

- **“Stalking”** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - Fear for his or her safety or the safety of others; or
  - Suffer substantial emotional distress.
- **Sexual Exploitation** is knowingly, intentionally or purposefully taking advantage of the sexuality of another person without consent or in a manner that extends the bounds of consensual sexual activity without the knowledge of the other individual for any purpose, including sexual gratification, financial gain, or personal benefit. Examples of Sexual Exploitation include:
  - Observing another individual’s nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
  - Voyeurism;
  - Non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
  - Non-consensual recording of individuals in locations in which they have a reasonable expectation of privacy, such as restrooms or locker rooms, regardless of whether the images captured reveal sexual activity or nudity;
  - Prostituting another individual;
  - Exposing one’s genitals in non-consensual circumstances;
  - Removal of a condom, without consent, during sexual intercourse;
  - Knowingly exposing another individual to a sexually transmitted infection or virus without that individual’s knowledge; and
  - Inducing incapacitation for the purpose of making another person vulnerable to nonconsensual sexual activity, e.g., by using alcohol or other drugs (such as Rohypnol or GHB).

## D. Walsh University Consent Standard

1. **Consent** is an agreement expressed through affirmative, voluntary words or actions, and mutually understandable to all parties involved, to engage in a specific sexual act at a specific time:
  - Consent must be ongoing and can be withdrawn at any time by involved parties.
  - Consent requires a mutual, clear and certain yes through body language, words, or actions.
  - Consent cannot be assumed based on the following:
    - Silence
    - Implied confirmation of interest
    - Initiation of sexual contact
    - The absence of a clear/certain yes
    - The absence of a clear/certain “no” through body language, words, and/or actions
    - The existence of a prior or current relationship
    - Prior sexual activity
  - a. **Consent cannot be coerced or compelled, including but not limited to the use of force, threat, deception or intimidation.**
    - i. **Coercion:** presenting a mentally and/or emotionally manipulative proposal for the purpose of persuading another person and/or party to act against their own interest and/or best judgement.
    - ii. **Force:** is the use or threat of physical violence, intimidation, or coercion to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity. Such action would cause a person to fear for their physical or psychological well-being.

- iii. **Deception:** knowingly presenting false or misleading information, identity, circumstance, and/or withholding key information.
- iv. **Intimidation:** presenting oneself and/or environment in a way that reasonably frightens, threatens, and/or pressures another person and/or party to comply.

Consent cannot be given by someone who is not of legal age to provide it (per ORC §2907.04). Consent cannot be given by someone who is incapacitated, as defined below.

- 2. **Incapacitation** is when a person’s perception and/or judgement is substantially impaired because of a mental or physical condition [including, but not limited to intoxication] causing the person to lack the ability to effectively make or act on conscious decisions.

## E. Disclosure and/or Reporting Options

Walsh University recognizes a distinction between disclosing and formally reporting incidents of sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation and other forms of interpersonal violence or sex discrimination. Disclosing an incident may not result in a formal complaint, depending on to whom the information is communicated, the circumstances under which the incident occurred, and in many situations, the wishes of the Complainant(s)\*.

### A. Mandatory Reporters

All full- and part-time Walsh University employees, including administration, faculty, staff, University volunteers and student paraprofessionals, such as Resident Assistants and Campus Ministry Peacemakers, are mandated to report any incidents of sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation or other forms of interpersonal violence or sex discrimination directly to the Title IX Coordinator or Title IX Deputies, unless they are one of the *confidential resources* outlined below.

### B. Confidential Resources

\*If you are unsure if you would like to make a formal complaint regarding an incident of sexual harassment, sexual assault, dating violence, domestic violence, stalking, or retaliation, Walsh University’s Counseling Services (students only), Health Services, University Senior Chaplain, Domestic Violence Project, Inc., and COMPASS are confidential resources available to you for disclosure. Confidential resources will not report the disclosure of these incidents to Title IX or Campus Police without a victim/survivor’s written permission, and to the extent, they are permitted to promise confidentiality under the law.

### C. On-Campus Confidential Resources – Students

- a. **Counseling Services** | David Campus Center (Suite 104) | (330)490-7348
  - o Francie Morrow, LPCC-S | Executive Director of Counseling and Health Services
  - o Lisa Lutz, LPCC-S | College Counselor
  - o Megan Rhoads, LPC | College Counselor
- b. **Health Services** | Cechinni Health & Wellness Complex | (330) 490-7030
  - a. Dr. Melanie Mirande, MD
  - b. Andrea Prewitt, BSN, RN
  - c. Shelly Fogle, RN
- c. **University Senior Chaplain** | Our Lady of Perpetual Help Chapel | (330) 490-7051
  - a. Father Thomas Cebula\*