

# 5 - 16.1

|                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CH 1:<br>Definitions<br>(/Policyreg/Chapter-<br>1-<br>Definitions)                                       | <b>Administrative policy and<br/>procedures regarding<br/>complaints of unlawful<br/>discrimination and harassment</b>                                                                                                                                                                                                                                                                               |
| CH 2:<br>Governance<br>(/Policyreg/Chapter-<br>2-<br>Organization-<br>Governance)                        | (A) Purpose. This policy sets forth the expectations and responsibilities for maintaining a safe educational and employment environment free of discrimination and harassment. This policy prohibits discrimination and harassment based on race, color, religion, gender, sex, sexual orientation, national origin, ancestry, disability, genetic information, age, and military or veteran status. |
| CH 3:<br>Teaching<br>(/Policyreg/Chapter-<br>3-<br>Teaching-<br>Research-<br>And-<br>Public-<br>Service) | Retaliation for reporting or participating in the complaint process is also prohibited.                                                                                                                                                                                                                                                                                                              |
| CH 4:<br>University<br>Life<br>(/Policyreg/Chapter-<br>4-<br>University-<br>Life)                        |                                                                                                                                                                                                                                                                                                                                                                                                      |
| CH 5:<br>Administration<br>(/Policyreg/Chapter-<br>5-<br>General-<br>Administration)                     |                                                                                                                                                                                                                                                                                                                                                                                                      |
| CH 6:<br>Personnel<br>(/Policyreg/Chapter-<br>6-<br>Personnel)                                           | (B) Definitions.<br><br>(1) Office of equal opportunity and compliance (EOC) and the office of gender equity and Title IX (Title IX office). The offices that                                                                                                                                                                                                                                        |
| CH 7:<br>Finance<br>(/Policyreg/Chapter-<br>7-<br>Finance)                                               | administer this policy, including handling complaints                                                                                                                                                                                                                                                                                                                                                |
| CH 8:<br>Regionals<br>(/Policyreg/Chapter-<br>8-                                                         |                                                                                                                                                                                                                                                                                                                                                                                                      |

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**Regional-  
Campuses)**

**CH 9:  
Technology  
(/Policyreg/Chapter-  
9-  
Information-  
Technology-  
Security)**

**Ch  
10:  
Research  
&  
Economic  
Development  
(/Policyreg/Chapter-  
10-  
Research-  
Economic-  
Development)**

of unlawful  
discrimination. Office  
of EOC has also  
designated  
"compliance  
facilitators" at each  
regional campus and  
in select university  
colleges and  
departments and the  
Title IX office has  
designated "deputy  
Title IX coordinators."  
These individuals  
may assist EOC or the  
Title IX office with  
investigations and  
other compliance-  
related matters. The  
director of equal  
opportunity and  
compliance serves as  
the ADA Title II and  
Rehabilitation Act  
Section 504  
coordinator  
overseeing  
complaints of  
disability  
discrimination and  
requests for ADA  
accommodations.  
The director of  
gender equity within  
the division of  
student life serves as  
the Title IX

coordinator  
overseeing  
pregnancy  
accommodations and  
unlawful  
discrimination on the  
basis of sex in  
university education  
programs or  
activities, in  
accordance with Title  
IX of the Education  
Amendments of 1972  
and Title 34 part 106  
of the Code of Federal  
Regulations.

**(2) Complainant.** The  
person, organization,  
or department that  
files a complaint with  
EOC or Title IX office  
alleging that they  
have been  
discriminated  
against.

**(3) Respondent.** The  
person, organization,  
or department that  
the complaint is filed  
against. If the  
respondent serves in  
more than one role on  
campus (for example,  
a respondent who is  
both a student and an  
employee), the

respondent's primary role in the occurrence of the alleged action shall determine which investigative path below shall be followed. Additional sanctions based on the respondent's secondary role may be considered as appropriate.

**(4) Discrimination.**

Action based on a protected category that limits a group or individual's ability to participate in the university's educational and employment opportunities.

**(5) Harassment.** A form of discrimination.

Harassment is defined as action taken without consent, based on a protected category, and either:

**(a) Enduring the offensive conduct**

becomes a condition of continued

employment,  
academic  
success, or  
benefit; or

**(b)** Sufficiently  
severe or  
pervasive so  
as to interfere  
with the  
individual or  
group's ability  
to benefit from  
university  
employment,  
services,  
activities or  
privileges.

