

Anselmians **AVERT**

ASSAULT VIOLENCE EDUCATION REPORTING TEAM

Definitions

Consent

“**Consent**” means an informed, freely given agreement, communicated by clearly understandable words or actions, to participate in each form of sexual activity. Consent cannot be inferred from silence, passivity, or lack of active resistance. A current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. By definition, there is no consent when there is a threat of force or violence or any other form of coercion or intimidation, physical or psychological or any altered state (i.e., inebriation). A person who is the object of sexual aggression is not required to physically or otherwise resist the aggressor; the lack of informed, freely given consent to sexual contact constitutes sexual misconduct.

Physical or Sexual Misconduct/Assault

Misconduct and/or assault includes, but is not limited to, unwelcome verbal, written, graphic or physical conduct, such as objectionable language or humor, demeaning depictions or treatment, unwelcome sexual advances or requests, or threatened or actual physical harm or abuse, up to and including assault or rape. It also includes the intentional touching of a person or the clothing covering that person without consent however that touching is effected (i.e., use of force, threat, coercion, or intimidation). These conducts apply as well to circumstances where the other is mentally incapacitated or impaired for any reason, including intoxication.

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of a person’s employment or academic advancement;
- submission to or rejection of such conduct by an individual is used as the basis for decisions affecting an individual’s employment or academic standing; or
- such conduct has the purpose or effect of unreasonably interfering with a person’s work or academic performance or creating an intimidating, hostile or offensive work, learning or social environment.

The first two conditions are defined by the EEOC as quid pro quo harassment and the third condition is defined as hostile environment harassment.

Other Harassment

Other forms of harassment include unwelcome conduct that has the purpose or effect of unreasonably interfering with a person’s ability to work or learn, or to live within the residential environment, or which creates an intimidating or hostile environment for individuals or groups of students, faculty, or staff based on their religion, race, color, ethnicity, national origin, marital status, sexual orientation, age, disability or other unlawful basis.