

Title IX Policy



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Cincinnati College of Mortuary Science

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I. INTRODUCTION

CCMS is committed to encouraging and sustaining a healthy and safe learning community that is free from sex/gender discrimination, harassment, and violence. To that end, and consistent with Title IX of the Education Amendments Act of 1972 and the Violence Against Women Act, CCMS has implemented this comprehensive Policy, which applies to admissions, employment, and all other CCMS education programs and activities whether academic, educational, or co-curricular. Title IX of the Education Amendments of 1972 prohibits sex discrimination—which includes sexual harassment and other forms of sexual misconduct—in education programs and activities. Sex includes, but is not limited to, biological sex, gender identity, sexual orientation, and pregnancy. As an educational institution receiving federal funds, CCMS must comply with Title IX.

CCMS also provides education and awareness programs with the goal of preventing and discouraging all forms of sex/gender discrimination, sex/gender-based harassment, sexual assault, interpersonal offenses (domestic violence and dating violence), and stalking.

As discussed more fully below, this Policy prohibits all forms of sex/gender discrimination, sex/gender-based harassment, sexual assault, interpersonal offenses (domestic violence and dating violence), and stalking. These terms are defined below. Where appropriate, these terms are referred to collectively as “Sexual Misconduct.”

This Policy is designed to serve three principal purposes:

1. Establish conduct standards.
2. Establish processes for prompt, reliable, equitable, and impartial supportive measures, investigations, adjudications, and (if appropriate) disciplinary sanctions.
3. Describe resources available to the CCMS community to deal with the impact of Sexual Misconduct.

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

In addition to the report, formal complaint, and resolution processes defined in this Policy, CCMS encourages students and employees who believe they have been the victim of Sexual Misconduct to pursue criminal charges against the person or persons they believe to have committed the offensive conduct. Students or employees may make a report or file a formal complaint with or without pursuing criminal charges. While minimal delays may be necessary if the circumstances of a criminal charge warrant delay, CCMS’s processes and any criminal processes can often be pursued on parallel tracks at the same time. Supportive measures and resources are available regardless of criminal charges, a CCMS investigation, or CCMS disciplinary action.

II. TITLE IX COORDINATOR

CCMS has designated a Title IX Coordinator as a part of its systematic approach to ensuring nondiscrimination, including a nondiscriminatory environment. The Title IX Coordinator handles matters related to Title IX violations (detailed below). The Title IX Coordinator may be reached directly at 513-618-1933, through the main telephone number at 513-761-2020, by email to titleix@ccms.edu, or by mail or in person at 645 W. North Bend Road, Cincinnati, Ohio 45224. The Title IX Coordinator is a resource for both students and employees.

The Title IX Coordinator further creates, supports, and evaluates education and support programs aimed at fostering an equitable learning and working environment and the eradication of Title IX violations. The Title IX Coordinator's duties include, but are not limited to, Policy enforcement, minimizing risks of Sexual Misconduct, reporting options, and providing and coordinating supportive measures, resources, bystander intervention, and wellness programs.

CCMS is committed to promoting a safe, equitable, and unbiased campus environment. Further information can be obtained in CCMS's Annual Campus Security Report (<https://www.ccms.edu/about/safety/clery-act/>).

III. PROHIBITED CONDUCT

CCMS prohibits all forms of Sexual Misconduct (sex/gender discrimination, sex/gender-based harassment, sexual assault, interpersonal offenses (domestic violence and dating violence), and stalking).

A. Sexual Assault, Interpersonal Offenses, and Stalking

(Appendix A lists relevant Ohio Criminal Offenses meeting these definitions)

Sexual Assault

Any sexual act directed against another person, without the consent of the victim, including instances when 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 instances when 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 in which 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 laws of the jurisdiction in which the crime of violence occurred; or,
- 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. The existence of such a relationship will be determined based on 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 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.

B. Title IX Sex/Gender Discrimination and Harassment

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 environment, or participation in a CCMS activity;
- Conditions the provision of an aid, benefit, or service offered by CCMS on an individual's participation in unwelcome sexual conduct; or,
- Is used as a basis for or a motivating factor in decisions affecting the person's employment, education, or participation in a CCMS activity.

