

FAQs

Frequently Asked Questions

What is sexual violence?

Under Title IX, sexual violence is the most severe form of sexual harassment. Sexual violence refers to physical sexual acts committed against a person's will or where a person is incapable of giving consent (e.g., due to a person's age or incapacitation due to the use of drugs or alcohol, or because of an intellectual or other disability that prevents the person from having the capacity to give consent). Sexual violence includes rape, sexual assault, sexual battery, sexual abuse and sexual coercion. Under federal law, gender-based stalking, domestic violence and dating violence are addressed as sexual violence.

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

Domestic violence and dating violence are defined together with intimate partner violence as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and/or the frequency of interaction between the persons involved in the relationship.

Some types of sexual misconduct, such as sexual violence, also are criminal; how does the law define stalking, domestic violence, dating violence and sexual assault?

Ohio does **not** have a legal definition for dating violence, sexual assault or consent. Ohio **does** define specific types of sexual assault and within these definitions, it explains what consent is not.

You may access legal definitions for the following in the Ohio Revised Code (ORC):

Sex offenses <http://codes.ohio.gov/orc/2907>.

Stalking <http://codes.ohio.gov/orc/2903.211>

Domestic Violence <http://codes.ohio.gov/orc/2919.25>

If I have sex with someone when he or she has been drinking, is it assault?

It depends. If either partner has consumed alcohol or other drugs, including prescription medications, it may impede mutual understanding and clear communication. However; engaging in sex under the influence of alcohol or other drugs (absent any other details) is **NOT** assault.

Engaging in sex with a person who is incapacitated **IS** assault. If a person cannot make rational, reasonable judgments as a result of alcohol or other drug consumption, they are incapacitated and they cannot consent to sexual activity. Signs of incapacitation include, but are not limited to: slurred speech, bloodshot eyes, shaky walking, stumbling, vomiting, outrageous or unusual behavior, or unconsciousness.

Purposefully getting someone drunk or high so that you can increase your chances of having sex with that person is wrong. If you have sex with someone after s/he becomes incapacitated, you have committed **sexual assault**.

Will my sexual history be part of the investigation or decision making process in a sexual misconduct case?

Questions about the reporting party's sexual history with anyone other than the responding party are not permitted. Exceptions to this are exceedingly rare and are only considered if the available information is strong enough to suggest that the responding party did not violate College policy. The College recognizes that the mere fact of a current or previous consensual dating or sexual relationship between the two parties does not itself imply consent or preclude a finding of sexual violence. The College will take all reasonable steps to ensure that the investigation and subsequent process is conducted in a manner that does not inflict additional trauma on the reporting party.

The responding party's sexual history with others besides the reporting party may be relevant if the history reveals a pattern of misconduct.

If both parties to a report of sexual misconduct have had consensual sex in the past, how does this affect sexual misconduct proceedings?

Past consent between two parties does not imply present or future consent.

I was sexually assaulted, but I drank alcohol or used other drugs. Will I be in trouble for alcohol or other drug use if I report my assault?

You may have chosen to use alcohol or drugs, but you did **not** choose to be sexually assaulted. **The assault is not your fault**; it is the fault of the person who assaulted you. The College's biggest concern is with your report of sexual assault. We do not want your fear of an alcohol or other drug violation to stand in the way of reporting an assault.

What should I do if I am accused of sexual misconduct?

DO NOT contact the reporting party. You may want to contact someone who can act as your advisor or support person to accompany you to meetings related to the allegation of sexual misconduct. This may be a friend, mentor or family member. (See FAQ #19.) You also may contact the Title IX Coordinator, who can explain the College's procedures for addressing reports of sexual misconduct. You may want to talk to a confidential counselor in Counseling Services if you are a currently enrolled student or an employee. If you are an adjunct or a temporary employee, please see the community resources available to everyone on our Resources page.

Who can make a report about sexual misconduct or another type of discrimination and how do they do it?

Anyone with information about an incident, including witnesses and third parties, may make a report. In fact, they are encouraged to do so and may even be obligated to do so if they are an employee who learns of sexual misconduct or another type of discrimination. Reports can be submitted via our secure online report form.

As an employee, what are my obligations to report discrimination, including sexual misconduct?

All employees are strongly encouraged to report information about potential harassment and discrimination, including sexual misconduct. Certain employees have mandated reporting obligations based on their role. These are "responsible employees."

Which staff and faculty are responsible employees?

At Hocking College, responsible employees include Human Resources employees, faculty members including adjuncts, supervisors, directors, deans, chairpersons, coaches, the Title IX Coordinator, Title IX Investigators, persons with significant responsibility for students and College activities and the Hocking College Campus Safety.

What are the reporting obligations of responsible employees?

A responsible employee must report to the College's Title IX Coordinator or other appropriate designee, all relevant details about the alleged sexual violence that the reporting party or any other person has reported. This includes the name or names of the alleged responding party(s), (if known), the name of the reporting party(s) (if being reported by a third party), other witnesses, as well as all relevant facts, including date, time and location of the incident.

If the incident occurred off campus, should I still report it?

