

Glossary

Advisor

A support person who can be present, upon the request of the reporting party and/or the responding party, during any proceeding involving a report of sexual misconduct. 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.

Accommodations

In the context of sexual misconduct, discrimination and harassment allegations, accommodations are actions taken to help the respondent cope and recover, even if s/he chooses **not to pursue criminal charges or an administrative investigation through the College**. They are similar to interim measures except they do not affect the responding party.

Beyond a Reasonable Doubt

The standard of proof used in criminal proceedings. It sometimes is referred to as "to a moral certainty." This is a considerably higher standard than "preponderance of the evidence," which is the standard used in administrative determinations of discrimination and harassment claims, including sexual misconduct.

Bystander

A bystander is someone who observes or witnesses conditions that perpetuate violence. Although not directly involved, s/he has the choice to discourage, prevent or interrupt the incident or additional incidences.

Bystander Intervention

Bystander intervention is the act of feeling empowered and equipped with the knowledge and skills to effectively assist in the prevention of sexual violence with **safe and positive options that may be carried out by an individual(s) to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking**. Effective and safe bystander intervention does not put the bystander in danger.

Consent

The Ohio Revised Code does not define "consent." Hocking College's definition of consent is freely and affirmatively communicated willingness to participate in sexual activity. It is expressed by clear, unambiguous words or actions and must be present throughout the entirety of the sexual activity by all parties involved. Consent may **not** be obtained through the use of force, coercion, or intimidation or if the victim is mentally or physically incapacitated.

Discrimination

When a person or a group of people is treated less favorably than another person or group on the basis of a protected class.

Harassment

Physical, verbal or non-verbal conduct that has the purpose or effect of creating an intimidating, hostile or offensive work or academic environment. The harassment must be based on a protected class and interfere with an employee's terms and conditions of employment or a student's academic or athletic achievement.

Hostile Environment

Conduct, based on a protected class, which is so severe and pervasive that it creates an intimidating, abusive or offensive environment in regards to employment, academic or athletic decisions.

Incapacitation

A state in which a person lacks sufficient understanding to make rational decisions or engage in responsible actions related to sexual activity. Incapacitation can exist because of a physical, mental or developmental disability or can

be caused by the use of alcohol or other drugs. Evidence of incapacitation can include, but is **not** limited to, sleep, unconsciousness, intermittent consciousness, slurred words or difficulty communicating, difficulty walking and vomiting. If a reasonable person in the place of someone initiating sexual contact would know that his or her partner was incapacitated, consent cannot be obtained. **A person who is incapacitated cannot give consent for sexual activity.**

Interim Measures

Actions taken to provide immediate relief and support and to ensure the safety of the reporting party and the campus. Examples include changing class schedules, changing work area locations, issuing administrative No Contact Orders and providing academic support during the course of the investigation.

No Contact Order

An administrative order issued by the College that is official notice to the Responding Party that s/he is not to contact the Reporting Party. Under a No Contact Order, the Reporting Party also is instructed not to contact the Responding Party. A No Contact Order is not a legal order, but it is enforceable on College property, and a violation of the order on College property may result in student conduct or employee disciplinary action.

Preponderance of the Evidence

The standard used in evaluating whether or not a violation of College policies on discrimination or harassment occurred, including sexual misconduct. It means that it is “more likely than not” the conduct occurred. Another way of saying it is “50% plus a feather.”

Protected Class

A group of persons who are protected against discrimination based on their membership in the group. Protected classes at Hocking College include sex, race, color, religion, national origin, ancestry, age, disability, genetic information (GINA), military status, sexual orientation and gender identity and expression.

Protection Order

A legal order issued by a court, enforceable by law enforcement, to protect someone from further harm or harassment. They can have different names, including restraining orders, civil protection orders (CPOs) or civil stalking protection orders (CSPOs).

Quid Pro Quo

When the imposition of unwanted sexual attention is based on a differential in power or authority and is accompanied by an explicit or implicit promise of employment or academic preferential treatment or, in the alternative, the threat of negative employment or academic consequences. It literally means “this for that.”

Reporting Party

A person who reports s/he has been subjected to harassment, discrimination or retaliation. S/he is sometimes referred to as the victim.

Responding Party

A person who is accused of committing acts of discrimination, harassment or retaliation. S/he sometimes is referred to as the perpetrator.

Responsible Employee

A “responsible employee” is a College employee who (1) has the authority to redress sexual violence OR (2) has the duty to report incidents of sexual violence or other student misconduct OR (3) is a person a student could reasonably believe has this authority or duty. A responsible employee must report to the Title IX Coordinator all relevant details about alleged sexual violence shared by a victim including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. At Hocking College, responsible employees include Human Resources employees, instructors, supervisors, directors, deans, chairpersons, coaches and College police.

Retaliation

Actions taken against any student, employee, faculty member, vendor, customer or other person participating in a College program or activity **who complains or makes an allegation or who participates in any investigation of discrimination or harassment** intended to intimidate or punish that person. The Responding Party must not engage in this conduct nor should s/he encourage others to take these actions on his/her or her behalf.

Sexual Misconduct

Any unwelcome behavior of a sexual nature or behavior based on sex or gender that is severe or pervasive and interferes with a person's ability to pursue the terms and conditions of employment, academic or athletic attainment. Sexual misconduct, includes, but is not limited to, sexual violence, such as domestic violence, dating violence, sexual assault and gender-based stalking.