Proposed Campus Sexual Misconduct Policy
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Goal:
To eliminate and prevent sexual misconduct and crime on the Oliwood State Campus for all students regardless of sex, race, gender, and sexual orientation. Sexual misconduct and crime is a serious issue that affects a large portion of society; however, as a university, the safety of each student should be prioritized and ensured, and if any harm to the safety of students occurs, it should be dealt with effectively. Due to the severity of these actions, punishment will reflect in its proportionality of the act taken. Every student should feel protected throughout their studies and feel that they are in an environment where they are safe.

Offenses:

Rape
For the purpose of the policy, rape is defined as any form of penetration, no matter how slight, of the vagina or anus with any body part or object, or oral contact with a sex organ, that is done with force, or while under threat of force, or coercion.

Sexual Assault
For the purpose of the policy, sexual assault is defined as the knowing sexual contact or behavior that occurs with an unconsenting party.

First Degree
Contact with the skin of a sensitive area of an unconsented party in a sexual manner.

Second Degree
Unconsented touching of a sensitive area over clothing or unconsented touching of a non-sensitive area in a sexual manner.
**Sexual Harassment**

For the purpose of the policy, sexual harrassment is harassment that is sexual, sex-based, or gender-based in the nature of harassment itself. Forms of Sexual Harassment include:

**Stalking**

A pattern of unwanted behavior, directed at a specific person, which causes that person to change their routine or feel afraid, nervous or in danger.

**Sexual comments**

Any verbal or written communication that suggests sexual contact, refers to sexual matters, or any other communication of a sexual nature that creates an unsafe or uncomfortable setting for an unconsented party.

**Invasion of personal space in a sexual manner**

Any breach of established and acceptable personal space relative to the actors in a sexual manner, creating an environment that may cause physical, mental, emotional, and/or academic duress. This duress may cause a person to feel unsafe or uncomfortable in regard to their personal dignity and/or safety to a reasonable degree.

**Distribution of explicit content**

Any sharing or showing of explicit materials, including photos, screenshots, videos, communication, or other forms, performed without the expressed consent of the subject of the materials.

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**Intoxication:**

For the purposes of this policy, intoxication by way of alcohol, drugs, or any other substance, will not negate the mental state of “knowing” as described in this policy. Consent may not be obtained from an intoxicated individual.

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**Sanctions**

The following sanctions are available for use by the university on a case by case basis, at the university’s discretion. After the conclusion of an investigation, the Office of Student Conduct and Accountability will deliver sanctions relative to the misconduct. Repeated offenses should be treated with heightened scrutiny.

- Expulsion
- Suspension
- Revoking of scholarships
- Community service
- Required training
- Denied access to community contacts/potential employers
- Placed on official transcript
- No Contact Order

**Rape**
Anyone found to have committed the act of rape will be subject to, but not limited to, the following sanctions: permanent expulsion, an official statement on school records, the incident will be reported to investigative authorities, and a no contact order with the victim.

**Sexual Assault**
Anyone found to have committed an act of sexual assault in the first degree will be subject, but not limited to, suspension and/or loss of scholarship. Perpetrators of sexual assault in the second degree will be subject, but not limited to, community service and/or required training.

**Sexual Harassment**

**Stalking**
Anyone found to have committed an act of stalking will be subject, but not limited to, the following sanctions: a no contact order with the unconsented party will be issued, the perpetrator will be denied access to any buildings in connection with the victim, requirement of community service, and there will be a required training session.

**Sexual comments**
Anyone found to have made sexual comments, verbal, written, or otherwise, will be subject, but not limited to, the following sanctions: required training session(s) and community service, the amount of which to be determined by Oliwood State University.

**Invasion of personal space in a sexual manner**
Anyone found to have committed an act of invasion of personal space in a sexual manner will be subject, but not limited to, the following sanctions: a no contact order with the unconsented party will be issued and there will be a required training session.
**Distribution of explicit content**

Anyone found to have committed an act of distribution of explicit content will be subject, but not limited to, the following sanctions: A no contact order with the unconsented party, required training session(s), loss of scholarship, and potential suspension.

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**Report and Investigation**

**Mandatory Reporting**

All members of the Oliwood State University administration, faculty, and staff are classified as Mandatory Reporters. Mandatory Reporters must immediately report any known or potential sexual misconduct to university administration upon receiving information pertinent to the matter. Mandatory Reporters have a duty to disclose their status as such with any party communicating matters pertaining to sexual misconduct.

**Confidentiality**

The identity of any individual who reports any of the above offenses will be kept confidential. The identities of any and all parties involved in any matter pertaining to the above offenses will be kept confidential.

**How To Report:**

- www.OSU.edu/StudentSafety
- Anonymous hotline
- In-person office, or scheduled Zoom appointment

**Investigation**

Upon receiving a report of sexual misconduct in any form, Oliwood State University will sanction an investigation with the mission of finding the facts of the reported misconduct. The investigation will include, but may not be limited to, interviews, evidence collection and interrogatories. Upon conclusion of the investigation, the investigative file will be turned over to Oliwood State University administration to determine if any university sanctions are warranted. The file shall also freely be given to the Oliwood Police Department if criminal charges outside of this policy are pursued.
Internal Investigation Team

The internal investigation team shall be composed of various members from within the Oliwood State University community. Each team assigned to investigate a report of sexual misconduct will include at least, but may contain more, than four members. Of these four, two will be students, one will be a member of the campus public safety office, and one a member of the campus sexual misconduct or Title IX office; should the case arise where students do not participate, additional representatives from any of the aforementioned offices may substitute their roles.

Definitions

Academic Duress: Any anxiety or fear relating to grading and/or academics that may be caused by an actor’s coercion, intimidation, and/or threats. This conduct may occur in or outside of the classroom, if the results of misconduct impact the student’s academic life in this fashion.

Consent: A freely given agreement to the conduct at issue by a competent person

Notable considerations:
- Can be withdrawn at any time, clear, knowing, voluntary, expressed
- Can be given by words or actions but must be clearly given and accepted by all parties
- Previous agreement do not affect consent

Force: Force is to be defined as physical force, emotional force (use of psychologically controlling and manipulative manners), and other behaviors used to coerce/compel into submission. Any use of force negates consent.

Knowing: An act done by the actors own volition in the absence of mistake. The actor is aware of their conduct.

Sexual Contact: The term “sexual contact” means touching, or causing another person to touch, either directly or through the clothing, the genitalia, inner thigh, buttocks, groin, and/or breasts of any person, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person. Touching may be accomplished by any part of the body or an object.

Sexual Manner: A fashion that either implicitly or explicitly carries sexual implications.
**Sensitive Area:** A sensitive area may include, but is not limited to, the genitalia, inner thigh, buttocks, groin, and/or breasts. Areas deemed sensitive may be by its person, and will be found favorable to the person’s established boundaries, to a reasonable degree.

**Non-sensitive area:** Non-sensitive areas are all other areas of the body, or those that are deemed by its person to be non-sensitive in a sexual manner.

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**Student Resources**

**Therapy**

Therapy is offered to all students, staff, faculty, and administration of Oliwood State University. University therapy staff will be mandated reporters and shall cooperate with patient’s requests for non-campus recommendations or referrals.