



**POLICY TITLE:  
SEXUAL MISCONDUCT-TITLE IX**

Purpose of Policy:	Title IX of the Education Amendments of 1972 prohibits sex discrimination—which includes sexual misconduct—in educational programs and activities. All public and private schools, school districts, colleges and universities receiving federal funds must comply with Title IX.
Scope:	<input checked="" type="checkbox"/> Faculty <input checked="" type="checkbox"/> Staff <input checked="" type="checkbox"/> Student <input checked="" type="checkbox"/> Visitor <input checked="" type="checkbox"/> Other
Committee(s) Responsible:	Student Services
Location of Policy:	GSC Website
Attachments:	None
Forms Location:	None
Related Policies:	Complaint/Grievance Procedure – Student-on-Student Sexual Misconduct, Domestic Violence, Dating Violence or Stalking; Conduct; Counseling; Crime Awareness and Campus Security; Harassment, Discrimination and Retaliation Free Campus
Date Approved by Committee:	04/03/2018
Revision Dates:	08/24/2015; 7/20/17
Next Revision Date:	1/2019
Date Policy Effective:	07/01/2018
Final President Approval:	07/01/2018

Title IX of the Education Amendments of 1972 prohibits sex discrimination—which includes sexual misconduct—in educational programs and activities. All public and private schools, school districts, colleges and universities receiving federal funds must comply with Title IX. If you have experienced sexual misconduct, please review this policy for information about your Title IX rights.

The Good Samaritan College of Nursing and Health Science does not tolerate any form of sexual misconduct at this institution. All students found in violation of this policy shall be subject to disciplinary action up to and including suspension or expulsion from the College. Similarly, any employees, professors, or administrators found in violation of this policy shall be subject to disciplinary action up to and including termination of employment. In many instances, behavior that violates this policy is also a violation of federal, state, and/or local laws.

Respondents will be treated with respect before, during, and after the investigation and resolution. The Title IX Coordinator will inform the Respondent of the process and possible outcomes, as well as any substantive and, when warranted, procedural developments regarding an investigation. If the alleged conduct is criminal in nature, or may be subject to a criminal investigation, the Respondent may wish to consult with an attorney. A Respondent has a right, and is entitled, to the

same information as the Grievant. A Respondent has a right to know the name of the Grievant (and victim/survivor if different from the Grievant) and information regarding the nature of the allegations in order to respond to the complaint. At a Respondent's request, during the resolution process, the College may make, if appropriate, an academic change that is reasonably available to be implemented. The College may take other steps to limit the effects of the alleged Title IX violation and prevent its recurrence. Respondents have the right to (and are strongly encouraged to seek) counseling and support through local resources.

In dealing with members of the Good Samaritan College of Nursing and Health Science community, individual integrity and respect are the primary focus of the College's concern. The College seeks to foster a climate free from sexual misconduct through a coordinated education and prevention program, the promulgation of clear and effective policies, as well as investigative and grievance procedures that are prompt, equitable, and accessible to all. In the event that the College finds that instances of sexual misconduct have occurred under the scope of this policy, the College will take immediate and appropriate steps to eliminate the misconduct, prevent its reoccurrence, and address its impact.

While the College does not condone underage drinking or violation of other College policies, it considers reporting Title IX violations to be of paramount importance. To encourage reporting and adjudication of Title IX violations, the College extends limited amnesty to students who have been victims survivors of Title IX violations, and students who report such violations. The College will generally not seek to hold the reporting student responsible for a violation of the law, (e.g., underage drinking) or the Code of Conduct that occurs contemporaneously or in close, connected proximity with the immediately surrounding the alleged policy violation provided that the student complies fully with the investigation and grievance process.

### **College Compliance Office**

Compliance Contact Information:  
Call or Text: 513-479-1758  
Email: [Reporting@email.gscollege.edu](mailto:Reporting@email.gscollege.edu)

### **SCOPE OF THE POLICY**

This policy applies to all College community members, including students, employees, professors, administrators, patients/customers, visitors, or any other vendor or independent contractor performing services on the College campus.

This policy applies not only to sexual misconduct occurring within the typical classroom or clinical settings, but also to any College-related function taking place outside those typical settings. The College expects that all members of its community will help promote a learning environment free from sexual misconduct. As such, any off-campus conduct that has an actual or potential adverse impact on another's College environment may also be addressed under this policy.

## **SEXUAL MISCONDUCT**

Sexual misconduct, including sexual harassment as defined below and in the College's anti-harassment policy, is a form of sex discrimination that unjustly deprives a person of equal treatment. Sexual misconduct includes, but is not necessarily limited to, sexual harassment, sexual assault (both non-consensual contact and non-consensual intercourse), sexual exploitation, and indecent exposure.