**(6)** Protected category.

The following  
personal  
characteristics are  
considered "protected  
categories." Discrimination  
is prohibited based on  
the following:

**(a)** Race;

**(b)** Color;

**(c)** Religion:  
sincerely held  
religious  
beliefs;

**(d)** Gender or  
sex. This  
includes

discrimination  
based on  
gender  
identity,  
gender  
expression,  
gender non-  
conformity,  
and  
pregnancy.  
Gender or  
sexual  
harassment  
also includes  
the following:

**(i)**

Sexual  
misconduct.  
Intentional  
sexual  
touching  
with  
any  
body  
part or  
object,  
that is  
without  
consent.  
This  
also  
includes:

**(a)**

Sexual  
exploitation,  
defined

as  
taking  
non-  
consensual  
or  
abusive  
sexual  
advantage  
of  
another  
for  
one's  
own  
benefit,  
or  
to  
benefit  
a  
third  
party;  
or

**(b)**

Knowingly  
transmitting  
a  
sexually  
transmitted  
infection  
without  
consent.

**(ii)**

Stalking.  
Engaging  
in a  
course  
of

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conduct  
directed  
at a  
specific  
person  
that  
would  
cause a  
reasonable  
person  
to fear  
for  
their  
safety  
or the  
safety  
of  
others  
or  
suffer  
substantial  
emotional  
distress.

(iii)

Domestic  
violence.  
Felony  
or  
misdemeanor  
crimes  
of  
violence  
committed  
by a  
current  
or  
former

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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

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of the  
victim  
under  
the  
domestic  
or  
family  
violence  
laws of  
the  
jurisdiction,  
or 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.

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(iv)

Dating  
violence.  
Violence  
or  
intimidation  
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 a  
consideration  
of the  
length  
of the

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relationship,  
the  
type of  
relationship,  
and  
the  
frequency  
of  
interaction  
between  
the  
persons  
involved  
in the  
relationship.  
Dating  
violence  
includes,  
but is  
not  
limited  
to,  
sexual  
or  
physical  
abuse  
or the  
threat  
of such  
abuse;

**(e)** Sexual  
orientation;

**(f)** National  
origin;

**(g)** Ancestry;

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**(h) Disability.**

This category includes protections for individuals with a physical or mental impairment that substantially limits one or more major life activity; individuals with a record of such an impairment; or individuals regarded as having such an impairment. Complaints regarding a failure to accommodate a disability are also included within this procedure;

**(i) Genetic**

information of an employee or an employee's

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family  
member;

(j) Age: over  
forty years  
old; and

(k) Military or  
veteran status.

(7) Consent. An action defined as the voluntary, unambiguous and uncoerced agreement to participate in an act, the nature and full extent of which is understood by all parties. Silence or lack of resistance cannot be the sole factor in determining consent. Consent may be given verbally or nonverbally. All parties are responsible for confirming that their counterpart's consent is maintained throughout the act and is present before engaging in a new act. A person may be incapable of giving consent due to physical incapacitation,

physical or mental  
disability, threat,  
coercion, the  
influence of alcohol  
or drugs, or age.

**(a) Coercion:**

when an  
individual  
unreasonably  
pressures  
another to  
engage in  
sexual  
activity,  
despite  
responses that  
the conduct is  
unwelcome or  
unwanted.

Coercion  
includes  
elements of  
pressure,  
duress,  
cajoling, and  
compulsion.

The pressure  
to participate  
may also be  
considered  
unreasonable  
when the  
pressuring  
individual is

in a position  
of influence or  
authority over

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the other  
individual.

**(b)**

Incapacitation.

A state where  
a person lacks  
the capacity to  
reasonably  
appreciate the  
nature or  
extent of the  
situation  
because of  
their physical  
or mental  
status,  
developmental  
disability, or  
alcohol or  
drug use.

**(8) Retaliation. A**

retaliatory action is  
any materially  
adverse action taken  
against a person  
because they, or  
someone they are  
associated with,  
engaged in an  
activity protected by  
this policy. Protected  
activity includes: (1)  
filing a good faith  
report or complaint of  
discrimination under  
this rule or under the

law; (2) participating in the process for complaints of discrimination made under this rule or the law; (3) complaining of or opposing discrimination as defined by the rule; or (4) requesting an accommodation in accordance with this policy.

**(a)** A materially adverse action is one that might deter a reasonable person from participating in a protected activity. It may include, but is not limited to, termination, discipline, and harassment, but does not include petty slights, minor annoyances, or trivial punishment.

adverse action  
occurred  
because of  
protected  
activity will  
vary based on  
each  
individual  
situation.  
Types of  
evidence that  
may point to a  
retaliatory  
motive, either  
on their own  
or together,  
may include:  
written or oral  
statements;  
the adverse  
action itself;  
proximity in  
time between  
a protected  
activity and  
an adverse  
action;  
changes in  
treatment of  
an individual  
after a  
protected  
activity  
occurred,  
especially as  
compared to  
other

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individuals;  
failing to  
follow  
established  
policies or  
practices; and  
inconsistent  
or shifting  
explanations  
for an adverse  
action.

