UNIVERSITY OF Cincinnati **Category:** Ethics, Compliance & Community Impact **Policy applicable for:** Faculty/Staff /Students/Third Parties	*Policy Title:* **Sex- and/or Gender-Based Harassment Policy** **Effective Date:** 9/12/2025 (*minor revisions*) **Prior Effective Date:** 8/4/2025 **Enabling Acts:** University Rule 10-13-01 University Rule 40-5-05	*Policy Number:* **10.1.7** **Policy Owner:** Vice President for Ethics, Compliance & Community Impact **Responsible Office/Unit(s):** Office of Equal Opportunity Student Affairs Human Resources Office of the Provost

I. POLICY

The University of Cincinnati ("University") is committed to providing a living, learning, and working environment that is free from discrimination, harassment, and retaliation. The University is also committed to taking appropriate action to address discrimination that creates a hostile environment in a University program or activity. The University prohibits discrimination and harassment in any of its activities, programs, admissions, or employment on the basis of age, ancestry, color, disability, gender identity and/or expression, genetic information, military status (including veteran status), national origin (including shared ancestry or ethnic characteristics), parental status (including status as a nursing mother and status as a foster parent), pregnancy, race, religion, sex, sexual orientation, or any other status protected by law (each a "protected class").

The University will administer this Policy in compliance with applicable laws, orders, and the First Amendment of the U.S. Constitution, and equivalent Ohio law.

II. SCOPE AND JURISDICTION

This Policy applies to alleged harassment or retaliation (as defined herein) on the basis of gender identity and/or expression, parental status (including status as a nursing mother and status as a foster parent), pregnancy, sex, or sexual orientation, except as specifically noted below, in any of the Universities activities, programs, admissions, or employment.

This Policy does not apply to harassment or retaliation subject to the Title IX Sexual Harassment Policy.

This Policy applies to University employees, students, and other third parties. This Policy will be administered by the Office of Equal Opportunity, or its designee, pursuant to the procedures set forth herein and will conform to the University's Student Code of Conduct, collective bargaining agreements, and other University policies and agreements.

III. DEFINITIONS

Business Day	Any day in which normal University business operations are conducted, which are Monday through Friday from 9 a.m. to 5 p.m. local time and excludes weekends, holidays, and other office closures recognized by the University.
Complainant	An individual who has filed a formal complaint against a student, employee, or third party alleging a violation of this Policy.
Consent	An affirmative agreement through clear actions or words to engage in intimate and/or sexual activity. Individuals giving the consent must act freely, voluntarily, and with understanding of their actions. Consent can be withdrawn at any time. A person cannot give consent if the person is mentally or physically incapacitated such that the person cannot understand the fact, nature or extent of the sexual situation. Similarly, a person cannot give consent if force, expressed or implied, duress, intimidation, threats or deception are used on the person. Silence or the absence of resistance does not necessarily imply consent. Consent to some sexual acts does not imply consent to other acts, nor does prior consent to sexual activities imply ongoing future consent with that person or consent to that same sexual activity with another person. Consent does not exist when one knew or should have known of the other's incapacitation. A factor in determining consent is whether an individual has taken advantage of a position of influence or authority. Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the University to determine whether its policy has been violated.
Dating Violence	Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on a consideration of the following factors: length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
Domestic Violence	Violence committed by a person who: • Is a current or former spouse or intimate partner of the complainant under the family or domestic violence laws of Ohio, or a person similarly situated to a spouse of the complainant; • Is cohabitating, or has cohabitated, with the complainant as a spouse or intimate partner; • Shares a child in common with the complainant; or