Often times, incidents of sexual misconduct also involve other prohibited conduct such as domestic violence, dating violence, and stalking. The College prohibits such conduct, regardless of whether it is related to an instance of sexual misconduct.

## **RETALIATION**

The College will not tolerate any form of retaliation taken against anyone who makes a complaint of conduct prohibited by this policy or anyone who cooperates in the investigation of a complaint of conduct prohibited by this policy.

## **DEFINITIONS**

**Sexual Harassment:** Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on gender (opposite or same sex), gender identity, or sexual orientation. Such prohibited conduct may include situations where: (1) submission to the conduct is an explicit or implicit term or condition of employment decisions or academic decisions; (2) submission to or rejection of the conduct is used as the basis for employment or academic decisions; or (3) the conduct has the purpose or effect of unreasonably interfering with a person's performance or creating an intimidating, hostile or offensive environment. A single or isolated incident of sexual harassment may create an intimidating, hostile, or offensive environment if the incident is sufficiently severe. In addition to the foregoing, examples of sexual harassment may include: sexually-oriented kidding, teasing, or jokes; offensive or obscene language or gestures; displays of offensive or obscene printed or visual material; and inappropriate physical contact such as patting, pinching, or brushing against another's body.

**Sexual Assault:** Sexual assault is any forced or coerced sexual activity, committed against a person's will or without consent. Rape is a sexual assault that includes but is not limited to forcing or attempting to force vaginal, anal, and oral penetration. In addition to rape, sexual assault also includes having or attempting to have sexual contact of any kind with another individual without consent. Sexual contact can include, but is not limited to, kissing, touching the intimate parts of another, causing the other to touch one's intimate parts, or disrobing another without permission or consent. Rape and sexual assault are crimes of violence with sex used as a weapon that can be committed by strangers, friends, relatives, dates, boyfriends, girlfriends, partners, lovers and/or spouses.

**Sexual Exploitation:** Sexual exploitation includes when a person takes advantage of another person for the benefit of anyone other than that person without that person's consent. Examples of sexual exploitation include, but are not limited to, photographing or recording someone involved

in sexual activity or in a state of undress without that person's knowledge or consent; voyeurism; non-consensual streaming or transmitting of images or video of another person involved in sexual activity; or prostituting another person.

**Indecent Exposure:** Indecent exposure includes the intentional exposure of one's private or intimate parts of the body or engaging in any sexual conduct in a place where the conduct involved may reasonably be expected to be viewed by and affront others.

**Domestic or Dating Violence:** Domestic or Dating violence is any intentionally violent or controlling behavior by a person who is currently or was previously in a relationship with the victim. Domestic or Dating violence includes, but is not necessarily limited to, actual or threatened physical injury, sexual assault, psychological abuse, economic control, and/or social isolation.

**Stalking:** Stalking includes repeated conduct involving unwanted attention, harassment, physical or verbal contact, or any other repeated conduct that would place a reasonable person in fear of physical, emotional, or psychological harm. This includes, but is not necessarily limited to, making unwelcome appearances at another's residence; unwelcome contact via phone calls, text messages, or emails; and/or unwelcome contact through various internet or social media avenues (i.e. Facebook, Twitter, etc.).

**Consent:** Consent is a voluntary agreement to engage in sexual activity. Someone who is incapacitated (e.g. due to the use of alcohol or drugs; when an individual is unconscious or asleep; or because the individual suffers from any disability rendering him or her incapable of consent) cannot give consent. Prior consent does not necessarily indicate present consent. Similarly, the absence of resistance does not necessarily imply consent and consent can be withdrawn at any moment. Any act of coercion, force, or threat negates consent.

**Retaliation:** Retaliation includes acting upon or attempting to seek retribution against anyone who makes a complaint of conduct prohibited by this policy or anyone who cooperates in the investigation of a complaint of conduct prohibited by this policy.

## **OPTIONS AND RECOMMENDATIONS FOR ASSISTANCE**

### **Interim Measures:**

Interim measures, also known as accommodations, are available upon receipt of a report of sex discrimination, sexual misconduct, domestic violence, dating violence, or stalking and prior to the resolution of a complaint, as appropriate. Available interim measures include, but are not limited to, restrictions on contact between an alleged victim and an alleged perpetrator ("no contact" orders); changes in academic or living situations; access to counseling, health, and mental health services at no cost; academic support; victim advocacy; and escort services. If appropriate, the College Compliance Officer generally will offer interim measures upon receipt of a report of sex discrimination, sexual misconduct, domestic violence, dating violence, or stalking. Individuals requesting additional interim measures or experiencing difficulty obtaining interim measures that have been approved should immediately contact the College Compliance Officer. Interim measures will be offered to a complainant regardless of whether the complainant chooses to participate in a hearing against the accused or whether the complainant chooses to report the incident to law enforcement. To the extent possible, any interim measures that are provided will be confidential.

