

ALBERTUS MAGNUS COLLEGE CAMPUS SECURITY POLICIES

SEXUAL MISCONDUCT

Sexual Misconduct is a broad term encompassing any sexual behaviors that violates Albertus Magnus College's standards of conduct or policies governing work/student learning expectations. In general, any non-consensual physical contact of a sexual nature may constitute sexual misconduct. Sexual harassment and sexual exploitation are also forms of sexual misconduct. Sexual misconduct may vary in its severity and consists of a range of behaviors or attempted behaviors that may be grounds for action under Albertus Magnus College policies.

SEXUAL MISCONDUCT OFFENSES INCLUDE, BUT ARE NOT LIMITED TO:

- 1. Sexual Harassment**
- 2. Non-Consensual Sexual Contact (or attempts to commit same)**
- 3. Non-Consensual Sexual Intercourse (or attempts to commit same)**
- 4. Sexual Exploitation**

Sexual Harassment

Sexual Harassment which includes acts of sexual assault and sexual violence is a form of sex discrimination and is prohibited by Title IX of the Education Amendments of 1972. Sexual Harassment, sexual assault and sexual violence of students/employees occurring in the College setting or where students may find themselves in connection with their learning activities, working or living is unlawful and will not be tolerated by the College.

Sexual harassment does not refer to purely voluntary social activities. It refers to behavior, which is not welcomed by a person, which is personally offensive to him or her and which undermines the morale and/or interferes with the ability of the student/employee to learn/work effectively.

Sexual Harassment is:

- unwelcome, gender-based verbal or physical conduct that is,
- sufficiently severe, persistent or pervasive that it,
- unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the college's educational program and/or activities, and is
- based on power differentials (quid pro quo), the creation of a hostile environment

Sexual Harassment can involve:

- Student and student
- Faculty and student
- Faculty and staff member
- Supervisor and employer
- Faculty and faculty
- Staff member and student
- Vendors and service providers

Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to

egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.

Non-Consensual Sexual Contact

Non-Consensual Sexual Contact is:

- any intentional sexual touching, however slight,
 - with any object,
 - by a man or a woman upon a man or a woman,
 - that is without consent and/or by force

Sexual Contact includes:

- Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

Non-Consensual Sexual Intercourse

Non-Consensual Sexual Intercourse is:

- any sexual intercourse, however slight,
 - with any object,
 - by a man or woman upon a man or a woman,
 - that is without consent and/or by force

Intercourse includes:

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

Sexual Exploitation

Occurs when a student takes non-consensual or abusive sexual 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 one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another student;
- Non-consensual video or audio-taping of sexual activity; sexting
- Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- Engaging in voyeurism;
- Knowingly transmitting an STI or HIV to another student;
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation

Intimate Partner Violence

Physical violence, coercion, threats, intimidation, stalking, or other forms of emotional, sexual or economic abuse is prohibited, including but not limited to those directed towards a partner. Such violence can be a single act or pattern of behavior. Intimate partner relationships are defined as short or long-term relationships (current or former) between persons intended to provide some emotional and/or romantic physical intimacy.

Domestic Violence

Domestic violence and dating violence may also constitute forms of intimate partner abuse. Dating violence includes violence by a person who has been in a social relationship of a romantic or intimate nature with the complaining party. The existence of such relationship is determined by its length, its type, and frequency of interaction of persons involved in the relationship. Domestic violence includes violent misdemeanor or felony offenses committed by the complaining party's current or former spouse, cohabitant, or a person with whom he or she shares a child.

Stalking

Stalking, defined as repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community; or the safety of any of the immediate family of members of the community. Conduct directed at a specific person that would cause a reasonable person to fear for his, her, or others' safety, or to suffer substantial emotional distress.

Consent

Consent is an active, knowing and voluntary exchange of affirmative words and/or actions, which indicate a willingness by all partners to participate in a particular sexual activity. Consent must be freely and actively given. The lack of negative response is not consent. A person who is incapacitated by alcohol and/or drugs, whether voluntarily or involuntarily consumed, cannot not give consent. Neither consent to one form of sexual activity nor past sexual activity imply consent to future sexual activity. A current relationship may not be taken by itself to imply consent. Consent to sexual activity can be withdrawn at any time either verbally, through physical resistance, or by losing consciousness and all sexual activity must cease. In order to give consent a person must be of the legal age of consent. In the state of Connecticut, the age of consent is sixteen. Engaging in sexual activity with a person who has not or cannot give consent is an act of sexual violence.

Incapacitation

Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction).

This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another person is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org/>

Evidence of incapacity may be detected by physical cues, such as slurred speech, bloodshot eyes, the odor of alcohol on a person's breath or clothing, inability to maintain balance, vomiting, unusual or irrational behavior and unconsciousness. Any of these particular cues alone do not necessarily indicate incapacity. Context is important in helping to determine incapacitation. People can reach incapacitation at different points and as a result of different stimuli.

Indications of consent are irrelevant if the initiator knows or should have reasonably known of the incapacity of another person.

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 or produce consent (“Have sex with me or I’ll hit you. Okay, don’t hit me, I’ll do what you want.”).
 - Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
 - NOTE: There is no requirement that a party resists the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.
 - In order to give effective consent, one must be of legal age.
 - Sexual activity with someone who one should know to be -- or based on the circumstances should reasonably have known to be -- mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this policy.

Confidentiality & Privacy

When reporting a violation of this policy, there are resources that can provide confidentiality, sharing options and advice without obligation to inform other College staff members unless requested. Confidential resources on campus are the Office of Dominican Ministries and the Student Health Services office. Off campus resource centers and counseling services also maintain confidentiality. Faculty and staff are not confidential resources and must contact the Title IX Coordinator.

Everyone is encouraged to speak to College staff, faculty and administration to make formal reports of incidents. Reported incidents will be investigated and may be resolved through the appropriate grievance procedures. Only people who have a need to know about the incident will be informed, and information will be shared only as necessary with investigators, witnesses and the accused person.

Non-confidential reporting options

Everyone is encouraged to speak to officials of the institution to make formal reports of incidents (deans, vice presidents, or other administrators with supervisory responsibilities, campus security, human resources, and student services. The College considers these people to be “responsible employees.” Notice to them is official notice to the institution. Complainants have the right and can expect to have incidents of sexual misconduct to be taken seriously by the institution when formally reported, and to have those incidents investigated and properly resolved through administrative procedures. Formal reporting means that only people who need to know will be told, and information will be shared only as necessary with investigators, witnesses, and the accused individual.

Retaliation

Retaliation against any person in the College community for alleging a violation of Title IX or for cooperating in the grievance procedures set forth herein is strictly prohibited and may result in disciplinary action, including additional interim or permanent measures. The College defines retaliation as any adverse action taken against an individual who has participated in any manner in an investigation, proceeding, or hearing under these policies and procedures. Any concerns regarding retaliation should be addressed immediately with the College’s Title IX Coordinator.