

# Title IX Terms and Definitions

## *Excerpts from PLU's Student Code of Conduct*

Full policy and definitions found at: <http://www.plu.edu/srr-policy/code-of-conduct/sexual-misconduct/>

### **Clery Act**

A consumer protection law passed in 1990, requires all colleges and universities who receive federal funding to share information about crime on campus and their efforts to improve campus safety as well as inform the public of crime in or around campus.

The Campus SaVE Act (2013) is an update to the Clery Act, expanding the scope of this legislation in terms of reporting, response, and prevention education requirements around rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking.

### **Consent**

Consent is permission explicitly granted by an individual who is physically and mentally capable of providing it. It is the responsibility of the person who wants to engage in Sexual Activity to insure that she or he has the valid Consent of the other to engage in the activity. PLU further defines Consent to include the following:

- Consent is informed, knowing, and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as Consent. Consent can be given by words or actions, as long as those words or actions create clear and mutually understandable permission regarding the conditions of sexual activity.
- Consent to one form of Sexual Activity cannot imply Consent to other forms of Sexual Activity, even within the same intimate situation. Previous relationships or Consent cannot imply Consent to future Sexual activity.
- Consent cannot be procured by use of force, threats, intimidating behavior, or coercion.
- Some individuals are unable to give Consent by reason of [Incapacity](#) or Physical Helplessness.

### **Complainant**

Complainant means an individual who is eligible to file a Complaint to report a violation of policy. It also includes any person who is reported to have experienced a violation of policy.

### **Mandatory Reporter**

All faculty, administrators, or staffs at PLU are mandatory reporters and are obligated to report incidents of sexual harassment, sexual assault, and sexual misconduct of which they become aware. This obligation extends to all (except the Health Center, Counseling Center, Campus Pastor, and the Victim Advocates these entities are considered confidential reporting sources).

### **Preponderance of the Evidence**

Preponderance of the Evidence means the greater weight of the evidence (more likely than not a violation occurred); i.e., that the evidence on one side outweighs, preponderates over, or is more than, the evidence on the other side. The Preponderance of the Evidence is the applicable standard for demonstrating facts and reaching conclusions in a Title IX investigation.

### **Respondent**

A respondent is a person who is called upon to issue a response to a communication made the Complainant. A respondent is named by the Complainant as a violator of policy.

### **Retaliation**

Retaliation means Adverse Action taken against a Student because they have or are believed to have:

- Reported or opposed conduct which they reasonably and in good faith believed was a violation Policy;
- Assisted or participated in a policy-related investigation/proceeding;
- Assisted someone in reporting or opposing a violation of Policy, or assisted someone in reporting or opposing Retaliation.

### **Sexual Misconduct**

Sexual Misconduct is a broad term encompassing any unwelcome behavior of a sexual nature that is committed without consent and/or by force, intimidation, coercion or manipulation. Sexual Misconduct may vary in its severity and consists of a range of behavior, including non-consensual sexual intercourse or contact, sexual harassment, sexual exploitation, and sexual intimidation. Sexual Misconduct can be committed by person upon another regardless of gender, and it can occur between people of the same or different sex. It can occur between strangers or acquaintances, including people involved in a current or previous intimate or sexual relationship.

Violations of Sexual Misconduct under the PLU policy include, but are not limited to the following prohibited behaviors:

- **Dating or Domestic Violence**: A pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.
- **Non-Consensual Sexual Intercourse**: Any sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a person upon another regardless of gender, without consent.
- **Non-Consensual Sexual Contact**: Any intentional sexual touching, however slight, with any object, by a person upon another regardless of gender, without consent.
- **Sexual Intimidation**: Threatening another person with a sex act against them, stalking (including cyber-stalking), and/or engaging in indecent exposure.
- **Stalking**: A pattern of behavior that makes a person feel afraid, nervous, harassed or in danger.
- **Sexual Harassment**: Unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes but is not limited to sexual advances, requests for sexual favors, and any other conduct of a sexual nature creating an intimidating, hostile or offensive environment and/or limits one's ability to participate in or benefit from the services, activities or opportunities offered by the University.

### **Support Person**

The Complainant and the Respondent may each elect to be accompanied by a Support Person to any meeting or interview regarding the allegations. The Support Person may be anyone in the PLU Community, provided the Support Person is not a person with information relevant to the allegations who may be interviewed by the Investigator during the investigation.

### **Title IX**

Title IX is a federal law that ensures that all students are treated with equity regardless of gender.

### **Title IX Coordinator**

The University official charged with ensuring PLU's overall compliance with Title IX and related University Policy.

### **Title IX Investigator**

Title IX Investigator is the person tasked by the University to investigate incidents of sexual misconduct and intimate partner violence. The investigator acts as a neutral party in the investigation and provides a detailed, unbiased report to the Review Officers regarding the findings of the investigation. The investigator works closely with the Office of Student Rights and Responsibilities and the Center for Gender Equity.

### **Victim's Advocate**

A confidential reporting source. PLU Victim Advocates provide individuals with options and resources so they can make informed decisions about their situation. They offer a safe, private setting to talk with individuals who have questions or concerns about sexual assault, intimate partner violence, or stalking.