	• Commits acts against a youth or adult complainant who is protected from those acts under the family or domestic violence laws of the jurisdiction.
Formal Complaint	A written and signed complaint submitted to OEO by a complainant alleging a violation of this Policy by a respondent and requesting that the University investigate the allegation(s).
Incapacitated or Incapacitation	A state in which rational decision-making or the ability to consent is rendered impossible because of a person's temporary or permanent physical or mental impairment including, but not limited to, physical or mental impairment resulting from drugs or alcohol, disability, sleep, unconsciousness, or illness. Incapacitation is determined based on the totality of the circumstances. Incapacitation is more than intoxication, but intoxication can cause incapacitation. Factors to consider in determining incapacitation include, but are not limited to, the following: • Lack of awareness of circumstances or surroundings (e.g., an inability to understand, either temporarily or permanently, the who, what, where, how and/or why of the circumstances; blackout state); • Inability to physically or verbally communicate coherently, particularly with regard to consent (e.g., slurred or incoherent speech); • Lack of full control over physical movements (e.g., difficulty walking or standing without stumbling or assistance); and/or • Physical symptoms (e.g., vomiting or incontinence).
Party or Parties	"Party" refers to either the complainant(s) or respondent(s). "Parties" refers to both the complainant(s) and the respondent(s).
Program or Activity	Includes locations, events, or circumstances over which the University exercises substantial control over both the respondent and the context in which the discrimination or harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University. This includes conduct that occurs off campus, including on social media, if that conduct results in an individual being excluded from participating in, being denied the benefits of, or being subjected to discrimination under any University program or activity.
Report	A verbal or written account of alleged or suspected violation of this Policy by any person submitted pursuant to the reporting section set forth in this Policy. A report is not the same as a formal complaint and does not initiate the investigation or adjudication process.

Respondent	A Respondent refers to the individual who is alleged to have violated this Policy.
Sexual Assault	An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sexual assault is defined as: • *Sex Offenses*: Any sexual act directed against another person, without the consent of the complainant, including instances in which the complainant is incapable of giving consent. • *Rape*: 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, or by a sex-related object. This definition also includes instance in which the complainant is incapable of giving consent because of temporary or permanent mental or physical incapacity (include due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the complainant to demonstrate lack of consent. • *Criminal Sexual Contact*: The intentional touching of the clothed or unclothed body parts without consent of the complainant for the purpose of sexual degradation, sexual gratification, or sexual humiliation. The forced touching by the complainant of the actor's clothed or unclothed body parts, without consent of the complainant for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This offense includes instances where the complainant is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation. • *Incest*: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Ohio law. • *Statutory Rape*: Nonforcible sexual intercourse with a person who is under the statutory age of consent of 16.

Sexual Harassment	Conduct on the basis of sex that satisfies one or more of the following: • An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct; • Unwelcome conduct determined by a reasonable person to be so severe, pervasive, or objectively offensive that it effectively denies a person equal access to the University's education program or activity; or • Sexual assault, dating violence, domestic violence, or stalking. (See definitions for Sexual Assault, Dating Violence, Domestic Violence, and Stalking.)
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. For purposes of this definition, course of conduct means two or more acts, including, but not limited to, acts in which the respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the complainant. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

IV. REPORTING

A. Mandatory Reporting Requirement

1. ***University Employees*:** All University employees, except those identified as a confidential reporter, have an obligation to report conduct that reasonably may constitute a violation of this Policy. This does not apply to an employee who has personally been subject to conduct that reasonably may constitute a violation under this Policy.

   Student-employees are only subject to the mandatory reporting requirement if they obtain information about conduct that reasonably may constitute a violation of this Policy in their capacity as an employee and not as a student.

2. ***Failure to Report*:** Any employee who is required to report under this Policy and fails to do so, is subject to disciplinary action up to and including termination or dismissal.

B. Reporting Exemptions

1. ***Exempt Disclosures*:** Except as may otherwise be required by law, employees are not required to report alleged violations of this Policy that are disclosed:

   a. At public awareness events (e.g., "Take Back the Night," candlelight vigils, survivor "speak outs," etc.);

   b. During an individual's participation as a subject in an Institutional Review Board-approved human subjects research protocol; or

   c. If they receive information regarding an alleged violation of this Policy outside the scope or course of their employment and/or engagement with the University.

