

IV. Definitions of Sexual Harassment and Retaliation

This policy prohibits a broad range of behaviors, including sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation.

If you have any questions about the definition or application of any of these terms, the policy in general, or the resources available to you as a member of the College community, please contact the Title IX Coordinator or a Deputy Title IX Coordinator.

1. Title IX Sexual Harassment

The Title IX regulations define “sexual harassment” as conduct on the basis of sex that must satisfy one or more of the following:

- a. Hostile environment sexual harassment: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectionably offensive that it effectively denies a person equal access to an education program or activity;
- b. Quid pro quo sexual harassment: An employee conditioning the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct; and
- c. Sexual assault, dating violence, domestic violence, and stalking, as defined below.

Sexual harassment can occur between persons of equal power status (e.g., student to student, staff to staff) or between persons of unequal power status (e.g., faculty member to student, coach to student-athlete). Although sexual harassment often occurs in the context of the misuse of power by the individual with the greater power, a person who may in fact have less or equal power in a relationship also can commit sexual harassment. Sexual harassment can be committed by (or against) an individual or by (or against) an organization or group. Sexual harassment can be committed by an acquaintance, a stranger, or people who have shared a personal, intimate, or sexual relationship. Sexual harassment can occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation.

a. Hostile Environment Sexual Harassment

The College considers a variety of factors related to the objective offensiveness, pervasiveness, and severity of the sex-based harassment, including: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and, (5) the degree to which the conduct affected one’s employment or educational opportunities.

Examples of behavior that might be considered hostile environment sexual harassment include, but are not limited to:

1. Unwanted sexual innuendo, propositions, sexual attention, or suggestive comments and gestures; inappropriate humor about sex or gender-specific traits; sexual slurs or derogatory language directed at another person’s sexuality, gender, gender identity, sexual orientation, or gender expression; insults and threats based on sex, gender, gender identity, sexual orientation, or gender expression; and other oral, written, or electronic

communications of a sexual nature that an individual communicates is unwanted and unwelcome.

2. Written graffiti or the display or distribution of sexually explicit drawings, pictures, or written materials; sexually charged name-calling; or the circulation, display, or creation of emails, text messages, or websites of a sexual nature.
3. Display, presentation, or circulation of materials or pictures degrading to an individual or gender group where such display is not directly related to academic freedom or to an educational/pedagogical, artistic, or work purpose. See *Faculty Manual*, Appendix B1, regarding academic freedom.
4. Unwelcome physical contact or suggestive body language, such as touching, patting, pinching, hugging, kissing, or brushing against an individual's body.
5. Use of a position of power or authority to: (1) threaten or punish, either directly or by implication, for refusing to tolerate harassment, for refusing to submit to sexual activity, or for reporting harassment; or (2) promise rewards in return for sexual favors.
6. Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex stereotyping.
7. Sexual exploitation—taking sexual advantage of another person for the benefit of anyone other than that person, without that person's consent. Examples of behavior that could rise to the level of sexual exploitation include prostituting another person or viewing, recording, or distributing another person's sexual activity, intimate body parts, or the person in a state of undress, without their knowledge and consent.

b. Quid Pro Quo Sexual Harassment

Quid pro quo sexual harassment occurs when an employment opportunity (e.g., hiring, compensation, advancement, etc.) or an educational opportunity (e.g., admission, grades, research, etc.) is conditioned by an employee upon the targeted student or employee submitting to unwelcome requests or demands for sexual favors. Only individuals with authority to grant or withhold employment or educational opportunities can engage in quid pro quo sexual harassment.

In some cases, quid pro quo sexual harassment is obvious and may involve an overt action, threat, or reprisal. In other instances, it is subtle and indirect, with a coercive aspect that is unstated. Examples of behavior that might be considered quid pro quo sexual harassment include, but are not limited to:

1. Physical coercion or pressure of an individual to engage in sexual activity or punishment for a refusal to respond or comply with sexual advances.
2. Use of a position of power or authority to: (a) threaten or punish, either directly or by implication, for refusing to tolerate harassment, for refusing to submit to sexual activity, or for reporting harassment; or (b) promise rewards in return for sexual favors.

2. Sexual Assault

Sexual assault is having or attempting to have sexual contact with another individual without consent or where the individual cannot consent because of age or temporary or permanent mental