Harassment: Unwelcome sexual or gender-based conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that alters a person's work environment and/or effectively denies a person equal access to one or more of CCMS's education programs or activities. Sex-based harassment may take several forms. One form is unwelcome conduct of a sexual nature, such as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual assault, domestic violence, dating violence, and stalking may also be considered sex-based harassment. Gender-based harassment often includes unwelcome conduct based on an individual's actual or perceived sex, including harassment based on gender identity or nonconformity with sex stereotypes, and may not necessarily involve conduct of a sexual nature.

Examples of discrimination or harassment include, but are not 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 CCMS 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 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 include 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.

C. Retaliation

Retaliation against any individual who makes a good-faith report or formal complaint of a violation of this Policy or against any individual who participates in CCMS's investigation or adjudication of any report or formal complaint is strictly prohibited. This means that any action taken against any person(s) who reports an incident, brings a complaint, pursues legal action, or participates in an investigation or is a witness in any investigation or proceeding under this Policy is strictly prohibited and will not be tolerated. Examples of retaliation include, but are not limited to, intimidation, threats, coercion, discrimination, and harassment. Students or employees who retaliate will face disciplinary action.

IV. CONSENT

Sexual conduct requires consent.

- Consent must be voluntary.
- It cannot be inferred from silence, passivity, or lack of active resistance alone.
- 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;
 - who is unaware that the act is being committed;
 - whose ability to consent is impaired because of a mental or physical condition;
 - or who is coerced by supervisory or disciplinary authority.
- Consent may be withdrawn at any time.
- Prior sexual activity or relationship does not, by itself, constitute consent.

CCMS uses this definition of consent in the Resolution Process below.

V. CONFIDENTIALITY & COMPLAINANT'S REQUEST NOT TO PROCEED

Students may discuss an alleged violation of this Policy with a physician or nurse at a hospital or clinic, as well as in other off-campus reports that may be legally confidential (e.g., reports to counselor, clergy, or healthcare professionals).

Students should be aware, however, that all CCMS employees who become aware of a conduct that might fall under this Policy are expected to notify the Title IX Coordinator. CCMS will preserve confidentiality to the extent reasonably possible and allowed by law. There may be times when a reporting party requests confidentiality or no action. CCMS takes such requests seriously and will endeavor to preserve confidentiality to the extent possible and allowed by law; however, such requests may not be able to be honored when, in CCMS's judgment, doing so would jeopardize the safety of members of the CCMS community (including the Complainant).

Note that Ohio law and CCMS policy require those not in a legally protected role with knowledge of a felony to report it to law enforcement. Reporting to local police or other law enforcement does not require the individual to pursue criminal charges.

FERPA

The Family Educational Rights and Privacy Act (FERPA) protects students' educational records. FERPA prohibits CCMS 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 Assault or Interpersonal Offense, CCMS may release the following information to anyone:

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

VI. CRIME ALERTS/EMERGENCY NOTIFICATION

If a report of Sexual Misconduct 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 reporting/complaining party's name and other personally identifying information will NOT be included in any Emergency Notification or Crime Alert.**

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:

<https://www.ccms.edu/about/safety/emergency-prep/>

Reports of sexual assault, domestic violence, dating violence, and stalking are included in the Annual Campus Security Report/Crime Statistics at:

<https://www.ccms.edu/about/safety/clery-act/>

VII. MAKING A REPORT, FILING A FORMAL COMPLAINT, AND COMPLAINT RESOLUTION

This provision details the processes related to making a report, filing a formal complaint, investigation, a hearing, and an appeal.

Where appropriate, the alleged victim is referred to herein as the “Complainant.” Where appropriate, the individual alleged/accused to have committed a violation of this policy is referred to herein as the “Respondent.” Both the Complainant and Respondent will be treated equitably, fairly, and with respect throughout the process.

A. Limited Amnesty

While CCMS does not condone underage drinking or violation of other CCMS policies, it considers reporting violations of this policy to be of paramount importance. To encourage reporting and adjudication of violations of this policy, CCMS extends limited amnesty to students who make a report or file a formal complaint of an alleged violation of this policy. CCMS will generally not seek to hold the reporting/complaining individual responsible for a violation of the law (*e.g.*, underage drinking) or the Code of Student Conduct that occurs contemporaneous with or in close proximity to immediately surrounding the alleged Policy violation provided that the individual participates in good faith with the investigation and resolution process.

