

Saint Mary's College Policy on Sex/Gender-Based Harassment, Discrimination and Misconduct against Students

OVERVIEW OF POLICY EXPECTATIONS WITH RESPECT TO SEXUAL MISCONDUCT

In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing, and voluntary consent prior to and during sexual activity. Consent is a mutual agreement. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Previous consent does not imply consent to sexual activity in the future. Silence or passivity - without actions explicitly demonstrating permission - cannot be assumed to show consent. Consent, once given, can be withdrawn at any time. There must be a clear indication that consent is being withdrawn. Under this policy, "No" always means "No" and "Yes" may not always mean "Yes." Anything but a clear, knowing, and voluntary consent to any sexual activity is equivalent to a "no."

The college recognizes that sexual misconduct is an act of violence and not an act of sexual intimacy.

SEXUAL MISCONDUCT OFFENSES INCLUDE, BUT ARE NOT LIMITED TO:

1. Sexual Harassment/Violence

Sexual harassment is unwelcome, sexual, sex-based and/or gender-based verbal, written, online, and/or physical conduct.

2. Relationship Violence

Relationship violence is physical violence or the threat of physical violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with an individual. The existence of such a relationship shall be determined based on factors such as the length and type of relationship, and frequency of interaction between the persons involved.

3. Stalking

Stalking is a course of conduct directed at a specific individual that is unwelcome and would cause a reasonable person to feel fear.

4. Additional Sex- or Gender-Based Offenses

When offenses are sex- or gender-based, they may fall within this policy. Offenses may

include verbal or physical threats of violence, discrimination, intimidation, hazing, and bullying. All offenses are further defined on the [Title IX website](#).

You may find additional applicable definitions on the [Title IX website](#).

SANCTIONS

Factors considered in sanctioning are defined in the Code for Student Conduct.

SUPPORTIVE MEASURES, REPORTING REQUIREMENTS, & CONFIDENTIAL RESOURCES

Supportive measures are available to all individuals involved in the Title IX process. A formal report is not required to access resources. Supportive measures may include but are not limited to academic accommodations and support, housing changes, leaves of absence, mutual no contact orders, referrals to therapy and medical care, and safety planning.

All employees who receive information about any suspected or potential sexual harassment, discriminatory harassment, and other sex-based misconduct, whether from the student, faculty, or staff involved or from a third party, must report the information to the Title IX office. Employees may provide support and assistance to these individuals, but cannot promise confidentiality or withhold information about the misconduct.

Confidential [resources](#) on our campus include the BAVO coordinator, Health & Counseling staff, and ordained campus ministers in CFAM. These individuals are not subject to the mandatory reporting requirement.

Updated: 4/19/2024 by President's Committee on Sexual Violence