

Sexual Misconduct and Harassment Policy

Members of the University community, guests and visitors have a right to be free from sexual harassment, violence and gender-based harassment. When an allegation of misconduct is investigated, and a responding community member is found to have violated this policy, serious sanctions may be used in an effort to ensure that such actions are not repeated.

Any attempts to violate this policy are considered sufficient for having committed the violation itself. The use of alcohol or other drugs will not be accepted as a defense or mitigating factor to a violation of this policy. These policies apply regardless of the complainant's or respondent's sexual orientation, sex, gender identity, age, race, nationality, religion or ability. Harassment or discrimination based upon an individual's sexual orientation may be considered gender-based and be subject to this policy. Reasonable accommodations will be provided, as needed, to permit students with disabilities to utilize the procedures set forth herein.

Definitions and Scope of Sexual Misconduct

Quinnipiac prohibits any form of sexual misconduct, including but not limited to acts of sexual harassment, nonconsensual sexual contact or intercourse, and other forms of sexual exploitation.

Sexual harassment is defined as unwelcome gender-based verbal or physical conduct that is:

- sufficiently severe, persistent or pervasive that it has the effect of unreasonably interfering with, limiting or depriving someone of the ability to participate in or benefit from the University's educational program, activities and/or employment, and is;
- based on power (*quid pro quo*), the creation of a hostile environment, or retaliation;

Examples of sexual harassment include, but are not limited to:

- subtle or persistent pressure for sexual activity;
- unnecessary touching, pinching or brushing against a person;
- requesting or demanding sexual favors concerning employment, academic activities or other University activities;
- unwelcome communications (verbal, written, electronic, etc.) of a sexual nature;
- failure to accept the termination of a consensual relationship with repeated and persistent requests and behavior.

Nonconsensual sexual contact includes any intentional touching, however slight, whether clothed or unclothed, with any object or body part by a person against another person that is without consent and/or by force.

Examples of nonconsensual sexual contact include, but are not limited to:

- intentional contact with the breasts, buttocks, groin or genitals;
- intentional touching of another with breasts, buttocks, groin or genitals;
- making another person touch someone or themselves in a sexual manner;
- any intentional bodily contact in a sexual manner.

Nonconsensual sexual intercourse includes any sexual intercourse, however slight, with any object or body part by a person against other person that is without consent and/or by force.

Examples of nonconsensual sexual intercourse include, but are not limited to:

- vaginal penetration by a penis, object, tongue or finger;
- anal penetration by a penis, object, tongue or finger;
- oral copulation (mouth to genital contact or genital to mouth contact).

Sexual exploitation includes but is not limited to:

- invasion of sexual privacy and voyeurism (in-person or through audio or video recording);
- knowingly transmitting a sexually transmitted infection;
- exposing of a person's body or genitals;
- prostituting or soliciting another community member.

Consent is an active, knowing and voluntary exchange of affirmative words and/or actions, which indicate a willingness to participate in a particular sexual activity. Consent must be freely and actively given. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement. The lack of a negative response is not consent. A person who is incapacitated by alcohol and/or drugs, whether voluntarily or involuntarily consumed, may not give consent. Neither consent to one form of sexual activity nor past relationships imply consent to future sexual activity.

Incapacitation is a state where someone cannot make rational, reasonable decisions due to a lack of capacity to give knowing consent (e.g., to understand the “who, what, when, where, why and how” of the sexual interaction).

- Sexual activity with someone who is, or based on circumstances should reasonably have known to be, mentally or physically incapacitated (i.e., by alcohol or other drug use, unconsciousness or blackout) constitutes a violation of this policy.
- A person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the consumption (voluntary or otherwise) of incapacitating drugs cannot give consent.
- In order to give consent, a person must be of the legal age of consent. Under most circumstances, the age of consent in the state of Connecticut is sixteen. See Connecticut General Statutes § 46b-120, § 46b-127, § 46b-133d, § 53a-70, § 53a-71, and § 54-76b.
- Alcohol-related incapacity results from a level of alcohol ingestion that is more severe than impairment, being under the influence, drunkenness or intoxication.

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. Context is important in helping to determine incapacitation. Any of these particular cues alone do not necessarily indicate incapacity.

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation and coercion that overcomes resistance or produces consent.

Coercion is unreasonable pressure for sexual activity. Coercion is the use of emotional manipulation to persuade someone to do something they may not want to do, such as being sexual or performing certain sexual acts. Being coerced into having sex or performing sexual acts is not consenting sex and is considered sexual misconduct.

Intimate Partner Violence

Relationship violence is a pattern of behavior in an intimate relationship that is used to establish power and control over another person through fear and intimidation. A pattern of behavior is typically determined based on the repeated use of words and/or actions and inactions in order to demean, intimidate, and/or control another person. This behavior can be verbal, emotional and/or physical. Examples include, but are not limited to: striking another person (slapping, punching, etc.), property damage, reckless behavior, name calling and insults, public humiliation, harassment directed toward friends and acquaintances, and verbal and/or physical threats.

Stalking involves any behaviors or activities occurring on more than one occasion that collectively instill fear and/or threaten a person's safety, mental health, and/or physical health. Such behaviors or activities may include, but are not limited to nonconsensual communications (i.e., face-to-face, telephone, email, social media), threatening or obscene gestures, surveillance, or showing up outside the targeted individual's classroom, residence or workplace.

Other Forms of Misconduct

Other forms of misconduct, when gender-based, will fall under this policy. These include, but are not limited to:

- conduct that interferes with the rights of others and/or demonstrates disregard for the University community;
- assisting another person in committing a violation of this policy;
- personal harassment and/or verbal abuse;
- the threat of physical harm, physical abuse, mental distress or injury;
- actions that inflict physical harm, physical abuse, mental distress or injury;
- slanderous, false or malicious statement(s) about a person or defamation of character;
- endangerment of the health and safety of others;
- hazing;
- damage and/or vandalism to another's property.

Jurisdiction

This policy shall apply to conduct that occurs on University-owned or leased property, at University sponsored events, as well as off campus. Each student shall be responsible for his or her conduct from the time of application for admission through the awarding of a degree, as well as during periods between terms of actual enrollment, study abroad and leaves of absence or suspension. The Title IX grievance committee maintains the authority to adjudicate alleged violations of the Student Code of Conduct that are related to the same incident under review, though may not be directly related to gender-based conduct.