B. Making a Report

Individuals are encouraged to report a violation of this policy to the Title IX Coordinator. Reports can be made by the alleged victim, a witness, or another third party. A report may be made in person, by email (titleix@ccms.edu), by phone (513-618-1933), by mail (645 W. North Bend Road, Cincinnati, Ohio 45224), through the main telephone number (513-761-2020), or by the online form (<https://www.ccms.edu/forms/report-an-incident/>). Because the nature of alleged violations of this policy may implicate general safety concerns, copies of reports submitted via this online form will also be sent to the CCMS Safety Officer.

If the report is made to another CCMS employee, that employee must report it to the Title IX Coordinator by one of the channels noted above.

If the incident includes a sexual assault, interpersonal offense, or stalking, the alleged victim is also encouraged promptly to report the incident to the police. Springfield Township Police can be reached directly at 911 or 513-729-1300 (non-emergency). Upon request, police will assist victims/survivors in obtaining protection or restraining orders.

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. Sometimes 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 help 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).*

Upon receiving a report, the Title IX Coordinator will promptly reach out to the alleged victim to discuss the availability of supportive measures (including that they are available with or without the filing of a formal complaint) and explain to the alleged victim the process for filing a formal complaint.

Making a report is different from filing a formal complaint. Making a report will not, by itself, trigger the full complaint resolution process. Only the filing of a formal complaint will trigger the full complaint resolution process. And only after an adjudication of responsibility (or after an agreed resolution has been reached) will CCMS take disciplinary action against a Respondent.

C. Supportive Measures

As appropriate, the Title IX Coordinator will provide supportive measures to the Complainant and the Respondent. Supportive measures include non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to CCMS's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or CCMS's educational environment, or deter conduct in violation of this policy.

Supportive measures may include but are not limited to:

- counseling,
- extensions of deadlines or other course-related adjustments,
- modifications of work or class schedules,
- campus escort services,
- mutual restrictions on contact between the parties,
- changes in work or housing locations,
- leaves of absence,
- increased security and monitoring of certain areas of the campus,
- other similar measures.

CCMS will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining that confidentiality would not impair the ability of CCMS to provide the supportive measures.

D. Emergency Removal and Administrative Leave

If, after conducting an individualized safety and risk analysis, CCMS determines that an immediate threat to the physical health or safety of any student or other individual arises from the reporting/complaining party's allegations, CCMS may immediately remove the Respondent from all of CCMS's education programs and activities.

In such a case, CCMS will promptly provide the Respondent with notice and an opportunity to challenge the removal. The Respondent's challenge must be submitted to the Appeal's Officer, which is the President unless there is a conflict of interest, which would cause it to go to the Chair of the Board of Trustees or his/her designee.

If the Respondent is a non-student employee, CCMS retains complete authority to place the Respondent on administrative leave for the pendency of the complaint resolution process.

E. Filing a Formal Complaint

To proceed with seeking an adjudication of a violation of this Policy, the Complainant or (in certain limited circumstances) the Title IX Coordinator must file a formal complaint.

A formal complaint is a document that is written and signed by the Complainant (physically, digitally, or by some other means that sufficiently identifies the author). A Complainant may file a formal complaint with the Title IX Coordinator in person, by mail, or by email.

If an alleged victim declines to file a formal complaint, a Title IX Coordinator may also file a formal complaint when the Title IX Coordinator determines that an investigation is necessary to ensure a safe, equitable, and non-hostile work and educational environment. A Title IX Coordinator's formal complaint must also be written and signed. When a Title IX Coordinator signs a formal complaint, the Title IX Coordinator does not then become a Complainant or otherwise a party to the resolution process.

