

SEXUAL MISCONDUCT INTAKE

TITLE IX

JURISDICTION – *Misconduct took place at or in the following.*

- UNITED STATES
- EDUCATION PROGRAM OR ACTIVITY – Includes locations, events, or circumstances over which the College exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the College.

SEXUAL MISCONDUCT – *Check all that apply.*

- QUID PRO QUO HARASSMENT
- HOSTILE ENVIRONMENT
- SEXUAL ASSAULT
- DOMESTIC VIOLENCE
- DATING VIOLENCE
- STALKING

POST-INVESTIGATION – *Check all that apply.*

- QUID PRO QUO HARASSMENT SUBSTANTIATED
- HOSTILE ENVIRONMENT SUBSTANTIATED
- SEXUAL ASSAULT SUBSTANTIATED
- DOMESTIC VIOLENCE SUBSTANTIATED
- DATING VIOLENCE SUBSTANTIATED
- STALKING SUBSTANTIATED

DISCIPLINARY DECISION

- If no Title IX sexual misconduct substantiated, complaint dismissed.
- If Title IX sexual misconduct substantiated, initiate discipline process.

ESC STUDENT CODE OF CONDUCT

JURISDICTION – *Misconduct took place at or in the following.*

- COLLEGE PREMISE AT OR IN CONNECTION WITH COLLEGE-SPONSORED ACTIVITY OR PROGRAM
- AT AN OFF-CAMPUS LOCATION AND CONDUCT AFFECTS A COLLEGE COMMUNITY'S MEMBER TO PARTICIPATE IN OR BENEFIT FROM COLLEGE EDUCATION OPPORTUNITIES, PROGRAMS, OR ACTIVITIES
- FOREIGN OR DOMESTIC TRAVEL WHERE STUDENT IS ENGAGED IN OFFICIAL ACTIVITIES

SEXUAL MISCONDUCT – *Check all that apply.*

- SEXUAL HARASSMENT
- SEXUAL EXPLOITATION
- SEXUAL VIOLENCE
- DOMESTIC VIOLENCE
- RELATIONSHIP VIOLENCE
- STALKING

POST-INVESTIGATION – *Check all that apply.*

- SEXUAL HARASSMENT SUBSTANTIATED
- SEXUAL EXPLOITATION SUBSTANTIATED
- SEXUAL VIOLENCE SUBSTANTIATED
- DOMESTIC VIOLENCE SUBSTANTIATED
- RELATIONSHIP VIOLENCE SUBSTANTIATED
- STALKING SUBSTANTIATED

DISCIPLINARY DECISION

- If no sexual misconduct substantiated, complaint dismissed.
- If sexual misconduct substantiated, initiate discipline process.

QUID PRO QUO HARASSMENT

Proposing a bargain on the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct.

HOSTILE ENVIRONMENT

Unwelcome conduct that a reasonable person would find to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the College's educational programs or activities, or employment.

SEXUAL ASSAULT – Includes any of the following:

Nonconsensual Sexual Intercourse—Actual or attempted sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

Nonconsensual Sexual Contact—Actual or attempted sexual touching, however slight, with any body part or object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

Incest—Sexual intercourse or sexual contact with a person the known to be related to them, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either wholly or half related. Descendant includes stepchildren and adopted children under the age of eighteen (18).

Statutory Rape—Consensual sexual intercourse between someone who is eighteen (18) years of age or older and someone who is under the age of sixteen (16).

DOMESTIC VIOLENCE

Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of State of Washington, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Washington, RCW 26.50.010.

DATING VIOLENCE

Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors: (a) The length of the relationship; (b) The type of relationship (c) The frequency of interaction between the persons involved in the relationship.

STALKING

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.

SEXUAL HARASSMENT

Unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature that is sufficiently severe, pervasive, **or** persistent as to deny or limit based on sex, the ability of a person to participate in or benefit from the services, activities, or privileges provided by the college or an employee to engage in their work duties, that creates an intimidating, hostile, or offensive environment for other community members.

SEXUAL EXPLOITATION

Taking nonconsensual or abusive sexual advantage of another for their own or another's benefit. Includes, but not limited to: nonconsensual recording of sexual activity; nonconsensual distribution of a consensual or nonconsensual recording or image; going beyond the boundaries of consent*; forcing another person to engage in sexual activity for payment; or knowingly exposing someone to or transmitting a sexually transmitted infection.

SEXUAL VIOLENCE

An act or acts of a sexual nature against a person without their consent. Includes any of the following:

Nonconsensual sexual intercourse

- Any sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger or another body part or object, or oral copulation by mouth to genital contact.
- Forcing a person to engage in vaginal or anal penetration by a penis, object, tongue or finger, or oral copulation by mouth to genital contact.

Nonconsensual sexual contact—Any intentional sexual touching, however slight, with any object or body part, by a person upon another person that is without consent and/or by force. Sexual contact includes intentional contact with the lips, breasts, buttock, groin, or genitals, or clothing covering any of those areas, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts, or any other intentional bodily contact in a sexual manner.

DOMESTIC VIOLENCE

Infliction of physical harm, bodily injury, assault, or the fear of imminent physical harm, bodily injury, or assault committed against a current or former spouse or intimate partner, current or former cohabitant, a person with whom the person shares a child in common, or a person with whom one resides.

RELATIONSHIP VIOLENCE

Also known as dating violence. The infliction of physical harm, bodily injury, assault, or the fear of imminent physical harm, bodily injury or assault committed against 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 will be presumed based on the reporting party'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.

STALKING

A course of conduct directed at a specific person or group that would cause a reasonable person to feel fear for their physical or mental safety, or the physical or mental safety of another. A course of conduct includes two or more acts including, but not limited to, those in which a person directly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about the complainant, or interferes with the complainant's property.

**Consent* - Permission expressed by words or actions that is clear, knowing, and voluntary, regarding willingness to engage in sexual activity. Consent to any one form of sexual activity does not automatically imply consent to any other forms of sexual activity. Consent can be withdrawn once given, as long as that withdrawal is communicated. There is no requirement for a party to resist the sexual advance or request, and resistance is a clear demonstration of nonconsent. A person cannot consent if they are incapacitated. Consent cannot be obtained by force or coercion