



Cuyahoga Community College Office of Diversity & Inclusion Sexual Misconduct Q & A

General

1. What is sexual assault?
 - Any non-consensual physical contact of a sexual nature by an acquaintance or stranger. Physical resistance need not occur to fulfill the definition of sexual assault. Consent CAN NEVER be given by anyone under the age of sixteen. Sexual assault includes, but is not limited to the following:
 - Rape
 - Acquaintance rape (e.g. friend, classmate, peer, co-worker, partner, etc.)
 - Incest
 - Sexual assault with an object
 - Forcible sodomy
 - Forcible oral sex
 - Forcible fondling

2. What is sexual harassment?
 - “unwelcomed or unsolicited speech or conduct based on race, **sex**, creed, religion, national origin, age color, or handicap condition that creates a hostile environment or circumstances involving quid quo pro.

3. What is consent?
 - Consent is the equal approval, given freely, willingly, and knowingly of each participant to ***every act*** of desired sexual involvement. Consent is an affirmative, conscious decision — indicated clearly by words or actions — to engage in mutually accepted sexual contact. Consent CANNOT be given if a person's ability to resist or consent is substantially impaired because of a mental or physical condition or if there is a significant age or perceived power differential. Examples include, but are not limited to being:
 - Unconscious
 - Frightened
 - Intimidated
 - Sexual assault with an object
 - Substantially impaired because of a psychological health condition
 - Substantially impaired because of voluntary intoxication
 - Substantially impaired because of the deceptive administering of any drug, intoxicant, or controlled substance

4. Are there different types of sexual harassment?
 - Yes, there are two types of sexual harassment: hostile work environment and quid pro quo.
 - **Hostile work environment** is one that a reasonable person would find hostile or abusive and one the particular person who is the object of the harassment perceives to be hostile or abusive.

- **Quid pro quo** consist of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

5. What are the elements of sexual harassment?

- For conduct to be substantiated as sexual harassment, the following elements must be present:
 - Physical
 - Verbal
 - Visual
 - Sexual in nature
 - Unwelcome
 - Deliberate and or continuous
 - Pervasive or egregious actions

6. Can men be sexually harassed?

- Yes, men can be sexually harassed.

7. What are general sexual harassment behaviors?

- Sexual comments in conversation, letters, notes, text, or telephone calls; gender specific sexist comments; sexual touching; giving hugs; sexual material; sexual innuendos, sexual cartoons, pictures, jokes, images, slides; whistling or cat calling; asking about sexual experiences; repeatedly asking someone for a date who has expressed disinterest; looking someone up and down in a sexually suggestive manner.
 - **Non-verbal behavior** includes staring at someone; restricting or hindering someone's movement; making sexual gestures with body and/or hands, including pelvic acts; making facial expressions (e.g., throwing kisses, licking lips, or winking).
 - **Physical behavior** includes massaging someone's neck, shoulders, or other body parts; touching someone's clothing, hair, or other body parts; touching, rubbing or exposing oneself sexually in the proximity of or in the view of someone; brushing up against someone.

8. What should a person do if he/she feels that they are being sexually harassed?

- Any individual who feels he or she is being sexually harassed should document the offensive conduct, including details of what transpired in addition to any witnesses, the time, date, and location of the behavior. If an individual feels comfortable, he or she may confront the offender regarding the offensive nature of the behavior. An individual may address the behavior verbally or in writing. If an individual does not feel comfortable doing this, the next step is to notify one of the of following college personnel:

- - Title IX Coordinator (216-987-0204)
 - Executive Vice President of Human Resources (216-987-4836)
 - Office of Student Affairs
 - Eastern Campus (216-987-2202)
 - Metropolitan Campus (216-987-4240)
 - West Campus (216-987-5027)
 - Westshore Campus (216-987-5892)
 - Counseling
 - Eastern campus (216-987-2504)
 - Metropolitan Campus (216-987-4618)

- West Campus (216-987-5200)
 - Westshore Campus (216-987-3901)
 - Police Services
 - Department of Campus Police & Security Services (216-987-4325)
- If the offender is a supervisor, the employee should contact an Employee Relations Specialist or Human Resource Manager.

The Complainant

9. How does someone file a sexual harassment complaint?
 - An employee may submit an alleged gender discrimination/sexual violence violation to his or her Dean, Title IX Coordinator, Office of Human Resources/Manager Employee Relations, or Campus Police.
 - A student may submit an alleged gender discrimination/sexual violence violation to his or her Office of Student Affairs, Title IX Coordinator or Campus Police.

10. Are sexual harassment complaints kept confidential?
 - The complaint is only shared with those who have a need to know of the complaint, its allegations, and alleged witnesses. The respondent to the complaint would have a need to know so that he or she would be able to respond to the allegations. Also, those with a need to know include investigators and final decision makers.

11. Can employees discuss a sexual harassment complaint with a supervisor or manager and request that no investigation be conducted?
 - An employee should not expect a supervisor or a manager to agree not to investigate sexual harassment allegations. Sexual harassment is looked upon as very serious allegations under state and federal law. As a result, an employer has a legal obligation to make a good faith effort to thoroughly investigate, prevent the reoccurrence, and remedy allegations of sexual harassment.

12. Who conducts sexual harassment investigations?
 - Sexual harassment investigations are usually conducted by an investigative team, consisting of the Title IX Coordinator, a representative from Employee Relations and/or Human Resources and/or Student Affairs that is made up of members of both genders to ensure fairness and objectivity. When applicable the Departments of Legal Services and Campus Police & Security Services are also a part of the team.

13. Will the complainant know the results of the sexual harassment investigations?
 - Yes, the complainant and the respondent will be informed of the results of the sexual harassment investigation. They will be informed in writing of whether the allegations were substantiated or not substantiated.

14. What are the possible outcomes of a sexual harassment investigation?
 - Possible outcomes of a sexual harassment investigation include findings that the allegations were substantiated or unsubstantiated. Unsubstantiated allegations do not mean that the allegations did not occur; it merely means that the evidence did not support that the allegations definitely did occur.

15. How do the investigators reach a conclusion that sexual harassment did or did not occur?
 - The investigators must base their conclusion on the evidence that was gathered over the course of their investigation. Such evidence includes witness statements, written documentation, and admissions. Absent any evidence, the investigators cannot conclude that sexual harassment occurred.

16. Can a complainant stipulate the remedy for the harassment if the harassment is substantiated?

- A complainant may state what remedy he or she seeks when he or she files the complaint; however, the college is not bound by this request. The college has the discretion to decide the appropriate remedial or disciplinary action based on the seriousness of the substantiated allegations and the college's past practice of how such incidents were handled.

17. Will the complainant know what disciplinary action was taken against the respondent?

- The complainant will be notified that the complaint has been resolved but may not know what disciplinary action, if any, that was taken against the respondent.

18. Will a copy of the investigation report go in the complainant, respondent or witness personnel file?

- No, a copy of the investigation report will not go in the complainant, respondent or witnesses personnel file or academic record. The investigation report is kept in a separate, confidential administrative file.