Gender-Based and Sexual Misconduct Policy

Sexual Misconduct, according to the following standards set forth by St. Bonaventure University, is defined as any unwanted sexual contact, or behavior of a sexual nature, made by an individual or group of individuals, upon another individual(s) without consent. Sexual misconduct can be committed by a male or female, against someone of the opposite or same sex.

Sexual Misconduct offenses include, but are not limited to:
1. Sexual Harassment
2. Non-Consensual Sexual Intercourse
3. Non-Consensual Sexual Contact
4. Sexual Exploitation

Gender-Based Misconduct is any sort of violent behavior directed at a victim where the victim has a perceived or actual relationship with the alleged perpetrator. Acts of gender-based misconduct include:
1. Stalking
2. Domestic Violence
3. Relationship/Intimate Partner Violence (Dating Violence)

Definitions:

Sexual Harassment- Sexual harassment is unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies or limits someone’s ability to participate in or benefit from the University’s educational program and/or activities, and is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

Examples include but are not limited to: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; exposing one’s genitals in non-consensual circumstances; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence; stalking; gender-based bullying. (see definitions for many of these contained within this policy)

Non-Consensual Sexual Contact – any intentional sexual touching, however slight, with any object, by a man or woman upon a man or woman that is without consent or by force. Acts of unwanted sexual contact may include but are not limited to intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

Non-Consensual Sexual Intercourse – any sexual intercourse, however slight, with any object, by a man or woman upon a man or woman that is without consent or by force. Intercourse includes vaginal or anal penetration by any object or body part, and oral
sexual contact with the genitals or anus, no matter how slight the penetration or oral contact.

**Sexual Exploitation** – occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation may include but are not limited to: any audio and/or visual recording of a consensual sexual act without the person’s knowledge; distributing, without the prior consent or knowledge of the victim of exploitation, an audio and/or visual recording of a consensual sexual act; going beyond the boundaries of consent (such as allowing people to hide in the closet to view consensual sexual contact/intercourse); voyeurism; knowingly spreading HIV or STI to another person without his or her knowledge; attempting to incapacitate someone for the purposes of committing sexual assault or unwanted sexual contact defined above; inducing another to expose their genitals; sexually-based stalking and/or bullying.

**Stalking:** Intentionally engaging in repeated acts directed at a specific person, where such behaviors result in fear of physical harm or injury, or results in significant emotional distress. This includes any behavior which attempts to establish power or control over another person. Stalking shall be misconduct that falls under this policy if it is sexually-based or motivated by a real or perceived intimate or romantic relationship with the victim. Examples of stalking behavior include but are not limited to: repeated attempts at communication (phoning, texting, emailing, messaging); physical and/or verbal confrontations; entering one’s residence hall room/apartment or vehicle without permission; following a student; vandalizing; gaining access to personal online accounts; etc.

**Domestic Violence:** Any violent behavior committed by a current or former spouse of a victim, by a person with whom a victim shares a child, or by a person with whom the victim currently or previously has cohabitated.

**Relationship/Intimate Partner Violence (Dating Violence):** Any violent behavior committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and the act is motivated by the relationship or the end of the relationship.

**Other Misconduct Offenses (will fall under Title IX when sex- or gender-based)**

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of another person;
- Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of their gender;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing (see Hazing Policy of the St. Bonaventure University Student Code of Conduct for definition)
- Bullying, defined as repeated and or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or emotionally.