

COLUMBUS COLLEGE OF ART & DESIGN SEXUAL MISCONDUCT POLICY AND REPORTING OPTIONS

Revised November, 2017

OVERVIEW

The Columbus College of Art & Design (CCAD) strictly prohibits sexual misconduct of any kind. Furthermore, CCAD is firmly committed to maintaining an educational environment that is free from any form of sex or gender-based harassment, discrimination, or unequal treatment. All incoming students and employees participate in training designed to raise awareness and improve attitudes, behaviors, and knowledge about sexual misconduct. Campus administrators including residential advisors, security officers, and student affairs staff receive additional training on how to respond to incidents of sexual misconduct including sexual assault, sexual harassment, relationship violence, and stalking. Additionally, CCAD's bystander awareness and prevention initiative (known as UOKCCAD) provides a platform for ongoing education and culture-shaping through social media campaigns, speakers, and workshop opportunities. The college believes in zero tolerance for sex or gender based misconduct and all members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others.

TITLE IX COORDINATOR AND SEXUAL MISCONDUCT RESPONSE TEAM

The college's Title IX Coordinator oversees compliance with all aspects of the sex or gender based harassment, discrimination and misconduct policy. The Coordinator reports directly to the President. Questions about this policy should be directed to the Title IX Coordinator.

Anyone wishing to make a report relating to sexual misconduct may do so by reporting the concern to the Title IX Coordinator or another member of the sexual misconduct response team via e-mail, by phone, or in-person:

Name: Chris Mundell

Title: Vice President for Student Affairs & Dean of Students, Title IX Coordinator

Location/Address: Joseph V. Canzani Center—2nd Floor, 60 Cleveland Ave., Columbus, OH, 43215
614-222-4015

Email: cmundell@ccad.edu

Name: Athena Sanders

Title: Assistant Dean of Students for Support Services, Title IX Investigator

Location/Address: Loann Crane Center—1st Floor, 112 Cleveland Ave., Columbus, OH, 43215

Phone: 614-222-3251

E-mail: asanders@ccad.edu

In the event that an incident involves alleged misconduct by the Title IX Coordinator, reports should be made directly to:

Name: Linda Simpson

Title: Director of Human Resources

Location/Address: Administration Building, 107 N. Ninth St., Columbus, OH 43215
Phone: 614-222-4036
E-mail: lsimpson@ccad.edu

WHAT IS SEXUAL MISCONDUCT?

Actions that fall within the category of sexual misconduct include: 1.) Sexual Harassment, 2.) Non-Consensual Sexual Contact, 3.) Non-Consensual Sexual Intercourse (i.e., sexual assault), 4.) Sexual Exploitation, 5.) Stalking, and 6.) Intimate Partner Violence.

SEXUAL MISCONDUCT DEFINITIONS

1. Sexual Harassment is unwelcome sexual, sex-based and/or gender-based verbal, written, online and/or physical conduct.

Anyone experiencing sexual harassment in any CCAD program or department is encouraged to report it immediately to the Title IX Coordinator or their designee. Interim remedies, accommodations, education and/or training will be provided in response.

Sexual harassment may be further disciplined when it takes the form of quid pro quo harassment, retaliatory harassment and/or creates a hostile environment.

A hostile environment is created when sexual harassment is:

- sufficiently severe, or
- persistent or pervasive, and
- objectively offensive so that it:
 - unreasonably interferes with, denies or limits someone's ability to participate in or benefit from educational experiences, employment, social and/or residential programs

Quid Pro Quo Harassment is:

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature
- By a person having power or authority over another constitutes sexual harassment
- When 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
- This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational [or employment] program

Examples include: 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. Non-Consensual Sexual Contact is:
- any intentional sexual touching,
 - however slight,
 - with any object or body part
 - by a person upon another person,
 - that is without consent and/or by force

Examples include: 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.

3. Non-Consensual Sexual Intercourse is:
- any sexual intercourse
 - however slight,
 - with any object or body part
 - by a person upon another person,
 - that is without consent and/or by force

Intercourse includes:

- 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.

4. Sexual Exploitation occurs when one person takes non-consensual or abusive sexual advantage of another for their 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 the other sexual misconduct offenses outlined in this policy.

Examples include:

- 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

5. Stalking is engaging in a pattern of conduct directed at a specific person that is:
- Repetitive and/or menacing and
 - would cause a reasonable person to fear for their safety or
 - to suffer substantial emotional distress.

6. Intimate Partner Violence is defined as violence or abuse between those in an intimate relationship to each other.

RELATED DEFINITIONS:

Consent for sexual contact is an active state that is clear, knowing, and voluntary through words or actions. Consent is achieved when there is mutually understandable permission regarding willingness to engage in sexual activity or escalate ongoing sexual activity. Silence, in and of itself, cannot be interpreted as consent. Use of alcohol or other drugs can never function to excuse any behavior that violates this definition of consent.

Other important considerations about consent include:

- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity
- Previous relationships or prior consent cannot imply consent to future sexual acts
- Consent can be withdrawn once given, as long as that withdrawal is clearly communicated
- Sexual activity with someone that a reasonable person should know to be incapacitated constitutes a violation of this policy
- Incapacitation is 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)
- Incapacitation can occur mentally or physically by alcohol or other drug use, or blackout resulting from use of such substances
- This policy also covers a person whose incapacity results from a disability condition, sleep, unconsciousness, or involuntary physical restraint

Force is 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 (i.e., “Have sex with me or I’ll hit you. Okay, don’t hit me, I’ll do what you want.”).

