Community of Respect (CoRe) Policy

Procedures to Address Discrimination, Harassment, and Related Misconduct

I. General Information

Urbana University is an intentional learning community emphasizing mutual respect for all members and guests while valuing the dignity and worth that each brings to the community. Each community participant has a right to be free from discrimination, harassment, and sexual misconduct in the learning environment and work setting. Therefore, these and other conduct that diminishes dignity and worth of members of and guests to the University community, regardless of age, religion, race, ethnicity, color, national origin, ancestry, immigration status, sex, sexual orientation, gender identity or expression, marital or familial status, disability, or veteran or military status, is prohibited. Such conduct by students, staff, faculty, administrators, trustees, volunteers, visitors, contractors, and vendors is disruptive to the educational environment and work setting. Any complaint by a member or guest of the University community will be investigated and addressed under the Community of Respect policy.

Urbana University prohibits discrimination on the basis of age, religion, race, ethnicity, color, national origin, ancestry, immigration status, sex, sexual orientation, gender identity or expression, marital or familial status, disability, or veteran or military status in student admission, financial aid, educational or athletic programs, or employment as required by federal, state, and local laws. The following person has been designated to handle inquiries regarding the Community of Respect policies and procedures: Nick Christian, Associate Dean of Students, Student Center, 937-772-9284, nick.christian@urbana.edu.

This policy, as available at www.urbana.edu/title-ix, supersedes all current University policies pertaining to discrimination, harassment, and sexual misconduct. Substantive changes to this policy will be highlighted for three months following the update.

Last update to policy: June 30, 2016 (significant changes highlighted by red text)

A. Scope & Jurisdiction

Regardless of the status of the parties involved, this policy applies to students, staff, faculty, administrators, trustees, volunteers, visitors, contractors, and vendors. This policy also extends to the University the right to act on incidents occurring on-campus, at University-sponsored events and programs, off-campus, and online or electronic conduct when the University determines that such conduct affects the University’s educational or employment environment.

Students and employees continue to be subject to city, state, and federal laws while at the University, and violations of those laws may also constitute violations of University policies. In
such instances, the University may proceed with an investigation under these policies independently of any criminal proceeding involving the same conduct and may impose sanctions for violation of these policies even if such criminal proceeding is not yet resolved or is resolved in the Responding party’s favor.

The University reserves the right to proceed with an investigation process even if the Responding Party withdraws from the University, is no longer enrolled in classes or employed, or subsequently fails to meet the definition of a student or employee while an investigation is pending.

If the Responding Party is unknown or is not a member of the University community, the CoRe Administrator (or designee) will assist individuals in identifying appropriate campus resources or local authorities if the individual would like to file a report. In addition, Urbana University may take other actions to protect the individual and the campus community. The University will assist students, faculty and staff who report sexual violence, sexual harassment, stalking, dating violence and/or domestic violence in obtaining medical support and information regarding available legal and Student/Employee Conduct resources, as well as counseling and support services. The University will also assist students, faculty and staff in notifying local police if the assistance of law enforcement is requested.

B. General Definitions

CoRe Administrator: individual charged with coordinating the University response to reports and complaints of misconduct under this policy; they do not serve as an advocate for either the reporting party or responding party.

Protected Class: any protected category under applicable local, state, and federal law, ordinance, or regulation

Reporting Party: the person or entity bringing the allegations that this policy has been violated; may include a 3rd party reporter

Responding Party: the person or entity alleged to have violated this policy

Student: Once an individual registers for classes at Urbana University, they will be considered a student until they complete their program of study or have not attended for twelve consecutive months, whichever comes first

C. Inquiries

The following individual has been designated as the institution’s CoRe Administrator. Students and/or employees may contact him in order to:

● seek information or training about rights and courses of action available to resolve reports or complaints that involve potential discrimination, harassment, or related misconduct;

● file a complaint or make a report of discrimination, harassment, or related misconduct;

● notify the University of an incident or policy or procedure that may raise potential concerns related to this document;

● obtain information about available resources (including confidential resources) and support services relating to discrimination, harassment, or related misconduct; and
• ask questions about the University’s policies and procedures related to discrimination, harassment, or related misconduct.

The CoRe Administrator listed below monitors and advises compliance, including:
• Training, consultation, and technical assistance on the Community of Respect policy for students and employees;
• Conducting adequate, reliable, and impartial investigations of reports and complaints; and
• Implementing steps to ensure the reporting party’s equal access to the University’s programs and activities and protect the reporting party as necessary.