2. ***Confidential Employees*:** The following categories of individuals are exempt from the duty to report allegations of conduct in violation of this Policy when such information is shared with them while acting in their professional, confidential capacity:

   a. An employee of the University whose communications are privileged or confidential under federal or state law. The employee's confidential status, for purposes of this part, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies;

   b. An employee of the University whom the University has designated as confidential under this Policy for the purpose of providing services to persons related to sex discrimination. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about sex discrimination in connection with providing those services; or

   c. An employee of the University who is conducting an Institutional Review Board-approved human-subjects research study designed to gather

information about sex discrimination, but the employee's confidential status is only with respect to information received while conducting the study.

C. Where to Report Allegations of Conduct in Violation of this Policy

1. ***Reports*:** Any person may report allegations of conduct in violation of this Policy in person, by mail, by telephone, by electronic email, or by electronic submission, or by any other means that results in the Office of Equal Opportunity receiving the verbal or written report.

   Office of Equal Opportunity
   225 Calhoun St., 308 USquare
   PO Box 210158
   Cincinnati, OH 45221-0158
   (513) 556-3349
   Email: eooffice@uc.edu
   Electronic Submission Form

2. ***Reports to Law Enforcement*:** Reports may be made simultaneously to law enforcement and the Office of Equal Opportunity. These processes are separate and distinct from one another but can run concurrently. Reports may be made by visiting UCPD in person or by phone:

   University of Cincinnati Police Division
   Three Edwards Center
   51 West Corry Blvd.
   Cincinnati, OH 45221-0215
   (513) 556-1111

   Any immediate safety concerns must be reported to law enforcement as soon as possible by dialing 911.

3. ***Anonymous Reports*:** A report may be submitted anonymously via EthicsPoint by phone or the electronic submission form:

   EthicsPoint Anonymous Reporting Hotline
   (800) 889-1547
   Electronic Submission Form

   The University will review and take appropriate action on anonymous reports. Note that the formal investigation process may not be initiated by filing an anonymous report via EthicsPoint. Additionally, during the course of an investigation, it may be possible to determine who made the report, even if the reporter excluded their name or other identifying information.

D. Special Reporting Obligations

1. ***Crimes*:** When the alleged conduct is potentially of a criminal nature, individuals are encouraged to also make a report to the University of Cincinnati Police Division or to local law enforcement where the conduct occurred.

2. ***Felonies*:** Ohio law requires that any person knowing that a felony has been or is being committed to report the crime to the police. In the event University employees, in the course and scope of their employment, become aware of a felony that has been or is being com mitted on University property or during a University event, they must report it to the University of Cincinnati Police Division (exceptions to this requirement are persons employed by the University who are exempted by law from reporting under R.C. 2921.22 or other applicable statute(s)).

3. ***Minors*:** All University community members who receive information, suspect, or know that a minor is being or has been abused or neglected must report this information to the University of Cincinnati Police Division promptly.

E. False Reporting

False reporting is making an intentionally inaccurate report or accusation in relation to this Policy as opposed to a report or accusation, which, even if erroneous, is made in good faith. False reporting is a serious offense subject to appropriate disciplinary action ranging up to and including dismissal or termination.

V. SUPPORTIVE MEASURES

Supportive measures are available to individuals involved or affected by conduct reported under this Policy. Supportive measures are non-disciplinary, non-punitive, individualized services designed to restore or preserve equal access to the University's program or activity, without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter violations of this Policy. Supportive measures 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 and/or other parties ("mutual no-contact orders"), changes in work or housing arrangements, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures.

Supportive measures are available upon receipt of a report of conduct alleged or suspected to be in violation of this Policy as reasonable and appropriate and irrespective of whether the complainant chooses to pursue an investigation or not. Individuals who would like to request supportive measures should contact the Office of Equal Opportunity.

Individuals who experience difficulty obtaining supportive measures that have been approved should contact the Office of Equal Opportunity.

Supportive measures may continue to be available during an individual's enrollment/employment with the University. Individuals may elect to change or end their supportive measures at any time by providing written notice to the Office of Equal Opportunity.

