

3341-2-41 Title IX Sexual Harassment Policy and Procedures

Applicability	All University units
Responsible Office	Office of Title IX
Responsible Administrator	Title IX Coordinator

(A) Policy Statement and Purpose

Bowling Green State University (BGSU) prohibits sexual harassment and the crimes of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act) and reaffirms its commitment to build a welcoming and safe environment. Toward that end, BGSU issues this statement of policy to inform the campus community of our programs to address sexual harassment, domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged sexual harassment, dating violence, domestic violence, sexual assault, or stalking, when it is reported to a university official.

BGSU is committed to providing an environment where all members of the university community may pursue their employment or studies free from discrimination and harassment. All members of the university community have a responsibility to create and maintain an environment free from discrimination and harassment.

BGSU does not discriminate on the basis of sex in any of its education, employment, or service activities. BGSU prohibits discrimination based on sex, sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation, and violation of mutual restrictions on contact between the parties (collectively, "Prohibited Conduct").

BGSU has adopted this policy to express its commitment to: prevent Prohibited Conduct and address its effects should it occur; restore or preserve equal access to the university's education programs and activities; support individuals who report incidents of possible Prohibited Conduct and those affected by it; and provide a fair and impartial process for all parties when an incident is reported.

This Policy establishes procedures and standards by which reported incidents of Prohibited Conduct will be received, investigated, evaluated and, when warranted, the manner in which sanctions will be imposed. It describes how BGSU will proceed, once possible Prohibited Conduct has been reported, consistent with our duties under state and federal laws, including, but not limited to, Title IX, the Clery Act, the Violence Against Women Act (VAWA), and related regulations.

(B) Policy Scope

(1) This Policy applies to BGSU students and employees in a BGSU education program or activity, and contractors and vendors in their performance of their contracts with the University. This Policy also designates "mandatory reporters" and specifies the duties applicable to those faculty, staff, and volunteers.

(2) BGSU has jurisdiction under this Policy whenever the Prohibited Conduct occurs on campus or in any building owned or controlled by a Registered Student Organization.

- (3) BGSU also has jurisdiction when Prohibited Conduct occurs off campus (including online or electronic conduct) in the United States if it occurs in connection with a BGSU education program or activity, including BGSU-sponsored research or internship programs or any other location, event, or circumstance in which BGSU exercised substantial control over both the respondent and the context in which the Prohibited Conduct occurred.
- (4) Registered Student Organizations (RSOs) are registered with the Office of Student Engagement. The university has jurisdiction over RSOs and it may address Prohibited Conduct committed in relation to RSO activities through the Code of Student Conduct and this Policy. Reports of Prohibited Conduct involving RSOs will be provided to the Title IX Coordinator, who will confirm that the university takes appropriate action to restore or preserve equal access to the university's education program or activity.

(C) Definitions

- (1) *Advisor*: A person chosen by a party to accompany the party to some or all meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if applicable. Advisor also includes a person appointed by the university to conduct cross-examination for the party at the hearing.
- (2) *Business Day*: Monday through Friday, excluding Saturday, Sunday, recognized university holidays, and approved breaks.
- (3) *Coercion*: Conduct that would reasonably place a person in fear, and that is used to compel that person to engage in sexual activity or Prohibited Conduct. Examples of coercive conduct include, but are not limited to, intimidation and expressed or implied threats of immediate or future harm to the person or others. Harm may be a physical, emotional, reputational, financial, or other injury to that person or another.
- (4) *Complainant*: A person who is alleged to be the victim of conduct prohibited by this policy and who is participating or attempting to participate in a university education program or activity at the time that a formal complaint is submitted. In some instances, the person who is alleged to be the victim of conduct prohibited by this policy may not wish to participate in the process. In those cases, the University may pursue a resolution process under this Policy without a participating Complainant.
- (5) *Confidential Resource*: Professionals who are required by law to protect confidentiality or assigned as a confidential resource by BGSU.
- (6) *Consent*:
 - (a) Consent is a clear and unambiguous agreement to engage in a particular activity. The person who initiates a sexual activity is responsible for obtaining consent for that activity.
 - (b) Consent must be expressed outwardly through mutually understandable words or actions. The person who initiates a sexual activity may not infer consent from silence, passivity, or lack of resistance.
 - (c) A person who is incapacitated may not give consent.
 - (d) Consent must be voluntarily given. It cannot be obtained through coercion or force.
 - (e) Consent must not be inferred from an existing or previous dating or sexual relationship. Even within an existing relationship, the parties must consent to engage in any sexual activity each time it occurs.

