

Sexual Misconduct Glossary*

**This glossary has been developed to help the reader understand terms frequently used when discussing issues related to Title IX. This document is separate from the College's Sexual Misconduct Policy, and as such, any instances where a lack of commonality exists with college policy, college policy preempts.*

Awareness Program

Community-wide and audience specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

Bystander Intervention

Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. This includes recognizing situations of potential harm and understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene.

Clery Act

The Clery Act (Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act – 1990) is named after Jeanne Clery who was sexually assaulted and murdered at Lehigh University in 1986. The Act requires colleges and universities to maintain and report crime statistics to the federal government and the public (on Huntingdon College's web site, click on the "Consumer Information" button found at the bottom) and also requires colleges/universities to issue timely warnings and emergency notifications.

Complainant

A person who reports he or she has been subjected to discrimination, harassment, or related retaliation.

Confidential Resources

At Huntingdon College, Confidential Resources are the college licensed counselor and the college chaplain. Non-professional Advocates may also be able to provide a degree of confidentiality. Local off-campus confidential resources include the Lighthouse Center. Confidential resources do not by policy have to report personally identifiable information to the College. (See: Confidentiality).

Confidentiality

Information shared by an individual with a support person (such as the College's licensed counselor or chaplain) who is a confidential resource and does not reveal shared information to any other entity without the consent of the individual, unless required by law. Individual who serve as confidential resources do not divulge information unless there is an imminent threat of harm to self or others, or if a report involves suspected abuse of a minor. Confidential resources may report aggregate information (i.e. non-personally identifiable information) for the purposes of Clery reporting. (See: Clery Act)

Consent

Consent is a voluntary agreement to engage in sexual activity. Someone who is incapacitated cannot consent. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Coercion, force, or threat of either invalidates consent.

Dating Violence

Violence committed by a person who has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined by factors such as length, type, and frequency of interaction.

Discrimination Response Team

At Huntingdon College, the Discrimination Response Team is the institutional body that addresses instances of potential violations of the college non-discrimination policy. Members of the team include the college Title IX Coordinator, Disabilities Coordinator, and representatives from the college administration and faculty. A complete list of membership can be found in the college sexual misconduct policy and online.

Domestic Violence

Violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, a person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

Finding

The decision made of responsibility regarding violation of college policy.

Harassment

Verbal, emotional, or physical conduct related to a person's protected class (as example, for Title IX, harassment is based on sex or gender) that unreasonably interferes with an individual's work or academic performance or creates an intimidating or hostile work or educational environment.

Hostile Environment

Unwelcome conduct by an individual or individuals against another individual based upon her/ his protected class that is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile, or offensive.

Impaired

Temporary incapacity to evaluate or control conduct, because the person is unconscious, asleep, intoxicated or under the influence of drugs or for any other reason is physically unable to communicate or grant consent.

Incapacitation/Impairment

Incapacity to evaluate or control conduct, because an individual is unconscious, asleep, intoxicated, or under the influence of other drugs to the degree that would render one unable to give consent, or, for any other reason, physically, mentally or legally unable to communicate or grant consent.

Intercourse

Vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

Intimidation

Unlawfully placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Non-Consensual Sexual Contact

Any intentional sexual touching, however slight, with any object, by a person upon another person, that is without consent and/or by force.

Non-Consensual Sexual Intercourse

Any sexual intercourse, however slight, with any object, by a person upon another person, that is without consent and/or by force (See: Intercourse)

OCR

OCR refers to the Office of Civil Rights of the U.S. Department of Education. The OCR enforces several Federal civil rights laws that prohibit discrimination in programs and activities that receive federal funding. Discrimination based on sex and gender is prohibited by Title IX of the Education Act of 1972. Discrimination based on race, color, and national origin is prohibited by Title VI of the Civil Rights Act of 1964. Discrimination based on disability is prohibited by Section 504 of the Rehabilitation Act of 1972. Discrimination based on age is prohibited by the Age Discrimination Act of 1975. These civil rights laws enforced by OCR extend to all state education agencies, elementary and secondary school systems, colleges and universities, vocational schools, proprietary schools, state vocational rehabilitation agencies, libraries and museums that receive U.S. Department of Education funds.

For Alabama, the regional office of OCR is located in Atlanta.

Office of Civil Rights

U.S. Department of Education

61 Forsythe Street, SW, Suite 19T10

Atlanta, GA 30303-8927

Phone: (404) 974-9406

Fax: (404) 974-9471

TDD: (800) 877-8339

Email: OCR.Atlanta@ed.gov

Ongoing Prevention and Awareness Campaigns

Programming, initiatives and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing sexual misconduct, including dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

Primary Prevention Program

Programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe direction.

Privacy

An institution will attempt to protect the identity of complainants and respondents and ensure actions resulting from the initiation of a sexual misconduct allegation are kept private, informing only those officials and individuals with a need to know in order to respond to the case. The institution will protect the private status of all education records except as directed by appropriate legal authority.

Remedies

Actions taken by the College to mitigate the effects of alleged sexual misconduct. For students, remedies may take the form of housing reassignment, changes in class schedule, alterations to work-study assignments, etc.

Respondent

A person against whom a charge of policy violation has been made.

Responsible Employee

A “Responsible Employee” is an employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a person could reasonably believe has this authority or duty. A Responsible Employee must report to the Title IX Coordinator all relevant details about the alleged sexual misconduct shared by the Complainant and that the College will need to determine what happened – including the names of the Complainant and Respondent, any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

Retaliation

An individual’s adverse action against another person because that person has filed a complaint or participated in an investigation. Retaliation is prohibited by college policy.

Sexual Assault

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

Sex (or Gender) Discrimination

An umbrella term encompassing multiple types of actions involving the unfavorable treatment of an individual or a group of identifiable individuals based on sex or gender.

Sexual Exploitation

Occurs when a person or group of people takes advantage of another person by doing something sexual in a nonconsensual, abusive, or unjust manner. Examples include nonconsensual video or audio taping of a sexual activity, nonconsensual photography of a sexual nature, voyeurism, knowingly transmitting a sexually transmitted infection (STI) or HIV, or prostituting another person.

Sexual Harassment

One type of sex discrimination under Title IX. The U.S. Department of Education's Office for Civil Rights (www2.ed.gov/ocr) states that sexual harassment is "unwelcomed conduct of a sexual nature." That is, "any unwelcome conduct of a sexual nature."

Stalking

A course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or other's safety, or to suffer substantial emotional distress.

Timely Warning

A Timely Warning is issued by an institution to alert the campus community to potentially dangerous criminal situations and is done so in a manner that is timely and will aid in the prevention of similar crimes.

Title IX

Title IX of the Education Amendments of 1972 protects people from discrimination based on sex or gender in education programs and activities that receive federal funding. "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance." In 1982, the U.S. Supreme Court determined that employment discrimination comes within Title IX prohibition.

Voyeurism

Trespassing, spying, or eavesdropping.