

## TITLE IX DEFINITIONS

- **Sex-based Harassment** is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; sexual assault, dating violence, domestic violence, and stalking. All offense definitions below encompass actual and/or attempted offenses.
- **On the basis of sex** means conduct that is sexual in nature, or that is directed to the individual because of his/her/their actual or perceived sex or gender identity.
- **Quid Pro Quo:** an employee agent, or other person authorized by CVTC, to provide an aid, benefit, or service under CVTC's education program or activity, explicitly or impliedly conditioning the provision of such aid, benefit, or service, on a person's participation in unwelcome sexual conduct.
- **Hostile Environment Harassment:** unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive, and is so severe or pervasive, that it limits or denies a person's ability to participate in or benefit from CVTC's education program or activity.
- CVTC reserves the right to address offensive conduct and/or harassment that does not rise to the level of creating a hostile environment. Addressing such conduct may be addressed through respectful conversation, remedial actions, education, effective Alternative Resolution, and/or other Informal Resolution mechanisms.
  - **Other prohibited conduct under this policy includes, but is not limited to, the following:**
    - sexual assault (including rape, fondling, incest, and statutory rape)
    - stalking
    - relationship violence (domestic and dating)
    - online harassment and misconduct
    - other sex-based misconduct offenses
- **Consent** is defined as: knowing, and voluntary, and clear permission by word or action to engage in sexual activity.

- **Force** is the use of physical violence and/or physical imposition to gain sexual access. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Force is conduct that, if sufficiently severe, can negate consent.

Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent.

Coercion is unreasonable pressure for sexual activity. Coercive conduct, if sufficiently severe, can render a person's consent ineffective, because it is not voluntary.

- **Incapacitation** is a state where a person is incapable of giving consent. An incapacitated person cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, and how" of their sexual interaction).

A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including because of alcohol or other drug consumption.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating substances.

- **Discrimination** is adverse treatment with respect to a person's employment or participation in an education program or activity based, in whole or in part, upon the person's actual or perceived protected characteristic. Discrimination also includes allegations of a failure to provide reasonable accommodations as required by law or policy, such as for pregnancy.
- A **bystander** is an individual who observes a crime, impending crime, conflict, potentially violent or violent behavior or conduct that is in violation of rules or policies of an institution.
- **Bystander Intervention:** Every individual has the ability to help create a culture of civility, respect, and responsibility on campus and in the community. CVTC encourages staff and students to move beyond bystanders (those who will observe a concerning situation without taking action to help) to someone who is equipped to safely and effectively intervene.

As bystanders witnessing a potentially concerning situation, some options for assistance include:

- Call police.
  - Find a staff member.
  - Grab a friend for backup.
  - Yell for help.
  - Ask a friend in a potentially dangerous situation if they want to leave and then make sure that they get to safety.
  - Ask the victim if they are okay. Provide a listening ear and walk through options.
  - Call a local crisis center or stop by a campus office for guidance.
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- **Gender Identity** generally describes an individual's sense of their gender, which may or may not be different from their sex assigned at birth.
  
  - **Pregnancy or related conditions** means: (1) pregnancy, childbirth, termination of pregnancy, or lactation; (2) medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3) recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.
  
  - **Sexual Assault** is defined very broadly by criminal law, and thus also by this policy. It includes a wide variety of both non-consensual sexual contact as well as non-consensual sexual intercourse.
  
  - **Rape:** Penetration, no matter how slight, of the vagina or anus of the Complainant, with any body part of the Respondent or by Respondent's use of an object, or oral penetration of the Complainant by a sex organ of Respondent, without the consent of the Complainant.
  
  - **Fondling:** The touching of the private body parts of the Complainant (buttocks, groin, breasts), by the Respondent for the purpose of sexual gratification, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of a temporary or permanent mental incapacity.
  
  - **Incest:** Sexual intercourse, between persons who are related to each other, within the degrees wherein marriage is prohibited by WI law.
  
  - **Statutory Rape:** Sexual intercourse, with a person who is under the statutory age of consent of 18.

- **Stalking**, defined as: engaging in a course of conduct, on the basis of sex, directed at the Complainant, that would cause a reasonable person to fear for the person’s safety, or the safety of others; or suffer substantial emotional distress. For the purposes of this definition—
  - Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
  - Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
  - Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.
  
- **Domestic violence**, defined as: violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of WI, or by any other person against an adult or youth Complainant who is protected from that person’s acts under the domestic or family violence laws of WI.
  
- **Dating Violence**, defined as: violence, on the basis of sex, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
  
- **Online Harassment and Misconduct:** CVTC policies are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on CVTC’s education program and activities, or when they involve the use of CVTC networks, technology, or equipment.

Although CVTC may not control websites, social media, and other venues through which harassing communications are made, when such communications are reported to CVTC, it will endeavor to address and mitigate the effects. This may include use of the Resolution Process to address off-campus

conduct whose effects contribute to limiting or denying a person access to CVTC's education program or activity.