



## Definitions under Saint Joseph's College's Gender-based Harassment, Discrimination, Violence & Sexual Misconduct Policy

### Prohibited Conduct Definitions:

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### Prohibited Conduct Definitions:

**Gender-based Harassment:** harassment due to someone's gender identity, orientation, and expression, actual or perceived. To constitute harassment, the conduct must unreasonably interfere with an individual's education/academic activities, work performance, or perceived safety. Gender-based harassment includes intimidating, hostile, demeaning, or offensive academic, employment, or living environments.

**Hostile Environment:** unwelcome conduct of a sexual or gender-based nature with the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive environment for that individual's employment, education, living environment or participation in a College activity.

A person does not have to be the direct target of harassment to report it. Harassing behavior toward others may be so offensive, demeaning, or disruptive as to constitute a hostile work or academic environment, even if the harassment is not specifically directed at the observer or individual lodging the complaint. Alleged harassment will be evaluated according to the objective standard of a reasonable person. A single, isolated incident of sexual or gender-based harassment may, based on the facts and circumstances, create a hostile environment.

**Indecent Exposure:** 1) a sexualized behavior in a public place or knowingly exposing one's genitals in a public place and under circumstances where the act is likely to cause affront or alarm; 2) exposing one's genitals with the intent to be seen from a public place or from another private place or exposing one's genitals with the intent that one will be seen by another person in that private place under circumstances that one knows the act will likely cause affront or alarm.



**Intimate Partner Violence** (also referred to as dating violence, relationship violence, domestic violence, or dating violence): acts of violence, threats, stalking, or intimidation that harm or injure a person in a current or former intimate relationship. Acts may be emotional, psychological, economic, physical, or sexual in nature.

The College recognizes that sexual harassment, sexual assault, sexual exploitation, stalking, and retaliation all may be forms of intimate relationship violence when committed by a person who is or has been involved in a sexual, dating, domestic, or other social relationship of a romantic or intimate nature.

Examples include, but are not limited to:

- Name-calling and insults;
- Public humiliation;
- Reckless behavior;
- Harassment directed toward friends, family, or acquaintances;
- Verbal and/or physical threats;
- Knowingly restricting the movements of another person and/or moving a person, without that person's consent;
- Property damage, and/or striking another person (pushing, slapping, punching, etc.); and
- Manipulative or controlling behaviors, including threats to harm oneself to force contact.
- Using children, pets, or other loved ones to manipulate one's behavior.

**Non-Consensual Sexual Contact:** intentional contact, direct or indirect, without consent. This can include non-consensual sexual contact 1) of the breasts, genitals, buttocks, or groin of another, or 2) making another touch an individual or themselves with or on any of these body parts without their consent.

**Prohibited Relationships by Persons in Authority:** sexual, romantic, or other intimate relationships between persons occupying asymmetrical positions of power, even when both consent, including when one party maintains a direct supervisory or evaluative role (e.g., performing evaluations, making salary, promotion, and/or continuity of employment decisions).

Prohibited relationships by Persons in Authority generally include all sexual or other intimate relationships between students and their employers, supervisors, professors, coaches, advisors, or other College employees. Similarly, college employees who supervise or otherwise hold positions of authority over others are prohibited from having a sexual or other intimate relationship with an individual under their direct supervision.

Persons with direct supervisory or evaluative responsibilities who contemplate beginning or are involved in such relationships are required to promptly 1) discontinue any supervising role or relationship over the other person; and 2) report the circumstances to their own supervisor.

**Retaliation:** any act of retribution or intimidation, direct or indirect, against individuals who in good faith, assert their right to bring a complaint under this Policy or participate in any part of the investigation or hearing related to a report, including individuals who file a third-person report or the Respondent. Any individual or group of individuals, not limited to the Respondent or Complainant, can be held responsible for retaliation. Retaliation is considered a separate offence from the original complaint and will be considered independently from the merits of the underlying complaint.



Retaliation can include continued acts of abuse or violence, or acts or attempted acts to intimidate, threaten, pressure, harass, or slander.

**Sexual Assault:** penetration, however slight, of the vagina, anus, or mouth by a body part or an object, without consent. Acts by strangers, acquaintances, and intimate partners are covered equally under this policy.

**Sexual Exploitation:** non-consensual or abusive sexual misuse, abuse, or manipulation of another for personal advantage, or to give an advantage or benefit to anyone other than the person(s) being exploited. Examples of sexual exploitation include, but are not limited to:

- Sexual-based stalking and/or bullying;
- Knowingly assisting another person with committing an act of sexual misconduct, including inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity;
- Knowingly exposing another individual to a sexually transmitted infection (STI) or virus without their knowledge;
- Surreptitiously observing another individual's nudity or sexual activity, and/or allowing another individual or group to observe consensual sexual activity without the knowledge and consent of all parties involved (Voyeurism);
- Inducing another to expose their own genitals in non-consensual circumstances;
- non-consensual removal of a condom during sexual activity (aka, stealthing)
- Non-consensual recording of any person engaged in sexual or intimate activity in a private space;
- Distributing sexual information, images, or recordings about another person without that person's consent; and
- Prostituting or trafficking of an individual.

**Sexual harassment:** unwelcome sexual advances, requests for sexual favors, and/or other written, verbal, non-verbal, or physical conduct or communication of a sexual nature. Sexual harassment also includes harassment based on gender, sexual orientation, gender identity, or gender expression. Sexual harassment may be committed by anyone regardless of gender identity and may occur between member of the same or different sex. Sexual harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment does not have to be sexual in nature and can include offensive remarks about a person's sex or gender identity.

Sexual harassment is present when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment;
- Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile or offensive educational or employment environment.



**Sexual Intimidation:** threatening behavior of a sexual nature directed at another person or group that reasonably leads the target(s) to fear for their physical well-being or to engage in sexual conduct for self-protection. Sexual intimidation may include threatening to sexually assault another person or engage in indecent behavior.

**Stalking:** conduct that would cause a reasonable person(s) to fear for their safety or the safety of others; or suffer emotional and/or psychological distress. Stalking includes cyber-stalking, a form of stalking in which technological means are used to pursue, harass, or make unwelcome contact with another person. Examples of stalking include, but are not limited to:

- Non-consensual communication including telephone calls, text messages, email messages, social network website postings or messages, letters, gifts, or any other communication that is unwanted and/or instill fear in another person, which can include third party communication;
- Following or pursuing a person and/or waiting, or showing up uninvited at a residence, classroom, workplace, or other locations frequented by the person;
- Monitoring, observing, engaging in surveillance, or other types of observation by physical proximity or electronic means;
- Interfering with or vandalizing a person's property (including pets);
- Spreading lies or rumors about a person; and/or
- Manipulative or controlling behaviors, using children, pets, or other loved ones against the person; isolation; using one's privilege, or threats to harm oneself to force contact.

