

Helpful Definitions in Reading Swarthmore College's Title IX and College-Defined Sexual Misconduct Policy

We care about your well-being. Swarthmore is committed to fostering an environment where all members of our campus community are safe and free from sexual misconduct, and understand exactly how the College can support them. These definitions are meant to clarify intentional but sometimes inaccessible language in our policy and procedures, as well as help educate our community around the dialogue concerning sexual misconduct.

For the following terms, complete definitions are available in the Title IX and College-Defined Sexual Misconduct Policy.

Sexual misconduct includes, but is not limited to:

Dating violence: Any act or threatened act of violence committed by a person who is or has been involved in a social, romantic, and/or intimate relationship with the victim. It may involve one act or an ongoing pattern of behavior.

Domestic violence: Crimes of violence committed by a former or current spouse, intimate partner, co-parent, cohabitant, or by any other person against an adult or minor protected by Pennsylvania's domestic or family violence laws.

When the following behaviors occur within the context of dating or domestic violence, or when the behavior is perpetrated on the basis of sex or gender, the student conduct will be resolved under the applicable procedures:

- **Bullying:** An intentional electronic, written, verbal, or physical act (or series of acts) meant to exert physical, social, or emotional domination over another student that causes physical or emotional harm to that student.
- **Intimidation:** Any verbal, written, or electronic threats of violence or other threatening behavior directed toward another person that reasonably leads that person to fear for their well-being.
- **Physical assault:** A purposeful action meant to physically hurt another person.

Indecent exposure: When a person exposes their genitals in any place where other people are present under circumstances in which one knows or should know that this conduct is likely to offend, affront, or alarm.

Non-consensual sexual touching: Touching any part of the body in a sexual manner without consent for the purpose of sexual gratification.

Sexual assault: Non-consensual vaginal, anal, or oral penetration or attempted

penetration, no matter how slight, with any body part or object.

Sexual exploitation: An act committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, or personal benefit or advantage.

Sexual harassment: Pursuant to federal regulations, *Title IX sexual harassment* means unwelcome sexual conduct on the basis of sex as a condition of employment, or unwelcome conduct determined to be so severe, pervasive, *and* objectively offensive as to deny equal access to education.

College-defined sexual harassment refers to any unwelcome conduct of a sexual nature, or based on sex or gender, that creates a hostile environment or is made a condition of employment or academic evaluation. This includes harassment based on gender, sexual orientation, gender identity, or gender expression.

Stalking: When a person excessively communicates with and/or commits unwelcome acts towards another person, including following them, under circumstances that communicate an intent to place another person in reasonable fear of injury or to cause substantial emotional distress.

Retaliation: Any act or attempt to retaliate against any individual or group involved in the investigation of a sexual misconduct allegation, including continued abuse or violence, threats, and intimidation.

Other important definitions to know:

Amnesty: Limited immunity from being charged for violations related to the College's alcohol or other drugs policy as it relates to reports of sexual misconduct. Amnesty is also generally granted to those participating in the formal complaint process.

Coercion: The use of pressure to compel another individual to initiate or continue sexual activity against an individual's will.

Complaint: A request to initiate the College's formal disciplinary process.

Complainant: Any member of the College community seeking a formal disciplinary process in response to sexual misconduct.

Confidentiality: Information cannot be revealed to any other individual without the express permission of the disclosing individual. *Please also see definition for Privacy.*

Consent: Knowing and voluntary permission to engage in sexual activity, demonstrated through mutually understandable words and/or actions.

Force: The use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual activity.

Incapacitation: The temporary or permanent inability to give consent to sexual activity because of mental or physical helplessness, being asleep, being unconscious, or being unaware that sexual activity is occurring.

Privacy: Information will only be shared on a need-to-know basis with a limited group of College employees. *Please also see definition for Confidentiality.*

Report: Notification of an incident of sexual misconduct to the TIX Coordinator by any responsible employee or reporting person. A report may be accompanied by a request for resources, no further action, or an adaptable remedy. *A report does not automatically initiate a disciplinary process.*

Reporting person: Any person who makes a report to the TIX Coordinator about sexual misconduct and is seeking resources and/or support in response to sexual misconduct.

Respondent: Any member of the College community who has been alleged to have violated the *Title IX and College-Defined Sexual Misconduct Policy.*

Responding person: Any person alleged of sexual misconduct in a Title IX report.

For the following terms, complete definitions are available in both Procedures for Resolution of Title IX Complaints against Students and Procedures for Resolution of College-Defined Sexual Misconduct Complaints against Students.

Adjudication: Formal disciplinary hearing (usually lasting half a day) in which an external adjudicator reviews evidence compiled by an investigator, and may choose to ask clarifying questions of the complainant, respondent, and witnesses of an investigation.

Adaptable remedy: A voluntary type of supportive measure tailored to address the harms described by the reporting party without taking disciplinary action against a responding party. *Adaptable remedies are sought prior to or in lieu of initiating the formal complaint process.*

Deliberation: Following the adjudication, the determination by the adjudicator of whether the respondent is responsible or not responsible for a policy violation.

Informal resolution: A voluntary resolution option available at any point during the formal complaint process where the complainant and respondent reach a resolution without an investigation or hearing. These resolutions may include, where appropriate, mediation, restorative justice conferences or circles, facilitated dialogue, educational programs/activities, etc. and are subject to the approval of the TIX Coordinator.

Preponderance of the evidence: The standard of review used during an adjudication under the *Title IX and College-defined Sexual Misconduct Policy*. To meet the preponderance of the evidence standard, it must be determined that the alleged policy violation(s) is more likely than not to have occurred.

Title IX Assessment: A determination by the TIX Coordinator of what supportive measures and resolution options are available to the reporting person/complainant.

Supportive measures: Actions to immediately address the reported behavior, designed to ensure the safety and emotional/physical well-being of all parties.