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Sexual Harassment and Discrimination Policy

Section I. Introduction

1. Antioch College is committed to fostering an environment free of discrimination in all its forms, including any form of sex-based discrimination and misconduct, including acts of sexual violence, sexual harassment, domestic violence, dating violence, and stalking. All members of the Antioch College community are expected to conduct themselves in a manner that does not infringe upon the rights of others.
2. This policy is intended to define community expectations in regard to sex discrimination and to establish a mechanism for determining when those expectations have been violated. Antioch College recognizes its responsibility to increase awareness of such misconduct, prevent its recurrence and investigate reports of misconduct with integrity as well as support the campus community including students, faculty, staff and campus guests, which includes vendors, contractors and visitors who have experienced sexual harassment and discrimination. Antioch College also recognizes the responsibility to respond to all known allegations in a timely manner consistent with the deeply held values of the Antioch College community.
3. Members of the Antioch College community can choose to pursue criminal and civil procedures, in addition to or instead of the College's processes if they believe they have experienced a form of sexual harassment and/or discrimination.
4. The Antioch College Sexual Harassment and Discrimination policy seeks to operationalize the SOPP document created in 1991 to provide greater guidance and ensure that the college remains compliant with all relevant state and federal laws including Title IX of the Education Amendments of 1972.

5. If at any point a community member believes there has been a lack of response or the SOPP has not been upheld, please contact the office of Title IX in the division of Diversity, Equity and Inclusion or Human Resources. Any Antioch College member may seek guidance on any of the policies and guidelines listed throughout this document, by contacting the division of Diversity, Equity and Inclusion or the office of Human Resources.

Section II. Jurisdiction

1. This policy supersedes all previous college policies on sex-based discrimination and misconduct, except where noted.
2. This policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include controversial or sensitive subject matters protected by academic freedom.
 - 2.1. If a topic pertaining to sexual harassment and discrimination occurs within the classroom setting that is seen as offensive or uncomfortable language or actions to class attendees, there are supportive resources available to any student that may experience adverse effects from course content.
 - 2.2. If there is a pattern of behavior that extends beyond the boundaries of academic freedom or that creates a hostile environment as defined in this policy, contact Human Resources or the Office of Diversity, Equity and Inclusion. For more information on the academic freedom policy, please refer to the academic policies on Antioch College's webpage found [here](#) or review the policy below on pages 7-8.
3. By virtue of being a member of the Antioch College Community, each member of the Antioch College community agrees to become familiar with and respect the Honor Code and all College policies and guidelines, thus creating and protecting a sense of honor in our lives.
4. Members and visitors are responsible for upholding these values through signing the Statement of Understanding document upon their arrival on campus. See Appendix.
5. All sex discrimination and gender-based discrimination and misconduct reports can be made online at <https://antiochcollege.edu/campus-life/sexual-offense-prevention-policy-title-ix/> *or* directly to the Title IX Coordinator via email at titleix@antiochcollege.edu

Section III. Definitions

1. Affirmative Consent: The act of willingly and verbally agreeing to engage in specific sexual conduct. Affirmative consent must be obtained each and every time there is sexual activity.

An individual cannot affirmatively consent under duress, mental or physical coercion, while sleeping or incapacitated.

2. Coercion: The act of being forced verbally, physically, or through undue pressure to unwillingly engage in sexual activity without affirmative consent.
3. Complainant: An individual who is alleged to be the victim of conduct that could constitute sexual harassment.
4. Dating Violence: Dating Violence is defined as 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 shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 - 4.1. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - 4.2. Dating violence does not include acts covered under the definition of domestic violence. We caution that differences in the culture of different people and their use of terms may mean that a reporting party may describe a dating relationship using different terms from how an institutional official might describe "dating." When the reporting party asserts that there was a dating relationship, you should assume that the victim and perpetrator were in a dating relationship to avoid incorrectly omitting incidents. The victim's use of terms such as "hanging out" or "hooking up" rather than "dating," or whether or not the relationship is described as "monogamous" or "serious" should not be the determining factor. No matter who reports the incident, whether it is the victim or a third party, it is the responsibility of the institution to determine whether the incident should be included as Dating Violence.
5. Domestic Violence: Domestic Violence is defined as a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by 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; by 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.
 - 5.1. To categorize an incident as Domestic Violence, the relationship between the perpetrator and the victim must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an

intimate relationship. An act of verbal, physical or coercive violence committed by a current or former intimate partner with whom an individual shares a child in common, is currently or has cohabitated with as an intimate partner or spouse.