VI. FILING A FORMAL COMPLAINT

A. Formal Complaint

To initiate the investigation process, a complainant must file a formal complaint with the Office of Equal Opportunity. A formal complaint requires the complainant's physical or digital signature, or other indicia that the complainant is the person filing the formal complaint. A formal complaint may be filed in person, by mail, or by electronic mail. Formal complaints may not be filed anonymously. A complainant's choice to pursue a formal complaint can be revoked, altered, or otherwise changed by providing notice to the Office of Equal Opportunity at any time prior to the adjudication of the formal complaint.

B. Where to File a Formal Complaint

Office of Equal Opportunity
225 Calhoun St., 308 USquare
PO Box 210158
Cincinnati, OH 45221-0158
(513) 556-3349
eooffice@ucmail.uc.edu

VII. EMERGENCY REMOVAL

The University may remove a party from the University's program or activity or place the respondent on administrative leave on an emergency basis in accordance with applicable University policies, collective bargaining agreements, Student Code of Conduct, or other applicable agreement.

VIII. INVESTIGATION PROCEDURES

A. Presumption of Not Responsible and Equal Treatment

Complainants and respondents shall be treated equitably and credibility determinations may not be based on a person's status as a complainant, respondent, or witness. There is a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made pursuant to this Policy.

B. Standard of Review

The standard of review to be used to determine if a violation of this Policy has occurred is the preponderance of the evidence standard. This standard does not preempt any differing standard set forth in any applicable collective bargaining agreement.

C. Conflicts of Interest

No individual designated by the University as the investigator may have a conflict of interest or bias for or against complainants or respondents generally or individually.

If either party believes that there is a conflict of interest or bias with the assigned investigator that may adversely impact the investigation, such concern should be

submitted in writing to the Vice President for Ethics, Compliance & Community Impact, or designee. If the Vice President for Ethics, Compliance & Community Impact, or designee, determines there is no conflict of interest or bias, the investigation will proceed without a change to the investigator. If a determination is made that a conflict of interest or bias exists, the Vice President for Ethics, Compliance & Community Impact, or designee, shall appoint a different individual to conduct the investigation.

D. Advisors

Parties and witnesses may elect to have an advisor of their choice. An advisor may consult with a party/witness verbally or in writing in a quiet, non-disruptive manner, however, the advisor may not participate as a spokesperson or vocal advocate. Parties/witnesses are required to notify the investigator three (3) business days prior to any meeting if the advisor is an attorney. The investigation process will not be delayed to accommodate an advisor's schedule. Therefore, a party/witness should select an advisor whose schedule permits attendance at the scheduled date and time. Advisors may not be present in place of any party/witness who is not in attendance at the meeting.

E. Notice

After receipt of a formal complaint, the Office of Equal Opportunity will provide written notice to both the complainant and respondent. If during an investigation, the Office of Equal Opportunity decides to investigate allegations about the complainant or respondent that are not included in the initial written notice of a formal complaint, the Office of Equal Opportunity and/or another appropriate University office shall provide notice of the additional allegations to the parties whose identities are known.

Notice will contain the following information:

- A description of the investigation process, including any applicable informal resolution process.
- Notice of the allegations of conduct in violation of this Policy. The notice will provide sufficient details known at the time, which include the identities of the parties involved in the incident, if known, the conduct allegedly constituting a violation of the Policy, and the date and location of the alleged incident, if known.
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the applicable adjudication process.
- Notice that the parties may have an advisor of their choice.
- Notice that University policy prohibits knowingly making false statements or knowingly submitting false information.
- Information regarding resources available to provide academic and personal support on and off campus, including counseling services, academic advising, and resources for pursuing complaint resolution.

F. Gathering of Evidence

After sending written notice to the parties, the investigator will begin the investigation process. Each party shall have an opportunity to be interviewed, provide written statements, present witnesses, and provide other relevant evidence to the investigator. The University shall not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. Each party should note that the investigator's ability to obtain relevant evidence may be limited by certain factors (e.g. the investigator cannot issue subpoenas). Therefore, the investigator relies on the parties to provide witness names and relevant evidence.

