

- (a) Physical harm or threat of physical harm to any person. This harmful behavior policy may not apply in those instances where it is found that a student is acting in self-defense.
- (b) Verbal, digital, or written abuse, threats, intimidation, coercion and/or other conduct that endangers the health, safety, or wellbeing of others, or which would place a reasonable person in fear of bodily injury or death. This definition, however, shall not be interpreted to abridge the rights of the University community to freedom of expression protected by the First Amendment of the United States Constitution and any other applicable law.
- (c) Unlawful Harassment: Unlawful harassment consists of conduct based upon an individual's race, color, ethnicity, national origin, religion, non-religion, age, genetic information, sex (including pregnancy and parental status, gender identity or expression, or sexual orientation), marital status, physical or mental disability (including learning disabilities, intellectual disabilities, and past or present history of mental illness), veteran's status (as protected under the Vietnam Era Veterans' Readjustment Assistant Act), or membership in other protected classes set forth in state or federal law, and the conduct meets the description of either Hostile Environment Harassment or Quid Pro Quo Harassment, as defined in the University's Nondiscrimination Policy (No. 2-004).
- (d) Bullying: Defined as behavior of any sort (including communicative behavior) directed at another, that is severe, pervasive or persistent, and is of a nature that would cause a reasonable person or group in the target's position substantial emotional distress and undermine their ability to work, study, or participate in University life or regular activities, or which would place a reasonable person in fear of injury or death.
- (e) Invasion of Privacy and Unauthorized Recording.
 - 1. Making, using, disclosing or distributing a recording of a person in a location or situation in which that person has a reasonable expectation of privacy and is unaware of the recording or does not consent to it; and any other conduct that constitutes an invasion of the privacy of another person under applicable laws and regulations. Such conduct includes, without limitation, unauthorized recording of personal conversations, images, meetings, activities, or surreptitiously or covertly surveilling or observing an individual.
 - 2. Unauthorized recording of class activity (other than class lecture), or of meetings where there exists a legal expectation of privacy, and/or any unauthorized publication of a recording.
 - 3. Any notice, consent, or other requirements under applicable laws and regulations must be fulfilled in connection with authorizing, making, using, disclosing, or distributing any recording, where there is a legal expectation of privacy.
- (f) Retaliation against or harassment of complainant(s), other person(s) alleging misconduct, or anyone who participates in an investigation.

(5) Sex-Based Misconduct (Non-Title IX Sexual Harassment)

- (a) Sexual Assault. Sexual assault means sexual contact without consent.
- (b) Sexual Harassment. Sexual harassment means any unwelcome sexual advances, request for sexual favors, or other unwanted verbal, graphic or physical conduct