6. Force: The physical action of force upon another person(s) with the intent to harm them.
7. Formal complaint: A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment.
 - 7.1. The phrase “document filed by a complainant” means a document or electronic submission (such as by e-mail or through an online portal provided for this purpose by the school) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
8. Intercourse: Includes vaginal or anal penetration by a penis, object, tongue or finger and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.
9. Intimate Partner Violence: Intimate Partner Violence is an umbrella term that includes dating and relationship violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with a partner and where the existence of such a relationship can be reasonably determined by the persons involved through various forms of interaction ie: electronic communication, photos, etc., including confirmation of the type of relationship and the frequency of interaction between the persons.
10. Non-Consensual Sexual Contact: Any intentional sexual touching, however slight, with any object or without, by a person upon another person, that is without affirmative consent and/or by force or coercion.
11. Non-Consensual Sexual Intercourse: Any sexual intercourse, however slight, with any object, by a person upon another person that is without consent and/or by force.
12. Preponderance of Evidence: The preponderance standard “requires demonstrating that the existence of the contested fact is more probable than its nonexistence.”¹ Stated differently, the preponderance standard requires evaluators to consider whether “the evidence presented ... is more likely to be true than not”²

¹ Orloff N. and Stedinger J. 1983. A Framework for Evaluating the Preponderance-of-the-evidence Standard. *University of Pennsylvania Law Review*, Vol. 131, p. 1159.

² Leubsdorf J. 2015. The Surprising History of the Preponderance Standard of Civil Proof. *Florida Law Review*, Vol. 67, p. 1573.

13. Quid Pro Quo Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another, when submission to such conduct would be a condition for access to receiving the benefits of any educational or employment program. Examples of quid pro quo:
 - 13.1.1. Student Resident Assistant seeking sexual favors from a student resident in exchange for some benefit or to avoid a consequence, such as reporting behavior related to a residential policy.
 - 13.1.2. Student seeking to get into a specific campus organization and organization leader or organization member seeks sexual favors in exchange for membership to campus organization.
 - 13.1.3. Professor or Teaching Assistant seeking sexual favors from a student in exchange for a better grade.

14. Reasonable Person: Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

15. Retaliation: Retaliation is defined as any action taken with malicious intent against a person participating in a protected activity because of that person's participation in that protected activity. Retaliation against an individual for sex-based discrimination allegations for supporting a reporting or responding party, or for assisting in providing information relevant to an allegation is a serious violation of the Antioch College retaliation policy.

16. Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment

17. Sex and Gender - Based Hostile Environment: A hostile environment is created when an act of sex-based discrimination is sufficiently severe, or persistent or pervasive, and objectively offensive that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the college's educational and/or employment, social and/or residential program.

18. Sexual Assault: Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. This includes:
 - 18.1. Forcible 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, without the consent of the Complainant.

- 18.2. Forcible Sodomy – Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will or not forcibly or against the person’s will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- 18.3. Sexual Assault With An Object – To use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will or not forcibly or against the person’s will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- 18.4. Forcible Fondling – The touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person’s will (non-consensually) or not forcibly or against the person’s will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- 18.5. Sex Offenses, Nonforcible – Nonforcible sexual intercourse where consent was not given.
- 18.6. Incest – Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by [insert state] law.
- 18.7. Statutory Rape – Nonforcible sexual intercourse with a person who is under the statutory age of consent of 16. In Ohio, it is illegal for an adult (someone 18 or older) to have sex with a minor (someone younger than 16), even if the sex is consensual. Those who break the law have committed statutory rape.
- 19. Sexual Contact includes: Intentional contact with the breasts, buttocks, groin, or genitals, or touching others with any of these body parts, or making others touch you or themselves with or on any of these body parts; or any other intentional bodily contact in a sexual manner.
- 20. Sexual Exploitation: Occurs when one person takes the non-consensual or abusive sexual advantage of others for self-serving advantage or benefit, or to benefit or advantage anyone other than the one being exploited and that behavior does not otherwise constitute one of other sexual misconduct offenses. – *can this sentence be deleted?* others. Examples of sexual exploitation include but not limited to:
 - 20.1. Invasion of sexual privacy;

- 20.2. Prostituting another person;
 - 20.3. Non-consensual digital, video, or audio recording of nudity or sexual activity; this includes sharing consensual private videos with someone other than individual (s) outside of agreed upon party to whom engaged in consensual activity.
 - 20.4. Engaging in voyeurism;
 - 20.5. Going beyond the boundaries of affirmative consent; ie: sharing video or audio record of nudity or sexual activity to someone outside of agreed upon party.
 - 20.6. Knowingly exposing someone to or transmitting an STI, STD, or HIV to another person;
 - 20.7. Intentionally exposing one’s genitals in non-consensual circumstances or inducing another to expose their genitals; and
 - 20.8. Sexually-based stalking and/or sexually- based bullying may also be forms of sexual exploitation.
- 21. Sex and Gender-Based Stalking: A course of repetitive and menacing conduct of a sex or gender-based nature, directed at a specific person, that is unwelcome, AND would cause a reasonable person to feel fear, safety or harm.
 - 22. Stalking: Stalking is defined as 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 the purposes of this definition:
 - 22.1. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker 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.
 - 22.2. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 - 22.3. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

23. Supportive measures: Individualized services reasonably available that are nonpunitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

Section IV. History and Scope

1. History

- 1.1. In 1991, a group of women of Antioch began a campaign to promote a culture free of sexual violence at Antioch College. Through this effort, a document was created which became known as the Sexual Offense Prevention Policy or SOPP.
- 1.2. The SOPP was the College's formal attempt at ending sexual violence and sexual harassment while fostering a campus culture of positive, consensual sexuality.
- 1.3. The Antioch College Sexual Harassment and Discrimination Policy seeks to operationalize the SOPP document created in 1991. Additionally, it seeks to provide greater guidance and ensure that the College remains compliant with all relevant state and federal laws, including Title IX of the Education Amendments of 1972.