CoRe Administrator
Nick Christian
Associate Dean of Students for Professional Development/Title IX Coordinator
Urbana University Student Center
579 College Way
Urbana, OH 43078
937-772-9284
nick.christian@urbana.edu

Anonymous tips may be made to 937-772-9338 or emailed to tips@urbana.edu

Inquiries or complaints that involve potential violations of Title IX or Section 504 may also be referred externally to the US Department of Education’s Office of Civil Rights:
Office of Civil Rights, Cleveland Office
US Department of Education
1350 Euclid Avenue, Suite 325
Cleveland, OH 44115-1812
Phone: 216-522-4970
TDD: 800-877-8339
Email: ocr.cleveland@ed.gov

Inquiries or complaints involving Title VII or Equal Employment Opportunity may also be made externally to:
Equal Employment Opportunity Commission
550 Main Street, 10th Floor
Cincinnati, OH 45202
Phone: 800-669-4000
TTY: 800-669-6820

II. University Policies

A. Discrimination, Harassment, & Sexual Misconduct

Discrimination is defined as unequal, adverse treatment of an individual because of his/her protected legal status—such as race, age, or gender—that unreasonably interferes with, denies,
or limits someone's employment access, benefits or opportunities, and/or the ability to participate in or benefit from the university's educational program and/or activities.

Discrimination can take many forms, including the following prohibited conduct*:

1. **Harassment** is:
   - any unwelcome verbal, written, or physical conduct that is
   - sufficiently severe, pervasive or persistent that it
   - creates an intimidating, hostile, degrading, humiliating, or offensive environment and
   - interferes with, denies, or limits one’s access to or benefits of the employment and/or educational environment.

   *Examples of harassment include:* bullying; hazing; verbal, written (including via electronic communication), or physical intimidation; persistent unjustified criticism; public humiliation; insults, jokes, and inappropriate comments; threats; displays of objectively offensive materials; and exclusion.

   *Examples of sexual harassment 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; and gender-based bullying.

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

   *Sexual contact includes:* 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; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth, or other orifice.

3. **Non-Consensual Sexual Intercourse** is:
   - any sexual intercourse
   - however slight
   - by a person upon another person
   - with any object
   - 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 or genital to mouth contact) no matter how slight the penetration.
4. **Sexual Exploitation** occurs when a 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 the other sexual misconduct offenses.  
*Examples of sexual exploitation include:* invasion of sexual privacy; prostituting another person; non-consensual video or audio-taping of sexual activity; going beyond the boundaries of consent (such as letting someone hide in a closet to watch consensual sex); engaging in voyeurism; knowingly transmitting an STI or HIV; exposing one’s genitals in non-consensual circumstances or inducing another to expose their genitals; sexually based stalking and/or bullying may also be forms of sexual exploitation.

5. **Relationship Violence** is physical, emotional, and/or psychological abuse between those in a current or former intimate relationship (this includes romantic, dating, or domestic relationships).

6. **Stalking** is:  
- a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct  
- directed at a specific person  
- that would cause a reasonable person to feel fear.  
*Stalking includes:*  
- Non-consensual communication including in-person communication, telephone calls, voice, text, email, or instant messages, social networking site postings, postings of pictures or information on Web sites, written letters, gifts, or any other communications that are undesired and/or place another person in fear.  
- Following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by another.  
- Direct physical and/or verbal threats against another or another’s loved ones.  
- Manipulative and controlling behaviors such as threats to harm oneself, or threats to harm someone close to another.

7. **Romantic/Sexual Consensual Relationships between People with Unequal Power**  
There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (e.g., faculty and student, supervisor and employee). The unequal power inherent in such relationships, even if consensual, heightens the vulnerability of the person with less power and heightens the potential for coercion and abuse. In addition, these relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of this policy. Such relationships can also create a hostile learning and work environment for others.
Examples of the kinds of relationships prohibited by this policy include:

- Faculty and students. The decision to become a faculty member at the university presumes an educational and mentoring relationship with any student and precludes engaging in such a romantic relationship with any student.
- Staff or volunteers who have mentoring or supervisory relationships with students. The decision to become a staff member or a volunteer in a position that is defined by mentoring or supervision precludes engaging in such a romantic relationship with any student.
- Supervisors and subordinates. Romantic relationships are not allowed between employees of Urbana University when a supervisory relationship is involved. This applies to all employees, including student employees, and their supervisors. The power differential makes such relationships open to abuse and to charges of sexual harassment or unprofessional conduct. Such relationships can also create a hostile work environment for others. Should romantic relationships develop, the supervisor should inform his/her supervisor so that appropriate actions can be made to remove the involved supervisor from direct supervision of the employee.