F. Rights of the Complainant and Respondent

Complainants and Respondents will be treated equitably, fairly, and with respect before, during, and after the investigation and resolution

Both parties

- Upon receipt of any formal complaint, the Title IX Coordinator will provide both parties with a notice of allegations. At a minimum, the notice of allegations will contain a copy of the formal complaint; a copy of this Policy with a specific directive to review this entire section relating to formal complaints and complaint resolution; and a reminder that knowingly or maliciously making a false statement or allegation will be separately viewed as a serious disciplinary offense, but that such a finding will not be made solely on the determination regarding responsibility. And if in the course of an investigation, CCMS decides to investigate allegations that are not included in the original notice, CCMS will provide an additional or updated notice identifying the additional allegations.
- The parties have a right to have an advisor present with them throughout all stages of these processes. The party's advisor may be an attorney. If a party cannot afford to retain his/her own advisor, CCMS will provide an advisor for that party.
- Complainants and Respondents, as well as their advisors, are entitled to and will be provided an opportunity to inspect and review the same information and evidence. This includes any information, evidence, or allegation learned as a result of the Title IX Coordinator's investigation into the formal complaint.
- Both parties will be provided written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

Respondent

- A Respondent has a right to know the name of the Complainant and information regarding the nature of the allegations to respond to the complaint.
- Before any investigation begins, the Respondent will be provided 14 days to prepare and submit a written response to the formal complaint. Any such written response will be submitted to the Title IX Coordinator.
- Respondents are entitled to a presumption of non-responsibility throughout the process unless they are adjudicated through this Complaint Resolution process as responsible for a violation of this policy.

G. Investigation of a Formal Complaint

After a formal complaint is received and the parties are notified, the Title IX Coordinator will promptly send the formal complaint and a response from the Respondent to a trained Investigator to investigate the allegations in the formal complaint.

At all times, CCMS will have the burden of proof and the burden of gathering evidence. However, CCMS's ability to obtain relevant information and evidence will turn on the willingness of the parties and/or witnesses to engage in the investigatory process. And access to medical records or other sensitive or confidential documents can often only be obtained with the person's voluntary, written consent.

Throughout the investigation, each party will have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

No party will be restricted in his/her ability to discuss the allegations under investigation or to gather and present relevant evidence.

As mentioned above, Complainants and Respondents, as well as their advisors, are entitled to and will be provided an opportunity to inspect and review the same information and evidence. This includes evidence that CCMS does not intend to rely on in determining responsibility as well as any inculpatory or exculpatory evidence whether obtained from a party or other source.

The parties will be given a meaningful opportunity to respond to any evidence gathered prior to conclusion of the investigation. Prior to completion of the written investigation report, the Investigator will send all evidence gathered to the parties and their advisors in either electronic or hard copy format. The parties will have 10 days to submit any written response, which the Investigator will consider prior to completion of the written investigation report.

If, after the investigation concludes, the Investigator determines that the conduct alleged in the formal complaint, even if proved, would not constitute a violation of this policy, did not occur within CCMS's education programs or activities, or did not occur in the United States, the formal complaint will be dismissed. The Title IX Coordinator will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. Such a dismissal may be appealed (see below).

If dismissal is not warranted, the Investigator will prepare a written investigative report, summarizing the relevant evidence. The Investigator will send a copy of the written investigatory report to the Title IX Coordinator. At that time, the Title IX Coordinator will begin the process of scheduling a Hearing. At least 10 days prior to a Hearing, the investigative report will be sent to the parties and their advisors in either electronic format or hard copy for their review and written response.

The Investigator will strive to complete the investigation, including a determination regarding dismissal or completion of the written investigative report within 28 days after being assigned the investigation.

H. Agreed Resolution or Hearing

Agreed Resolution—While the presumptive next step following a written investigative report is a Hearing, the Complainant and Respondent can mutually try to reach an agreed resolution before scheduling a Hearing. The Agreed Resolution process is entirely voluntary. All parties must provide written consent to engage in the Agreed Resolution process before it will begin. And an agreed resolution is only reached

where it is written and signed by the Complainant, the Respondent, the Title IX Coordinator, and the President.

Once an agreed resolution is reached, the parties may not resume the formal complaint process so long as the formal complaint arises from the same allegations subject to the agreed resolution. However, if the parties attempt an agreed resolution, any party has the right to withdraw from the agreed resolution process and resume the formal complaint process. Offers of agreed resolution that are exchanged (and statements made within those offers) during the agreed resolution process may not be used during the formal complaint process if that process restarts after a failed or cancelled agreed resolution process.

The Agreed Resolution process is not available where the formal complaint alleges that an employee has engaged in Sexual Misconduct toward a student.