2. Scope

- 2.1. Whenever there is an incident of non-consensual sexual conduct or sexual harassment on the Antioch College campus, during an Antioch College sanctioned event, or between two Antioch College students, faculty or staff regardless of location, any member of the Antioch community has a right to file a report or not to file a report with the Title IX coordinator or Human Resources.
- 2.2. If an act of sexual violence or sexual harassment occurs off campus in the context of an educational program or activity of the college, the College's Title IX officer will respond in the same manner as an on-campus incident of sexual violence or sexual harassment.
- 2.3. Guests and visitors that come onto the Antioch College campus are subject to the same policies outlined herein. Although there may be limited action the College can take against a guest (s), it is the College's expectation that all individuals including visitors and guests adhere to the policies outlined throughout this document.
- 2.4. If at any point a community member believes there has been a lack of response or College policy has not been upheld, please contact the Title IX coordinator or Human Resources.

- 2.5. Any Antioch College member may seek guidance on any of the policies and guidelines listed throughout this document, by contacting the division of Diversity, Equity and Inclusion or the office of Human Resources.

3. Standard of Evidence

- 3.1. Antioch College uses the preponderance of the evidence standard (also known as “more likely than not” or 50.1%) as the standard for proof of whether a violation occurred in campus resolution proceedings.
- 3.2. Legal terms, such as “guilt, “innocence, and “burdens of proof,” are not applicable.
- 3.3. Antioch College never assumes a responding party is in violation of college policy.
- 3.4. Campus resolution proceedings are conducted to take into account the totality of all evidence available from all relevant sources.
- 3.5. Under this policy, “no” always means “no,” and “yes” may not always mean “yes.” Anything but a clear, knowing, and voluntary, affirmative consent to any sexual activity is equivalent to a “no.”

Section V. Overarching Community Goals: Affirmative Consent

1. Affirmative Consent Defined

- 1.1. Affirmative Consent is defined as the act of willingly and verbally agreeing to engage in specific sexual conduct.
- 1.2. Affirmative consent must be obtained each and every time there is sexual activity.
- 1.3. An individual cannot affirmatively consent under undue pressure, mental or physical coercion, while sleeping or incapacitated.
- 1.4. The person who initiates sexual conduct is responsible for verbally asking for the affirmative consent of individual(s) involved. Use of agreed upon forms of communication such as gestures or safe words is acceptable but must be discussed and verbally agreed to by all parties before sexual activity occurs.
- 1.5. The person with whom sexual conduct is initiated must verbally express affirmative consent or lack of “consent.” Silence and the absence of clear nonverbal communication conveys a lack of affirmative consent.

- 1.6. Each new level of sexual activity requires affirmative consent be obtained by the individual initiating the new level of sexual activity.
- 1.7. Affirmative Consent is required regardless of the parties' relationship, prior sexual history, or current activity (e.g. grinding on the dance floor is not consent for further sexual activity.)
- 1.8. In order for affirmative consent to be valid, all parties must not be under any undue pressure, incapacitated or under any mental or physical coercion or sleeping. Affirmative consent has to be mutual with a shared understanding of the nature of the act to which they are consenting, including the use of safe sex practices, such as using prophylactics, condoms, dental dams, and all forms of birth control.
- 1.9. At any and all times when affirmative consent is withdrawn or not explicitly agreed to, the sexual activity must stop immediately.
- 1.10. All parties must disclose personal risk factors and known STIs prior to engaging in any form of consensual sexual contact with each other. All parties must disclose any known personal risk factors in a reasonable amount of time to any/all parties prior to engaging in consensual sexual contact in order for affected parties to make an informed decision.

2. Examples of Behavior Contrary to Affirmative Consent

- 2.1. Unwelcome and non-consensual sexually based gestures
- 2.2. Unwelcome and non-consensual sexually based touching
- 2.3. Unwelcome and non-consensual penetration of a body opening by any means, including but not limited to vaginal penetration, anal penetration, and oral sex. Penetration, however slight, includes the insertion of objects or body parts.
- 2.4. Sex or gender-based stalking
- 2.5. Violence as related to dating or domestic partnership.
- 2.6. Sexually based forms of non consensual communication, whether verbal, written, via telephone or through electronic or social media.
- 2.7. Failure to disclose or dishonesty about disclosing STIs and other personal risk factors prior to engaging in consensual sexual contact.

- 2.8. Failure to use safer sex practices, such as using prophylactics, condoms, dental dams, and all forms of birth control unless otherwise agreed upon verbally.
- 2.9. Harassment of any kind based on sex or gender.
- 2.10. Any act of retaliation in response to an allegation of a SOPP violation or other forms of sex or gender-based discrimination.
- 2.11. Non-consensual conduct that is not sex-based could be a violation of other College policies and should be referred to appropriate college personnel or office.

