

## Sexual Harassment

Colorado College prohibits sexual harassment by or against its students. Behavior that may constitute sexual harassment under this policy includes unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature where submission to such conduct is made a term or condition of the student's employment or education; or submission or rejection of such conduct is used as the basis for employment or educational decisions affecting the student, or such conduct has the effect or purpose of substantially interfering with a student's work or academic performance or of creating an intimidating, hostile or demeaning employment or learning environment.

Sexual harassment is a form of discrimination (refer to the Anti-Discrimination Policy and Procedures in this section of the *Pathfinder* for more information), and may involve either female or male students being harassed by persons of the opposite sex, harassment between persons of the same sex, or harassment because of gender identity or sexual orientation.

Although sexual harassment involves sexual

conduct that is unwelcome, students should understand that even consensual sexual relations may lead to complaints that the policy has been violated where one party to the relationship has power or authority over the other, one party no longer wishes to continue the relationship, actual or potential abuse exists in the relationship, or where third parties not involved in the relationship believe it is affecting their own employment or educational environment.

If you believe you have been or are being sexually harassed by a college employee, you may choose to address the situation by informal consultation procedures or by filing a formal complaint under the college's Anti-Discrimination Policy. For complaints against a student, please refer to the Student Sexual Misconduct Policy and Procedures in the College Policies and Procedures section of the *Pathfinder*. The confidentiality of your complaint will be preserved to the greatest extent possible, and you should not hesitate to contact members of the student life office for clarification and guidance regarding this policy and other related college policies.

## Sexual Misconduct Response and Resources

Colorado College believes that students have the right to be free from unwanted sexual contact, coercion, abuse, force, and violence or threats of violence. The college will not tolerate sexual misconduct between students, including "acquaintance" or "date" rape, or other forms of intimate partner violence. The purpose of this policy is to prevent sexual misconduct from occurring by educating students about behaviors that may constitute sexual misconduct. Where sexual misconduct does occur, this policy guides affected students to support services and resources and explains the procedures for reporting and adjudicating incidents of sexual misconduct.

The college defines "sexual misconduct" as any non-consensual sexual contact between students, ranging from unwanted sexual touching to sexual intercourse. Sexual misconduct also includes unwelcome sexual conduct that does not include physical contact. Examples of this conduct include, but are not limited to: crude, obscene or sexually offensive gestures or unwelcome sexual comments. In other words, all sexual contact between students must be with each person's active consent. "Active consent" means that each person involved in sexual contact not only agrees to the sexual activity but also agrees to such activity freely and knowingly. A person who has been threatened or whose judgment is substantially impaired by drugs or alcohol or by other

physical or mental impairment cannot, by definition, give consent to sexual contact.

It is the responsibility of the initiator of sexual contact to obtain consent from the other person and to determine whether such consent is freely and knowingly given. Engaging in sexual contact with a person whose judgment is substantially impaired by drugs or alcohol, or who is unconscious or asleep, or giving a person drugs or alcohol with the intent to impair his or her judgment or make them unconscious is a violation of this policy. The initiator of sexual contact will be found in violation of this policy if it is determined that he or she knew or should have known that the other person's judgment was substantially impaired at the time consent was obtained or sexual contact was initiated.

Silence or non-communication should never be interpreted as consent. The best practice is to obtain or give consent verbally in order to avoid misunderstandings inherent in non-verbal communication. A verbal NO or physical resistance, no matter how indecisive or weak or passive, always means NO. If there is any doubt about whether a person's judgment is substantially impaired or whether a person who initially agreed to sexual contact has changed his/her mind, sexual contact should not be initiated or should be stopped immediately.