**Protective Measures:**

In addition to the interim measures described above, other protective measures also may be available by contacting law enforcement and/or the local prosecutor's office. For example, in addition to the normal criminal process, law enforcement and/or the local prosecutor's office may assist a student in obtaining a protection order. A protection order is a temporary order intended to help provide safety and protection to victims of certain crimes. If you have a protection order against someone and they show up or violate the protection order in any way, law enforcement may be able to arrest them and charge them with this violation. To the extent possible, any protective measures that are provided will be confidential.

**Education:**

Good Samaritan College provides educational programming to prevent sex offenses, domestic violence, dating violence and stalking which would also include promoting the awareness of: rape, acquaintance rape, other forcible and non-forcible sex offenses and procedures to follow when a sex offense occurs.

The awareness programs offered by the College include audience-specific programming, initiatives, and strategies designed to increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

The College will also offer ongoing prevention and awareness campaigns, which include programming, initiatives, and strategies that are sustained and focused on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking.

Further, the College offers programs regarding bystander intervention. The bystander intervention programs are designed to provide safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

If you have been the victim of sexual misconduct, domestic violence, dating violence, or stalking, it is important to seek immediate and follow-up medical attention for several reasons: first, to assess and treat any physical injuries you may have sustained; second, to determine the risk of sexually transmitted diseases or pregnancy and take preventive measures; and third, to gather evidence that could aid criminal prosecution. Physical evidence should be collected immediately, ideally within the first 96 hours. It may be collected later than this, but the quality and quantity of the evidence may be diminished. A special exam should be conducted as soon as possible following an assault to make sure of your physical well-being and to collect evidence that may be useful in criminal proceedings. Even if you have not been physically hurt, this special exam is strongly recommended to maintain all your legal options. After the evidence is collected, it is stored in case you wish to press criminal charges. The exam is performed by a Sexual Assault Nurse Examiner (S.A.N.E.). A support person of your choice can also be present.

There is no charge for this exam.

Contact information for Additional Resources and Services is located below.

**Advocacy, Counseling, and Emotional Support:**

The Center for Abuse and Rape ER Services (C.A.R.E.S.) is a service offered out of Bethesda North Hospital. C.A.R.E.S. offers victim and advocacy support. C.A.R.E.S. can be contacted at 513-865-5163.

Off Campus – The Hospital also offers the CONCERN program for which students and college employee may use. The CONCERN program is designed to provide professional support and counseling through a wide variety of programs. CONCERN can be contacted at (513) 891-1691 or toll-free at (800) 642-9794. Additional information regarding the various programs offered and specific arrangements may be made upon contacting CONCERN.

Contact information for Additional Resources and Services is located below.

**Awareness and Preparation:**

Often times your first line of defense is your own awareness and preparation. Be aware of your capabilities and limitations. Your judgment and thinking will often be your best weapons. Evaluate the situation for possible avenues of escape. Your first concern should be for your safety and survival. Use your judgment to do what is necessary to save your life. That may mean making a scene or drawing others' attention so that the assailant leaves. It may buy you enough time to escape. It may mean fighting back. It may mean not physically resisting. If you choose not to physically resist the attack, it does not mean that you have asked to be assaulted. It means that you did what you needed to do to survive. Remember—There is no one "right" way to respond. The person being attacked is the best judge of which options will work well for him or her in that situation.

This information, as well as other information throughout this policy, is designed to assist in reducing the risk of violence in the College community. Risk reduction information is designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

**Recommended Steps if you are the Victim of Sexual Misconduct:**

1. Get to a safe place as soon as you can. Try to preserve all physical evidence.
2. Do not wash, use the toilet, or change clothing if you can avoid it. If you do change clothes, put all clothing you were wearing at the time of the attack in a paper, not plastic, bag. Clothing located closest to your genitals should be bagged separately.
3. Get medical attention within 96 hours, if possible, to make sure you are physically well and to collect important evidence in the event you may later wish to take legal action. If the incident occurred on the Good Samaritan College Campus, immediately go the Good Samaritan Hospital Emergency Room located on the 6<sup>th</sup> Floor of the Good Samaritan Hospital.
4. Contact and report the incident to the Good Samaritan Hospital Security Department - # 911 or # 23311 within the Hospital. The Security Department will assist you in notifying any other appropriate authorities.
5. Also contact the Administrator on Call for The Center for Abuse and Rape ER Services (C.A.R.E.S.) at 513-865-5163. There will be instructions on the voice message for you to

- follow. C.A.R.E.S. also provides outside advocacy. You can choose to be transferred to University Hospital or Bethesda North Hospital. Transportation will be provided to you.
6. Contact someone you trust to be with you and support you.