8. Retaliation is any action, statement, or behavior that is designed to punish an individual for filing a report, cooperating with an investigation, seeking guidance regarding a concern or to deter someone from taking such action. Retaliation in any form will not be tolerated by any participant or third-party to a discrimination, harassment or sexual misconduct policy violation or suspected violation. Acts of retaliation will be investigated and addressed according to this policy.

Violation of any other University rule, when it is motivated by perceived membership of the victim in a protected class, including sex or gender, may be pursued using this policy and process.

*Note that campus definitions of harassment, stalking, domestic violence and types of sexual misconduct to address University policy violations differ from state and federal law definitions which are applicable to criminal prosecutions.

B. Accommodation of Disabilities

Urbana University provides accommodations and support services to students with disabilities to ensure that students are not denied the benefits of or excluded from participation in any program or activity offered by the University. To receive services, students with disabilities must identify their disabilities and provide diagnostic documentation from a licensed psychologist or medical doctor to Susie Sassenberg, Associate Dean of Students for Counseling and Student Success, Blackmer Hall, 937-772-9230. All documentation received is confidential. Students must identify their disabilities to each faculty member teaching a class in which they request accommodations.

Urbana University will not discriminate against any qualified employee or applicant for employment on the basis of a physical or mental disability. The University will provide
reasonable accommodations to assist individuals with disabilities to perform essential job functions, as long as the accommodation does not cause the University undue hardship.

C. Mandatory Reporters

Three federal laws—Title VII, Title IX, and the Clery Act—establish responsibilities for employees to report certain types of crimes and incidents, especially sexual misconduct. Each of these laws has a different purpose, but generally the laws are intended to protect members of the campus community, visitors and guests from criminal and discriminatory behavior. The responsibilities established by these laws give rise to the term “mandatory reporter.” Reporting of concerning and disruptive behaviors is not legally mandated, but is a policy mandate to assist the University in early identification and detection of at-risk situations. Additionally, state law imposes mandates with respect to the reporting of child and elder abuse and sexual abuse.

Urbana University defines all employees and volunteers who have mentoring or supervisory relationships with students as mandatory reporters, except those listed under “Confidential Reporting” in section III.C. If you learn about discrimination, harassment, or sexual misconduct, you are expected to promptly contact a member of the CoRe Team listed in Section VI. Other serious crimes, including those covered by the Clery Act, must be reported to Campus Safety. Additionally, reports of any type of misconduct can be made anonymously to 937-772-9338 or tips@urbana.edu.

Where student employees have supervisory or mentoring roles (i.e., student manager, resident assistant, student coach), oversee a facility (i.e., Student Center or Library), or otherwise have authority that affects the work or educational environment of other students, they are considered mandatory reporters under this policy.

Federal statutes, including the Clery Act and Title IX, require the reporting of serious crimes, including sexual offenses, harassment, and discrimination. As an Urbana University employee, you are expected to report such crimes immediately.

**Report to CoRe Administrator:**
- Discrimination
- Harassment based on protected class
- Sexual Misconduct
- Incest
- Rape
- Stalking
- Relationship Violence (Domestic or Dating)
- Intimidation

**Report to Campus Safety and/or Supervisor:**
- Murder/Non-negligent manslaughter
- Negligent manslaughter
- Robbery
- Aggravated assault when not based on protected class
- Burglary/Theft
- Motor vehicle theft
- Arson
- Simple assault
- Destruction/damage/vandalism or property
- Liquor, drug or weapons law violations/arrests

When reporting crimes or misconduct, a university employee will provide names, descriptions, witness information as they are able. If a clear threat to health or safety is present, some identifying information would be required. Other campus officials may need additional
information in order to fulfill the university’s obligations under various laws. The CoRe Administrator or a member of the Threat Awareness & Behavioral Intervention Team will guide you with regards to how much detail is needed in your initial report. In the subsequent actions, the university will empower the reporting party and allow the reporting party to retain as much control over the process as possible. However, no university employee can or should promise confidentiality.

In some cases, Campus Safety may be required to release a timely warning to the University community about a threat to the community. In such cases, an initial investigation or determination of the nature of the threat may be conducted, after which a warning will be issued immediately.

**D. Consent**

Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.

