

## AFFILIATED DEFINITIONS

The definitions below can be found throughout the Sexual Misconduct & Relationship Policies and Procedures and have been defined to help create more understanding of these terms.

### ACTUAL KNOWLEDGE

Notice of sexual harassment or allegations of sexual harassment to the University's Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of the recipient.

### PROCESS NAVIGATOR

Parties have the right to be accompanied by a Process Navigator of their choice to all meetings, interviews, and hearings that are part of the investigation, adjudication, and appeal process. They may be, but are not required to be, an attorney. The Process Navigator may provide support and private counsel to the party, but may not represent or act on their behalf.

### CONSENT/EXPLICIT CONSENT

For the purposes of this policy, all consent must meet explicit consent. Explicit consent means:

- Informed, freely and actively given consent. It is active, not passive. It cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion.
- It requires clear communication between all persons involved in the sexual encounter. It can be communicated verbally or nonverbally, but in whatever way it is communicated, it must be mutually understood. Silence, in and of itself, cannot be interpreted as explicit consent.
- Explicit Consent means that it is the responsibility of the initiator of sexual contact to make sure they understand fully what the person with whom they are involved wants and does not want sexually. This includes knowledge of somebody's mental or physical state and corresponding ability to consent. An incapacitated individual is incapable of providing explicit consent.
- Explicit Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Previous relationships or previous instances of consent do not imply consent to future sexual acts.

### DAYS

Business days where the University is open.

### EDUCATIONAL PROGRAM AND ACTIVITY

- Locations, events, or circumstances over which Linfield University exercises substantial control over both the Responding Party and the context in which the sexual harassment occurs.
- Any building owned or controlled by a student organization is officially recognized by Linfield University.

### FORMAL COMPLAINT

A document filed by a Reporting Party or signed by the Title IX Coordinator alleging Prohibited Conduct against a Responding Party and requesting that Linfield University initiate a resolution process under this policy.

### INCAPACITATION

Someone who is incapacitated cannot consent. A person is incapacitated when the person cannot make a rational, reasonable decision because the person lacks the ability to understand their decision. A person can become incapacitated because of, among other things, physical or mental impairment, involuntary physical constraint, sleep, unconsciousness, or consumption of alcohol or other drugs.

Where alcohol or other drugs are involved, incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person may be approaching incapacitation may include slurred or incomprehensible speech, vomiting, unsteady gait, combativeness, or emotional volatility. Evaluating incapacitation also requires an assessment of whether a Respondent knew or should have been aware of the Complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the Respondent's position. Being intoxicated or impaired by drugs or alcohol is never an excuse for committing Prohibited Conduct and does not diminish one's responsibility to obtain informed and freely given consent. In other words, consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

### REPORT

A report of an alleged incident of Title IX Sexual Harassment, Sexual Harassment, Sexual Exploitation, Sexual Assault, Sexual Misconduct, Domestic Violence, Dating Violence, or Stalking to the Title IX Coordinator or an official of the University with authority to institute corrective measures on behalf of the University.

### RESPONDING PARTY

An individual who is alleged to be the actor of conduct that could constitute a violation of Prohibited Conduct.

### REPORTING PARTY

An individual who is alleged to be a person that has experienced conduct that could be a violation of Prohibited Conduct.

### REPORTER

An individual who discloses conduct that could constitute a violation of Prohibited Conduct.