

# PROHIBITED CONDUCT

The following behaviors constitute prohibited conduct under this Policy. After the appropriate procedures have been followed, if a Responding Party has been found responsible for any of these forms of conduct, they will be subject to sanctions and a Reporting Party will be eligible to receive appropriate remedies as described in this policy.

## DATING VIOLENCE

Defined under the Violence Against Women Act ("VAWA") as:

- Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim/survivor; and
- Where the existence of such a relationship shall be determined based on consideration of the following factors:
  - the length of the relationship;
  - the type of relationship; and
  - the frequency of interaction between the persons involved in the relationship.
- For the purposes of this definition, dating violence includes, but is not limited to, sexual, psychological, or physical abuse or the threat of such abuse.

## DOMESTIC VIOLENCE

Defined under VAWA as:

- Felony or misdemeanor crimes of violence committed:
  - by a current or former spouse or intimate partner of the victim/survivor;
  - by a person with whom the victim/survivor shares a child in common;
  - by a person who is cohabitating with or has cohabitated with the victim/survivor as a spouse or intimate partner;
  - by a person similarly situated to a spouse of the victim/survivor;
  - by any other person against an adult or youth victim/survivor who is protected from that person's acts under the state's domestic or family violence laws.

To categorize an incident as Domestic violence, the relationship between the Responding Party and the Reporting Party must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

## INCEST

Sexual intercourse between two persons who are related to each other within the degrees wherein marriage is prohibited by law.

## SEXUAL EXPLOITATION

When one person takes non-consensual or abusive advantage of another for their own advantage or benefit, or to benefit or advantage anyone

other than the one being exploited. Examples of exploitation include, but are not limited to:

- Taking advantage of another's sexuality;
- Threatening to disclose an individual's sexual orientation or gender;
- Prostituting another person;
- Non-consensual digital, video or audio recording of nudity or sexual activity;
- Unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity;
- Sexual voyeurism (such as watching a person undressing, using the bathroom, or engaging in sexual acts without the consent of the person(s) observed);
- Going beyond the boundaries of consent (such as letting someone hide in the closet to watch parties having consensual sex, removing or misrepresenting one's contraceptive and/or protective practices);
- Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give or deny consent to sexual activity;
- Knowingly exposing someone to or transmitting an STI, STD or HIV to another person;
- Intentionally or recklessly exposing one's genitals in non-consensual circumstances;
- Inducing another to expose their genitals;
- Encouraging or permitting another person to engage in non-consensual sexual activity.

## SEXUAL ASSAULT

Having or attempting to have sexual contact with another individual without consent or where the individual cannot consent because of age or temporary or permanent mental incapacity (see below for definition of consent and incapacitation).

Sexual contact includes: sexual intercourse (anal, oral, or vaginal), including penetration with a body part (e.g., penis, finger, hand, or tongue) or an object, or requiring another to penetrate themselves with a body part or an object, however slight; sexual touching of the private body parts, including, but not limited to, contact with the breasts, buttocks, groin, genitals, or other intimate part of an individual's body for the purpose of sexual gratification.

Sexual touching may be over or under clothing and may include the Respondent touching the Complainant, the Respondent making the Complainant touch the Respondent or another person, or the Respondent making the Complainant touch the Complainant's own body.

## SEXUAL HARASSMENT, TITLE IX

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

- Quid Pro Quo Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual

harassment when submission to such sexual conduct is made either explicitly or implicitly as a term or condition of rating or evaluating an individual's educational or employment progress, development, or performance.

- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.
- Sexual assault, dating violence, domestic violence, or stalking.

## SEXUAL HARASSMENT, NON-TITLE IX

Sexual Harassment which includes unwelcome conduct of a sexual nature and can include:

- Unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal or physical conduct of a sexual nature where such conduct is sufficiently severe or pervasive that it has the effect, intended or unintended, of unreasonably interfering with an individual's work or academic performance or it has created an intimidating, hostile or offensive environment and would have such an effect on a reasonable person.
- An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct.

## STALKING

Defined under VAWA as:

- Engaging in a course of conduct,
- Directed at a specific person,
- That would cause a reasonable person to
- fear for their safety or the safety of others, or
- to suffer substantial emotional distress.

Under VAWA regulations, substantial emotional distress is defined as significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Course of conduct means two or more instances including but not limited to unwelcome acts in which an individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish. Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Stalking may not always be "on the basis of sex"—e.g., when a person stalks an athlete due to celebrity worship rather than sex. When stalking is "on the basis of sex"—e.g., when the stalker desires to date the victim—stalking constitutes sexual harassment. Stalking that does not constitute sexual harassment may still be prohibited under

## RETALIATION

Retaliation is any action to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this policy. The prohibition against retaliation applies to 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 Reporting Party, any individual who has been reported to be the perpetrator of sex discrimination, any Responding Party, any witness, or any other individuals who participate (or refuse to participate) in any manner in an investigation, proceeding, or hearing.

Retaliation may occur even where there is a finding of "not responsible" under this Policy. Good faith actions lawfully pursued in response to a report of Prohibited Conduct are not Retaliation. Retaliation should be promptly reported to the Title IX Coordinator and will be investigated and resolved by Human Resources or Student Conduct, as applicable.

## ATTEMPTED VIOLATIONS

In most circumstances, the University will treat attempts to commit any of the violations listed in this policy as if those attempts had been completed. Evidence of an attempt could include, but is not limited to, statements containing an imminent threat, physical behavior such as aggression or removal of clothing, threatening pursuit, or intention to incapacitate.