

# Key Definitions and Terms

*The following are definitions set by state and federal regulations and used to determine violation of Title IX or other sexual misconduct behaviors.*

## **Consent**

Consent is voluntarily and knowingly expressing unambiguous participation in a mutually agreed upon sexual activities at any stage of sexual activity and does not include coerced submission or submission out of fear. In the absence of an individual's inability to offer resistance, say "no" or provide clear, concise and positive verbal communications and physical actions indicating approval, agreement and permission to engage in sexual activities by all parties, one should not infer or presume consent. A prior or current relationship, even if it sexual activity is/was involved, does not imply consent for future sexual activity. [More information about consent.](#)

## **Dating Violence**

Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party'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, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse and does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

## **Domestic Violence**

Domestic Violence (or intimate partner violence) can be a felony or misdemeanor crime of violence committed by:

- a current or former spouse or intimate partner of the victim;
- a person with whom the victim shares a child in common;
- a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

## **Gender-Based Harassment**

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct limits or denies a student's ability to participate in or benefit from the College District's educational program.

Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; physical aggression or

assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

### **Grievance Policy: Other Sexual Misconduct Complaints (Process B)**

Sexual Misconduct complaints may be investigated either as a Title IX complaint or an Other Sexual Misconduct complaint. Process B procedures will be used for complaints that do not meet the definition required by Title IX federal regulations. In general, this process is less formal than the Title IX (Process A) procedures as outlined in [Board Policy FFDA](#).

*Other Sexual Misconduct Complaints (Process B) involve sexual misconduct defined in policy as “Other Complaints” and may include sex discrimination and other inappropriate conduct or retaliation that does not meet the criteria as defined by the Title IX regulations. This would include those complaints that fall within the definition of Title VII.*

### **Grievance Policy: Title IX (Process A)**

For conduct that is determined to be a possible violation of Title IX, specific processes are followed based on federal regulations in order to provide for a prompt and equitable resolution of the complaint. This includes the investigation, a hearing, and an opportunity for an appeal. [Board Policy FFDA](#) To be considered a Title IX Complaint, the behavior must meet the definition as outlined in federal regulations which include behavior that is severe, pervasive, AND objectively offensive so that it effectively denies the student’s ability to participate in their educational program.

### **Sexual Harassment**

Sexual harassment includes inappropriate conduct on the basis of sex that satisfies one or more of the following:

- An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; rape; sexual assault; sexual battery; sexual coercion; and other sexually motivated conduct, communications, or contact.

Physical contact not reasonably construed as sexual in nature is not sexual harassment.

### **Sexual Violence**

Sexual violence is a form of sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol or due to an intellectual or other disability.

### **Stalking**

Stalking involves engaging in a course of conduct directed at a specific person that would cause a reasonable person to suffer substantial emotional distress or fear for his or her safety or the safety of others. For the purposes of this definition:

- *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker 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.
- *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

### **Retaliation**

The college prohibits retaliation by a student or College District employee against a student alleged to have experienced discrimination or harassment or another student who, in good faith, makes a report of harassment or discrimination, serves as a witness, or otherwise participates in an investigation.

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

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