

Title IX

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Prohibited Conduct:

Prohibited conduct includes sexual and gender based discrimination, sexual and gender-based harassment, sexual assault, non-consensual sexual contact, sexual exploitation, stalking, cyber stalking, intimate partner violence, retaliation, and prohibited relationships by persons in authority. Threats or failed attempts to commit any prohibited conduct will be treated as though the misconduct had occurred. When assessing whether a policy violation has occurred, consideration is given to whether the prohibited conduct forms a pattern, is sufficiently serious, pervasive or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment under both a subjective and objective standard. A single isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a pattern or a repetitive series of incidents.

Sexual or Gender Based Discrimination:

This prohibited conduct includes any distinction, preference, advantage for, detriment to, or adverse treatment of an individual compared to others that is based on that individual's actual or perceived gender, gender identity, genetic information, marital status, pregnancy, sex or sexual preference. This policy covers sexual and gender based discrimination in employment and in access to educational opportunities. Discrimination against any employee, applicant for employment, student or applicant for admission is prohibited.

Sexual and Gender Based Harassment:

This prohibited conduct includes any unwelcome sexual advance, request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature when (1) submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's

employment, evaluation of academic work, or participation in any aspect of a University program or activity; or (2) submission to or rejection of such conduct is used as a basis for decisions affecting the individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance. This also includes gender-based harassment, which may include acts of verbal, non-verbal, or physical aggression, intimidation, or hostility based on gender or gender stereotyping, even if those acts do not involve conduct of a sexual nature.

Sexual Assault:

This prohibited conduct includes having or attempting to have sexual intercourse, or to engage in other forms of sexual activity such as inappropriate touching, with another individual (1) by force or threat of force; (2) without consent; or (3) where the individual is incapacitated and lacks capacity to give affirmative consent. Sexual intercourse includes vaginal or anal penetration, however slight, with a body part (e.g. penis, tongue, finger, hand) or object, or oral penetration involving mouth to genital contact.

Non-Consensual Sexual Contact:

This prohibited conduct includes having sexual or intimate or socially unacceptable contact with another individual (1) without affirmative consent; (2) by force or by threat of force; and / or (3) when that individual is incapacitated and lacks capacity to give affirmative consent. For example, sexual contact includes, but is not limited to, touching the intimate parts of another, causing another to touch one's intimate parts, exposing another without consent, or other contact of a sexual or intimate nature. Intimate parts may include the breasts, genitals, buttocks, groin, mouth, legs, back, or any other part of the body that is touched in a sexual manner.

Sexual Exploitation:

This prohibited conduct includes taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or to benefit anyone other than the one being exploited. Examples of sexual

exploitation include, but are not limited to: (1) surreptitiously observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved; (2) non-consensual sharing or streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved; (3) exposing one's genitals or inducing another to expose their own genitals in non-consensual circumstances; (4) knowingly exposing another individual to a sexually transmitted disease or virus without their knowledge; (5) sexually-based bullying; or (6) inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

Stalking:

This prohibited conduct includes physical or verbal conduct (generally demonstrated by two or more events) directed at another individual in a manner that could be reasonably regarded as likely to alarm, intimidate, control, coerce, harass, cause fear of harm or injury to that person or to a third party. The feared harm or injury may be physical, emotional, psychological, or related to the personal safety, property, education, or employment of the individual. For example, failure to comply with a no contact order may be construed as stalking behavior.

Cyber-Stalking:

This prohibited conduct is stalking through the use of electronic media such as the Internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used as the manner of contact.

Intimate Partner Violence:

This prohibited conduct includes violence towards an intimate partner (also known as dating violence, domestic violence or relationship violence) which includes any act of violence or threatened act of violence against a person who is, or has been, involved in a sexual, dating, domestic or other intimate relationship with the responding party. Intimate partner violence can encompass a broad range of behavior including, but not limited to, physical violence, sexual violence, emotional

violence, and economic abuse. It may involve one act or an ongoing pattern of behavior. Intimate partner violence may take the form of threats, assault, property damage, violence or threat of violence to one's self, one's sexual or romantic partner, or to the family members or friends of the sexual or romantic partner. Sexual harassment, sexual assault, sexual exploitation, harm to others, stalking, and retaliation may all be forms of intimate partner violence.

Retaliation:

This prohibited conduct includes actions, behaviors, words, or attempts to take adverse action against the reporting party, responding party, or any individual or group of individuals because of their good faith participation in an investigation or resolution of an allegation of prohibited conduct. Retaliation can be committed by an individual or group of individuals, including, but not limited to a reporting party or responding party. Retaliation can take many forms, including threats, harassment, intimidation, pressuring, continued abuse, violence, or other forms of harm to others. A difference of opinion and/or dislike of another person's good faith decision does not constitute retaliation. Retaliation has significant potential to interfere with a person's ability to file a report or participate in an investigation, and to interfere with or limit the University's ability to investigate, stop, prevent and remedy allegations of prohibited conduct. Any allegations of retaliation will be assessed and promptly investigated.

Prohibited Relationships by Persons in Authority:

This prohibited conduct includes sexual or other intimate relationships between persons occupying asymmetrical positions of power (or perceived positions of power). Even when both consent, such relationships violate the standards of professional conduct. Romantic or sexual relationships between individuals in unequal positions may be less consensual than perceived by the individual whose position confers power. Therefore, relationships in which one party maintains a direct supervisory or evaluative role over another party are prohibited. In general, this includes all sexual or other intimate relationships between students and their employers, supervisors, professors, coaches, advisors, or other non-student University personnel. Similarly, University

employees who supervise or otherwise hold positions of authority over others are prohibited from having a sexual or other intimate relationship with an individual under their direct supervision. The effect of such a relationship may render an individual's work, academic, or social environment intimidating, offensive, or hostile. Persons with direct supervisory, evaluative or coaching responsibilities who contemplate beginning or are involved in such relationships are required to promptly (1) discontinue any supervising role or relationship over the person; and (2) report the circumstances to their direct supervisor. This includes Resident Advisors, Community Advisors and students over whom they have direct responsibility.

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