Coercion is unreasonable pressure for sexual activity. When someone makes clear 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.

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 bringing an allegation, for supporting a reporting party or for assisting in providing information relevant to an allegation is a serious violation of college policy.

Interim Measures are temporary actions taken by the Title IX Coordinator or designee to foster a safer and more stable environment during ongoing exploration of options, investigation, or after resolution of an allegation of misconduct. Potential measures include:

- No contact orders
- Changes in academic schedule
- Housing adjustments (e.g., moving rooms or buildings)
- Interim suspension
- Limits on the accused individual's access to campus facilities

No-contact order is a written directive issued by the Title IX Coordinator or designee that prohibits a student from having any form of contact with another student for a designated period of time or indefinitely. No-contact orders are often issued as interim measures during a sexual misconduct investigation process.

Reporting Party is an individual who brings forward an allegation of gender-based discrimination or sexual misconduct.

Responding Party is an individual who is alleged to have committed a violation of the college's sexual misconduct policy.

Title IX Coordinator is the individual designated to ensure compliance with Title IX by ensuring a fair and equitable process for reporting, investigating, and remedying the effects of sexual misconduct or gender-based discrimination.

Title IX Investigator is an individual designated by the Title IX Coordinator to investigate allegations of sexual misconduct or gender-based discrimination.

REPORTING OPTIONS

All CCAD employees (faculty, staff, and college administrators) are expected to immediately report actual or suspected misconduct to the Title IX Coordinator, though there are some limited exceptions. In order to make informed choices, it is important to be aware of mandatory reporting requirements when sharing information about a concern with faculty or staff. Licensed counselors in the Counseling & Wellness Center (CWC) are the only staff who can maintain confidentiality – meaning they are not required to report actual or suspected discrimination, misconduct, or harassment to appropriate college officials. Other resources exist for a victim to report crimes and policy violations and these resources will take action when an incident is reported to them. The following describes the two reporting options at CCAD:

CONFIDENTIAL REPORTING

On-Campus:

- Counseling & Wellness Center (CWC)

If a reporting party would like the details of an incident to remain confidential, they may speak with one of the licensed mental health professionals within the CWC. These employees will maintain confidentiality except in extreme cases of immediate threat or danger, or abuse of a minor.

Off-Campus:

- Licensed professional counselors (non-CCAD employees)
- SARCO (Sexual Assault Network of Central Ohio): 614.267.7020

- BRAVO Ohio (Buckeye Region Anti-Violence Organization): 614.294.7867
- Clergy members

FORMAL REPORTING

On-Campus:

- Title IX Coordinator
- Title IX Investigator(s)
- Safety & Security
- Residential Advisor (RA)
- Administrative Staff (For example: One Stop, Packard Library, Beeler Gallery, Career Services)
- Faculty (any faculty member including full-time or part-time/adjunct)

Off-Campus:

- Law enforcement (local jurisdiction is the Columbus Police Department)*

*Reporting to law enforcement is a separate process from making a report with the college and could lead to a criminal investigation and legal proceedings. Victims can file a report while seeking care at an emergency department and/or may receive assistance by contacting an advocate through the Sexual Assault Response Network of Central Ohio (SARNCO).

DUTY TO INVESTIGATE AND LIMITS OF CONFIDENTIALITY

All college employees have a duty to report, unless they fall under the “Confidential Reporting” section above. CCAD is required by law to investigate allegations of sexual misconduct, whether communicated verbally, in writing, or through third-party report. This obligation may exist regardless of whether the alleged recipient chooses to make a formal report or to participate in the investigation process. The alleged recipient or any other reporting individual may choose not to participate in any investigative action taken by the college. Requests for anonymity, while not guaranteed, will be respected to the greatest extent possible; however, a request for anonymity may result in conditions that make it difficult for the college to conduct a full and proper investigation.

Reporting parties may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared by the employee with the Title IX Coordinator and/or Title IX Investigator(s). Employees must share all details of the reports they receive. Generally, climate surveys, classroom writing assignments, human subjects research, or events such as Take Back the Night marches or speak-outs do not provide notice that must be reported to the Coordinator by employees. Interim measures may result without formal action by the college.

FEDERAL CLERY REPORTING REQUIREMENTS

Certain campus officials – those deemed Campus Security Authorities - have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety.

Victims of sexual misconduct should also be aware that college administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The college will ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

OTHER POLICY PROVISIONS

Attempted Violations: In most circumstances, CCAD will treat attempts to commit any of the violations listed in this policy as if those attempts had been completed.

False Reports: The college will not tolerate intentional false reporting of incidents. It is a violation of the CCAD Student Code of Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

Amnesty for Victims and Witnesses: The CCAD 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 underage drinking 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. Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to help take a sexual misconduct victim to college authorities). 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.

Parental Notification: CCAD reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. The college may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, the college will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The college also reserves the right to designate which campus officials have a need to know about individual conduct reports pursuant to the Family Educational Rights and Privacy Act (FERPA).