## **HOW TO REPORT A COMPLAINT**

If an incident of sexual misconduct, domestic violence, dating violence, or stalking occurs on the Good Samaritan College Campus or on Good Samaritan Hospital property, it should be reported to the Good Samaritan Hospital Security Department located on the 5<sup>th</sup> Floor of Good Samaritan Hospital. Contact phone numbers within the hospital are # 911 or # 23311. The contact phone number outside of the hospital is 513-862-3311. You may also always contact the Cincinnati Police Department at 911 for emergencies and 513-765-1212 for non-emergency situations.

In addition to contacting Hospital Security or the Cincinnati Police Department, you may also report a complaint of sexual misconduct, domestic violence, dating violence, or stalking by contacting any designated campus official. Designated campus officials include Deans, Directors, and Advisors to students/student organizations.

If you choose to report the incident to Hospital Security or the College Compliance Officer, a Security Officer or the College Compliance Officer will take a statement from you regarding what happened. That individual will ask you to describe the assailant(s), and may ask questions about the scene of the incident, any witnesses, and what happened before and after the incident. A referral to the Cincinnati Police Department may be made at that time. You may have a support person with you during the interview. If you report the incident to Hospital Security or someone associated with the College other than the College Compliance Officer, the College Compliance Officer will be promptly notified of the incident. Unless you request confidentiality and the College is unable to honor that request, an investigation into the incident will begin promptly after you report the incident. The College Compliance Officer will also provide the student with an explanation of the student's rights and options under Title IX and this policy.

## **INVESTIGATION**

The College has a duty to address complaints of sexual misconduct, domestic violence, dating violence, and stalking in a prompt and equitable manner, including in instances where there is a pending law enforcement proceeding. The College will not delay its own independent investigation until after a criminal investigation, if any, is complete. Additionally, because the College has a duty to provide a safe and non-discriminatory environment for all students, the College may be required to conduct an investigation into an incident regardless of whether a student (or third-party) files a formal complaint.

**Confidentiality:** The College will, to the extent permitted by law, honor a request by a complainant that his or her complaint of sexual misconduct, domestic violence, dating violence, and stalking will not be disclosed to the alleged perpetrator or that no investigation be pursued. Such requests should be made to the College Compliance Officer. If a student requests the College to not reveal his or her name to his or her alleged perpetrator or asks the College to not investigate his or her complaint, this may limit the College's ability to respond fully to the incident, including pursuing

disciplinary action against the alleged perpetrator. In order to ensure a safe and nondiscriminatory environment for all students or if required to report the incident by law, the College may not be able to honor certain requests for confidentiality. Additionally, the College has a duty to complete certain publicly available recordkeeping including reporting and disclosing information about certain crimes pursuant to a federal law known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. However, duties under the Clery Act will not require the College to report or disclose a complainant's personally identifying information. Nonetheless, in all cases, the College will make every effort to handle all aspects of a sexual misconduct complaint with as much confidentiality as possible.

**Typical Steps in an Investigation of Student-on-Student Sexual Misconduct:** While all investigations will vary due to the individual circumstances surrounding the particular complaint, investigations falling under this policy will typically involve the following: preliminary investigation by the College Compliance officer; assignment of the investigation from the College Compliance Officer to an investigator if and when it is warranted or if there is a conflict of interest established; notification to the accused that an investigation has commenced; interviews of the complainant, the accused, and any witnesses; review of law enforcement investigation documents, if applicable; review of student and personnel files; gathering and examining of relevant documents or evidence; and preparation of an investigation report with findings and recommendations for further action.

**Typical Timeframe:** Generally, an investigation and, if applicable, a grievance proceeding regarding conduct falling under this policy will be completed within 60 days of the complaint. However, each situation will vary depending on its individual circumstances.

During the investigation, the College will continue to provide any appropriate interim or protective measures.

