

connection with administering an individual complaint, it will be understood to include both the coordinator and any deputy coordinators who may have been assigned responsibilities to administer the matter.

TITLE IX SEXUAL HARASSMENT

Sexual harassment, as defined by Title IX (Part 106 of Title 34 of the Code of Federal Regulations, § 106.30) is conduct on the basis of sex that satisfies one or more of the following:

(1) 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;

(2) 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; or

(3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

DEFINITION OF DATING VIOLENCE

Dating violence is defined as physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between two individuals who are in a romantic or intimate social relationship. A romantic or intimate social relationship between two individuals is determined by examining the following factors: (i) the length of the relationship; (ii) the type of the relationship; and (iii) the frequency of interaction between the two individuals involved in the relationship. "Dating" does not include a casual relationship or ordinary fraternization between two individuals in a business or social context.

repeated inappropriate social invitations or requests for sexual favors;

repeated unwanted discussions of sexual matters;

use of sexual jokes, stories, analogies or images which are not related to the subject of the class or work situation;

touching, fondling or deliberate brushing against another person;

ogling, leering or prolonged stares at another's body;

display or use of sexual graffiti or sexually-explicit pictures or objects; and

sexually-suggestive jokes, comments, e-mails, or other written or oral communications.

Although sexual harassment most frequently occurs when there is an authority differential between the persons involved (e.g. faculty member and student, supervisor and staff member), it may also occur between persons of the same status (e.g. faculty and faculty, student and student, staff and staff). Both men and women may be victims of sexual harassment and sexual harassment may occur between individuals of the same gender.

NOTE: Other forms of harassment based upon race, religion, national origin, sex or age may have the same impact as sexual harassment. However, pursuant to the Department of Education Regulations for Title IX, these forms of harassment are not investigated or adjudicated using the Title IX Grievance Procedures. If a complaint of harassment is received by the Title IX Coordinator which is determined not

DEFINITION OF UNAUTHORIZED DISTRIBUTION OF SEXUAL IMAGES OR RECORDINGS

Unauthorized distribution of sexual images or recordings, commonly referred to as "revenge pornography" or "cyber sexual exploitation," is defined as distributing sexual images or recordings of a person being eighteen (18) years of age or older with the purpose to harass, frighten, intimidate, threaten, or abuse another person.

The unauthorized distribution of images or recordings means the unauthorized sharing of images, pictures, videos, or voice or audio recording of another person to a third person by any means if the image, picture, video, or voice or audio recording:

- (1) Is of a sexual nature or depicts the other person in a state of nudity; and
- (2) The other person is a family or household member of the actor or another person with whom the actor is in a current or former dating relationship; or
- (3) The images or recordings are made without the knowledge or consent of the person depicted.

The fact that an image, picture, video, or voice or audio recording was created with the knowledge or consent of the other person or that the image, picture, video, or voice or audio recording is the property of a person not the person depicted is not a defense for this type of sexual harassment. Even if the other person originally consented to the creation of the image, picture, or voice or audio recording, or if the other person provided the same to the actor, further distribution or sharing by the actor of any kind is deemed to be iW*hBT/F3 12 Tf1 0 0 1 140.05 653.45 Tm0 G(d)

consist of affirmative, unambiguous, conscious decisions by each participant to engage in mutually agreed-upon sexual activity

Consent cannot be given when a person is incapacitated, such as when a person is physically or mentally unable to make informed, rational judgments, or lacks the ability to understand the

CONFIDENTIALITY

In the course of a complaint investigation, the University will make reasonable efforts to maintain confidentiality of the complaints. In the event of an emergency or ongoing threat to the health, safety, or security of any individual or the campus community, the University may release information to the extent necessary to appropriately address the situation presented. All parties to the complaint will be asked to assist in treating the complaint confidentially. However, there can be no guarantee of confidentiality and anonymity based upon the course and scope of the complaint investigation and the institution may share information where necessary to provide accommodations or protective measures. If the complaint raises issues required by law to be disclosed, the University will release information to the extent required by law.

SUPPORTIVE MEASURES

There are a range of supportive measures the University may offer following an allegation of sexual harassment including, but not limited to:

- issuing mutual “no contact” orders;

- summarily suspending the respondent from campus housing on an interim basis in the case of a formal complaint that meets the definition of Title IX sexual harassment and presents a

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STANDARD OF EVIDENCE

The University will use the Preponderance of the Evidence standard for all hearings related to this policy.

INFORMAL RESOLUTION

Informal resolution of a formal complaint may be used as a final resolution only when:

- (1) Both parties agree to be bound by the outcome of an informal process;
- (2) The complaint does not involve a University employee as a party;
- (3)