

This content is being reviewed in light of recent changes to federal guidance.

Sexual Misconduct Definitions

Definitions:

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Term	Definition
Coercion	Coercion is the application of unreasonable pressure for sexual access.
Consent	<p>Consent is communicated, ongoing, and mutual. This means consent is gained through words or actions that show an active, knowing and voluntary agreement to engage in mutually agreed-upon sexual activity.</p> <p>It is the responsibility of the initiator, or the person who wants to engage in the specific sexual activity to make sure that the initiator has consent. Consent cannot be gained by force, by ignoring or acting without regard to the objections of another, or by taking advantage of the incapacitation of another, where the accused knows or reasonably should have known of such incapacitation. For example, a person who is intoxicated may not be capable of giving consent. Consent is also absent when the activity in question exceeds the scope of consent previously given or when the person from whom consent is sought is deemed incapable of giving consent under the law of the State of Kansas.</p> <p>A person always has the right to revoke Consent at any time during a sexual act. Consent to one act does not constitute consent to another act. Consent on a prior occasion does not constitute consent on a subsequent occasion. Silence, lack of resistance, or failure to say "no" does not imply consent.</p>
Dating Violence	<p>Dating Violence is violence committed by a person:</p> <ol style="list-style-type: none"> Who is or has been in a social relationship of a romantic or intimate nature with the victim; and Where the existence of such a relationship will be determined based on a consideration of the following factors: (a) the length of the relationship; (b) the type of the relationship; and (c) the frequency of interaction between the persons involved in the relationship.
Domestic Violence	Domestic Violence is felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is co-habiting with or has co-habited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Kansas, 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 Kansas.
Force	Force means physical force, threat, intimidation or coercion.
Incapacitation	Incapacitation means the physical and/or mental inability to make informed, rational judgments. Where alcohol and/or drugs are involved, incapacitation is defined with respect to how the alcohol or drugs consumed impact a person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments.
Sexual Assault	<p>Sexual Assault includes:</p> <ul style="list-style-type: none"> Penetration or attempted penetration, no matter how slight, of the vagina or anus by the sexual organ of the other person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. Use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia. Touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law of the state where the sexual intercourse occurs. Sexual intercourse with a person who is under the statutory age of consent as defined by the law of the state where the sexual intercourse occurs.

Term	Definition
Sexual Exploitation	Sexual exploitation is abusing, gaining advantage of or benefiting from another person sexually without their consent. It includes but isn't limited to transmission of sexually inappropriate material, voyeurism, exposing your own or someone else's genitals or breasts, recording sexual activity, and any other sexual acts or activities without explicit consent.
Sexual Harassment	Sexual Harassment is conduct on the basis of sex (including sexual orientation, gender identity, and gender expression) that constitutes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.
Sexual Harassment - Hostile Environment	Hostile Environment Sexual Harassment is unwelcome conduct (including physical, visual, audible, and electronic conduct) determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to the University's education programs and activities. Hostile Environment Sexual Harassment may include, but is not limited to: <ul style="list-style-type: none"> • Unwelcome efforts to develop a romantic or sexual relationship. • Unwelcome commentary about an individual's body or sexual activities. • Threatening to engage in the commission of an unwelcome sexual act with another person. • Engaging in indecent exposure, voyeurism, or other invasion of personal privacy. • Unwelcome physical touching or closeness that does not rise to the level of Sexual Assault. • Unwelcome jokes or teasing of a sexual nature or based upon sex stereotypes, including stereotypes based on sexual orientation, gender identity, and gender expression.
Sexual Harassment - Quid Pro Quo	Quid Pro Quo Sexual Harassment is an employee of the university conditioning the provision of an aid, benefit, or service of the university on an individual's participation in unwelcome sexual contact.

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for their safety or the safety of others, or
2. Suffer substantial emotional distress.

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For the purpose of this definition, the following terms have the described meaning:

- **Course of Conduct** means two or more acts, including, but not limited to, acts in which the stalker 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 victim.
- **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Definitions