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- (f) Consent to one sexual activity is not consent to another sexual activity, nor is it consent to the same sexual activity at another time.
 - (g) A person may withdraw consent at any time. If consent is withdrawn, the sexual activity must stop immediately.
 - (h) To determine under this Policy whether consent was sought and given, the university will evaluate what the respondent knew, or reasonably should have known, when all the relevant circumstances are considered.
- (7) *Decision Maker*: Those who have decision-making and sanctioning authority within the university's Formal Grievance process.
- (8) *Education Program or Activity*: Locations, events, or circumstances where the university exercises substantial control over both the respondent and the context in which the alleged sex discrimination, sexual harassment, or retaliation occurs and also includes any building owned or controlled by a student organization that is officially recognized by the university.
- (9) *Finding*: A formal determination as to whether there is enough relevant evidence to establish that the Respondent violated this Policy (as in a "finding of fact").
- (10) *Force*: The use of physical action, strength, or violence to compel a person to participate in sexual activity.
- (11) *Formal Complaint*: A document filed by a complainant or signed by the Title IX Coordinator alleging a Title IX policy violation by a respondent and requesting that the university investigate the allegation(s).
- (12) *Incapacitation*:
- (a) Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, or how" of their sexual interaction).
 - (b) Under this Policy, a person who initiates sexual activity with another person and who actually knows or reasonably should have known that the person was incapacitated has not obtained consent.
 - (c) A person is incapacitated if, at the time consent is sought and regardless of the cause of incapacitation, they are physically or mentally helpless, asleep, unconscious, or unaware that sexual activity is taking place.
 - (d) A person may become incapacitated due to a temporary or permanent physical or mental health condition or due to the consumption of drugs or alcohol.
 - (e) When drugs or alcohol are involved, incapacitation is a state beyond drunkenness or intoxication. A person using drugs or drinking alcohol is not necessarily incapacitated: rather, their level of impairment must be significant enough to render that person unable to give consent.
 - (f) The effect of drugs or alcohol varies from person to person, but any of the following signs indicate that a person may be incapacitated: slurred or incomprehensible speech, stumbling or unsteady walking, falling, episodes of unconsciousness (as distinct from a subsequent failure of memory), vomiting, or incontinence.
- (13) *Investigator*: The person(s) charged by the university with gathering facts about an alleged violation of this policy, objectively reviewing evidence, synthesizing the evidence, and compiling the information into an investigation report.

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- (14) *Mandated Reporter or Mandatory Reporter*: A university employee who is obligated by this Policy to share knowledge, notice, and/or reports or allegations of sexual harassment and/or retaliation with the Title IX Coordinator.
- (15) *Parties*: The complainant(s) and respondent(s), collectively.
- (16) *Preponderance of the Evidence*: The standard of proof used for alleged violation(s) of this Policy. Preponderance of the evidence means that, based on all the reliable evidence and reasonable inferences from that evidence, the respondent is more likely than not in violation of this Policy.
- (17) *Recognized Student Organizations (RSOs)*: A group of people who are associated with each other and who have registered with the University as a student organization as outlined in [University Policy 3341-2-36](#).
- (18) *Remedies*: Post-finding actions directed to the complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the university's education program or activity.
- (19) *Respondent*: The person who has been reported to have engaged in conduct that may constitute sexual harassment or retaliation under this Policy or its procedures.
- (20) *Sanction*: A consequence imposed by the university on a respondent who is found to have violated this policy. For employees, the term sanction as used in this Policy means discipline or corrective action.
- (21) *Supportive Measures*: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to BGSU's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or BGSU's educational environment.
- (22) *Title IX Coordinator*: Is the official designated by the university to ensure compliance with Title IX and the university's Title IX program. References to the Coordinator throughout this policy may also encompass a designee(s) of the Coordinator for specific tasks.
- (23) *Witnesses*: Persons who observed the acts in question or have information relevant to the incident. A witness may not participate to speak about an individual's character unless relevant.
- (D) Sources of Assistance
- (1) BGSU wants every student or employee who may have experienced harm to have access to resources for support and assistance. BGSU and the community offer a number of resources that can provide support and guidance in response to any incident of harm.
- (2) These resources are available to every BGSU student or employee who may have experienced harmful conduct, regardless of whether they intend to report the conduct to university officials or law enforcement.
- (3) For additional information on BGSU and community resources, including emergency and ongoing assistance; health, mental health, and advocacy services; options for reporting Prohibited Conduct; and available support with academics, housing, transportation, pregnancy, and employment, see the [BGSU Title IX website](#). In addition, anyone may contact the Title IX Coordinator, located in Hayes 207 or at 419-372-8476 to discuss available BGSU and community resources and assistance.
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(4) Confidential and Non-Confidential Resources