Hearing Panel - If an agreed resolution process fails or is not mutually elected, the process will proceed to a Hearing. All Hearings will be live and held before a trained administrative Hearing Panel (typically two faculty and one staff member). The Hearings are designed to provide an equitable, prompt, fair, and impartial resolution of the formal complaint.

The Title IX Coordinator will assess the panelists for a potential conflict of interest, bias, or prejudice. And if the Complainant and/or Respondent believes that any of the panelists poses a potential conflict of interest, bias, or prejudice, he or she may submit a written challenge at least 7 days before the hearing to the Title IX Coordinator. The Title IX Coordinator will determine whether there is a conflict of interest, bias, or prejudice and whether to replace the panelist. Postponement of a hearing may occur if the replacement panelist cannot be immediately identified.

Hearing Procedure—The Hearing Panel has general authority over the conduct of the hearing, including time limits and written materials, so long as the Complainant and Respondent are afforded the same opportunities. The general course of procedure will be as follows:

- Introduction by Panel
- Respondent’s Statement Accepting or Denying Responsibility
- Complainant’s Opening Statement (in writing or oral)
- Respondent’s Opening Statement (in writing or oral)
- Relevant questions and follow-up questions from the Panel to the Parties and Witnesses
- Relevant questions and follow-up questions from the Party’s Advisor to the Other Party and Witnesses
- Closing Comments from Complainant
- Closing Comments from the Respondent

Evidence—All evidence gathered during the investigation will be made available to the parties for potential use during the hearing. The Hearing Panel will objectively evaluate all relevant evidence – including both inculpatory and exculpatory evidence. Any credibility determinations made by the Hearing Panel will not be based on a person’s status as a Complainant, Respondent, or witness.

Cross-examination at the live hearing will be conducted directly, orally, and in real time by the party’s advisor of choice and not by the party personally. If a party or a witness does not submit to cross-examination at the live hearing, the Hearing Panel will not rely on any statement of that party or witness in reaching its decision. However, the Hearing Panel will not draw an inference about the determination

of responsibility based solely on a party's or witness's absence from a live hearing or refusal to answer cross-examination or other questions.

The Hearing Panel will not require, allow, rely on, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Relevance—Only relevant questions, information, and evidence are permitted. The Hearing Panel determines whether questions to be asked and information and evidence presented are relevant to the issue(s) or fact(s) presented. For example, before a party or witness answers a cross-examination question, the Hearing Panel will determine whether the question is relevant and explain any decision to exclude a question as not relevant.

Further, a Complainant's prior sexual behavior is typically not relevant and will be considered only as evidence if to prove that someone other than the Respondent committed the alleged acts, or if offered to prove consent.

Request for Separate Rooms—CCMS will accommodate concerns for personal safety, well-being, and/ or confrontation among the Complainant, the Respondent(s) and other witnesses by using physical or technological means that still enables the Hearing Panel and the parties simultaneously to see and hear the party or the witness answering questions.

Standard of Review—The standard of review used to determine responsibility on campus is a "preponderance" standard. This determination is based on the greater weight of the evidence and does not require proof beyond a reasonable doubt.

Decision—The Hearing Panel's written decision will be delivered simultaneously within 14 days of the Hearing. The decision will include identification of the allegations potentially constituting a policy violation; a description of the procedural steps taken from receipt of the formal complaint through the hearing; findings of fact and conclusions applying the policy to those facts; the rationale for the finding related to each allegation; any disciplinary sanctions on the Respondent, any remedies designed to restore or preserve equal access to CCMS's education programs and activities to the Complainant; and the permissible bases for appeal.

Disciplinary Sanctions—Sanctions for a finding of responsibility include, but are not limited to, expulsion, suspension, probation, counseling, and/or other educational sanctions. Factors pertinent to the determination of sanctions include, but are not limited to, the nature of the conduct at issue, prior disciplinary history of the Respondent (shared with Panel only if there is a finding of responsibility by the Panel), previous CCMS responses to similar conduct, and CCMS's interests (e.g., providing a safe environment).

Recording—CCMS will record the live hearing through audio recording, audiovisual recording, or transcript, and make it available to the parties for inspection and review.

