

APPENDIX C- Title IX Resolution Process

This Appendix shall apply to cases that fall within the definition of sexual harassment and the jurisdictional limits set forth in the Title IX Regulations. See Section III.P.4 above.

Prohibited Conduct

For purposes of this Appendix C, the following definitions shall apply:

- A. Sexual Harassment: conduct committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved which is one of the following:
 - 1. Quid Pro Quo: When a University employee conditions the provision of a benefit or service of the University on an individual's participation in unwelcome sexual conduct; and/or
 - 2. Sexual Harassment: Unwelcome conduct of a sexual nature determined by a reasonable person to be so severe, and pervasive, and objectively offensive, that it effectively denies a person equal access to an educational program or activity of the University.

- B. Sexual Assault: includes both forcible and non-forcible sexual offenses:
 - 1. Sexual offenses, Forcible: Any sexual act directed against another person without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent.
 - a. 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 Complainant.
 - b. Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensual), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - c. The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.