Yes. Under Title IX, the College must take appropriate steps to investigate or otherwise determine what occurred when it becomes aware of possible sexual violence, regardless of where the conduct occurred. This is done in order to determine whether the conduct occurred in the context of an education program or activity or in a work-related activity and if it had continuing effects on any educational or work-related program or activity.

What if the incident occurred on another campus?

All institutions of education receiving federal financial assistance (including K-12 schools) have the same Title IX obligations and should be notified when sexual harassment occurs on their campus.

What happens after I file a report?

Once a report is filed, the Title IX Coordinator and appropriate Title IX Investigators will be notified. Collectively they will evaluate the report and respond to the individual who submitted it within 2 business days.

Who investigates and resolves allegations of sexual misconduct and other discrimination based on a protected class?

The Title IX Coordinator, Title IX Investigators and certain other designated officials at the College are trained to address issues of sexual misconduct, discrimination and harassment.

What if, as the complainant, I don't want the College to pursue an investigation?

The College may need to investigate even when the reporting party does not want to because the College has a responsibility to provide a safe and nondiscriminatory environment for everyone. The College will consider whether there have been other reports about the same individual or other information that poses a risk to others at the College. The College will notify the reporting party if it determines that an investigation will be conducted and will keep the reporting party informed of the status of the investigation.

Will my report remain confidential?

Certain College employees, such as the Title IX Coordinator, managers, supervisors, and other designated employees have an obligation to respond to reports of sexual misconduct, even if the individual making the report requests that no action be taken or that the information be kept confidential.

To the extent possible, College officials will limit the sharing of information to those that need to know with regard to the College's legal obligation to ensure a working and learning environment free from sexual harassment, as well as the due process rights of the accused to be informed of the allegations and their source.

The College needs to consider a range of factors when weighing a reporting party's request for confidentiality, including whether there may be an increased risk that the alleged perpetrator will commit additional acts of sexual violence or other violence.

Other factors that are considered in assessing confidentiality requests for all types of reports include whether a weapon was used, the age of the victim, and whether the College possesses other means to obtain relevant evidence such as security cameras or physical evidence.

Your parents will not be informed unless you signed a consent form to allow College officials to share your protected student information, you are a dependent of your parents for tax purposes or in the event of an immediate life threatening emergency. If you are under the age of 18 and you are not a Hocking College student but are visiting campus when the incident occurs, we may inform your parents.

Whom can I report to with complete confidentiality?

Students who are currently enrolled in classes can speak to counselors in Hocking College's Counseling Services located in OAK 210. Students also can contact Counseling Services at (740) 753-6181. Full time Employees can contact Help Net at (800) 969-6162. They are available 24/7 and 365 days a year. Visit the Resources page to learn more about confidential reporting options that are available to everyone.

May a reporting party or responding party bring a support person to meetings or interviews?

Yes, if there are allegations of sexual violence. Both the reporting party and the responding party are entitled to the same opportunities to have an advisor present during any proceeding involving a report of sexual misconduct. This includes the opportunity to be accompanied to any related meeting, interview or hearing by an advisor of his or her choice.

Advisors are permitted to sit with the party he or she is advising and observe the interview, meeting or other related proceeding. Advisors are not permitted to speak on either party's behalf, nor are they permitted to address College officials, witnesses or the opposing party during the proceeding. Reporting parties and responding parties are required to inform the Title IX Coordinator or Title IX Investigators of the name of his or her advisor at least 48 hours before any meeting or proceeding. This allows the College officials to be sure that the advisor is not also a witness, which would present a conflict for the investigative and hearing procedure.

If you are a member of a bargaining unit, you are advised to check your applicable bargaining agreement.

What does Title IX require when a college knows or reasonably should know about sexual harassment?

Title IX requires the College to take immediate action to **end** the sexual harassment, **prevent** its recurrence and **remedy** its effects.

Who is protected by Title IX?

Virtually anyone with a connection to the College is protected from unlawful gender or sex-based discrimination, harassment and misconduct including students, staff, interns, visiting student athletes and other College visitors.

What interim measures might the College take under Title IX?

Upon notice of a potential sexual misconduct policy violation, the College is obligated to provide appropriate interim measures for the reporting party aimed at providing immediate relief and support and to ensure the safety of the reporting party and the College. These measures may include changing class or work schedules, arranging for a police escort while on campus, issuing No Contact Orders, providing counseling services, limitations on athletic or extra-curricular activities, relocating work spaces and academic support during the course of the investigation. The specific interim measures and the process for implementing those measures will vary depending on the facts of each case with an emphasis on minimizing the burden on the reporting party.

The goal of these measures is to help both parties by minimizing interaction between them while the College is addressing the report.

If I make a report about sexual misconduct, discrimination or harassment, am I protected against retaliation?

Yes. Federal law and College policy make it unlawful to retaliate against an individual with the intent of interfering with any right or privilege secured under the law. Hocking College considers retaliation a serious violation which can subject the offender to sanctions up to expulsion (students) or termination (employees). See Hocking College Student Code of Conduct:

<https://www.hocking.edu/student-affairs>