BGSU recognizes that there is an important difference between making a complaint to the university, seeking a community resource, seeking confidential assistance, and making a complaint to law enforcement. Many campus and community resources are not confidential. This section outlines the confidential and non-confidential resources available to individuals who have experienced harmful conduct.

(a) Confidential Resources

- (i) Confidential resources are professionals who are required by law to protect confidentiality or assigned as a confidential resource by BGSU. A confidential resource must not reveal information disclosed in confidence unless they are given permission by the person who disclosed it, or there is an imminent threat of harm, or suspected abuse of a person under the age of eighteen, or as otherwise required or permitted by law or court order.
- (ii) Confidential resources available to BGSU students include the BGSU Counseling Center, The Cocoon, Psychological Services Center, and the Falcon Health Center. For Firelands Campus this includes Firelands Counseling and Recovery Services. Clergy and mental and medical health care providers are also confidential resources.

Confidential Resources	Phone Number
Wood County Hospital (confidential)	419-354-8900
BGSU Counseling Center (students only; confidential)	419-372-2081
The Cocoon (confidential)	419-373-1730 — ask for a campus victim advocate when you call.
Falcon Health Center (confidential)	419-372-2271
BGSU Employee Assistance Program (employees only; confidential)	1-800-227-6007
Psychological Services Center (confidential)	419-372-2540

Firelands Campus Specific Confidential Resources	Phone Number
Firelands Counseling and Recovery Services (confidential)	1-800-342-1177 (ext. 5177)
Bayshore Counseling Services – Sandusky Office (confidential)	419-323-9156 and request intake office

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Family Health Services (confidential)	419-502-2803
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(b) Non-Confidential Resources

BGSU employees who are not confidential resources will seek to respect the privacy of all individuals. Reported information about Prohibited Conduct will be shared only with BGSU employees who need to know the information to assess, investigate, and resolve the report.

Non-Confidential Resources	Phone Number
BGSU Police Department	911 or 419-372-2346
Gender Violence Prevention and Education Services	419-372-7227
Office of the Dean of Students	419-372-2843
Office of Title IX	419-372-8476
Wellness Connection	419-372-WELL (9355)

Firelands Campus Specific Non-Confidential Resources	Phone Number
Office of the Dean (Firelands)	419-372-0623
Erie County Deputy (for Firelands campus)	419-372-0709 or 911

(E) Reporting Options, Amnesty, and Mandatory Reporting

(1) BGSU strongly encourages prompt reporting of conduct that may violate this Policy. Anyone may make a report, including a student, employee, visitor, or other third party. A person may choose to make a report to the university, to law enforcement, or to both. BGSU will make support and resources available to a person making a report no matter which option they choose.

(2) Amnesty

BGSU will not pursue a Code of Student Conduct violation against any participant in an investigation under this Policy, whose potential violation of BGSU policy on drug or alcohol use was identified during the investigation, provided that the drug or alcohol use did not (and does not) endanger the health or safety of another person. BGSU may, however, initiate an assessment, hold an educational discussion, or pursue other non-disciplinary options to address the drug or alcohol use.