**(c) Eligibility.** All students, faculty, staff, visitors, applicants, and university recognized student organizations. This policy will apply to incidents occurring on campus or within university-sponsored events and programs, and to incidents occurring off-campus if both parties are affiliated with the University through enrollment or employment at the time of the incident. Complaints within the purview of this policy must be filed with the office of EOC within thirty business days of the alleged harm (except complaints of sexual misconduct, stalking, domestic violence and dating violence).

complaints of sexual harassment that fall within the purview of Title IX and rule 3343-5-16.2 of the Administrative Code. The director of gender equity/Title IX coordinator or designee will review reports of discrimination and harassment to determine which policy is applicable. Title IX and rule 3342-5-16.2 of the Administrative Code applies to:

**(a)** Sexual harassment as defined by that policy;

**(b)** Occurring in a Kent state university education program or activity, against a person in the United States; an;

**(c)** Filed by a complainant who, at the

time of filing a formal complaint, is participating in or attempting to participate in the education program or activity of the university with which the formal complaint is filed.

**(D)** How to file a complaint. An eligible person [as defined in paragraph (C) of this rule who believes that they have been discriminated against by a university department, an employee, a visitor to campus, a student organization, or a student is encouraged to contact the Office of Equal Opportunity and Compliance to file a complaint by phone at 330-672-2038, or via email at **compliance\_equalopp@kent.edu** (**(mailto:compliance\_equalopp@kent.edu)**). Matters involving gender equity can be filed with the Title IX office by phone at 330-672-7535 or at **titleix@kent.edu** (**(mailto:titleix@kent.edu)**). Complaints

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of retaliation follow this same process.

- (1) The applicable office (EOC or the Title IX office) will first examine the allegations within the complaint to determine if they are within the purview of this policy. Complaints outside of the purview of this policy may be referred to another university process. The office may also decline to accept a complaint if they determine that the allegations, even if true, would not be a violation of this policy. If the office declines to accept a complaint, the party who brought forth the allegation will be notified in writing of this decision. This decision may be appealed using the appeal process noted in this policy.

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**(2)** A complainant's consent is generally necessary before an investigation will be started. However, the director may determine that an investigation may move forward without the consent of the complainant, in the following situations: where the director (or designee) believes the safety of the university community may be at risk because of the circumstances of the allegations; for repeated allegations against a single respondent; or where the director (or designee) believes the alleged policy violations may affect a larger group.

**(3)** Anonymous or indirect reports will be reviewed to determine if enough credible information has been provided to substantiate an investigation. At the

discretion of  
the director (or  
designee), the office  
may initiate an  
investigation without  
a specific  
complainant or close  
the complaint if the  
eligibility  
requirement [as  
defined in paragraph  
(C)] of this rule is not  
met.

**(4)** The university will  
make every  
reasonable effort to  
honor the  
confidentiality and  
privacy of all parties  
involved to the extent  
practicable and  
allowed by law. The  
office may be limited  
in its ability to  
investigate without  
permission to share  
relevant details.  
Alleged felonies may  
be reported to the  
police in accordance  
with Ohio law. The  
reporting party may  
make a report to law  
enforcement at any  
time

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(5) Remedial measures to eliminate harassment may be available regardless of whether a complaint is filed. Such measures may include modifications to academic, employment, and housing situations as appropriate. A no-contact order may be put in place if requested and would prohibit contact between both parties.

(6) If a respondent has more than one role with the university (for example, student and employee), the complaint will be handled in accordance with the context the respondent was in when the alleged incident occurred. At the conclusion of that process, EOC, the Title IX office, or the office of student conduct may make additional recommendations or finding regarding the

respondent's other  
role, as appropriate.

**(7)** If either party is a  
minor who is not an  
enrolled student, the  
minor's parents may  
be notified. If the  
allegations involve  
sexual misconduct,  
stalking, or violence,  
local law  
enforcement will be  
notified as well.

**(8)** Parties notified. The  
office will notify the  
respondent in writing  
when a complaint is  
made. If the  
respondent is a  
university employee,  
organization, or  
department, relevant  
supervisors and  
administrators will  
be notified of the  
complaint as well.