Section VI. Community Standards

1. Non-Harassment:

- 1.1. It is Antioch College's policy to prohibit intentional and unintentional harassment of any individual by another person on the basis of any protected classification including, but not limited to, person's gender, gender identity, gender expression, sex, sexual orientation, age, race, nationality, class status, religion, disability, pregnancy, predisposing genetic characteristics, military status, criminal convictions, domestic violence status, familial status, or other protected status. The purpose of this policy is to ensure that in the workplace, and educational setting, the environment is open and free from all forms of discrimination.
- 1.2. If you feel that you have been subjected to conduct which violates this policy, you should immediately report the matter to your Supervisor or the Office of Human Resources. If you are unable for any reason to contact this person, or if you have not received a satisfactory response within five (5) business days after reporting any incident of what you perceive to be harassment, please contact the next level manager.
- 1.3. If your Supervisor or next level manager is the person toward whom the complaint is directed you should contact any higher level manager in your reporting chain.
- 1.4. Every report will be preliminarily investigated to establish if there is sufficient evidence that could present a violation of a College policy or policies.
- 1.5. Upon conclusion of a preliminary investigation, or a full investigation, corrective action will be taken where appropriate.
- 1.6. Finding of responsibility for violation of this policy by a member of this community, will result in disciplinary action, up to and including discharge.

- 1.7. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed.
- 1.8. The College will not allow any form of retaliation against individuals who, in good faith, report unwelcome conduct to management or who cooperate in the investigations of such reports. Employees who make complaints in bad faith may be subject to disciplinary action, up to and including discharge. All employees must cooperate with all investigations.

2. **Workplace Harassment**

- 2.1. It is Antioch College's policy to prohibit harassment of any employee by any Supervisor, employee, student or vendor on the basis of sex or gender.
- 2.2. Prohibited behavior includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, obscene gestures, displaying sexually graphic magazines, calendars or posters, sending sexually explicit e-mails, text messages and other verbal or physical conduct of a sexual nature, such as uninvited touching of a sexual nature or sexually related comments.
- 2.3. Depending upon the circumstances, improper conduct also can include sexual joking, vulgar or offensive conversation or jokes, commenting about an employee's physical appearance, conversation about your own or someone else's sex life, or teasing or other conduct directed toward a person because of his or her gender which is sufficiently severe or pervasive to create an unprofessional and/or hostile working environment.
- 2.4. If you feel that you have been subjected to conduct that violates this policy, you should immediately report the matter to your Supervisor or to Human Resources. If you are unable for any reason to contact this person, or if you have not received a satisfactory response within five (5) business days after reporting any incident of what you perceive to be harassment, please contact the next level manager.
- 2.5. If your Supervisor or next level manager is the person toward whom the complaint is directed you should contact any higher level manager in your reporting chain. Employees may also contact the Office of Human Resources if they are uncomfortable for any reason using the above procedure. Every report of perceived harassment will be fully investigated and corrective action will be taken where appropriate.

- 2.6. Violation of this policy will result in disciplinary action, up to and including discharge. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed.
- 2.7. The College will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. Employees who make complaints in bad faith may be subject to disciplinary action, up to and including discharge. All employees must cooperate with all investigations.

3. **Sexual Assault**

- 3.1. Security officers, staff, administrative and faculty follow clear processes, both in Yellow Springs and on off-campus programs (subject to the laws and policies of particular countries and host institutions), when responding to a report of sexual assault.
- 3.2. Antioch College supports any members of our community who become victims of sexual assault. We will offer immediate help and also referrals to appropriate persons and organizations, often including but not limited to, local police, hospitals, advocacy groups and counseling and crisis centers.
 - 3.2.1. Whenever possible, members of off-campus programs receive a list of resources available at or near their program site and in advance of the program.
 - 3.2.2. In the aftermath of a sexual assault the College works to create and accommodate alternative living, working and academic arrangements as appropriate.
- 3.3. Antioch College supports education to the community about sexual assault on Antioch's campus. This is accomplished by making the entire Sexual Assault Policy document, a resource for referral and education, available to all members of the community.

4. **Non-Fraternization**

- 4.1. Antioch College is committed to providing its students with an educational environment conducive to learning. The faculty/staff-student relationship, however warm and caring, inherently involves disproportionate power and influence on one side and is thus liable to abuse. A sexual relationship between a faculty or staff member and a student may not only exploit this imbalance but also distort and

inhibit the learning environment. For these reasons, it is the agreement of the Antioch College faculty and staff that sexual relationships between Antioch College faculty members or staff and Antioch College students are unacceptable and constitute professional misconduct. Please see the College's Non-Fraternization Policy (02.007)

5. **Sex Discrimination and Gender-Based Misconduct**

- 5.1. Sex and gender-based misconduct includes a broad range of behaviors focused on sex and/or gender that may or may not be sexual in nature. If a member of the Antioch College community is discriminated against on the basis of sex in an Antioch College educational program that denies them the benefit or access of an educational program, such behavior may constitute a violation of this policy and other relevant policies.
- 5.2. If a member of the Antioch College community experiences sex and gender-based discrimination that denies them the benefit of or access to an educational program, that action may also constitute a violation of this policy, other relevant policies and/or state and federal laws. To constitute a violation, the conduct must be severe, pervasive and/or create a hostile environment that denies a member an educational benefit.