(3) Reporting

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- (a) Reporting to law enforcement or the university (other than confidential reporting options) means that, as appropriate, the report will be shared with others.
- (b) Reporting to Law Enforcement
 - (i) BGSU encourages anyone who experiences Prohibited Conduct to make a report to the BGSU Police Department. Prompt reporting enables law enforcement to collect and preserve evidence.
 - (ii) A person who wishes to pursue criminal action in addition to, or instead of, making a report to BGSU may contact law enforcement directly by calling:
 - (a) 911 (for emergencies);
 - (b) BGSU Police Department: (419) 372-2346 (non-emergencies);
 - (c) Bowling Green City Police Division: (419) 352-2571 (non-emergencies);
 - (d) Wood County Sheriff's Office: (419) 354-9001 (non-emergencies);
 - (e) Ohio State Highway Patrol: (419) 352-2481 (non-emergencies);
 - (f) Erie County Sheriff's Department: (419) 625-7591 (non-emergencies at Firelands campus).
 - (iii) Upon request, BGSU staff will assist in making a report to law enforcement. For conduct occurring in the residence halls, the Office of Residence Life can assist in making a report to the BGSU Police Department. For reports of off-campus Prohibited Conduct, the BGSU Police Department can assist in identifying which law enforcement agency should receive the report.
- (c) Reporting to the University
 - (i) An individual may make a report directly to the Title IX Coordinator in 207 Hayes Hall, by email to titleix@bgsu.edu, by regular mail, by telephone at (419) 372-7751, or in person at the Office of Title IX. An online report form may be found on the BGSU website by visiting the [Title IX](#) or the [Office of State and Federal Compliance and Non-Discrimination](#) web page.
 - (ii) Designated BGSU staff, including the Office of the Dean of Students, the Office of Residence Life, the Office of Accessibility Services, and the BGSU Police Department, will help individuals with reporting. For BGSU Firelands, the Office of the Dean will help individuals with reporting.
- (d) Anonymous Reports
 - (i) A person may report Prohibited Conduct to BGSU without disclosing one's name using the [online reporting form](#) found on the BGSU website. Although the report may be filed anonymously, the date and time of the incident must be included.
 - (ii) Depending on the circumstances, such as the unavailability of witnesses and the university's relationship to the respondent, BGSU's ability to investigate and remedy an anonymous report may be limited. BGSU will, however, take action as it deems appropriate and in the best interests of the overall university community, to the extent allowed by the available information.

A "mandatory reporter" must immediately report any information about suspected Prohibited Conduct to the Title IX Coordinator. A mandatory reporter who fails to make a timely report may be subject to appropriate discipline. Each of the following is considered a "mandatory reporter":

- (i) Members of the Board of Trustees;
- (ii) Executive officers (including Associate or Assistant Vice Presidents and Vice Provosts);
- (iii) Cabinet members;
- (iv) Deans, directors, and department chairs (including those serving in assistant or associate roles);
- (v) Academic program coordinators;
- (vi) Supervisors of administrative and classified staff;
- (vii) BGSU faculty (full-time, part-time, and adjunct), graduate teaching instructors and graduate teaching assistants, and any other person providing instruction at BGSU (such as flight instructors);
- (viii) Any BGSU employee or volunteer who serves as an advisor to a RSO, including but not limited to, fraternities and sororities;
- (ix) All Tier 1 Volunteers as defined as volunteers having significant or recurring interaction with students, as defined by the hosting department. Examples of Tier 1 Volunteers include, but are not limited to, athletic team coaches, sport club coaches, and advisors, and student organization advisors.
- (x) All full-time staff and graduate assistants working in the following divisions and offices:
 - (a) Division of Community Well-Being except those working in the Counseling Center who are required by law to protect confidentiality;
 - (b) Division of Student Engagement and Success;
 - (c) Division of Enrollment Management;
 - (d) Office of Student Housing;
 - (e) Intercollegiate Athletics;
 - (f) Office of Human Resources;
- (xi) All student employees serving in roles as:
 - (a) Resident Advisors;
 - (b) Orientation Leaders;
 - (c) Student Mentors and Ambassadors in TRIO, Marvin Center for Student Leadership and Civic Engagement, Center for Student Connections and Opportunity, and the Radbill Center for Life Design.