**(E)** Informal resolution. If both  
parties agree to do so, the  
office may attempt an  
informal resolution of the  
complaint at any time prior  
to the issuance of the  
investigation summary  
report. This may include a  
meeting of both parties with  
the office representative to

discuss the complaint and come to a mutual resolution; a mutual no-contact order; or some other voluntary resolution agreement. If an informal resolution is reached, it will be recorded in writing. Either party may choose to elevate the complaint to a formal investigation at any time, including if they feel the other party is not adhering to the agreement.

**(F) Formal investigation.** If informal resolution is not attempted or reached, the office representative will conduct an impartial, prompt and thorough investigation of the matter.

**(1) The investigation** may include, as applicable: interviews with both parties; interviews with anyone that may have relevant information about the complaint; and collecting and reviewing relevant documentation or other evidence.

**(2) A formal** investigation,

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including any of the following resolution steps, will be completed within ninety business days of filing a complaint. If more time is needed, the investigator will notify both parties in writing.

**(3)** Either party may have an individual of their choice accompany them through any stage of this process to provide support and guidance.

**(4)** The complainant may request to withdraw their complaint at any point prior to the resolution of the complaint. The complaint will be concluded at that point, without resolution, unless the director (or designee) elects to proceed with the complaint in accordance with paragraph (B)(2) of this rule.

**(G)** Formal resolution for student and student organization respondents. The matter shall be referred to the office of student conduct for adjudication per rule 3342-4-02.1 of university policy. If the respondent is a student or student organization, the investigator will notify the office of student conduct that a hearing panel should be convened and provide a report of their findings. For more detailed information regarding the hearing and appeal proceedings, see the code of student conduct.

**(H)** Formal resolution for employee, university department, and visitor respondents. The investigator will summarize any relevant information gathered as part of their investigation. The written disposition will include the investigator's determination of whether the non-discrimination policy was violated.

**(I)** The investigator

uses a preponderance of the evidence

standard in making  
this decision.

**(2)** If discrimination or harassment was found to have occurred, the disposition will include the investigator's recommended sanctions to prevent recurrence of any discrimination/harassment and to correct any discriminatory effects on the complainant and others, if appropriate.

**(3)** If the respondent is an employee or department, the respondent's department is responsible for determining whether they will accept and implement the sanctions recommended in the written disposition. The respondent's department must notify the investigating office(EOC or Title IX) in writing within fifteen

business days after receiving the investigation findings if the recommended sanctions will be adopted. If not, the department must identify what other course of action will be taken regarding the respondent.

**(4)** If the respondent is a visitor to campus, the investigator may recommend the persona non grata process be initiated pursuant to rule 3342-5-12.7 of the Administrative Code.

**(5)** The decision may be appealed by either party, in writing, to the vice president of people, culture and belonging (or designee) or senior vice president for student life (or designee) for title IX investigations within seven business days, and a decision will be issued to both parties within thirty business days. An

appeal may only be  
made on the  
following bases:

**(a)** Procedural  
irregularity  
that affected  
the outcome  
of the matter;

**(b)** New  
evidence that  
was not  
reasonable  
available at  
the time the  
determination  
regarding  
responsibility  
or dismissal  
was made,  
that could  
affect the  
outcome of  
the matter;  
and

**(c)** The  
investigator(s),  
or decision-  
maker(s) had  
a conflict of  
interest or  
bias for or  
again  
complainants

the individual  
complainant  
or respondent  
that affected  
the outcome  
of the matter.

(I) Requirement to report. All employees of the university (except those health care professionals with statutory confidentiality requirements, when acting in their capacity as such) are required to notify the Title IX office all instances of possible gender/sexual harassment, sexual misconduct, stalking, and intimate partner violence within the purview of this policy that they are made aware of in their capacity as an employee. A report to the center for sexual and relationship violence support services (SRVSS) or Kent state police services satisfies this requirement. Employees are also expected to report to the office of equal opportunity and compliance possible non-gender-based discrimination or harassment they are made aware of in their capacity as an employee. With EOC office approval, university

departments may create internal reporting structures that ultimately and promptly lead to the EOC office.

**(J)** Either party may file a separate complaint against the university may also be filed with external agencies, including but not limited to: the Ohio civil rights commission, the equal employment opportunity commission, and the department of education office for civil rights.

**Policy Effective Date:** Aug 30, 2025

**Policy Prior Effective Dates:** 5/20/1992, 2/11/2003, 4/21/2003, 6/1/2000, 3/5/2008, 6/5/2012, 5/19/2014, 3/1/2015, 8/14/20, 11/22/2021