Consent to one form of sexual activity cannot imply consent to other forms of sexual activity. Previous relationships or consent cannot imply consent to future sexual acts.

Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that he or she does 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.

In order to give effective consent, one must be of legal age (in Ohio, age 16, or 18 if the offender is four or more years older than the reporting party).

If you have sexual activity with someone you know to be—or should know to be—mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), you are in violation of this policy. Incapacitation is a state where one cannot make a rational, reasonable decision because they lack the ability to understand the who, what, when, where, why or how of their sexual interaction.

This policy also covers someone whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of a so-called “date-rape” drug.

Use of alcohol or other drugs by responding parties will never function to excuse behavior that violates this policy.
III. Notice of Offenses under This Policy

A. Reporting is Vital
Urbana University is committed to creating a culture of reporting by encouraging reporting.

Urbana University is obligated to follow up on all allegations and is able to respond formally to alleged incidents of discrimination, harassment, and related misconduct that occurred on campus, that were part of an official University program or activity (regardless of location), or where the Reporting Party and Responding Party are members of the Urbana University community.

B. Support
The following resources are available to provide short- and long-term support to individuals involved in CoRe investigations and the disciplinary process.

On Campus:
   Susie Sassenberg, Licensed Counselor: 937-772-9230, Susie.sassenberg@urbana.edu

Local off-campus resources include:
   Police: 911
   Project Woman Hotline: 800-634-9893 (provides access to trained advocates)
   Legal Aid of Western Ohio: 888-534-1432 or www.lawolaw.org

National Resources:
   National Sexual Assault Hotline: (800)656-HOPE
   National Domestic Violence Hotline: (800)799-SAFE

C. Confidentiality & Privacy
Confidentiality and privacy are valued for parties involved in an incident of discrimination, harassment, or related misconduct. In working with individuals, the University will be guided by the goals of empowering the reporting party and allowing the reporting party to retain as much control over the process as the case allows, but no university employee (other than those listed as Confidential Reporters below) can or may promise confidentiality over the course of the process. When the investigation and/or resolution process requires disclosure of certain information, the University will keep the reporting party informed, and protected to the extent permitted by the circumstance.

Urbana University cannot promise complete confidentiality, however we will work to ensure each situation is resolved as privately as possible in compliance with the Family Educational Rights and Privacy Act (FERPA), a federal law. Urbana University understands that reporting a crime may involve disclosing sensitive information. The University will use and disseminate such information consistent with the need to conduct an appropriate investigation, to provide assistance and resources to crime victims, and to perform other appropriate university functions. Note that the use and release of personally identifiable information from an education record of
a student is governed by the Family Educational Rights and Privacy Act (FERPA), and the University will only disclose covered student information in compliance with that law and university policy. Ohio law mandates that any person learning about the commission of a felony must report it to law enforcement.

Confidential Reporting
If a reporting party does not desire action by the University and would like the details of the incident to be kept confidential, the reporting party may seek support from certain resources who are not required to tell anyone else private, personally identifiable information unless there is cause for fear of victim safety, or the safety of other members of the community.

- Susie Sassenberg, Licensed Counselor: 937-772-9230 or susie.sassenberg@urbana.edu
- Project Woman Hotline: 800-634-9893
- University Employee EAP Hotline: 800-869-0276

D. Amnesty
The University will take into consideration the positive impact of reporting an incident of discrimination, harassment, or related misconduct when determining the appropriate response for policy violations by the parties and witnesses to an incident. An individual participating in an investigation will not be subject to disciplinary action by the University for his/her own personal consumption of alcohol or drugs at or near the time of the incident, provided the specific incident has not come to the university’s attention via normal reporting channels and/or any such violations did not and do not place the health or safety of any other person at risk. Education options may be explored, but no conduct proceedings or record will result.

E. Bystander Intervention
In establishing a Community of Respect, the University expects all community members to take reasonable and prudent actions to prevent or stop an act of misconduct. Taking action may include direct non-violent intervention, calling law enforcement, and seeking assistance from a person in authority. Community members who choose to exercise this positive moral obligation in good faith and a reasonable manner will be supported by the university and protected from retaliation.

F. False Complaints
The University will seriously investigate all complaints. However, it also recognizes that false complaints are likely to cause significant damage to the person and reputation of an individual who is wrongfully accused. Individuals found to have knowingly made false complaints will be subject to disciplinary action. A complaint that is erroneous but made in good faith will not be subject to disciplinary action.
IV. Investigating Notices of Offense

When the University receives a notice of offense or complaint, the CoRe Administrator or designee will complete an initial assessment and make an initial determination whether a policy violation may have occurred. If a complaint does not appear to allege a policy violation, then the complaint does not proceed. Even where a violation of this policy is not found to have occurred, the University may recommend that mediation, counseling, or other restorative steps be taken. If another campus policy is found to have been violated, the University may implement sanctions as appropriate.