(xii) All Campus Security Authorities, as designated by BGSU under the Clery Act, who are not otherwise specified (as listed by title in the Annual Security and website. [View Privacy Statement](#)

Fire Safety Report);

- (xiii) Any individual serving on an acting or interim basis in any position described in this Policy; and
- (xiv) University faculty, staff, or volunteers providing oversight to BGSU students while on domestic or international travel in connection with any BGSU sponsored teaching, research, or service activity.

(f) Training

All who fall under the category of "mandatory reporter" must attend and complete in-person or online trainings as defined by the university.

(g) All Other Employees

Employees who are not mandatory reporters are not required to report information about suspected Prohibited Conduct to the Title IX Coordinator. It is difficult, however, to address Prohibited Conduct that has not been reported. Accordingly, employees who are not mandatory reporters (or confidential resources) are encouraged to ask the person who gave them the information for permission to share it with the Title IX Coordinator.

(h) Exceptions

- (i) Students who are not working in one of the offices identified above;
 - (ii) Employees who are not supervisors and do not fall into any of the other categories such as advisor;
 - (iii) Professionals who are required by law to protect confidentiality (confidential resources); and
 - (iv) Vendor employees.
- (i) Questions about "mandatory reporter" status should be directed to the Office of General Counsel at (419) 372-0464.

(F) Prohibited Conduct

- (1) Prohibited Conduct includes the following acts: discrimination based on sex, sexual harassment, sexual assault, dating violence, domestic violence, stalking, retaliation, and violation of mutual restrictions on contact between the parties. This Policy applies to Prohibited Conduct regardless of sex, sexual orientation, and/or gender identity or gender expression of the complainant or respondent.
- (2) Suspected incidents of child abuse (including incidents of suspected child sex abuse) must be reported to Children's Services by calling the child abuse hotline at (419) 354-9669 or 1 (866) 860-4136. Contact the BGSU Police Department with any questions about matriculated students under the age of eighteen.
- (3) Each act of Prohibited Conduct is specifically defined below:
 - (a) Sex Discrimination
 - (i) The University prohibits discrimination on the basis of sex. Discrimination under this Policy occurs when an adverse employment or education action is taken against a person and is based upon that person's sex and the conduct does not fall within the definition of any other Prohibited Conduct. Some

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examples of conduct that may constitute sex discrimination include, but is not limited to:

- (a) denying a person access to an educational or employment program based on that person's sex;
 - (b) preventing any person from using University facilities or services because of that person's sex; or
 - (c) denying raises, benefits, promotions, and/or other conditions of employment on the basis of a person's sex
- (ii) Sex discrimination may fall within this Policy, the Non-Discrimination in Employment and Education Policy, or both.

(b) Sexual Harassment

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- (i) A BGSU employee conditioning the provision of an aid, benefit, or service of BGSU on an individual's participation in unwelcome sexual conduct (Quid Pro Quo Sexual Harassment);
- (ii) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to any BGSU education program or activity.

(c) Sexual Assault

Sexual assault means any sexual act directed against the complainant, without the consent of the complainant, including instances where the complainant is incapable of giving consent.

Sexual assault is a form of sexual harassment and includes the following:

- (i) Rape: The 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.
- (ii) Criminal Sexual Contact (Fondling) includes:
 - (a) The intentional touching of the clothed or unclothed body parts of the complainant, without consent of the complainant, for the purpose of sexual degradation, sexual gratification, or sexual humiliation; or
 - (b) The forced touching by the complainant of any person's clothed or unclothed body parts, without consent of the complainant, for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
- (iii) Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- (iv) Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent.

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These definitions are based on the uniform crime reporting system of the Federal Bureau of Investigation. If there is any inconsistency or discrepancy between these

definitions and those used by the FBI's uniform crime reporting system, the FBI's definition will control.

