

Prohibited Conduct: Brief Definitions

Policy Prohibiting Sex and Gender-Based Discrimination, Sexual Misconduct and Retaliation

Gender-Based Discrimination or Harassment

Any intentional or unintentional act that results in someone being excluded from, denied benefits of, or subjected to acts of aggression, intimidation, or hostility in any academic, extracurricular, research, occupational training, or other education program or activity, *based on their gender, gender identity, gender expression, non-conformance with gender stereotypes, or sexual orientation*. Pregnancy discrimination is a form of gender-based discrimination.

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and/or other verbal conduct (e.g., insults, demeaning jokes, inappropriate comments) or physical conduct (e.g., touching or gestures) of a sexual nature when:

- 1) Submission to, or rejection of, the conduct is (explicitly or implicitly) made a term or condition of a person's instruction, academic standing, employment or participation in any University program, activity, or benefit; or
- 2) Submission to, or rejection of, the conduct is used as a basis for evaluation in academic or personnel decisions; or
- 3) The conduct creates a hostile environment, meaning the conduct is so *severe, persistent, or pervasive* that it unreasonably interferes with, limits, or deprives a person from participating in or benefiting from the University's educational, employment, residential, and/or campus experience.

Sexual Assault

Includes ***nonconsensual*** vaginal or anal intercourse or penetration, however slight, by a person's penis, finger, other body part or object; oral-genital contact; or intentional touching of a person's breasts, buttocks, groin, genitals, or other intimate parts.

Dating and Domestic Violence

A pattern of controlling behaviors used by one partner (or former partner) in a relationship to control the other partner, which can include physical abuse, sexual abuse, psychological/emotional abuse (e.g., verbal abuse, threats, controlling someone's actions, isolating someone from friends and family), and/or economic abuse (e.g., taking a partner's money, or disrupting a person's ability to work or go to school).

Sexual Exploitation

Any act where one person violates the sexual privacy or takes unjust or abusive sexual advantage of another person without their consent. This can include observing another person's nudity or sexual activity, or allowing another person to observe consensual sexual activity, without the knowledge and consent of all parties involved; recording, photographing, transmitting, showing, viewing, streaming, or distributing intimate or sexual images, audio recordings, or sexual information without the knowledge and consent of all parties involved; or exposing one's genitals or inducing another person to expose their own genitals in non-consensual circumstances.

Stalking

A course of *unwanted, unwelcome and unreciprocated* conduct directed at a specific person that would cause a reasonable person substantial emotional distress or to fear for their safety or the safety of a third party, such as a family member, friend, colleague, or pet. It may be direct action or communicated by a third party, and can include threats of or actual harm to self, others, or property; physically pursuing or following someone; non-consensual (unwanted) communication by any means (including "cyber-stalking" through electronic media, such as social networks, blogs, cell phones, or text messages); unwanted gifts; trespassing; or surveillance.

Retaliation

Actions or words taken against an individual or group of individuals involved in a *protected activity*. Protected activity includes making a good faith report under the Title IX Policy; filing an external complaint; or opposing, in a reasonable manner and consistent with University policy, an action reasonably believed to constitute a violation of the policy.

Complicity

Any act that knowingly aids, facilitates, promotes, or encourages the commission of prohibited conduct by another person.

Consensual Relationships between Students and Employees

Sexual or romantic relationships, including dating, between students and University employee are strictly prohibited. This includes relationships between student employees and students whom they supervise or teach.

For more detailed definitions and adjudication procedures for different forms of harassment, see the full *Policy Prohibiting Sex and Gender-Based Discrimination, Sexual Misconduct and Retaliation (Title IX Policy)* at:

<https://www2.howard.edu/title-ix/policy>