
Title IX Definitions

1. Sexual Harassment means the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence as defined in Section IX of the Title IX Policy.
2. Hostile Environment is unwelcome conduct, determined by a reasonable person, to be so severe, and pervasive, and objectively offensive, that it effectively denies a person equal access to the University's education program or activity.
3. Sexual Assault means one of the following sexual offenses, whether forcible or non-forcible, when directed at another person without that person's consent, including instances where the person is incapacitated:
 - Rape – The penetration of any sort, no matter how slight, between the penis and the vagina, or any attempt to do the same.
 - Sodomy – The penetration of any sort, no matter how slight, between the penis and the mouth or the penis and the anus of the Complainant, or any attempt to do the same.
 - Sexual Assault with an Object – The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of the Complainant's body, or any attempt to do the same.
 - Fondling – The touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - Incest – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Kansas law.
 - Statutory Rape – Non-forcible sexual intercourse with a person who is under the statutory age of consent (16 years of age in Kansas).
4. Domestic violence is defined as a felony or misdemeanor crime of violence 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; by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner; by a person similarly situated to a spouse of the Complainant under the Kansas domestic or family violence laws; or by any other person against an adult or youth Complainant who is protected from that person's acts under the Kansas domestic or family violence laws.
5. Dating Violence means violence committed by a person who is 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.

6. Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or safety of others, or suffer substantial emotional distress.
7. Sexual Exploitation means taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under the Title IX Policy.
8. Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.
9. Coercion is unreasonable pressure for sexual activity. Coercion can be accomplished by isolation, frequency, intensity, or duration.
10. Consent to sexual activity is:
 - Informed, Knowing, and Voluntary (freely given)
 - Active (not passive)
 - Creates mutually understandable permission regarding the conditions of sexual activity
 - No means no, but nothing also means no; Silence and passivity do not equal consent
 - To be valid, consent must be given immediately prior to or contemporaneously with the sexual or intimate activity
 - Consent can be withdrawn at any time, so long as it is clearly communicated verbally or non-verbally
 - Consent to one form of sexual activity does not necessarily imply consent to other forms of sexual activity
11. Incapacitation means a person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. A Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.
12. Retaliation means material adverse action taken against any individual for reporting, providing information, exercising one's rights or responsibilities, or otherwise being involved in the process of responding to, investigating, or addressing allegations of misconduct.
13. Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment or retaliation for engaging in a protected activity.
14. Respondent means an individual who has been reported to have engaged in conduct that could constitute harassment or discrimination as defined within this policy; or retaliation for engaging in a protected activity.

15. Advisor means a person chosen by a party (or appointed by the institution if the party does not have one) to accompany the party to meetings related to the grievance process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.
16. Decision-maker means those who have decision-making and sanctioning authority within the University's Formal Grievance process.
17. Investigator means the person or persons charged by the University with gathering facts about an alleged violation of this Policy, assessing relevance, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
18. Responsible Employee/Mandatory Reporter means an employee of the University who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator and/or their supervisor.
19. Formal Complaint means a document filed/signed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that the University investigate the allegation.
20. Sanctions means a consequence imposed by the University on a Respondent who is found to have violated this policy.
21. Supportive Measures means individualized supports for students impacted by sexual harassment or other sexual misconduct to help address barriers to campus life they are facing in connection with their experience.