



Nondiscrimination and Anti-Harassment Policy

Effective Date: January 1, 2014

Approval: August 9, 2017

Maintenance of Policy: Title IX /504
Coordinator & Equity Compliance
Officer

PURPOSE: The Marianist vision of community living embraced by the University of Dayton is based on the conviction that every person has innate dignity because all people are made in the image and likeness of God. This conviction is rooted in the following verse: “The dignity of the human person is rooted in [the person's] creation in the image and likeness of God; it is fulfilled in [the person's] vocation to divine beatitude. . . . The divine image is present in every person. It shines forth in the communion of persons, in the likeness of the unity of the divine persons among themselves.” (*Catholic Catechism*, 1700, 1701). A primary assertion of both our religious and civil traditions is the inviolable dignity of each person. Recognition of and respect for the person are central to our life as a Christian and educational community and are what allow us to pursue our common mission while being many diverse persons. Thus, discrimination, harassment, or any other conduct that diminishes the worth of a person is incompatible with our fundamental commitment as a Catholic university conducted in the Marianist tradition, and therefore is prohibited by the University.

POLICY HISTORY:

Approved as amended
August 9, 2017

Approved as amended
August 19, 2015

Approved as amended
May 5, 2015

Approved as amended
October 27, 2014

Approved as amended
January 1, 2014

Approved in its original form
December 10, 2013

SCOPE: Faculty, staff, students, visitors, non-employees, volunteers, contractors and consultants.

REFERENCE DOCUMENTS:

1. University of Dayton Equity Complaint Process for Resolving Complaints of Harassment, Sexual Misconduct and Other Forms of Discrimination
2. University of Dayton Mandatory Reporting Policy
3. University of Dayton Anti-Nepotism Policy
4. University of Dayton Policy on Working with Minors and Children on Campus
5. University of Dayton Faculty Handbook
6. University of Dayton Faculty Hearing Committee on Grievances Bylaws and Operating Procedures – Section I
7. University of Dayton Faculty Hearing Committee on Academic Freedom and Tenure Bylaws and Operating Procedures – Section I
8. University of Dayton Student Handbook
9. Title VII of the Civil Rights Act of 1964
10. Title IX of the Education Amendments of 1972
11. Sections 503 and 504 of the Rehabilitation Act of 1973
12. Americans with Disabilities Act
13. Age Discrimination in Employment Act / Age Discrimination Act
14. Ohio Revised Code § 4122
15. National Labor Relations Act
16. Violence Against Women Reauthorization Act of 2013

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DEFINITIONS:

- (a) “Complainant” is defined as the person or entity bringing the allegations that this policy has been violated. May also be referred to as Reporting Party.
- (b) “Discriminatory Harassment” for purposes of this policy is defined in Section IV.A.
- (c) “Effective consent” for purposes of this policy is defined in Section IV.B.2.
- (d) “Equity Compliance Officer” is the individual responsible for tracking and overseeing reports and complaints of discrimination and harassment (a Deputy Coordinator may be designee) and also serves as the University’s Title IX/Section 504 Coordinator.
- (e) “Hostile environment discriminatory harassment” is described in Sections IV.A.2 of this policy.
- (f) “Protected class” for purposes of this policy means age, race, color, creed, religion, ancestry, national or ethnic origin, sex/gender, sexual orientation, gender identity, gender expression, disability, genetic information, military status, veteran status, familial status or any other protected category under applicable local, state or federal law, ordinance or regulation.
- (g) “Respondent” is the person or entity accused of violating this policy. May also be referred to as the Responding Party.
- (h) “Responsible Employee” is any employee who meets at least one of the following criteria: (1) has the authority to take action to redress sexual violence or other misconduct; (2) has been given a duty of reporting incidents of sexual violence or other misconduct to the Equity Compliance Officer (who is the Title IX Coordinator) or designee; or (3) is an employee whom an individual could reasonably believe has the above authority or duty.
- (i) “Retaliation” for purposes of this policy is defined in Section IV.E of this policy.
- (j) “Sexual harassment” is defined in Section IV.A.1 of this policy.
- (k) “Sexual misconduct” (including its various forms and manifestations) is defined in Section IV.B of this policy.

POLICY:**I. General Information (Including Background and Contact Information)**

The University affirms its commitment to promoting the goals of fairness and equity in all aspects of its operations. This policy is subject to resolution using the University’s Equity Complaint Process for Resolving Complaints of Harassment, Sexual Misconduct and Other Forms of Discrimination (the “Equity Complaint Process”), as detailed below.

The Equity Complaint Process is applicable regardless of the status of the parties involved, who may be members of and visitors to the campus community, students, student organizations, faculty, administrators and/or staff. Although certain faculty complaints that are associated with matters outlined in Section I of the Bylaws and Operating Procedures of the Faculty Hearing Committee on Grievances or Section I of the Bylaws and Operating Procedures of the Faculty Hearing Committee on Academic Freedom and Tenure, will be addressed in conjunction with those procedures, so long as an adequate remedy for any violation determined under this policy remains in place.

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The Title IX/504 Coordinator & Equity Compliance Officer (“Equity Compliance Officer”) tracks and oversees implementation of the University’s Nondiscrimination and Anti-Harassment policy. The University’s Equity Compliance Officer is located in St. Mary’s Hall Room 300 and can also be reached by phone at (937) 229-3615 or via e-mail at equitycompliance@udayton.edu (or directly at azavadil1@udayton.edu). Reports of discrimination, harassment and/or retaliation in violation of this policy should be made to the Equity Compliance Officer or one of the Deputy Title IX Coordinators (“Deputy Coordinators”) promptly. Visit <http://www.go.udayton.edu/nondiscrimination> for an online reporting form.

There is no time limitation on the filing of complaints, as long as the accused individual remains subject to the University’s jurisdiction or a remedy is available to the complaining party. The University encourages prompt reporting because witnesses’ memories and availability typically are better closer in time to the incident(s). All reports are acted upon promptly (including investigations, as appropriate) and reasonable effort is made by the University to protect the privacy of involved parties (including protecting privacy of witnesses to the extent within the University’s control). Note that the University’s ability to move forward in reviewing or investigating any matter depends on a number of factors including, but not limited to, knowledge of impacted party’s identity and/or the impacted party’s willingness to provide sufficient information to initiate and pursue a formal investigation.

This policy applies to behaviors that take place on the campus, at University-sponsored events including travel abroad, and may also apply off-campus and to actions online when the Equity Compliance Officer determines that the off-campus or online conduct affects a substantial University interest. A “substantial University interest” is defined to include:

- A. Any action that constitutes a criminal offense as defined by federal, state, or local law whether the action takes place on the University’s campus or elsewhere;
- B. Any situation in which it appears that the Respondent may present a danger or threat to the health or safety of self or others;
- C. Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder;
- D. Any situation that is detrimental to the educational interests or mission of the University;
- E. Any online postings or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc., including those occurring outside of the University’s control (e.g., not on University networks, websites or between University email accounts), will be subject to this policy when those online behaviors are brought to the attention of the Equity Compliance Office and may cause or have the potential to cause a substantial on-campus disruption;
- F. Off-campus discriminatory or harassing communication that is directed at a protected class (or should reasonably be known to have a negative impact on a protected class) by an employee when such speech is made in an employee’s official or work-related capacity.

Contact information for inquiries about this policy and procedure is listed in Appendix A of this policy.

POLICY:**II. University Policy Statement on Nondiscrimination**

The University adheres to all federal and state civil rights laws prohibiting discrimination in private institutions of higher education. The University of Dayton does not discriminate on the basis of age, race, color, creed, religion, ancestry, national or ethnic origin, sex/gender, sexual orientation, gender identity, gender expression, disability, genetic information, military status, veteran status, familial status or any other protected category under applicable local, state or federal law, ordinance or regulation. This includes protections for those opposing discrimination or participating in any complaint process on campus or within the Equal Employment Opportunity Commission, Ohio Civil Rights Commission or other human rights agencies, in the planning and administration of its admissions policies, educational programs, scholarships, loans, and other financial aid, athletic and other school-administered programs, services, and activities, or in employment. Sexual harassment, which includes acts of sexual violence, is a type of sex discrimination.

This policy covers nondiscrimination in employment as well as access to educational opportunities. Therefore, any member of the campus community, guest or visitor who acts to deny, deprive or limit the educational, employment, residential and/or social access and/or benefits required by applicable law, and/or opportunities of any member of the campus community on the basis of their actual or perceived membership in the protected classes listed above (which denial, deprivation or limitation constitutes “discrimination” under this policy) is in violation of this policy. This includes failing to provide reasonable accommodations to persons with disabilities, when that accommodation is consistent with state and federal law.

III. University Policy on Accommodating Disabilities

The University is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if he or she has a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the institution whether qualified or not. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking or caring for oneself.

The Equity Compliance Officer also serves as the ADA/504 Coordinator responsible for coordinating efforts to comply with these disability laws, including review or investigation of any complaint alleging noncompliance.

A. Students with Disabilities

The University is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs and activities of the University, except where doing so would cause undue hardship or require a fundamental alteration in the nature of the program.

Accommodations are made on a case-by-case basis. A student requesting any accommodation should first contact the Office of Learning Resources, which coordinates interactive support services for students with disabilities. The Office of Learning Resources consults with the student and, when appropriate, reviews documentation provided by the student to determine which accommodations are appropriate to the student’s

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particular needs and academic programs. For more information on the interactive accommodation process, including how to appeal a decision regarding an accommodation request, please see the Office of Learning Resources' Handbook for Students with Disabilities.

B. Employees with Disabilities

Pursuant to the ADA, the University will provide reasonable accommodation(s) to qualified employees with known disabilities, where their disability affects the performance of their essential job functions, except where doing so would be unduly disruptive or would result in undue hardship.

An employee with a disability is responsible for requesting an accommodation to his or her supervisor and/or the Office of Human Resources via the ADA Employee Reasonable Accommodation Request Procedure.

The Office of Human Resources will work with the employee's supervisor and employee to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties. An employee may appeal a decision regarding an accommodation request by contacting the Equity Compliance Officer.

IV. University Policy on Discriminatory Harassment, Misconduct, and Retaliation

Students, staff, administrators, and faculty are entitled to a working environment and educational environment free of discriminatory harassment. The University's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include relevant, but controversial or sensitive, subject matters protected by academic freedom. The sections below describe the specific forms of harassment that are prohibited by law and/or University policy.

A. Discriminatory and Bias-Related Harassment

Harassment constitutes a form of discrimination that is prohibited by University policy. Discriminatory harassment is unwelcome conduct that is based on an individual's actual or perceived membership in a protected class. The University will not tolerate discriminatory harassment against any employee, student, visitor or guest. Harassing conduct may take various forms, including, name-calling, graphic or written statements (including the use of electronic means), or other conduct that may be physically threatening, harmful, or humiliating. Such harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Sex-based harassment can take two forms: sexual harassment, which is further defined below, and gender based harassment, which is harassment based on stereotypical notions of what is female/feminine vs. male/masculine or a failure to conform to those gender stereotypes.

The University reserves the right to take measures to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a hostile environment. Behavior that is offensive but does not rise to the level of creating a hostile environment or is of a generic nature, not on the basis of a protected class, may be addressed through measures such as direct or facilitated dialogue, remedial action(s), education and/or effective conflict resolution mechanisms. Where appropriate, such behavior may be subject to discipline under other University policy. For assistance with conflict resolution, the Equity Compliance Office may refer to appropriate offices, and/or faculty can contact the Provost's office; non-faculty employees can

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Contact the Office of Human Resources (and may wish to consult the University's Conflict Resolution Policy); and students can contact the Dean of Students Office.

Discriminatory harassment violates this policy when it creates a hostile environment, or meets the definition of sexual harassment as defined in Section IV.A.1 below, and will be addressed through the Equity Complaint Resolution Procedures. Examples of behaviors that may be violation of this policy can be found in Appendix B.

1. Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC) and the State of Ohio regard sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice. The University has adopted the following definition of sexual harassment, in order to address the special environment of an academic community, which consists not only of employer and employees, but of students as well.

Sexual harassment is unwelcome, sexual, sex-based and/or gender-based, verbal, written, online and/or physical conduct. Sexual or gender-based harassment can include unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, including stalking and sexual assault. Sexual harassment, including sexual assault, can involve persons of the same or opposite sex.

Anyone experiencing sexual harassment in any University program is encouraged to report it immediately to the Equity Compliance Officer or a Deputy Coordinator. Remedies, education and/or training will be provided in response. Sexual harassment may be disciplined utilizing the Equity Complaint Resolution Procedures, when it takes the form of *quid pro quo* harassment, retaliatory harassment, and/or creates a hostile environment.

a. *Quid pro quo (Tangible Employment or Educational Action)*

This type of sexual harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a University activity is conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome sexual advances, requests for sexual favors, or other verbal or physical sexual harassment when submission to (or rejection of) such sexual conduct is a factor in decisions affecting that individual's employment, education, living environment, or participation in a University program or activity. Generally, such Respondents will be agents or employees with some authority or position of power from the University.

b. *Hostile Environment Sexual Harassment*

Hostile environment, as defined in section IV.A.2 below, when based upon gender, sex, or is sexual in nature.

2. Hostile Environment Discriminatory Harassment

A hostile environment based on membership in a protected class exists when harassment:

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- is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to unreasonably interfere with, deny or limit a person's ability to participate in or benefit from the University's educational programs or services, or residential programs and campus activities; or
- when such conduct has the effect of unreasonably interfering with an individual's University employment.

Discriminatory harassment that creates a hostile environment ("hostile environment discriminatory harassment" or "hostile environment sexual harassment") violates this policy.

A hostile environment can be created by anyone involved in a University program or activity (e.g., administrators, faculty members, students, and even campus visitors or guests). Mere offensiveness is not enough to create a hostile environment. Although repeated incidents increase the likelihood that harassment has created a hostile environment, a serious incident, such as a sexual assault, even if isolated, can be sufficient.

In determining whether harassment has created a hostile environment, consideration will be made not only as to whether the conduct was unwelcome to the person who feels harassed, but also whether a reasonable person in a similar situation would have perceived the conduct as objectively offensive. Also, the following factors will be considered:

- The degree to which the conduct affected one or more students' education or one or more individuals' employment;
- The nature, scope, frequency, duration, and location of incident or incidents;
- The identity, number, and relationships of persons involved;
- Academic freedom.

3. Policy Expectations with Respect to Consensual Relationships

Consenting romantic relationships between a supervisor and a person he or she may reasonably be expected to supervise are discouraged and are generally indicative of poor judgment. There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. It is also possible that others (student peers or colleagues) may be adversely impacted by such relationships. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later report of a violation of applicable sections of this policy.

The University does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the University. For the personal protection of members of this community, romantic or sexual relationships in which power differentials are inherent

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(supervisor-supervisee, faculty-student, staff-student) are discouraged; such relationships with subordinate employees or graduate students must be disclosed and any conflict-of-interest addressed; and such relationships with undergraduate students over whom a University employee has any professional responsibility are prohibited. Other unique considerations arise in familial relationships, some of which are addressed in this policy in the context of domestic violence; for additional policy considerations in such contexts, please refer to the University's Nepotism Policy. More policy details applicable to potential employee-employee and employee-student relationships follow.

a. *Supervisor-Supervisee Romantic or Sexual Relationships*

If a romantic or sexual relationship develops between a supervisor and someone who reports to that supervisor, the supervisor must take steps to address the conflict of interest. This requires reporting the relationship to an appropriate, more senior supervisor, who, in consultation with the Office of Human Resources (for staff) or Provost's Office (for faculty), will then arrange for other forms of evaluation, advising or mentoring and other appropriate resolutions of any conflict of interest. If the subordinate employee involved in a romantic or sexual relationship also is an undergraduate student, that individual's student status shall be determinative for purposes of this policy (i.e., refer to subparts (b) and (c)). If the relationship changes and the subordinate employee (or a third party) brings forward a complaint, there will be no presumption that the relationship was welcome to that subordinate employee.

b. *Faculty-Undergraduate Student Romantic or Sexual Relationships*

University faculty members are prohibited from pursuing and/or engaging in romantic or sexual relationships with undergraduate students they teach, advise or supervise, or have the reasonable potential to teach, advise or supervise. Even when no professional relationship currently exists between a student and a member of the faculty, faculty members should appreciate the constant possibility that they may be unexpectedly placed in a position of responsibility for the student's instruction or evaluation.

Graduate assistants and graduate students should be aware that when they are serving as a teaching assistant, research supervisor, or otherwise in a superior or evaluative role to undergraduate students in the academic setting, they are acting as an extension of the faculty, and therefore pursuing and/or engaging in romantic or sexual relationships with undergraduate students over whom they have any such authority is prohibited.

c. *Staff-Undergraduate Student Romantic or Sexual Relationships*

University staff members are prohibited from pursuing and/or engaging in a romantic or sexual relationship with any undergraduate student for whom they have a professional responsibility (e.g., a disciplinary role, awarding financial aid, etc.). Even when no professional relationship currently exists between a student and a member of the administration, such persons should appreciate the constant possibility that they may be unexpectedly placed in a position of responsibility for the student or the student may incorrectly believe that, due to the position one holds, one is able to affect the student's status at the University. Graduate assistants serving in a "staff" capacity (such as in Student

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Development, Campus Ministry, etc.), or in any other professional or evaluative role, must also be mindful of the prohibition on pursuing and/or engaging in a romantic or sexual relationship with an undergraduate student for or with whom they have a professional responsibility or relationship.

d. *Employee-Graduate Student Romantic or Sexual Relationships*

Romantic or sexual relationships between an employee and a graduate student over whom the employee has any professional responsibility (e.g., teaching, mentoring, supervising) are strongly discouraged. If such a relationship does develop, the employee (whether faculty or staff) must take steps to address the conflict of interest. This requires reporting the relationship to an appropriate, more senior supervisor, who, in consultation with the Office of Human Resources (for staff) or Provost's Office (for faculty), will then arrange for other forms of evaluation, advising or mentoring and other appropriate resolutions of any conflict of interest. If the relationship changes and the graduate student (or a third party) brings forward a complaint, there will be no presumption that the relationship was welcome to that graduate student.

e. *Graduate Students in General*

As indicated throughout this section III.A.3, graduate students may have many different roles on campus. A graduate assistant is a graduate student who is given financial support (e.g., tuition remission, a stipend, room and/or board) because of work or other service performed for the University, and it is those graduate students – the graduate assistants – who frequently have direct supervisory or other professional roles with respect to other students. A graduate student without an assistantship may nonetheless have an evaluative, judgmental or other professional role over undergraduate students. As set forth in this policy, a graduate student is prohibited from pursuing and/or engaging in romantic or sexual relationships with undergraduate students over whom they have any professional or other authority on behalf of the University. Any romantic or sexual relationship between a graduate assistant and an undergraduate student should be reported to the graduate student's department chair, who in consultation with the Office of Human Resources (for staff) or Provost's Office (for faculty), will then arrange for other forms of evaluation, advising or mentoring and other appropriate resolutions of any conflict of interest. If the relationship changes and the subordinate student (or a third party) brings forward a complaint, there will be no presumption that the relationship was welcome to that student.

If a romantic or sexual relationship exists prior to someone having a status addressed by this policy (e.g., someone is in a relationship and *then* becomes a University employee), that individual should apprise his or her supervisor of that preexisting relationship, and the supervisor should consult with the Office of Human Resources (for staff) or Provost's Office (for faculty) to determine how to appropriately address the situation.

POLICY:4. A Note on Academic Freedom

The proper exercise of academic freedom by a member of the faculty is not restricted by the University's prohibition of harassment against a protected class. When members of the faculty lecture, lead discussions, show exhibits and the like on sexually-related, race-related, etc. topics relevant to course material, they are not subject to censure arising from claims of harassment, provided such classes are conducted in accord with the norms of the discipline.

B. Sexual Misconduct

State law defines various violent and/or non-consensual sexual acts as crimes. While some of these acts may have parallels in criminal law, the University has defined categories of sex discrimination as sexual misconduct, as stated below, for which action under this policy may be imposed. Generally speaking, the University considers Non-Consensual Sexual Intercourse violations to be the most serious, and therefore typically imposes the most severe sanctions on such violations, including suspension or expulsion for students and termination for employees. However, the University reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any act of sexual misconduct or other gender-based offenses including intimate partner or relationship (dating and/or domestic) violence, non-consensual sexual contact and stalking, based on the facts and circumstances of the particular complaint. Acts of sexual misconduct may be committed by a person upon any other person, regardless of the sex, sexual orientation, or gender identity of those involved. Violations of sexual misconduct are defined below:

1. Sexual Misconduct Violations

Sexual misconduct in violation of this policy includes the following:

- a. Sexual harassment, as described in Section IV.A.1 above
- b. "Non-Consensual Sexual Intercourse," defined as: Any sexual penetration (anal, oral, or vaginal), however slight, with any object or body part, by a person upon any other person, without effective consent (defined below).

A subset of Non-Consensual Sexual Intercourse is "*Forced Sexual Intercourse*," which is defined as:

Any sexual penetration (anal, oral, or vaginal), by any object or body part, by a person upon any other person, that occurs as a result of physical force.

Sexual intercourse includes vaginal or anal penetration by a penis, tongue, finger, or object, or oral copulation (mouth to genital contact), no matter how slight the penetration or direct contact.

- c. "Non-Consensual Sexual Contact," defined as:

Any unwelcome intentional sexual touching, however slight, with any object or body part, by a person upon another person without consent and/or by force.

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This includes any contact with the breasts, buttocks, groin, genitals, mouth or other bodily orifice of another, as well as the touching of another with any of these body parts, by a person upon any person, without effective consent. Other bodily contact in a sexual manner may also constitute non-consensual sexual contact.

- d. “Sexual Exploitation,” occurs when a person takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, when such behavior does not constitute one of the other sexual misconduct offenses. Examples include but are not limited to:
- *Non-consensual recording.* Non-consensual digital, video or audio recording of sexual activity or nakedness (full or partial). This includes the unauthorized sharing or distribution of digital, video or audio recording of sexual activity or nakedness (full or partial).
 - *Stalking with a sexual or gender based component.* Stalking may take many forms, including persistent calling, texting or posting on a social networking site, seeking to gather information about another (online or through others), as well as physical stalking. When the content of the messages or the nature of the physical stalking is of a sexual or gender based nature, sexual misconduct has occurred.
 - *Compelling Prostitution.* Compel or induce another individual to engage in sexual activity for hire.
 - *Voyeurism.* When one individual engages in secretive observation of another (or allows another to surreptitiously engage in this behavior) for personal sexual pleasure or engages in nonconsensual video or audio recording of sexual acts or nakedness. This behavior is a form of sexual misconduct and violates the dignity of the affected party(ies), even if the person secretly viewed or recorded may be unaware of the observation or recording.
 - *Exposure.* Exposure of oneself or another person’s private or intimate parts of the body (e.g., breasts, buttocks, groin, and/or genitals) in non-consensual circumstances and/or lewd manner.
 - *Alcohol/Drug facilitation.* Administering alcohol or drugs (such as “date rape” drugs) to another person without their knowledge or consent.

2. Effective Consent

Whether sexual misconduct (as detailed immediately above, in Section IV.B.1 through IV.B.4) has occurred depends in part on whether “effective consent” exists. Effective consent is granted when a person freely, actively and knowingly agrees by word or action at the time to participate in a particular sexual act with a particular person. Effective consent exists when mutually understandable words and/or actions demonstrate a willingness to participate in mutually agreed-upon activity at every stage of that sexual activity. Consent can be withdrawn once given, as long as the withdrawal is clearly communicated through words or actions.

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Consent. Effective consent has time boundaries. Consent at one time does not imply consent at any other time. The existence of a dating/romantic relationship between the persons involved or the fact of a previous sexual relationship does not automatically establish effective consent for future sexual activity. There is no consent when agreement is only inferred from a person's silence or lack of resistance; there is threat of physical force, harm or intimidation; or there is coercion. There is no consent when the person is under the age of 16.

Incapacitation. Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent. A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other substances. There is no consent when someone engaging in sexual behavior knew or should have known that the other person was incapacitated. Regardless of the state of the accused, the University will use the perspective of a "sober and reasonable person" in determining whether one should have known about the impact of the use of alcohol, drugs, mental illness, etc., on another's ability to give consent. Because incapacitation may be difficult to discern, the person seeking the sexual behavior is strongly encouraged to err on the side of caution; i.e., when in doubt, assume the other person is incapacitated and therefore unable to give effective consent.

Coercion. Coercion exists when a person engages in threats, sexual pressuring or oppressive behavior that violates the University community's expectation of respect for the dignity of another person by causing another person to engage in unwanted sexual activity. Real or perceived power differentials between the individuals involved may create an atmosphere of coercion. Coercion can be differentiated from seduction by a repetition of the coercive activity in the face of resistance, the degree of pressure applied or the initiator's knowledge that the pressure is unwanted.

Force. Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance.

C. Other Civil Rights Offenses: When the Act is Based Upon the Status of a Protected Class

Other types of behavior prohibited by this policy include:

1. Threatening or causing physical harm, extreme verbal abuse or other conduct which threatens or endangers the health or safety of any person on the basis of their actual or perceived membership in a protected class.
2. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of their actual or perceived membership in a protected class.
3. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another on the basis of actual or perceived membership in a protected class.
4. Hazing, defined as any planned/executed action or activity by or against an active member, associate member, new member, pledge or potential member of an organization or group that causes or is likely to

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cause physical or mental harm, distress, anxiety, or which may demean, degrade, embarrass or disgrace any person, regardless of location, consent or intention of participants, is prohibited. Any actions or situation(s) that intentionally or unintentionally endanger a student who is attempting admission into or affiliating with any student organization is prohibited. Hazing, when it meets the statutory definition, is also prohibited under Ohio law. For more information see the Hazing Policy, Procedure, and Resource Guide in the University of Dayton Student Handbook. Hazing falls within this policy if it is based on membership in a protected class, other forms of hazing may nonetheless violate other University policies and be referred accordingly.

5. Bullying, defined as repeated, severe, and/or aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally on the basis of actual or perceived membership in a protected class. Bullying falls within this policy if it is based on membership in a protected class, other forms of bullying may nonetheless violate other University policies and be referred accordingly.
6. Intimate Partner Violence, defined as violence between those in an intimate (current or previous) or familial relationship to each other (this includes romantic relationships, domestic and/or dating violence). Psychological or emotional abuse in an intimate relationship is also a form of Intimate Partner Violence.
7. Stalking, defined as a course of conduct directed at a specific person on the basis of actual or perceived membership in a protected class that is unwelcome and would cause a reasonable person to feel fear. Repetitive and menacing pursuit, following, harassing and/or interfering with the peace and/or safety of another is also stalking. Stalking may take many forms, including but not limited to persistent calling, texting, or posting on a social networking site, seeking to gather information about another (online or through others), as well as physical stalking.

A violation of any other University rule or policy, when motivated by the actual or perceived membership of the impacted individual (on the basis of sex or gender or any other protected class), may be pursued using this policy and process. Note that violations of other University rules or policies that do not constitute a violation of this policy (e.g., a violation not motivated by discrimination or harassment or directed on the basis of a protected class) may nonetheless trigger discipline or sanctions under another University policy or policies.

D. Other Objectionable Conduct

Objectionable conduct that does not rise to the level of discrimination or that is of a generic nature not on the basis of a protected status may not result in the imposition of discipline under this University policy, but may be addressed through remedial actions, education and/or conflict resolution mechanisms, or referred to other University officials to address according to applicable University policy.

E. Retaliation

Retaliation is defined as any adverse action taken against a person who is participating or participated in a protected activity (such as participating in or otherwise assisting with a University investigatory procedure); filing a complaint alleging prohibited discrimination (including harassment); or otherwise objecting to or reporting a practice that he or she reasonably and in good faith believed was in violation of the Nondiscrimination and Anti-Harassment Policy, where such adverse action is taken because of the person's

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participation in that protected activity. Retaliation involves intentional adverse action taken by a respondent or allied third party, absent legitimate nondiscriminatory purposes, that harms the individual as reprisal for reporting a violation of the Nondiscrimination and Anti-Harassment policy or participating or otherwise assisting in an investigation of an alleged violation of the policy. Taking intentional adverse action against a respondent where the investigation found that the respondent did not violate this policy also is impermissible.

Retaliation against an individual for alleging harassment, supporting a party bringing a complaint or for assisting in providing information relevant to a claim of a policy violation is a serious violation of University policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to Equity Compliance Officer and will be promptly investigated. The University will take appropriate steps to help protect individuals who may be or fear they may be subjected to retaliation.

For employees, such types of adverse action include, but are not limited to: dismissal from employment; demotion; loss of salary or benefits; transfer or reassignment; or denial of promotion that otherwise would have been received. For students, such types of adverse action include, but are not limited to: being given a grade not based on class/test performance; denial of access to a course, program, organization, or housing; denial of support, services or other assistance given to other students; or denial of an award that otherwise would have been received.

An adverse action is retaliatory only if it is taken because the person participated in a protected activity. Retaliatory behavior is to be distinguished from the University's right to take action against an employee or student for other legitimate reasons, even if that employee or student has made a complaint of discrimination or harassment or otherwise participated in a protected activity. For example, an employee's supervisor may still provide an employee a negative performance review or take disciplinary action against an employee who violates a University policy that is unrelated to the participation in process related to the Nondiscrimination and Anti-harassment policy. For students, the University may still sanction a student who violated the Code of Conduct.

Note that using the Equity Complaint Process in bad faith, i.e., with deliberately false information and/or malicious accusations of harassment, is not protected activity and may result in discipline as described below.

V. Remedial and Corrective Action

The University may implement initial (and/or interim) remedial, responsive and/or protective actions as appropriate upon notice of alleged harassment, retaliation, and/or discrimination, upon notice of potential incident(s) of discrimination. The University will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest or visitor who has been found to engage in harassing or discriminatory behavior or retaliation. The remedial, responsive and/or protective actions could include but are not limited to: issuing no contact orders, providing counseling and/or medical services, providing academic support, interim suspensions (for students), living arrangement adjustments, providing a campus escort, making academic or work schedule and assignment accommodations, safety planning, issuing no-trespass orders or other

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access restrictions, and/or referral to campus and community support resources. Note that, even where a violation of this policy is *not* found to have occurred, the University may recommend that facilitated dialogue or mediated agreements, counseling or other restorative steps be taken, or, if another University policy has been violated, implement corrective action as appropriate. Regardless of whether policy violation is found to have occurred, remedy may continue to include no contact directive, as appropriate. Procedures for handling reported incidents are fully described in the University's Equity Complaint Process.

Reporting Encouraged. It is recognized that individuals who may have been drinking or using drugs/substances at the time of violence may be hesitant to report instances of violence. Alcohol or substance use should not be a barrier to reporting incidents of violence. An individual who experiences sexual violence (e.g., sexual assault, intimate partner violence, stalking) or a bystander who reports such incident in good faith will not be subject to the University's Code of Conduct action for alcohol or substance use at or near the time of the reported incident. The University strongly encourages reporting of sexual assault, intimate partner violence, and/or stalking.

False Reports. Deliberately false and/or malicious accusations of harassment, as opposed to complaints which are made in good faith (even if ultimately found to be without merit), are serious offenses and will be subject to appropriate disciplinary action.

Corrective Action. Where a respondent is found in violation, the University will impose appropriate sanctions/consequences for the violation. The University will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the University community. Consequences for behaviors in violation of this policy range from reprimand up through and including expulsion (students) or termination of employment (employees). For further details as the types of consequences to which students may be subject to see the Student Handbook. University non-faculty employees should reference the University's Corrective Action policy, and faculty should consult the Faculty Handbook.

VI. Confidentiality and Communicating Offenses Under this Policy

Reports of bias, discrimination or harassment can be filed online at go.udayton.edu/nondiscrimination or by speaking with the Equity Compliance Office or a Deputy Coordinator. To avoid a conflict of interest, any allegations of discrimination by the Equity Compliance Officer should be directly reported to the Vice President for Human Resources.

Complaints and concerns may also be shared with University community members, but whether they can keep the matter confidential or must tell (and what details) the Equity Complaint Officer or one of his or her deputies depends on their reporting responsibilities (see mandatory reporting policy <https://udayton.edu/policies/finance/mandatory-reporting-policy.php>). In order to make informed choices when consulting campus resources, one should be aware of confidentiality and mandatory reporting requirements, which are explained in further detail in Sections VI. A-C below.

On campus, some resources may maintain confidentiality, offering options and advice without any obligation to inform University officials or an outside agency or individual unless the complainant requests that the information be shared. Other campus resources, such as public safety or most staff and faculty who are

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“Responsible employees,” cannot by law provide confidentiality (although they will make reasonable efforts to limit disclosure of information so as to protect privacy). By making a complaint to them, one may be providing notice to the University. The following describes the communication options at the University:

A. Privileged and Confidential Communications for All Protected Class Based Claims

If a party who has experienced an incident of discrimination or harassment does not desire action by the University and would like the details of the incident to be kept confidential, but desires to confide in someone, the party may speak with:

- a counselor at the University Counseling Center 937-229-3141 (students);
- a doctor at the Health Center 937-229-3131 (students);
- an ordained member of the clergy through Campus Ministry 937-229-3339 (students and employees);
- a counselor through the Employee Assistance Program, www.lifeworks.com (employees);
- off-campus local rape crisis counselors, domestic violence resources, local or state assistance agencies, ordained clergy members.

University employees who fall within this category will submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient or parishioner, but will not otherwise share the information. Confiding in someone within this category does not trigger an investigation or otherwise provide notice to the University to take action.

B. Non-Confidential Reporting Options

All University employees, unless they fall under the “Privileged and Confidential Communications” in Section A above, have a duty to report to the Equity Compliance Office incidents or information that may indicate discriminatory or harassing behavior. See the University’s Mandatory Reporting policy for complete details of reporting obligations, Reporting parties may want to consider carefully whether they share personally identifiable details when seeking consultation as those details must be shared with the Equity Compliance Officer. Any individual can consult with the Equity Compliance Officer (or a Deputy Coordinator) if uncertain about what may require reporting. Generally, climate surveys, classroom writing assignments or discussions, human subjects research, or events such as Take Back the Night events or speak outs do not provide notice that must be reported to the Equity Compliance Officer by employees unless the reporting party clearly indicates that they wish a report to be made. When in doubt, employees should remind reporting parties of options for confidential support or non-confidential reporting for University response and/or remedial action.

Requests for Confidentiality. If a reporting party does not wish for their name to be shared, does not wish for an investigation to take place, or does not wish to pursue formal resolution, the reporting party may make such a request and the Responsible Employee is expected to share this request with the Equity Compliance Officer. The Equity Compliance Officer will evaluate the request in light of the duty to ensure the safety of the campus and comply with federal law. It must also be noted that the University’s ability to remedy and respond to a reported incident may be limited if the reporting party does not want the institution to proceed with an investigation and/or the Equity Complaint Resolution Process.

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In cases indicating pattern, predation, threat, weapons, and/or other violence, the University will likely be unable to honor a request for confidentiality. In cases where the reporting party requests confidentiality and the circumstances allow the University to honor that request, the University will offer interim supports and remedies, as reasonably available, but will not otherwise pursue formal action. A reporting party has the right, and can expect, to have reports of possible misconduct taken seriously by the University, and to have those incidents reviewed, and properly investigated and resolved through the Equity Complaint Resolution procedures.

Privacy of Reporting and Processing. The University expects that privacy is protected for those reporting or otherwise involved in any complaint related to the Nondiscrimination and Anti-harassment Policy. Only a small group of officials who need to know may be told what they need to know, including but not limited to: University Policy/Public Safety, relevant Deputy Coordinator(s), members of Threat Assessment Team, and/or staff who may need some information to coordinate remedial action. Some information will be shared as necessary with investigators, witnesses, and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve privacy. All who are made aware of details are also reminded of this privacy expectation.

Complainants have the right, and can expect, to have complaints taken seriously by the University when formally reported, and to have those incidents investigated and properly resolved through these procedures. Formal Reporting still affords privacy to the complainant, and only a small group of officials who need to know will be told. Information will be shared as necessary with investigators, witnesses, and the responding party. The people with this knowledge are charged with preserving a complainant's rights and privacy to the extent reasonable in order for an adequate, reliable and impartial investigation to be conducted.

C. Reporting of Instances Involving Minors

Anyone witnessing or otherwise knowing of a violation of this policy that involves a minor (generally, a non-UD student, under the age of 18) should refer to the University's Working with Minors and Children on Campus Policy. Any observed violations of that policy should be reported to Public Safety (937-229-2121) and the person in charge of the program. If abuse was witnessed by a "mandatory reporter" as defined by Ohio Revised Code § 2151.421, the incident must also be reported to Montgomery County's Children Services at 937-224-KIDS (5437) or the municipal or county peace officer.

VII. Federal Timely Warning Obligation

Victims of sexual misconduct should be aware that University administrators must issue timely warnings for incidents reported to them that pose an ongoing threat of bodily harm or danger to members of the campus community. The University will undertake reasonable efforts to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

NOTE ON POLICY HISTORY: This policy was first effective as one overarching policy applicable to the whole University community and all protected classes on January 1, 2014. The University's original sexual harassment policy was approved in 1983. The original University-wide Notice of Nondiscrimination was approved in August 2012 (individual units and offices had issued their own such statements at various times over the prior decades).

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APPENDIX A
TO
NONDISCRIMINATION AND ANTI-HARASSMENT POLICY

CONTACTS FOR THIS POLICY:

INTERNAL CONTACTS

Inquiries about this policy and accompanying complaint procedures may be made internally to the people listed below. Note that, although each has a particular category of complaint that is his or her particular focus, you may contact any listed person if you have an issue that falls under this policy.

Amy Zavadil, PhD (All Complaints and Visitor Complaints)

Title IX/504 Coordinator and Equity Compliance Officer

University of Dayton

St. Mary's Hall, Room 405

300 College Park

Dayton, OH 45469-1641

937-229-3615

azavadil1@udayton.edu**Kim Bakota, JD (All Complaints and Visitor Complaints)**

Title IX/Civil Rights Investigator and Deputy Coordinator

University of Dayton

St. Mary's Hall, Room 405

300 College Park

Dayton, OH 45469-1641

937-229-3627

kbakota1@udayton.edu**Christine Schramm**Deputy Title IX Coordinator (**Complaints against Students**)

Associate Vice President for Student Development and Dean of Students

University of Dayton

Gosiger Hall Room 202

300 College Park

Dayton, OH 45469-0965

937-229-1212

cschramm1@udayton.edu**Carolyn Phelps, PhD**Deputy Title IX Coordinator (**Complaints against Faculty**)

Associate Provost for Faculty and Administrative Affairs

University of Dayton

St. Mary's Hall Room 212

300 College Park

Dayton, OH 45469-1634

937-229-2245

cphelps1@udayton.edu

CONTACTS FOR THIS POLICY (continued):

Lee Jackson

Deputy Title IX Coordinator (**Complaints against Non-Faculty Employees**)
Director of Employee and Labor Relations
University of Dayton
St. Mary's Hall Room 315
300 College Park
Dayton, OH 45469-1614
937-229-1284
ljackson3@udayton.edu

Angie Petrovic

Deputy Title IX Coordinator (**Complaints Involving Equity in Athletics**)
Associate Director of Compliance, Department of Athletics
University of Dayton
Frericks Convocation Center, Room 108
300 College Park
Dayton, OH 45469-1230
937-229-1285
apetrovic1@udayton.edu

EXTERNAL CONTACTS

Inquiries about this policy and accompanying complaint procedures may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

Office for Civil Rights (OCR) Regional Office
U.S. Department of Education
1350 Euclid Avenue
Suite 325
Cleveland, OH 44115
Telephone: (216) 522-4970
Facsimile: (216) 522-2573
Email: OCR.Cleveland@ed.gov

Equal Employment Opportunity Commission (EEOC)
Contact: <http://www.eeoc.gov/contact/>

**APPENDIX B
TO
NONDISCRIMINATION AND ANTI-HARASSMENT POLICY**

The University of Dayton is committed to creating an inclusive environment that respects the fundamental dignity of all human beings. This Appendix offers further explanation and examples of behaviors that may constitute violation of this Policy. Reports of harassment under this policy will be evaluated from the perspective of a reasonable person similarly situated to the complainant and considering all of the facts and circumstances. Violation of this policy also includes harassment by a student of a faculty member or a subordinate employee of his/her supervisor. A single extreme incident or repeated incidents may constitute a finding of prohibited discrimination or harassment. Each matter will be evaluated individually. This Policy and related procedures shall not be considered to abridge academic freedom and inquiry, principles of free speech, or the mission of the University.

Discriminatory and Bias-Related Harassment

The University will not tolerate discriminatory harassment against any employee, student, visitor or guest. Harassing 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, harmful, or humiliating. Such harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

The Bias Related Incident Process comes into play when a bias-related incident is reported or is the subject of a nondiscrimination or harassment complaint, and the incident does not arise to the level of a violation of the Nondiscrimination and Anti-Harassment but nonetheless indicates bias that should be addressed by the University.

Discriminatory Harassment may include harassment of an individual or group in connection with a stereotyped group characteristic, or because of the individual's identification with a particular group.

Examples of discriminatory harassment include but are not limited to: epithets or slurs; negative stereotyping; denigrating jokes; and display or circulation in the working, learning, or living environment (including electronic transmission) of written or graphic material. This may include belittling remarks about a person's identity, based on protected status(es) that have the effect of isolating an individual (or group) or adversely impact access to educational programs(s). Use of email, the Internet, or other forms of digital media to facilitate any of the above referenced behaviors_____.

Some examples of possible Discriminatory Harassment include:

- A teaching assistant or professor insists that a student have sex with them in exchange for a good grade. This is harassment regardless of whether the student responds to the request and irrespective of whether a good grade is promised or a bad grade is threatened.
- An individual repeatedly sends sexually oriented jokes via email list or on a list serv (or group chat), even when asked to stop, causing a recipient to avoid the sender on campus and in the residence hall in which they both live.
- A professor or teaching assistant engages students in class in discussion of sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. They probe for explicit details and/or demand that students respond or engage in this dialogue though they are clearly uncomfortable and/or hesitant.

APPENDIX B (continued):

- Two staff members (or group members) frequently “rate” other members bodies and sex appeal, commenting suggestively about clothing and/or appearance, or suggesting what they might “do” with others.
- An ex-girlfriend (or ex-boyfriend) widely spreads stories about their sex life with their former partner to the clear discomfort of the former partner, turning that person into a social pariah on campus.

Sexual Misconduct

Sexual activity (sexual contact or sexual intercourse) must be consensual. Following is explanation of consent and examples of lack of consent.

Consent is knowing and voluntary, offering clear permission, by word or action, to engage in mutually agreed upon sexual activity. Consent can be withdrawn once given, as long as the withdrawal is clearly communicated. Consent is not knowing and voluntary if the interaction clearly involves coercion, force, and/or incapacitation.

Coercion is unreasonable pressure for sexual activity. Force includes physical violence, threats or implied threats, and/or physically overpowering another.

Incapacitation exists when a person is unaware, unconscious, unable to make rational/reasonable decisions and/or otherwise physically or mentally helpless to give effective consent. Indicators of incapacitation include but are not limited to outrageous/unusual behavior, inability or diminished ability to accurately discern his or her environment (who, what, where, when and/or how), slurred speech, vomiting, severe intoxication, loss of voluntary motor skills, disjointed speech patterns (unable to follow a conversation or verbalize complete thoughts), and/or sleepiness that demonstrates an inability to control one’s ability to stay awake. An individual who engages in sexual activity when they know or should know, that the other person is physically or mentally incapacitated does not have consent.

Examples of lack of consent:

- Taylor and Jamie are at a party. Taylor is not sure how much Jamie has been drinking, but he is pretty sure it’s a lot. After the party, he walks Jamie to his room, and Jamie comes on to Taylor, initiating sexual activity. Taylor asks him if he is really up to this, and Jamie says yes. Clothes go flying, and they end up in Jamie’s bed. Suddenly, Jamie runs for the bathroom. When he returns, his face is pale, and Taylor thinks he may have thrown up. Jamie gets back into bed, and they begin to have sexual intercourse. Taylor is having a good time, though he can’t help but notice that Jamie seems pretty groggy and passive, and he thinks Jamie may have even passed out briefly during the sex, but he does not let that stop him. When Taylor runs into Jamie the next day, he thanks him for the wild night. Jamie remembers nothing, and decides to make a report to the Dean. **This is a violation of the Non-Consensual Sexual Intercourse Policy. Taylor should have known that Jamie was incapable of making a rational, reasonable decision about sex. Even if Jamie seemed to consent, Taylor was well aware that Jamie had consumed a large amount of alcohol, and Taylor thought Jamie was physically ill, and that he passed out during sex. Taylor should be held accountable for taking advantage of Jamie in his condition. This is not the level of respectful conduct the university expects.**
- Jiang is a junior at the university. Korinne is a sophomore. Jiang comes over to Korinne’s residence hall with some mutual friends to watch a movie. Jiang and Korinne, who have never met before, are attracted to each other. After the movie ends, Jiang remains after the others leave. They talk and flirt and begin to kiss. Korinne is attracted, but also surprised by the speed at which the activity seems to be escalating. Jiang expresses desire to have sex with Korinne who does not respond and begins to tense up. As they continue to kiss, Jiang takes Korinne by her wrists and leads her to the bed, taking off her clothes, and engages in intercourse with her. Korinne is unresponsive during this interaction, turns her face away, and does not make

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any statements during this interaction. **There is a lack of consent in this interaction. It is the duty of the sexual initiator, Jiang, to make sure that there is mutually understandable consent to engage in sexual activity. Consent to kissing does not indicate consent for other activity. Though consent need not be verbal, it is the clearest form of consent. Consent must be actively, not passively, given.**

Potential Instances of Stalking:

- A student identifies another student's schedule and follows the other student on several social media platforms. They appear to be monitoring where that person is, appearing outside classrooms or other locations uninvited to seek contact with the individual.
- A graduate student tutor received a small gift at the office where they work on campus. Upon learning that the gift is from a student who they tutored early in the semester, the Grad thanks the student and advises that student that gifts are not necessary. The Grad subsequently receives multiple emails expressing gratitude and admiration for the Grad, as well as finding a rose with a 'thank you' note on their car. The Grad again emails the student requesting that the gifts and emails stop and receives a response of, "I'm not giving up, you need to know my feelings for you."

Potential Instances of Intimate Partner Violence (IPV, also referred to as Relationship Violence, Dating Violence, or Domestic Violence)

- Engaging in physical violence (e.g. holding down, blocking egress) to control another person with whom there is or has been an intimate relationship.
- Making or carrying out threats to do something to harm a partner or former partner.
- Isolating a partner (e.g. interfering with socialization with friends), use of intimidation to control actions of a partner, using pressures (e.g. alcohol, humiliation, threatening remarks) to engage in sexual activity with a partner.

Examples of IPV:

- A boyfriend shoves his partner into a wall upon seeing them talking to another male friend. This physical assault based in jealousy is an example of IPV.
- An ex-girlfriend shames her former partner, threatening to tell others about their past sexual activity and threatening to call their family to share personal details if the ex doesn't give her another chance. This psychological abuse is an example of IPV.
- A married couple in the campus community are witnessed in a parking lot having an argument that escalates into louder name calling and one partner slapping the other and grabbing them to move them toward their vehicle.

Hazing examples include but are not limited to forced consumption of food, alcohol, drugs or any other substance, forced physical activity, deprivation of food or sleep, and physical acts such as hitting, branding or paddling. Students may not imply that a person be shunned, removed, or unable to join/participate in the maintenance, affiliation or initiation of membership for failing to partake in any form of a hazing activity.