

education programs and activities in a manner consistent with applicable federal law and regulations.

B. Equal Opportunity

The University also provides equal opportunity in employment, educational activities, and other programs to all employees, students, and applicants. The University prohibits discrimination against in any condition of employment or

E. Application

This policy applies to students, employees, and third parties and extends to all University activities, both on and off-campus.

For purposes of this policy and the Comprehensive Discrimination and Harassment Procedures and Title IX Sexual Harassment Procedures (collectively, the Procedures), Students are defined as any individual registered for or auditing classes at the University; enrolled in any University program; or on University premises for any purpose related to the same regardless if the class, program, or other education activity is credit earning or part of a degree or non-credit activity. A student is considered a continuing student under this definition if they have completed the immediately preceding term and are enrolled for a subsequent term or program; and if they are representing the University between terms or programs; or, if they are not officially enrolled for a particular term, they have a continuing relationship with the University.

University employees are defined under this policy and the Procedures as all full-time and part-time faculty, University staff, Student employees, wage

1. *Quid Pro Quo* Harassment

Quid Pro Quo Harassment is conduct where an Employee of the University offers a benefit or advantage in exchange for participation in unwelcome sexual conduct.

Quid Pro Quo Harassment can occur regardless of whether the condition proposed by the Employee is communicated expressly or impliedly. Examples of *Quid Pro Quo* Harassment include but are not limited to:

A professor offers a student a higher grade in a class in exchange for having sex with or going on a date with the professor.

An employee offers a student an employment opportunity in exchange for having sex with or going on a date with the employee.

A student is offered a research opportunity by an employee in exchange for a sexual relationship.

2. Sexual

b. Sodomy

Sodomy means (1) oral or anal sexual intercourse with another person, (2) without the Consent of that person, including instances where that person is unable to give Consent because of their age or because of their temporary or permanent mental or physical incapacity.

c. Sexual Assault with an Object

Sexual Assault with an Object is (1) the use of an object or instrument to penetrate, (2) however slightly, (3) the genital or anal opening of the person, (4) instances where that person is unable to give Consent because of their age or because of their temporary or permanent mental or physical incapacity.

d. Fondling

Fondling is (1) the touching of the private body part of another person (buttocks, genitals, breasts) (2) for the purpose of sexual gratification, (3) without the Consent of that person, including instances where that person is unable to give Consent because of their age or because of their temporary or permanent mental or physical incapacity.

e. Incest

Incest is (1) nonforcible sexual intercourse (2) between persons who

- i. Incapacitation which means that an individual is impaired to such a level that they lack the ability to make informed, rational judgments about whether or not to engage in sexual activity.
 - a. A person who is incapacitated is unable, temporarily or permanently, to give Consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that the sexual activity is taking place.
 - b. A person may be incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition.
 - c. Consent cannot be gained by taking advantage of the incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated.

- ii. Force, which means, physical violence involving a person exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, strangling, and brandishing or using any weapon.

- iii. Threats, which are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal confidential information, to harm a person's academic or economic harm.

- iv. Coercion is the use of an unreasonable amount of pressure to induce participation in sexual activity. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person makes clear a decision not to participate in a particular form of sexual contact or sexual intercourse, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, the University will consider (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.

- v. Abuse of Power occurs when an individual in a position of authority, whether that authority is real or perceived, induces another individual to engage in activity that would otherwise be nonconsensual based on the need for a specific performance or duty (e.g. grading, performance evaluation).

the definition of Title IX Prohibited Conduct and when the conduct (a) occurred on property owned or controlled by the University; (b) occurred in the context of an employment or education program or activity of the University, including but not limited to University-sponsored study abroad, research, on-line, or internship programs (c) had continuing adverse effects on University premises, including posing a risk of harm to the community, or (3) had continuing adverse effects in an employment or education program or activity off University premises.