The CoRe Administrator or designee will explain the University conduct procedures to the reporting party, including: the difference between the administrative procedures and criminal reporting; no contact orders and remedial action; and confidentiality and privacy. The University has an obligation to investigate allegations of related misconduct as provided for in this policy.

A. Rights of Those Involved

Urbana University is an intentional learning environment emphasizing mutual respect for all members and guests while valuing dignity and worth that each brings to the community. When incidents occur that are detrimental to upholding our values and disrupt Urbana University’s community, the University will seek to restore an atmosphere that is conducive to learning and personal growth while upholding the rights of community members. Urbana University’s Community of Respect (CoRe) Team has a responsibility to protect the rights of all parties involved in any allegation of improper behavior.

Reporting party has the right to:
- have allegations treated seriously.
- notify or not notify law enforcement and to be assisted by campus authorities in notifying law enforcement.
- have their cases referred for administrative campus investigation and review.
- have campus personnel take reasonable and necessary actions to prevent further unwanted contact by alleged responding parties.
- amnesty for minor student misconduct (such as alcohol or drug violations) that is secondary to the alleged incident.

Reporting parties and Responding parties have the right to:
- be treated with dignity and respect by University officials.
- information for on- and off-campus support resources.
- have grievances reviewed through the procedures outlined in this policy.
- be accompanied by an advocate or advisor of their choice during the campus investigative and administrative process, though advocates may not address or participate in the process.
- be informed of the outcome of any campus disciplinary process related to this policy.
- be free from retaliatory actions by other members of the community.

Reporting party will be notified of, and have the right to receive, no contact administrative orders and adjustments to academic, housing, or work arrangements, whether or not there is a formal complaint.
B. Interim Actions & Remedies

The University may implement interim actions and remedies as appropriate upon notice of alleged discrimination, harassment, and/or related misconduct. Interim actions and remedies will be made for the safety of the individuals involved as well as the university community as a whole. Requests for assistance may be made to the CoRe Administrator who will confer with the Dean of Students or Executive Director of Human Resources to implement any immediate interim actions necessary to stop any discrimination or harassment.

Interim actions may include, but are not limited to: providing counseling, access to medical services, providing academic support, interim suspensions, paid or unpaid leave, no contact orders, university housing adjustments, campus escort, academic or work schedule and assignment accommodations, safety planning, and/or referral to campus or community support resources.

C. Investigation

A full investigation will be pursued if there is evidence of a violation, a pattern of misconduct, a presence of violence, or a perceived threat of further harm to the community or any of its members. The University desires to complete all investigations within a 60 day time period, which can be extended as necessary for appropriate cause by the CoRe Administrator with notices to the parties.

Once a full investigation is deemed appropriate, the CoRe Administrator will appoint trained investigators to complete the investigation. The investigation will be conducted with no predisposition towards any particular finding or result. It will be a thorough, reliable and impartial inquiry into the allegations of the complaint, the responses and defenses raised by the responding party, and other relevant issues.

Trained investigators will interview the reporting and responding parties as well as identified witnesses. Investigators will prepare a summary report with findings to the CoRe Administrator who will make recommendations for sanctioning based on the report.

In making a determination of responsibility, the University considers the greater weight of the credible evidence as its standard. Often referred to as the “preponderance of the evidence,” this standard asks decision-makers to consider whether it is more likely than not that a violation occurred.

The standard of evidence in determining whether a Responding party is in violation is not as high as that of the criminal process. No individual will be found in violation of Urbana University’s policies without the preponderance of evidence that a policy violation occurred. Legal rules of evidence do not apply in campus conduct cases.
**D. Results of Investigation**

The President will review the results of the investigation and recommended sanctions to confirm that the investigation has been fair, objective, impartial, and thorough and that University policies have been followed. This review must be completed within five calendar days of the date of receipt of the investigative report from the CoRe Administrator. The investigator’s summary report must be sufficiently detailed and thorough to support the sanctioning process and to provide fairness to all participants.

