

GLOSSARY OF TERMS

for Title IX and VAWA Amendments to Clery

CONSENT is defined as agreeing to do or allow something; to give permission for something to happen or be done.

DATING VIOLENCE to mean "violence committed by a person—

- a. who is or has been in a social relationship of a romantic or intimate nature with the victim;
and
- b. where the existence of such a relationship shall be determined based on a 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."

DISCRIMINATION is defined as treating any member of the College community differently than others on the basis of race, color, ethnicity, genetic information, national origin, religion, gender, sexual orientation, marital status, disability, age or other legally protected classifications.

Conduct which falls under the definition of discrimination and which is prohibited by this policy includes, but not limited to:

- a. Disparate treatment in employment, job placement, promotions, demotions, salaries or wages, benefits, terms and conditions of employment, on the basis of one of the protected categories outlined above.
- b. Limiting a person's access to athletic, social, cultural or other activities of the college on the basis of one of the protected categories outlined above.

DOMESTIC VIOLENCE is a "felony or misdemeanor crime of violence committed—

- by a current or former spouse of the victim,
- by a person with whom the victim shares a child in common,
- by a person who is cohabitating with or has cohabitated with the victim as a spouse,
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies [under VAWA], or
- by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction."

NON-CONSENSUAL SEXUAL CONTACT is any intentional sexual touching, however slight, with any object, by a man or a woman, upon a man or a woman, that is without consent and/or by force.

NON-CONSENSUAL SEXUAL INTERCOURSE is any sexual intercourse, however slight, with any object, by a man or a woman, upon a man or a woman, that is without consent and/or by force.

RETALIATION is any act or adverse action taken against the person(s) who makes or supports a complaint of discrimination, sexual misconduct, or harassment.

SEXUAL MISCONDUCT is defined as sex offenses, such as sexual violence (which includes any kind of nonconsensual sexual contact, or attempts to commit same), sexual harassment, sexual exploitation or other conduct of a sexual nature that is nonconsensual, or has the purpose or effect of threatening, intimidating, or coercing.

- a. **Sexual Violence** is sexual offenses defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - **Rape** - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances in which the victim is incapable of giving consent.
 - **Fondling** - The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.
 - **Incest** - Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape** - Nonforcible sexual intercourse with a person who is under the statutory age of consent.

NOTE: *The above listed crime definitions from the Uniform Crime Reporting Handbook, 2013 Revised UCR definition of Rape, as prescribed by 2014 VAWA Negotiated Rulemaking Final Consensus Language*

b. **Sexual Harassment** is defined as any unwelcome sexual advances, conduct, requests for sexual favors, or other verbal or nonverbal, or physical conduct or communication of a sexual nature when:

- Submission to or rejection of such conduct is used explicitly or implicitly as a basis for any decision affecting terms or conditions of an individual's employment, academic status, participation in any program or activity, receipt of College services; or
- Such conduct has the purpose or effect of interfering with an individual's work performance or academic experience by creating an intimidating, hostile, or offensive environment for work or learning.

NOTE: *Sexual harassment can occur between any persons including students, faculty, administrators, staff, vendors, or visitors.*

c. **Sexual Exploitation** is defined as taking non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses.

Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy,
- Prostitution of another student,
- Non-consensual video or audio-taping of sexual activity,
- Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex),
- Engaging in voyeurism,
- Knowingly transmitting an STI or HIV to another student,
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals,
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation

STALKING is 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."

UNLAWFUL HARASSMENT is defined as conduct that is a) unwelcome and b) unreasonably interferes with an individual's ability to learn or work due to the creation of an intimidating, hostile, or offensive environment.

Unlawful harassment may include, but is not limited to:

- Offensive treatment
- Demeaning language
- Objectionable epithets
- Threatened or actual physical harm or abuse
- Intimidating or insulting conduct

