

- Other intentional sexual contact with another person without that person's *consent*; or
- Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's *consent*; or

Rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent.

C. Sexual Discrimination

Sexual discrimination is defined as behaviors and actions that deny or limit a person's ability to benefit from, and/or fully participate in, the educational programs or activities or employment opportunities because of a person's sex/gender.

Example of sex discrimination under Title IX include, but are not limited to, sexual harassment, sexual assault, failure to provide equal opportunity in education programs, activities, and co-curricular programs including athletics, discrimination based on pregnancy, and employment discrimination.

D. Sexual Exploitation

"Sexual exploitation" occurs when a person takes 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;

- Recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's *consent*;

Distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not *consent* to such disclosure and objects to such disclosure; and,

Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's *consent*, and for the purpose of arousing or gratifying sexual desire.

E. Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when:

1. Submission to such conduct is made a term or condition of employment or the educational relationship;
2. Submission to or rejection of such conduct is used as a basis for employment or education decisions affecting the individual, or
3. Such conduct is so severe and pervasive as to objectively interfere with the educational, living, or work performance or environment of a student or employee.

Sexual harassment can involve males or females being harassed by members of either sex. Although sexual harassment sometimes involves a person in a position of greater authority than the harasser, individuals in positions of lesser or equal authority can be found responsible for engaging in prohibited harassment. Sexual harassment can be physical and/or psychological in nature. A series of incidents can constitute sexual harassment even if one of the incidents considered separately would not rise to the level of harassment.

While sexual harassment includes a wide range of conduct, some examples of specifically prohibited conduct include:

1. Promising, directly or indirectly, a reward to a student, if the student complies with a sexually-oriented request.
2. Threatening, directly or indirectly, retaliation against a student if the student refuses to comply with a sexually-oriented request.
3. Denying, directly or indirectly, a student an education or employment-related opportunity if the student refuses to comply with a sexually-oriented request.
4. Engaging in unwelcome sexually suggestive conversation or inappropriate physical contact or touching a student.
5. Engaging in indecent exposure.
6. Making repeated or persistent sexual or romantic advances toward a student despite the student's rejection of the advances.
7. Engaging in unwelcome physical contact such as touching, blocking normal movement, physical restraint, or assault.
8. Retaliating against a student for filing a harassment complaint or threatening to report harassment.

F. Unwelcome Conduct

Conduct is considered "unwelcome" if an individual did not request or invite it and considered the conduct to be undesirable or offensive. Unwelcome conduct may take various forms, including, name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening.

XV. SUPPORT SERVICES

These are various supportive measures available for those who have experienced sex discrimination. These support sources include: