

## TITLE IX DEFINITIONS

Eastern West Virginia Community and Technical College is committed to maintaining a learning and working environment that is free from sexual assault, sexual harassment and other sexual misconduct, remedying the effects of such misconduct when it occurs, and preventing its re-occurrence. The term “sexual misconduct” includes sexual assault, sexual harassment, sexual exploitation, stalking, dating violence and domestic violence, all of which have more complete definitions below derived from appropriate sources such as the United States Department of Education, the Clery Act, and the Office of Civil Rights. *Note:* For these definitions to apply to Title IX offenses, the circumstances must qualify as a Title IX matter including jurisdiction and must be processed in accordance with Title IX rules. Similar definitions can be found in the Code of Student Conduct for similar acts of misconduct which do not qualify as Title IX matters; they are processed pursuant to the Code of Student Conduct.

**AMNESTY:** Complainants and witnesses shall not be subject to disciplinary action for drug/alcohol violations *IF* (a) violasignificant difference in someone’s life, and send a powerful message to the ~~peaport~~ and society as a whole about which social norms are acceptable and which are unacceptable.” For more info, visit <https://nomore.org/learn/>

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**CLERY OFFENSES:** The U.S. Department of Education requires all colleges receiving federal education funding to annually report the incidence and location of specific crimes, hate crimes, arrests, and disciplinary action. Statistics must be submitted to the federal database, and a written report must be published.

**COERSION:** the use of pressure to compel another individual to initiate or continue sexual activity against an individual’s will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person’s words or conduct are sufficient to constitute coercion if they wrongfully impair another individual’s freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to “out” someone based on sexual orientation, gender identity, or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity.

available that permits action without the complainant's participation; and whether the complainant's concerns can be addressed (identify and resolve barriers). The process is confidential up to the point any allegations are contested.

**CONTACT** (for purposes of No Contact /No Negative Contact Orders): includes all forms of verbal, written, electronic, and non-verbal communications. Examples include (but are not limited to) face-to-face conversations, telephone conversations, texts, posts on social media (to or about the other person or the situation), notes, letters, conversations with other students to or about the other person or the situation), attempts to contact each other thru any medium, hand gestures

sexual misconduct, the allegation is established by a preponderance of the evidence when the evidence is such that it is more likely true than not true that the person committed the act.

**RAPE:**

Per the Office of Civil Rights/Department of Education:

- Rape (Except Statutory): The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- Sodomy: Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- Sexual Assault With An Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of a person, whether male or female, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

Title IX: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

**SEXUAL ASSAULT:** Any non-consensual sexual intercourse or other non-consensual sexual contact, including all behaviors that are defined as sexual assault under Title IX.

**SEXUAL EXPLOITATION:** This occurs when a person takes nonconsensual, unjust or abusive advantage of another for his/her own advantage or benefit or to benefit or advantage anyone other than the one being exploited and that behavior does not otherwise constitute sexual misconduct. Examples of sexual exploitation include prostituting another person, nonconsensual video or audiotaping of sexual activity, going beyond the boundaries of consent (such as letting your friends watch you have consensual sex), engaging in peeping tommery, knowingly transmitting STD or HIV to another person, and inducing incapacitation with the intent to sexually assault another person.

**SEXUAL MISCONDUCT:** Any form of sexual assault, sexual harassment, sexual exploitation, dating or domestic violence, or stalking.

**STALKING:** engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

**SUBSTANTIALLY IMPAIRED:** This means an individual lacks the ability to make informed, rational judg.2 (l(me)14B )3.4(b)1