

**Resolution to Revise the Faculty Handbook as Appropriate
for the Revised University Policy on Sexual Misconduct**
Faculty Senate
Professional Relations Committee
Passed April 13, 2015

Whereas University policy 03.004 on Sexual misconduct has been revised;

Be it resolved that to maintain consistency wherever possible, the language of the Faculty Handbook be amended as follows:

Q. Policy on Sexual Misconduct, Relationship Violence and Stalking Sexual Harassment

1. **Sexual misconduct, relationship violence and stalking** ~~[sexual misconduct]~~ **Sexual harassment** of students, faculty, or staff is prohibited at Ohio University as ~~outlined defined~~ in the Policy and Procedures Manual No. 03.004. ~~Sexual harassment is defined in the Policy and Procedures Manual as follows [03.004 V]:~~

~~Sexual Harassment at Ohio University is defined as any **unwelcome** sexual advance or request for favor, including an explicit or implicit *quid pro quo*, made by an employee, student, or agent of the University to a student or employee of the University, and is **conduct of a sexual nature** exhibited by such a person (or people) toward another when such conduct **substantially** interferes with the person's educational or work performance, or creates an **intimidating, hostile, or offensive** educational or work environment.~~

~~The policy defines *quid pro quo* and hostile environment thusly:~~

~~*Quid pro quo* is the Latin term for "this for that" and occurs when there is a demand for sexual favor in exchange for employment or academic benefit.~~

~~A hostile environment exists when harassing behavior unreasonably interferes with a student's academic or an employee's work performance and creates a hostile, intimidating, or offensive academic or work environment.~~

2. The administration and faculty of Ohio University recognize that sexually explicit material may be part of the instructional material used in the classroom. Therefore any investigation will consider the legitimate pedagogical context, and will take into account discipline-specific guidelines for professional practice [Policy and Procedures 03.004 VII.**JO**].

In settings where a sexual ~~harassment~~ **misconduct** charge may be directly related to the content or instructional mission of the instructional environment, the investigating body will take special consideration of such a context and the outcome of these goals. Weighing

inappropriate behavior against the context of legitimate physical contact (for example, in dance or medical instruction); or verbal or visual communication (such as creative writing, art, or biology) should be conducted with cognition of the necessary pedagogy involved in such cases and take into account guidelines within each discipline for recognized professional activities.

3. All Ohio University faculty and staff are responsible for compliance with 03.004 in the Policy and Procedures Manual and have -an affirmative duty to report conduct inconsistent with this policy. [Immediately upon learning of potential campus sexual misconduct, a faculty member who receives a complaint of sexual misconduct or who observes or learns of conduct that is reasonably believed to be in violation of this policy, is required to report the alleged conduct to the Office for Institutional Equity,](#) following the reporting guidelines as outlined in 03.004, section VII.A Duty to Report. The Office of Institutional Equity as the investigating office will respect the rights of all parties involved in the complaint in compliance with federal and state law.

In addition to the duty to report sexual misconduct to the Office for Institutional Equity as identified above, in some circumstances there is a duty to report allegations of criminal conduct to law enforcement. Ohio law (Ohio Revised Code § 2921.22) requires every person who knows that a felony has been or is being committed, to report it to law enforcement. It is a criminal offense to knowingly fail to make the report. If a faculty member suspects or has knowledge of criminal activity occurring on university property, s/he has a duty to call the Ohio University Police Department at 740-593-1911 (in an emergency, please dial 911 immediately). Incidents that occur off campus or at a regional campus should be reported to local law enforcement.

A faculty member identified in a sexual harassment-misconduct complaint will be apprised of the facts involved by the Office of Institutional Equity and, as a part of the process, the faculty member will have the right to present any oral and written information relating to such a complaint before any action is taken.

Determinations made by the Office of Institutional Equity will be sent to the planning unit where, if appropriate, the complaint may be forwarded to the college or regional campus Professional Ethics Committee. A faculty member may appeal any action that might result from such a complaint following the procedures described in Section II.G. of the Faculty Handbook.

R. POLICY ON CONSENSUAL AND FAMILIAL RELATIONSHIPS IN THE INSTRUCTIONAL SETTING

1. ~~An instructor~~A faculty member (or other person serving in an instructional role) shall not supervise, provide academic advising to, or grade the academic work of a student with whom the ~~instructor~~ s/he has or begins a consensual romantic or sexual relationship. Retaining such a supervisory role is a violation of Policy 03.004 (“Sexual Misconduct, Relationship Violence and Stalking”). Because such relationships may carry the potential for coercion, their consensual nature is inherently suspect. Furthermore, such a

relationship may give other students in the same academic setting cause to believe that an unfair educational advantage accrues to the student in the relationship.

2. Familial instructional relationships may also confer unfair advantage on the student related to the ~~instructor~~ faculty member or be so perceived. Thus, ~~instructors~~ faculty shall not supervise, advise or grade the academic work of immediate family members. For purposes of this policy, immediate family is defined as in Section II.C.7.a and includes husband-wife, parent-child, domestic partner of the same or opposite sex, and sibling relationships.
3. An exception to the policy set forth in Items 1 and 2 ~~will~~ may be permitted if safeguards are put into place by the ~~instructor's~~ faculty member's chair or, if the ~~instructor~~ faculty member is the chair, by the dean of the college offering the course.
4. Specific concerns or complaints regarding consensual or familial relationships may be brought to the attention of the department chair, Office for Institutional Equity, or the Office of the ~~Ombudsperson~~. These three offices will assist the complainant in a timely fashion in an informal resolution of the complaint or direct the complainant to the appropriate grievance procedure. The investigating office will respect the rights of all parties involved in the complaint. ~~No action, formal or informal, will be taken without the explicit approval of the complainant.~~
5. ~~An instructor~~ If a faculty member is identified in a complaint regarding a potential consensual or familial relationship, s/he will be ~~complaint will be~~ apprised of the complaint and the facts involved surrounding it by academic governance personnel. The ~~instructor~~ faculty member will have the right to present any ~~oral and written~~ relevant information relating to such a complaint before any action is taken. ~~An instructor and~~ may appeal any action that might result from such a complaint following the appropriate grievance procedures.