To provide a fair and impartial resolution of complaints, it is expected that students and employees who serve as witnesses will be cooperative, honest, and forthright. Cooperation includes providing accurate information and evidence, if requested. A student may choose not to participate as a witness in an investigation. For employees, if a party requests that an employee participate in an investigation, participation is at the requested employee's discretion. However, if the Office of Equal Opportunity determines that an employee's participation is necessary as part of its investigation, the Office of Equal Opportunity may require the employee to participate in accordance with any applicable policies, employment agreements, and/or collective bargaining agreements. Any questions regarding an employee's obligations to participate in an investigation should be directed to the employee's supervisor (or Human Resources if the supervisor is the subject of the investigation).

G. Preliminary Investigative Report

Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. The parties will be given this opportunity by receiving a copy of the preliminary investigation report. The parties will be provided with this evidence in the preliminary investigative report, but not any time prior. The preliminary investigative report will be simultaneously distributed to the parties. The parties will have at least ten (10) business days to submit a written response, which the investigator will consider prior to completion of the investigation report.

H. Final Investigative Report

The final investigative report will be simultaneously distributed to all parties. Reports relating to a student respondent will not contain any findings or conclusions and will be forwarded to the Office of Student Conduct and Community Standards. Reports relating to an employee or other third party respondent will contain findings and conclusions and will be forwarded to the appropriate office (i.e. Human Resources, Office of the Provost).

IX. ADJUDICATION

A. Process

Following distribution of the final investigative report, the adjudication of the formal complaint shall be conducted in accordance with established University policies and procedures, the Student Code of Conduct, applicable collective bargaining agreements, or other applicable agreement.

B. Accepting Responsibility

At any time prior to the adjudication of the formal complaint, a student respondent may choose to accept responsibility, at which point the Office of Student Conduct and Community Standards will convene a University Conduct Board hearing to determine appropriate sanctions.

C. Sanctions

Students found to have engaged in prohibited conduct in violation of this Policy are subject to a range of sanctions as set forth in the Student Code of Conduct.

Employees found to have engaged in prohibited conduct in violation of this Policy may be subject to discipline as set forth by the University's Human Resources policies and procedures, applicable collective bargaining agreements, or any applicable individual employment agreement.

X. DISMISSAL OF A FORMAL COMPLAINT

Formal complaints that do not meet the jurisdictional threshold, are withdrawn by the complainant, where respondent is no longer enrolled or employed by the University, or where the specific circumstances prevent the investigator from gathering sufficient evidence may be dismissed by the Office of Equal Opportunity. Dismissed formal complaints may be referred to the appropriate University office if other conduct violations may be at issue. Upon a dismissal, the Office of Equal Opportunity shall promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to the parties.

XI. INFORMAL RESOLUTION PROCESS

Informal resolution is a voluntary process through which both parties, including the University, must consent to work toward resolution of a matter without going through the investigation process. The informal resolution process may only be pursued in matters where a formal complaint has been filed. Parties may agree to engage in informal resolution at any time prior to the adjudication of the formal complaint. An investigation may be deferred while the parties pursue informal resolution. The University reserves the right to end an informal resolution process if, in its discretion, there is not substantial progress toward resolution. Neither party, nor the University, shall be precluded from withdrawing their consent to participate in the informal resolution process at any time prior to reaching an agreed-upon informal resolution. The University may not offer an informal resolution process to resolve allegations that an employee sexually harassed a student.

XII. CONFIDENTIALITY

The University recognizes the importance of confidentiality. To the extent possible, all information received in connection with the reporting, investigation, and resolution of conduct covered under this Policy will be treated as confidential except when necessary to conduct an appropriate investigation, to provide assistance and resources to University community members, to perform other appropriate University functions, or when the University is compelled to produce information in accordance with applicable law and/or other controlling authority. Confidentiality is not the equivalent of anonymity and will be limited during the investigation and resolution process.

XIII. PROHIBITION AGAINST RETALIATION

The University prohibits retaliation against an individual for reporting in good faith alleged or suspected violations of this Policy, for the individual's good faith participation in an investigation related to this Policy, or for otherwise asserting protected rights in good faith.

Reports of alleged retaliation should be made as outlined in section IV of this Policy.