**Typical Steps in an Investigation of Allegations of Sexual Misconduct Against Employees, Professors, Administrators, Patients/Customers, or Visitors:** For more information regarding the steps in an investigation of allegations of sexual misconduct against employees, professors, administrators, patients/customers, or visitors, please see the harassment-free and discrimination-free campus policy. As stated in the harassment-free and discrimination-free campus policy, any complaints of sexual misconduct against employees, professors, administrators, patients/customers, or visitors should be made to the respective Administrative Department Supervisor.

## **DISCIPLINARY/ADJUDICATION PROCEDURE INVOLVING ALLEGATIONS OF STUDENT-ON-STUDENT MISCONDUCT**

Upon completion of his or her report, the investigator will deliver that report to the College Compliance Officer. In the event that the College Compliance Officer finds that there are reasonable grounds to believe that a violation of this policy has occurred, the College Compliance Officer will issue a notice of violation in writing to the accused student and provide a copy of that notice to the complainant. Any notice of violation will also include a recommendation with regard to disciplinary action. In the event that the College Compliance Officer does not find that there are reasonable grounds to believe that a violation has occurred, the College Compliance Officer will notify both the complainant and the accused student in writing of that finding.

If either party feels aggrieved by the findings, he or she may challenge those findings through the College's grievance procedure regarding allegations of student-on-student misconduct. The procedure for such a grievance can be found in the policy titled "Complaint/Grievance Policy – Student-on-Student Sexual Misconduct, Domestic Violence, Dating Violence, or Stalking."

The disciplinary/adjudication procedure for allegations of sexual misconduct against employees, professors, and administrators is handled separately and can be found at Harassment-Free and Discrimination-Free Campus Policy.

### **ADDITIONAL RESOURCES:**

#### **24 HOUR CRISIS SERVICES**

Rape Crisis and Abuse Center of Hamilton County  
(Women Helping Women)  
Community Law Center Building  
215 E. 9th. St., 7th. Floor  
Cincinnati, OH 45202  
Hotline: (513) 872-9259  
Phone: (513) 977-5541  
TTY: (513) 977-5545  
Web: Rape Crisis and Abuse Center of Hamilton County

Ohio Domestic Violence Network  
4807 Evanswood Drive  
Suite 20  
Columbus, Ohio 43229  
Referral Hotline: (800) 934-9840  
Phone: (614) 781-9651  
Fax: (614) 781-9652  
TTY: (614) 781-9654  
Web: Directory of Shelters and Hotlines

End Abuse, Embrace Hope  
Family Violence Prevention Project  
YWCA of Greater Cincinnati  
898 Walnut Street  
Cincinnati, OH 45202  
Local Hotline: (513) 872-9259  
Hotline: (888) 872-9259  
TTY (513) 977-5545

House of Peace Hotline: (513) 753-7281

Sexual Assault Services Hotline:  
(800) 644-4460  
Phone: (513) 241-7090  
Fax: (513) 768-4381  
[E-mail: kshrimplin@ywcacin.org](mailto:kshrimplin@ywcacin.org)  
Web: YWCA of Greater Cincinnati Family  
Violence Prevention Project

### **ADDITIONAL SERVICES**

Mental Health Association of Southwestern Ohio Suicide and Domestic Violence Prevention  
Hotline: (513) 287.8542  
Phone: (513) 287.8544  
Hamilton County  
2400 Reading Rd, Ste. 412  
Cincinnati, OH. 45202  
Phone: (513) 721-2910  
Fax: (513) 287- 8544

Clermont County Crisis Hotline:  
(513) 528-7283  
Children/Adolescents Emergency Hotline: (513) 636-4124  
Clermont County, Eastern Area  
2085-A Front Wheel Drive Batavia, OH. 45103  
Phone: (513) 724-9111  
Fax: (513) 724-0222

Clinton County  
P.O. Box 375  
Clarksville, OH 45113  
Phone: (937) 383-4246  
Fax: (937) 383-4246

Warren County  
P.O. Box 251  
Miamisburg, OH 45343  
Phone: (937) 743-6018  
Phone: (800) 478-3505  
Fax: (937) 743-6018

Ohio Department of Health  
Children and Family Health Services Hotline: (800) 282-3435  
Report abuse of persons with Developmental Disorders: (800) 231-5872  
Emergency Response Hotline: (888) 411-4142  
Help Me Grow Hotline: (800) 755-4769  
Ohio AIDS/HIV/STD Hotline (Confidential): (800) 332-2437  
Web: Ohio Department of Health

Victim of Crimes Compensation (800) 824-8263  
Crime Victims Services (800) 582-2877  
Ohio Domestic Violence Network (800) 934-9840