

Sexual Harassment as defined by the Title IX Final Rule if the alleged conduct occurred within the scope/jurisdiction of Title IX.

1. Sexual Harassment

Sexual Harassment is a collective term that includes distinct, and sometimes overlapping definitions. The Title IX Final Rule defines Sexual Harassment as conduct on the basis of sex that satisfies one or more of the following:

- a. An employee conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual contact (commonly referred to as "quid pro quo");*
- b. 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 College's Education Program or Activity*;

In addition, consistent with Title VII of the Civil Rights Act of 1964, the New Jersey Law Against Discrimination,⁴ and the recognition that Sexual Harassment may occur in a wider variety of contexts, the College also defines Sexual Harassment to include:

- c. Conduct of a sexual nature or based on gender or sexuality that is severe or pervasive enough to create a Hostile Environment, as defined by a reasonable person under similar circumstances. This may include unwanted, unwelcome, or inappropriate sexual or gender-based activities, or comments.
- d. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made a condition of the conferral of any benefit, or rejection of such advance, request, or conduct implies that a person will suffer adverse consequences from another person in an express or implied position of authority.

2. Sexual Assault⁵

- a. Completed or attempted, Sexual Penetration, however slight, of a person without that person's Effective Consent.⁶ *
- b. The touching of an Intimate Body Part of another person for the purpose of sexual gratification, without that person's Effective Consent.*
- c. (Incest) Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.*

⁴ See the [College Discrimination Policy](#) for specific details.

⁵ As defined in the Violence Against Women Act (VAWA) and the Clery Act.

⁶ See Appendix A for definitions of Effective Consent and if applicable, Incapacitation.