(d) Stalking

- (i) Stalking is a form of sexual harassment. The term "stalking" means 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.
- (ii) For the purpose of this definition –
 - (a) 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 (including cyberstalking), or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
 - (b) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 - (c) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- (iii) Cyberstalking is a form of stalking that includes harassment via social media, email, text, or other forms of electronic communication.

(e) Dating Violence

Dating violence is a form of sexual harassment. The term "dating violence" means violence committed by a person –

- (i) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (ii) Where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; the frequency of interaction between the persons involved in the relationship.

(f) Domestic Violence

Domestic violence is a form of sexual harassment. The term "domestic violence" means a felony or misdemeanor crime of violence committed –

- (i) By a current or former spouse or intimate partner of the victim;
- (ii) By a person with whom the victim shares a child in common;
- (iii) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- (iv) 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;

(v) 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 website. [View Privacy Statement](#)

jurisdiction in which the crime of violence occurred.

(g) Retaliation

- (i) No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or 34 CFR Part 106, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.
- (ii) Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by title IX or this 34 CFR Part 106, constitutes retaliation. The exercise of rights protected under the First Amendment does not constitute retaliation.
- (iii) BGSU will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute (20 U.S.C. 1232g), FERPA regulations (34 CFR Part 99), as required by law, or to carry out the purposes of 34 CFR Part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.
- (iv) Retaliation is Prohibited Conduct. A formal complaint alleging retaliation may be filed according to this Policy.

(h) Violation of Supportive Measures

Violation of or failure to comply with supportive measures including, but not limited to, mutual restrictions on contact between the parties. Violations of this section may be referred to appropriate student or employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing complaint under this Policy.

(G) Supportive Measures

- (1) Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to BGSU's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or BGSU's educational environment. BGSU provides supportive measures after the Office of the Dean of Students or Title IX Office receives notice of Prohibited Conduct but before any outcome has been decided. These measures typically are kept in place until the matter is resolved but may be extended when warranted.
- (2) Supportive measures may 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, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

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- (3) The Title IX Coordinator or designee is responsible for coordinating the effective implementation of supportive measures. A complainant or respondent may meet with the Title IX Coordinator to discuss the adequacy or need for supportive measures.
- (4) BGSU will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of BGSU to provide the supportive measures.
- (5) Implementation of supportive measures does not mean or suggest that BGSU has made any decision about the merits of the report.

(H) Emergency Removal

- (1) BGSU may remove a respondent from any BGSU education program or activity on an emergency basis, provided that BGSU first undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.
- (2) This section does not limit BGSU's ability to suspend a respondent under Ohio Rev. Code § 3345.22 or other applicable law.

(I) Administrative Leave

BGSU may place a non-student employee respondent on administrative leave during the pendency of the university resolution procedure described in this Policy and any subsequent processes.

(J) Impartiality and Training Requirements

- (1) The Title IX Coordinator and Deputy Coordinators, decision-makers, investigators, and any person designated by a recipient to facilitate an informal resolution process, must not have a conflict of interest or bias for or against complainants or respondents generally or any individual complainant or respondent.
- (2) The Title IX Coordinator and Deputy Coordinators, decision-makers, investigators, and any person designated to facilitate an informal resolution process must receive training on: the definitions of sexual harassment and Prohibited Conduct in this policy and in 34 CFR § 106.30; the scope of BGSU's education programs and activities; how to conduct an investigation and resolution process including hearings, appeals, and informal resolution processes, as applicable; and on how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- (3) The materials used to train the Title IX Coordinator and Deputy Coordinators, decision-makers, investigators, and any person designated by a recipient to facilitate an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment and Prohibited Conduct.
- (4) All decision-makers, including anyone who will serve as the Chair of a hearing board, must receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.
- (5) All investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

(K) Title IX Sexual Harassment Grievance Procedures
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BGSU has adopted Grievance Procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

(L) Sanctions

A complete list of potential outcomes and sanctions for violations of Prohibited Conduct are found in the Title IX Sexual Harassment Grievance Procedures.

Registered Date: August 28, 2020

Amended: September 2, 2021; November 8, 2022; February 20, 2024; July 31, 2025; August 28, 2025