The [Comprehensive Discrimination and Harassment Procedures](#) apply to reports of Discrimination/Harassment Prohibited Conduct. Discrimination/Harassment Prohibited Conduct is conduct that satisfies one or more of the following:

1. Discrimination

Discrimination on the basis of a protected status is an action or behavior that results in impermissible, negative, or different treatment of an individual based, in whole or in part, upon the] ^!•[} • race, color, national origin, ancestry, age (for employment 40 and over), religion, creed, disability, sex, sexual orientation, gender identity, gender expression, ~~national~~ status, pregnancy, genetic information, military enlistment, or veteran status.

submission to such conduct is made either explicitly or implicitly a term of employment or participation in a University program or activity; or

- b. Hostile Environment Harassment . Unwelcome, unwanted conduct that is sufficiently severe or pervasive to interfere with a person's work, academic performance, or participation in a University education program or activity, such that a reasonable person who considers the environment intimidating, hostile, or abusive.

4. Non-Consensual Sexual Contact

Non-Consensual Sexual Contact is (1) any intentional (not incidental or accidental), (2) sexual, touching, (3) however slight, (4) with any object or body part (as described below), (5) performed by a person upon another such person, without

6. Sexual Exploitation

Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit or to benefit or advantage anyone other than the individual being exploited, when that conduct does not otherwise constitute Prohibited Conduct under this policy. Examples of Sexual Exploitation include, but are not limited to:

- a. Prostituting another person;
- b. ~~R^&[!âã * [|] @ d * !ã @ *] !ãæ ^ • ^ ç æ æããã æ å/[| æ] ^!•[} q~~ private parts (genitalia, breasts, or buttocks) without knowledge and agreement of the other party;
- c. Disseminating or posting images of private sexual activity and/or a]^!•[} q private parts (genitalia, breasts, or buttocks) without knowledge and agreement of the other party
- d. Allowing third parties to observe private sexual activity, such as from a hidden location (e.g. closet) or through electronic means (e.g., Skype,

Physical violence means that a person is exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, strangling, and brandishing or using any weapon.

8. Stalking

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for their safety or the safety of others or (2) suffer substantial emotional distress.

- a. Course of conduct means two or more acts, including, but not limited to, acts in which a person directly, indirectly, or through third parties, by any actions, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or
- b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- c. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Stalking includes Stalking, as defined in Section III.A.6, that does not occur

9. Physical Misconduct Based on a Protected Status

Physical Misconduct Based on a Protected Status means any intentional (not incidental or accidental) act causing or likely to cause bodily harm to any person when there is reasonable cause to believe the act was motivated, in whole or in part, by the protected status of another person. Protected status includes race, color, national origin, ancestry, age (for employment 40 and over), religion, creed, disability, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy, genetic information, military enlistment, or veteran status..

10. Failure to Inform Supervisor of a Consensual Sexual Relationship with a Student or a Supervisee

The University strongly discourages romantic or sexual relationships between a teacher and student or between a supervisor and supervisee. In the event of such a relationship between a teacher and student or between a supervisor and supervisee, the person in a position of authority must notify their own supervisor of the relationship so that the supervisor can address any issues raised by the relationship through this policy. Failure to provide such notice is a violation of this policy.

- a. For purposes of this policy, teacher includes a faculty member, teaching assistant, graduate student, administrator, coach, advisor, counselor, professional housing staff, program director or other University employee having supervisory, teaching, mentoring, or other evaluative responsibilities for students.
- b. Where a Complainant who in a subordinate position alleges Sexual Harassment or Harassment on the Basis of a Protected Status pursuant to this policy, and the Respondent has not disclosed the relationship, the Complainant consented to the relationship shall not be a sufficient defense for Prohibited Conduct.

11. Retaliation

Retaliation means an adverse action or other form of negative treatment, including but not limited to intimidation, threats, coercion, discrimination, or harassment, carried out in response to a good faith reporting of or investigation of a report under this policy, or otherwise exercising authority under this policy; or other form of good faith opposition to what an individual reasonably