6. **Pregnancy or Pregnancy-Related Conditions**

- 6.1. Antioch College is committed to creating and maintaining a campus community where all individuals are free from discrimination, including individuals who are pregnant, experience termination of a pregnancy, recently experienced childbirth or recovery therefrom. Faculty, staff and College personnel should work with impacted students and/or employees who seek accommodation, so long as deemed necessary by the individual's physician, in the form of writing.
- 6.2. Information about pregnant students' requests for accommodations will be shared with faculty and staff only to the extent necessary to provide the reasonable accommodation. Faculty and staff will regard all information associated with such requests as private and will not disclose this information unless necessary. Administrative responsibility for these accommodations lies with the Title IX Coordinator or designee who will maintain all appropriate documentation related to accommodations.
- 6.3. Antioch College and its faculty, staff, and other employees will not require students to limit their studies as the result of pregnancy or pregnancy-related conditions. The

benefits and services provided to students affected by pregnancy will be no less than those provided to students with temporary medical conditions. Students with pregnancy-related disabilities, like any student with a short-term or temporary disability, are entitled to reasonable accommodations so that they will not be disadvantaged in their courses of study or research, and may seek assistance from the Title IX office.

- 6.4. As long as students can maintain appropriate academic progress, faculty, staff, or other Antioch College employees will not require them to take a leave of absence, or withdraw from or limit their studies as the result of pregnancy, childbirth, or related conditions, but nothing in this policy requires modification of the essential elements of any academic program.

7. **Lactation Breaks**

- 7.1. The College will provide a reasonable amount of break time to accommodate an employee or student desiring to express breast milk for the employee's or student's infant child, in accordance with and to the extent required by applicable law.
- 7.2. The break time, if possible, may run concurrently with rest and meal periods already provided to the employee. If the break time cannot run concurrently with rest and meal periods already provided to the employee, the break time will be unpaid, subject to applicable law.
- 7.3. The College will make reasonable efforts to provide employees with the use of a room or location other than a bathroom for the employee to express milk in private. This location may be the employee's private office, if applicable.
- 7.4. Please consult the Office of Human Resources or the office of Diversity, Equity and Inclusion if you have questions regarding this policy. Please advise management if you need break time and an area for this purpose. Employees and/or students will not be discriminated against or retaliated against for exercising their rights under this policy.

Section VII. Title IX Regulations

1. Statement of Federal Compliance
 - 1.1. Antioch College follows the most recent U.S. Department of Education Final Rules as they relate to the investigation, response, and reporting of Title IX violations.

2. Sexual Harassment

2.1. Sexual harassment includes any of below three types of misconduct on the basis of sex.

2.1.1. Any instance of quid pro quo harassment by a school's employee;

2.1.2. Any unwelcome conduct that a reasonable person would find so severe, pervasive and objectively offensive that it denies a person equal educational access;

2.1.3. Any instance of sexual assault as defined by the Clery Act, dating violence, domestic violence, and stalking as defined by the Violence Against Women Act.

2.2. Sexual harassment is further defined as unwelcome sexual advances, requests for sexual contact, and other verbal, written, online, physical, or visual conduct of a sexual nature. Sexual harassment may be disciplined under this policy or other relevant college policies when it takes the form of quid pro quo harassment, retaliatory harassment, or creates a hostile environment.

2.3. Sexual Harassment Examples include but are not limited to:

2.3.1. Sexual favors, obscene gestures, displaying sexually graphic magazines, calendars or posters, sending sexually explicit e-mails, text messages and other verbal or physical conduct of a sexual nature, particularly after indication that such behavior is unwelcome that a reasonable person would find so severe, pervasive and objectively offensive that it denies a person equal educational access.

2.3.2. Sexual joking, vulgar or offensive conversation or jokes, commenting about an individual's physical appearance, conversation about your own or someone else's sex life, or teasing or other conduct directed toward a person because of a person's gender which is sufficiently severe or pervasive to create an unprofessional and hostile working environment that a reasonable person would find objectively offensive that it denies a person equal educational access.

3. Mandatory Response Obligations: The Deliberate Indifference Standard

3.1. The College must respond promptly to Title IX sexual harassment in a manner that is not deliberately indifferent, which means a response that is

not clearly unreasonable in light of the known circumstances. Schools have the following mandatory response obligations:

- 3.1.1. The Title IX Coordinator must promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
- 3.1.2. The College must follow a grievance process that complies with the Final Rule before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent.
- 3.1.3. The College must not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, when complying with Title IX.
- 3.1.4. The Final Rule requires the College to investigate sexual harassment allegations in any formal complaint, which can be filed by a complainant, or signed by a Title IX Coordinator.
- 3.1.5. The Final Rule affirms that a complainant's wishes with respect to whether the school investigates should be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.:
- 3.1.6. If the allegations in a formal complaint do not meet the definition of sexual harassment in the Final Rule, or did not occur in the school's education program or activity against a person in the United States, the Final Rule clarifies that the school must dismiss such allegations for purposes of Title IX but may still address the allegations in any manner the school deems appropriate under the school's own code of conduct.