I. Appeal

Both the Complainant and Respondent have the right to appeal a pre-Hearing dismissal and/or the Hearing Panel's decision within 10 days of the written decision. Appeals must be submitted in writing and

are limited to five pages (12-point font, 1-inch margins, double-spaced). The three grounds of appeal are: (1) new evidence that was not reasonably available at the time the determination was made and that could affect the outcome of the matter; (2) procedural irregularity that affected the outcome of the matter; and (3) the Title IX Coordinator, the Investigator, and/or the Hearing Panel had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter. Disciplinary sanctions will be stayed pending the outcome of the appeal.

The appeal statement must note the ground for appeal. An appeal is not a re-hearing of the case. The appeal is directed to the Appeal's Officer, which is the President unless there is a conflict of interest, which would cause it to go to the Chair of the Board of Trustees or his/her designee.

If the reason for appeal is substantiated, the Appeal's Officer will review the Investigator's file (if an appeal from a pre-Hearing dismissal), the Hearing Panel record, the appellant's written statement, and any response to that statement from the other party (five pages, 12-point font, 1-inch margins, double-spaced, and due within 7 days after the request by the Appeal's Officer).

The Appeal's Officer has the discretion, but no obligation, to conduct a meeting. The Appeal's Officer will issue a decision in writing. The Appeal's Officer can affirm in whole or in part (including on other grounds), or reverse in whole or in part and remand.

J. Timelines

The timelines listed throughout the above procedure may be extended for good cause with written notice to the parties of the delay or extension and the reasons for the action. Good cause may include, but is not limited to, the absence of a party, a party's advisor, or a witness, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.

K. Training

Where applicable, the Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process will receive training on the definitions in this Policy; the scope this Policy; how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes; how to serve impartially, including by avoiding prejudgment of the facts at issue; conflicts of interest and bias; technology used at a live hearing; issues of relevance of questions and evidence, including when questions and evidence about when sexual predisposition or prior sexual behavior are not relevant; and on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Any materials used to train the Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process, will not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints. All training materials are available on CCMS's website.

VIII. RESOURCES AND SUPPORT SERVICES

A. Medical and Counseling Resources

CCMS provides many resources and support services to any student who has been the victim of Sexual Misconduct. Students are encouraged to seek support and obtain medical attention.

1. Medical Treatment

A person who has been the victim of an offense is urged to seek appropriate medical evaluation immediately, ideally within 96 hours of the incident.

For life-threatening conditions, call 911 or go to the nearest hospital emergency department.

2. Medical—Legal Evidence Collection

A person who has experienced Sexual Misconduct is encouraged to request the 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. Prompt medical care and documentation of any injuries is also essential to the collection of evidence. A medical exam can be administered at local hospitals.

Collection of evidence may involve interaction with police and a police report. The sooner the Sexual Misconduct is reported, the more likely evidence will still be present. “Date rape” drugs, including rohypnol and GHB, 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)

Even if an individual is uncertain about whether he/she wants to report what has occurred, he/she can still have evidence collected. In cases of sexual assault or severe injuries, the police will be called to the hospital. The victim can decide whether to speak with the police at that time to report officially what has happened.

While evidence may be collected anonymously (*i.e.*, without the victim’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 victim does not want to report should be discussed with medical personnel and/or an advocate.

Questions about evidence collection can be directed to the Title IX Coordinator.

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

3. Confidential Counseling Resources

Counselors at many 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 a Sexual or Interpersonal Offense has occurred, whether 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 is another affected person.

The Rape Crisis and Abuse Center maintains a 24-hour rape crisis helpline at 513-872-9259/1-888-872-9259. The website is located at <http://www.womenhelpingwomen.org/>.

B. Immigrants or International Student Visa Information

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.

C. Legal Assistance and/or Title IX Inquiries

Legal Aid Society of Greater Cincinnati Ohio, 513-241-9400 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.

In addition to CCMS 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.

In addition to the Title IX Coordinator, a party may also contact the United States Department of Education Office for Civil Rights with inquiries related to Title IX.

Complaints of a Title IX violation 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>.

D. Protection Orders

Parties may consider obtaining 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 the College President and Springfield Township Police. Any violation of the court order should be promptly reported to the police.

Appendix A—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

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

Title IX Policy

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