



[\(/case.edu/\)](#)

## Office of Equity (<https://case.edu/equity/>)

[HOME \(/EQUITY/\)](#) › [SEXUAL HARASSMENT & TITLE IX \(/EQUITY/SEXUAL-HARASSMENT-TITLE-IX\)](#)  
› [SEXUAL HARASSMENT DEFINITIONS](#)

# Sexual Harassment Definitions

## Sexual Harassment

Case Western Reserve University has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community, which consists not only of employer and employees, but of students as well.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

All policies encompass actual and/or attempted offenses.

Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as conduct on the basis of sex/gender or that is sexual that satisfies one or more of the following:

## Quid Pro Quo Harassment

1. an employee of the recipient,

2. conditions the provision of an aid, benefit, or service of the recipient,
3. on an individual's participation in unwelcome sexual conduct.

## Sexual Harassment

1. unwelcome conduct,
2. determined by a reasonable person,
3. to be so severe, and
4. pervasive, and,
5. objectively offensive,
6. that it effectively denies a person equal access to the CWRU's education program or activity.<sup>1</sup>

## Sexual Assault

1. Sex Offenses, Forcible:
  - a. Any sexual act<sup>2</sup> directed against another person,
  - b. without the consent of the Complainant,
  - c. including instances in which the Complainant is incapable of giving consent.
  
1. Sex Offenses, Non-forcible:
  - a. Incest:
    - a. Non-forcible sexual intercourse
    - b. between persons who are related
    - c. within the degrees wherein marriage is prohibited by Ohio State law.
  - b. Statutory Rape
    - a. Non-forcible sexual intercourse,

- b. with a person who is under the statutory age of consent of 16 years of age.

## Dating Violence

1. Violence,
2. on the basis of sex,
3. committed by a person,
4. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
  - a. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
  - b. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - c. Dating violence does not include acts covered under the definition of domestic violence.

## Domestic Violence

1. Violence,
2. on the basis of sex,
3. committed by a current or former spouse or intimate partner of the Complainant,
4. by a person with whom the Complainant shares a child in common, or
5. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or

6. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of State of Ohio, or
7. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the State of Ohio.<sup>3</sup>

## Stalking

1. engaging in a course of conduct,<sup>4</sup>
2. on the basis of sex,
3. directed at a specific person, that
  - a. would cause a reasonable person<sup>5</sup> to fear for the person's safety, or
  - b. the safety of others; or
  - c. Suffer substantial emotional distress.<sup>6</sup>

## Footnotes:

[1] Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

[2] Sexual acts include:

1. Forcible Rape:
  - a. Penetration,
  - b. no matter how slight,
  - c. of the vagina or anus with any body part or object, or
  - d. oral penetration by a sex organ of another person,

e. without the consent of the Complainant.

2. Forcible Sodomy:

a. Oral or anal sexual intercourse with another person,

b. Forcibly,

c. and/or against that person's will (non-consensually), or

d. 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.

3. Sexual Assault with an Object:

a. The use of an object or instrument to penetrate,

b. however slightly,

c. the genital or anal opening of the body of another person,

d. forcibly,

e. and/or against that person's will (non-consensually),

f. 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.

4. Forcible Fondling:

a. The touching of the private body parts of another person (buttocks, groin, breasts),

b. for the purpose of sexual gratification,

c. Forcibly,

d. and/or against that person's will (non-consensually),

e. 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.

[3] To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

[4] Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

[5] Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.

[6] Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

## Other Civil Rights Offenses

### Sexual Exploitation

1. Taking non-consensual or abusive sexual advantage of another,
2. for their own benefit, or
3. for the benefit of anyone other than the person being exploited, and
4. that conduct does not otherwise constitute sexual harassment under this policy.

Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)

- Invasion of sexual privacy.
  - Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of revenge pornography
  - Prostituting another person
  - Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection
  - Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
  - Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections
  - Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
  - Knowingly soliciting a minor for sexual activity
  - Engaging in sex trafficking
  - Creation, possession, or dissemination of child pornography
- 





CASE WESTERN RESERVE UNIVERSITY EST. 1826

think beyond the possible™

Campus Location:  
Nursing Research  
Building, Suite 1180  
2120 Cornell Road  
Cleveland, OH 44106

Mailing Address:  
10900 Euclid Ave.  
Cleveland, OH 44106-  
7108

Phone: 216.368.3066  
(tel:216.368.3066)

Email: [titleix@case.edu](mailto:titleix@case.edu)  
(mailto:  
[titleix@case.edu](mailto:titleix@case.edu))

Site Feedback  
(mailto:[titleix@case.edu](mailto:titleix@case.edu))

**Apply to CWRU**  
(<https://case.edu/admissions/>)

**Give Now** (<https://case.edu/give/>)

**Visit Campus** (<https://case.edu/visit/>)

**University Directory**  
(<https://webapps.case.edu/directory/>)

© 2022 Case Western Reserve University

([//case.edu/](https://case.edu/))

10900 Euclid Ave. Cleveland, Ohio 44106

216.368.2000 (tel:12163682000)

**Legal Notice**

(<https://case.edu/utech/departments/information->

[security/policies/legal-privacy-notice](https://case.edu/utech/departments/information-security/policies/legal-privacy-notice)) | **Privacy**

**Policy** ([https://case.edu/privacy-](https://case.edu/privacy-statement/index.html)

[statement/index.html](https://case.edu/privacy-statement/index.html))