4. Rights of Involved Parties

- 4.1. All parties involved in Title IX complaints of sexual harassment have the following rights:
 - 4.1.1. To be treated equitably throughout the process

- 4.1.2. To be provided information on supportive measures and other campus and non-campus related resources.
- 4.1.3. To have a required process Advisor and up to one Advocate of choice as deemed necessary by appropriate college officials.
 - 4.1.3.1. The College will make available a list of trained Advocates and Advisors for parties involved in the resolution process. An Advocate or Advisor can be anyone you trust with the exception of the list of individuals that cannot serve in any of the support roles listed in Section X.4 of this policy.
- 4.1.4. To provide and review information during an investigation and respond to the investigative report.
- 4.1.5. To suggest witnesses who may have relevant information
- 4.1.6. To review the investigative report and provide comment up to 10 business days upon receipt of the report and before final adjudication and review through a community standards board.

Section VIII. Amnesty

1. Antioch College encourages reporting all forms of sexual misconduct and seeks to remove any barriers to reporting by making the procedures for reporting transparent and straightforward.
2. Antioch College recognizes that an individual who has been drinking alcohol or using drugs at the time of an act of sex discrimination may be hesitant to make a report because of potential consequences for their own conduct. An individual who reports sexual misconduct, either as a Complainant or a third party witness, will not be subject to disciplinary action by the College for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. Antioch, may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or use of other drugs.

Section IX. Minor Students

1. When a report is received involving an enrolled student at Antioch College under the age of eighteen:

- 1.1. The Title IX Coordinator or Human Resources Director or designee will assess safety measures for the involved student and take corrective action, as well as to identify the student's legal guardian;
- 1.2. The student and the student's guardian will meet with appropriate college personnel to begin the investigation process.
- 1.3. The Title IX Coordinator or designee will work directly with the guardian in reviewing Antioch College's policies and procedures regarding sexual harassment and discrimination and resources available to the student, including supportive measures on and off campus.
- 1.4. The student and guardian are advised of the privacy of student records in accordance with the Family Educational Rights and Privacy Act, and that the student's records and decisions transition to the student when they turn eighteen.

Section X. Roles and Responsibilities

1. Title IX Coordinator: Title IX coordinator plays an essential role in helping to ensure that every person affected by the operations of Antioch College—including students, their parents or guardians, employees, and applicants for admission and employment—is aware of the legal rights Title IX affords and that Antioch College and its officials comply with their legal obligations under Title IX.
2. Mandatory Reporters: In addition to the Title IX Coordinator or designee, all staff, faculty and RAs are Mandatory Reporters. This means that any individual may choose to report a violation of the sex discrimination policy but, mandatory reporters are required under Antioch College policy to report the identity and details reported to them directly to the Title IX Coordinator.
3. Confidential Reporters: If you wish to maintain confidentiality, you may discuss a violation to any campus counselor, Doctor or employee whose office is located in the Health Center (Pennell House) or you may file a complaint anonymously online at <https://antiochcollege.edu/campus-life/sexual-offense-prevention-policy-title-ix/report-for-m/> and do not include your name under person providing information tab.
4. Advisors and/or Advocates: The role of an Advisor or /Advocate is to support the Reporting and Responding parties through the sex discrimination process through accompaniment to any and/or /all investigation meetings including accompaniment to the Community Standards Board hearing. If the alleged violation falls within the jurisdiction of Title IX, the advisor/advocate will serve as the liaison between individual parties during cross-examination.

- 4.1. The Advisor/Advocate should also provide resources to the Reporting and/or Responding parties as well, be well-versed in the College disciplinary resolution process.
- 4.2. The Advisor/Advocate is there to support the Reporting and Responding parties only and does not have an active speaking role during any College proceedings, unless the alleged violation falls under the jurisdiction of Title IX. This includes investigation interviews and the community standards board hearing. Other exceptions may also apply as directed by the Title IX Coordinator or lead investigator or Chair.
- 4.3. Advisors and/or Advocates may include: Friend/Relative/Staff/Faculty Member that does not create a potential conflict of interest; Family Violence Prevention Center Sexual Assault Response Coordinator (Confidential Advocate); on-campus resources such as academic/student life support personnel; off-campus resources; campus-assigned sex discrimination advocate (Confidential Advocate).
- 4.4. Staff that cannot serve as Advisors/Advocates include: Any student, staff/faculty who presents bias or may pose a conflict of interest/concern, cannot serve as an Advocate or Advisor to a reporting party or responding party.
 - 4.4.1. For example, a public safety director cannot serve as an advocate for a reporting party or responding party due to their specific role on campus requiring them to serve as neutral individuals for the entire campus community.
 - 4.4.2. The President of Antioch College and members of the President's Cabinet; Title IX Coordinator; Deputy Title IX Coordinators; Public Safety personnel

Section XI. Confidentiality

1. All sexual harassment and discrimination reports will be kept private to the extent possible, but confidentiality cannot be guaranteed. Private information will be disclosed only as necessary to provide appropriate remediation or support, as authorized by the relevant individual(s) or as permitted by law. In order to adequately provide for the safety and welfare of the Antioch Community, or threat of harm to the Antioch Community, Antioch may notify the local police department of a sexual offense.
2. Antioch must evaluate all requests for confidentiality in the context of its responsibility to provide a safe and nondiscriminatory environment for all community members.

3. If an individual who has been negatively affected by sex or gender based misconduct reports the incident and requests confidentiality or asks that the matter not be pursued through the sex discrimination policy process, Antioch will take all reasonable steps to investigate and respond to the information consistent with the request for confidentiality or request not to pursue the investigation.
 - 3.1. Antioch will weigh the request for confidentiality against the following factors: the seriousness of the alleged discrimination, the ages of the persons involved, whether there have been other reports about the alleged Respondent, and the alleged Respondent's rights to receive information about the allegations if the information is maintained by Antioch as an "education record" under FERPA or rights under other state or federal policies including Title IX.
 - 3.2. Antioch cannot guarantee absolute confidentiality in response to every request, but will inform the person requesting confidentiality if it cannot ensure confidentiality in light of the foregoing factors.
4. Community members including students, staff, faculty and administration, must respect privacy in matters relating to the sex discrimination policy.
 - 4.1. If confidentiality is violated, appropriate personnel or any other party involved may make a complaint about the violation to the office of Title IX or Human Resources and if applicable, a Community Standards Board, which may sanction the parties involved.
 - 4.2. The accusation of the commission of a sexual offense under this policy without following the appropriate procedures is a violation of the Antioch College Honor Code and will be addressed through the processes of the Community Standards Board if applicable or the offices of Title IX and/or Human Resources. Any evidence used to reach a decision in the context of a hearing is confidential unless there is an appeal.

Appendix A: Resources

Options for Care:

You have the right to call 911, Yellow Springs Police Department or emergency room care as well as the right to decline to report anything to law enforcement or other local agencies.

- If you have been sexually violated: If possible, find a safe environment away from your attacker (it need only be temporary) When possible, ask a trusted person to stay with you and assist you with getting help.
- To obtain immediate medical care or contact the police, phone 911 for emergency services. (To provide proof of a criminal offense, evidence must be preserved. For best preservation of evidence, an individual should not use the toilet, douche, smoke, bathe, brush teeth or change clothing prior to a medical examination.)
- Contact the On-Call Phone: 937-471-0517 or Antioch Public Safety 937- 776-0660
- Student Affairs staff including Public Safety will provide immediate assistance with safety issues such as relocation to a safe place.
- Student Affairs staff will support you throughout the emergency situation. They will work with you to advocate for your needs, assist you with locating resources to help you with filing a criminal, civil or sex discrimination complaint (if desired), and connect you with health care and counseling services.
- Obtaining help through the Student Affairs staff is voluntary.
- All services will remain confidential to the extent possible. In the event of a violent sexual assault, college authorities will contact the Yellow Springs Police Department. The reporting party can choose whether they wish to press charges at that time.
- Services and linkages to additional resources may be requested at any point after an incident of sexual violence has occurred.

Emergency Medical Care – If you or someone you know has experienced a physical or sexual assault; it is urged that you seek immediate medical care. Ideally, within 96 hours (4 days) of the

incident for evidence collection. For emergencies, call 911 or go to the nearest hospital emergency department listed below.

Area Hospitals (listed in order of closest distance)

- Greene Memorial Hospital (49 bed hospital, part of the Kettering Health Network)
1141 North Monroe Drive, Xenia, OH 45385 (8 miles from Antioch College)
937-352-2000
- Soin Medical Center (118 bed hospital, part of Kettering Health Network. Our Campus Physician has admitting privileges here)
3535 Pentagon Blvd, Beavercreek, OH 45431 (12 miles from Antioch College)
937-702-4000
- Springfield Regional Medical Center (259 bed hospital, part of Community Mercy Health Partners, a Catholic health organization)
100 Medical Center Drive, Springfield, OH 45504 (12 miles from Antioch College)
937-523-1000
- Miami Valley Hospital (900 bed hospital, part of Premier Health Partners; the regional Level One Trauma Center, Burn Center, High-risk OB/L&D Unit, with 3 Careflight helicopters)
One Wyoming Street, Dayton OH 45409 (20 miles from Antioch College)
937-208-8000

Please Note

Sexual Assault Nurse Examiners (SANE) are available at all of the hospitals listed above.

According to the Human Rights Campaign's, "Healthcare Equality Index," Miami Valley Hospital and Springfield Regional Medical Center are the only local hospitals to have visitation policies explicitly granting equal visitation rights to LGBT patients and visitors. Those hospitals of the Kettering Health Network do not.

Our local EMS paramedic squad, Miami Township Fire Rescue, will transport to any of these hospitals, upon patient request.

Counselors, Advocates and Advisors (on and off campus) – Confidential Counseling and/or support services are available to help a person make informed decisions regarding what steps to take, such as seeking medical attention, preserving evidence, obtaining counseling, and reporting to authorities. Information, support, and advisement of options are available for anyone who wishes to discuss issues related to offenses, whether or not an offense has occurred and whether or not the

person seeking information believes they may have been assaulted, may be accused of assault or has concern for the well being of another person(s).

On-campus confidential counseling services is located on the 2nd floor of Pennell House.

