

Affirmative consent

A knowing, voluntary, and mutual decision among all participants to engage in sexual activity.

Aiding prohibited conduct

A form of prohibited conduct in which a person helps another person commit any form of prohibited conduct, with the intent to promote or facilitate such conduct.

Attempting to commit prohibited conduct

A form of prohibited conduct in which a person engages in behaviors that directly tend toward completion of any form of prohibited conduct, with the intent to commit such conduct.

Complainant

A person or group of persons who is the subject of a report or initiates a formal complaint of prohibited conduct under Policy 6.4.

Confidentiality

Under Policy 6.4, this means that information is not reported to the Office of Institutional Equity and Title IX; compare to the definition of privacy.

Course of conduct

Related to stalking; two or more acts in which the stalker follows, monitors, observes, surveils, threatens, or communicates to or about a person, or in which the stalker interferes with a person's property. These acts could be direct, indirect, or made through third parties, and they could involve any action, method, device, or means.

Dating and domestic violence

Any act of violence — intentional or threatened — against a complainant when the respondent is:

- a) a person who is or has been in a romantic, intimate, or spousal relationship with the complainant;
- b) a person with whom the complainant shares a child; or
- c) anyone who is protected from the respondent's acts under the domestic or family violence laws of New York. Also, any behavior that is aimed at establishing power and control over the complainant by causing the complainant to fear that harm will come to themselves or another person.



Education program or activity

Any location, event, or circumstance in which the University exercises substantial control over both the respondent and the context in which the prohibited conduct occurs; or any building owned or controlled by a student organization that is officially recognized by the University.

Formal complaint

A signed, written document from a complainant alleging specific prohibited conduct by a respondent and initiating the applicable resolution procedures under this policy; or a similar written document on behalf of the University, signed by a University official.

Hostile environment

A work or other environment that a reasonable person would find so severe and so pervasive and objectively offensive that it would effectively deny the person who is its target equal access to the University's education programs or activities.

Incapacitation

In relation to affirmative consent, a state in which an individual lacks the ability to choose knowingly to participate in sexual activity; or when they are unconscious, asleep, involuntarily restrained, physically helpless, or otherwise unable to provide consent. A person may be incapacitated when under the influence of alcohol, drugs, or other intoxicants, depending on the level of intoxication.

Jurisdiction

In relation to prohibited conduct, this refers to the University's reach in applying and enforcing the provisions of Policy 6.4, which extends to all education programs and activities, as well as to other situations where an employee's conduct warrants it.

Position of authority

Any position that exercises authority over students or postgraduates.

Privacy

Under Policy 6.4, this means that information reported to the Office of Institutional Equity and Title IX will be shared only with those University officials with a need-to-know to respond to the information; compare to the definition of confidentiality.

Prohibited conduct

Any conduct that constitutes a violation of Policy 6.4.



Prohibited relationship

A romantic or sexual relationship between an employee or other in position of authority and a student or postgraduate which violates one of the four provisions of Policy 6.3:

- **Provision 1:** Any member of the Cornell community who has, or has had, a sexual or romantic relationship with a student or postgraduate is prohibited from exercising academic or professional authority over that student or postgraduate.
- **Provision 2:** Sexual or romantic relationships between faculty members and undergraduate students are strictly prohibited regardless of the department, school, or college affiliation of either party.
- **Provision 3:** Sexual or romantic relationships are prohibited whenever a faculty member or other individual holds a position of authority over the student or postgraduate or is likely to do so in the foreseeable future.
- **Provision 4:** Sexual or romantic relationships between staff members and undergraduate students are strictly prohibited regardless of the work unit or location of either party.

Protected class

A group of people, connected by a common trait, who are legally protected from being discriminated against on the basis of that trait. Examples of protected classes include race, ethnic or national origin, citizenship and immigration status, color, sex/gender, pregnancy or pregnancy-related conditions, age, creed, religion, actual or perceived disability — including persons associated with such a person, arrest and/or conviction record, military or veteran status, sexual orientation, gender expression and/or identity, an individual's genetic information, domestic violence victim status, familial status, marital status, and any other legally protected status.

Quid pro quo

In relation to sexual and sex/gender-based harassment, a situation in which an employee states or implies that a benefit or service will be given only if an individual engages in unwelcome sexual conduct.

Reasonable person

Someone under similar circumstances as, and with similar identities to, the complainant.

Respondent

A person against whom a report or formal complaint of prohibited conduct under Policy 6.4 is made.

Retaliation

Any adverse action taken against an individual with the purpose of interfering with an individual's rights under Policy 6.4's procedures.

Sexual and sex/gender-based harassment

Unwelcome conduct on the basis of sex/gender, sexual orientation, gender identity, or gender expression. In order to meet the formal definition of harassment, the conduct must involve a quid pro quo situation and it must create a hostile environment.



Sexual assault

Sexual intercourse or sexual contact without affirmative consent.

Sexual contact

Intentional sexual touching, however slight, with any object or body part, whether directly or through clothing, as follows:

- Intentional touching of the lips, breasts, buttocks, groin, genitals, inner thigh, or anus, or intentionally touching another with any of these body parts.
- Making another person touch anyone or themselves with or on any of these body parts.
- Intentional touching of another's body part for the purpose of sexual gratification, arousal, humiliation, or degradation.

Sexual exploitation

Intentionally engaging in any of a number of exploitative behaviors without the knowledge and consent of all parties.

Sexual intercourse

Penetration, however slight, with any object or body part, as follows:

- Penetration of the vulva by a penis, object, tongue, or finger.
- Anal penetration by a penis, object, tongue, or finger.
- Any contact, no matter how slight, between the mouth of one person and the genitalia of another person.

Sexual misconduct

A broad term encompassing four categories of unwelcome behavior of a sexual nature: sexual assault, dating and domestic violence, stalking, and sexual exploitation.

Stalking

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 to suffer substantial emotional distress.

Substantial emotional distress

Significant mental suffering or anguish, possibly but not necessarily requiring medical or other professional treatment or counseling.

Violating a supportive measure and/or temporary suspension

A form of prohibited conduct in which (a) a person to whom the order in question applies knowingly violates any of the conditions of the order; and (b) the supportive measure and/or temporary suspension is an order of a University official.