1. **For Students**

   Students found to have violated University policy will have appropriate disciplinary sanctions administered by the Dean of Students. The Dean of Students will notify the responding party and the reporting party in writing of the President’s decision. If the Dean of Students serves as a party or witness in the investigation, the CoRe Administrator’s recommendation will be sent to the Vice President for Enrollment & Student Affairs at the Franklin University campus for notification of disciplinary sanctions.

2. **For Employees**

   Employees found to have violated University policy will have appropriate disciplinary sanctions administered by the Executive Director of Human Resources or Human Resource Generalist, depending upon who is assigned to the investigation. The Human Resources personnel will notify the reporting party and responding party in writing of the sanctions. If both Human Resource personnel serve as a party or witness in the investigation, the CoRe Administrator’s recommendation will be sent to the Senior Vice President/Chief of Staff at the Franklin University campus for notification of disciplinary sanctions.

**E. Sanctions**

Not all forms of discrimination, harassment and sexual misconduct are equally serious offenses, and the University reserves the right to impose different sanctions, ranging from verbal warning to expulsion/termination, depending on the severity of the offense. The University will consider the concerns and rights of both the reporting and responding party.

- Any person found responsible for violating the policy on Non-consensual Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion (student) or termination (employee), depending on the severity of the incident, and taking into account any previous violations.

- Any person found responsible for violating the policy on Non-consensual Sexual Intercourse will likely receive a sanction of suspension to expulsion (student) or termination (employee).

- Any person found responsible for violating the policy on Sexual Exploitation or Sexual Harassment (and related violations) will likely receive a sanction ranging from warning to expulsion (student) or termination (employee), depending on the severity of the incident and taking into account any previous violations.
● Any person found responsible for violating policies on Dating Violence, Domestic Violence, or stalking will likely receive a sanction of Probation with Restrictions to expulsion (student) or termination (employee).

V. Appeals

The Reporting Party and Responding Party each have the right to request appeal of the outcome decision within 5 calendar days of receipt of the decision letter. This appeal is not intended to re-investigate the same case and is limited to the specific grounds outlined below. Any resolution or sanction will remain in force while a request for appeal is considered and, if accepted, a final decision is determined. The appeal decision is final. Submission of any appeal must be made in writing to the CoRe Administrator.

The outcomes of an investigation can be appealed once. Requests for Appeal should be based on one of the following reasons:

● The established processes were not followed in a significant way that resulted in material harm or prejudice. Deviations from designated procedures will not be a basis for sustaining an appeal unless material harm or prejudiced results have occurred.
● Discovery of substantial new evidence that was unavailable at the time of the investigation that reasonably could have affected the decision. This new information must be included with the Request for Appeal. Non-participation in the investigation is not considered new evidence.
● The sanction imposed was disproportionate to the nature of the violation or circumstances. Cases in which a Responding party has accepted responsibility, such appeals are limited to having the severity of the sanction reviewed.

Dissatisfaction with a decision is not grounds for an appeal. All appeal decisions are final.

Requests for appeal will be reviewed within 3 calendar days by the Chief of Staff/Senior Vice President for Administration or the Vice President for Enrollment and Student Affairs at the Franklin University campus to determine if the petitioner has standing for the appeal and if the appeal could substantially impact the outcome. If it is found the appeal does not have merit, the Request for Appeal will be rejected and both parties will be notified.

If the Request for Appeal is accepted the CoRe Administrator will provide 2 calendar days for the other party to respond to the appeal before the original decision will be reviewed. If a review of the outcome decision is requested the case is sent back to the CoRe Administrator to be reviewed and to provide a recommendation for an outcome decision. Both parties will be notified of the appeal outcome decision.
VI. Community of Respect Contacts

Administrator

Nick Christian, Associate Dean of Students for Professional Development, Student Center, 937-772-9284, nick.christian@urbana.edu

Investigators

Bill Pettibone, Assistant Professor of Business, Moore Center, 937-772-9322, William.pettibone@urbana.edu
Nikki Pluger, Associate Director of Athletics for Compliance, Grimes Center Athletic Offices, 937-772-9305, Nicole.pluger@urbana.edu
Randi Quinn, Executive Director of Human Resources, Franklin University/Urbana University, 614-947-6543, Randi.quinn@franklin.edu
Mitali Rai, Human Resource Generalist, Oak Hall, 614-947-6265, Mitali.rai@urbana.edu

Policy History

Policy approved by President's Council, April 8, 2015
Last Updated: June 30, 2016

Portions of this policy are based on a model policy provided by ATIXA and authored by the NCHERM Group, LLC as well as resources available at NotAlone.gov.