SOPP Advocates and Advisors are also confidential employees here to help you through the sexual harassment and discrimination process. For a list of Advocates and Advisors, please visit the Antioch College website at: www.antiochcollege.edu

Campus Counseling and Health Services

Antioch College Campus Counselor
Nzingha Dalila, Ed.D, LPCC-S, LCDC-III
Pennell House, 2nd floor
ndalila@antiochcollege.edu
937- 319-0070 office
513-549-0512 mobile

Antioch College Campus Nurse
J. “Pan” Reich, RN, EMT-P
Pennell House, 1st floor
nurse@antiochcollege.edu
937- 317-0073 office

Additional Campus Resources:

Antioch College Public Safety 937- 361-0782
Antioch College Duty Phone for Student Affairs 937-471-0517

External Resources:

- Yellow Springs Police (non-emergency) 937-767-7206 or 911 for emergencies.
- Family Violence Prevention Center (Domestic Violence and Sexual Assault Support)
Xenia, OH
24-hour Hotline: 937- 372-4552
Office: 937- 426-6535
- Greene County Victim/Witness Program: 937- 562-5087
- Ohio Sexual Violence Helpline: (844) OHIO-HELP
24/7 confidential support (844) 644-6435
- National Suicide Prevention Hotline: 1-800-273-TALK (8255)
- TREVOR Lifeline (suicide hotline for LGTBQ youth/young adults): 866-488-7386
- State of Ohio Crime Victim Services: (800) 582-2877

- Federal Office for Victims of Crimes: www.ovc.gov. (800) 363-0441
- The Community Network (TCN) Crisis Hotline 937- 376-8701
- Poison Control (800) 222-1222
- RAINN (National) (800) 656-HOPE: Sexual Assault Hotline

Supportive Measures:

There are a number of supportive measures that we may be able to provide for you during the investigation and sexual harassment and discrimination process regardless if you file an official complaint or not. Below, is a list of examples for potential supportive measures.

Residential (changes in living assignments upon request and if reasonably available)

- We can immediately provide you with a temporary safe space within College residence halls.
- We can make changes in residential assignments so that you and the involved parties do not share the same residence hall.

Academic (changes in your academic conditions upon request and if reasonably available)

- We can make changes in class assignments so that you and the involved parties do not share the same classes.
- We can provide support services (e.g.: tutoring, etc.).

On-Campus Employment (changes in your on campus working conditions upon request and if reasonably available)

No Contact Directives (temporary no contact orders can be issued by the College upon request and if deemed appropriate by proper personnel)

Supportive measures may also include:

- 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
- leaves of absence
- increased security and monitoring of certain areas of the campus

Filing with the Police:

For any incident that took place on or off campus, you may file a criminal report with the Yellow Springs Police Department directly by calling 937- 767-7206 (or 911 from a campus phone). Campus safety and/or any employee on duty, can assist you in notifying the local police if the assault occurred on or off-campus.

Antioch College Public Safety will respond quickly and with sensitivity upon notification of an incident. The Yellow Springs police will assist obtaining necessary medical/counseling services and navigating the legal system. The Public Safety Department makes these promises to people involved in these situations:

- Meet with you privately, at a place of your choice, to take a report.
- Treat you professionally, with courtesy, sensitivity, dignity, and respect.
- Consider your case seriously regardless of gender identity or the suspect's.

Clery Reporting

By federal law, Antioch College is required to document any/reports of crime for general Clery Act statistical and emergency notification and timely warning purposes. We will not release your name as part of any Clery Act crime alert or emergency notification.

SOPP and Title IX Coordinator Contact Information

Ariella J. Brown, Assoc. Director of Gender Equity and Programs, SOPP/Title IX Coordinator
Office Phone: 937- 319-0135
Email: Ariella.brown@antiochcollege.edu
Title IX Email: titleix@antiochcollege.edu

Mila Cooper, Vice President for Student Affairs & Senior Diversity Officer
Executive Director, Coretta Scott King Center
Office Phone: 937- 319-0123
Email: Mcooper@antiochcollege.edu
Title IX Email: titleix@antiochcollege.edu

Appendix B: Statement of Understanding

The Sexual Harassment and Discrimination Policy provides a community foundation of mutual respect. The remainder of this policy document outlines College policy for students, faculty, staff and guests of the Antioch College community.

Statement of Understanding:

As a member/visitor of Antioch College, I verify that I have read, understood, and agree to uphold the Antioch College Sexual Harassment and Discrimination Policy. The Sexual Harassment and Discrimination Policy is a campus wide policy of Antioch College and is supported by the Title IX Compliance Office (TitleIX@antiochcollege.edu) and in summary states: All sexual interactions at Antioch College must be consensual. Consent means verbally asking and verbally giving or denying consent for all levels of sexual behavior. Silence or a No answer is never considered consent. If either party has consumed any amount of alcohol, consent cannot be given. The use of alcohol or drugs to impair another is a violation, as is taking advantage of a person with limited cognitive ability. Both instances may be grounds for criminal prosecution under the Ohio Revised Code. Non-consensual sexual behavior as well as verbal and sexual harassment are not tolerated at Antioch College.