientation, gender identity, or pregnancy.
4. Instigating or perpetuating an environment that is unwelcome or hostile based on



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- a person's sex, sexual orientation, gender identity, or pregnancy.
5. Subjecting a person to offensive and unwelcome conduct based on the person's sex, sexual orientation, gender identity, or pregnancy. Offensive and unwanted conduct can includes offensive jokes, offensive pictures and digital images, slurs, epithets, threats, intimidation, stalking, and unwanted sexual conduct or contact (including rape, sexual assault, sexual battery, or non-consensual touching).
 6. Basing decisions about employment or educational opportunities on a person's acceptance or rejection of a sexual advance, sexual imposition or request for sexual favors.

The more severe the conduct the less need there is to show a repetitive series of incidents to demonstrate a hostile environment. In fact, a single severe incident may be sufficient to create a hostile environment.