

## Resolution on Sexual Assault, Intimate Partner Violence and Stalking Policy

#46-13/14-EX –April 29, 2014 – Second Reading

Humboldt State University (HSU) is committed to maintaining and strengthening an educational, working, and living environment founded on dignity and social responsibility. Sexual misconduct (including **sexual assault** and **sexual harassment**), **intimate partner violence**, and **stalking** as well as acts of **retaliation** against survivors go against the standards and ideals of our community and will not be tolerated. HSU aims to eliminate these harmful actions through education, training, clear policy, and serious consequences for violations of this policy. **This policy applies to all university community members, including university employees, students, and third parties. (Examples of third parties include employees of auxiliary organizations, volunteers, independent contractors, vendors and their employees, and visitors.)** If a university community member is found responsible for committing sexual misconduct, intimate partner violence, or stalking, they can face **criminal charges** and/or the appropriate HSU **conduct process** (*link to Student Conduct Policy*). HSU is committed to the well-being and rights of the person reporting the assault, while ensuring due process for the accused.

Follow **this link** <http://humboldt.edu/titleix/> for information on filing a report or accessing support services related to this policy.

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### Definitions

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Consent – fully conscious, voluntary acceptance and agreement to engage in a sexual act. If force, fear, threat, coercion, incapacitation (including by alcohol or other drugs) or violence is used or someone takes advantage of an individual who is incapable of giving consent due to that individual's age or disability or by the use of coercion through one's position of authority, consent cannot exist. Consent cannot be inferred from a current or previous sexual, romantic, or marital relationship, nor can it be inferred from consenting to any other sexual acts. Consent can be taken away at any time.

Criminal charges – upon law enforcement investigation a report may be forwarded to the District Attorney's office, which is solely responsible for the decision of whether to file criminal charges.

Intimate partner violence – a pattern of power and control that results in physical, sexual, or mental harm, or other forms of abuse, by a person who is or has been in a social relationship of romantic or intimate nature, including spouses. This type of violence can occur among heterosexual or same-sex couples and does not require sexual intimacy.

Retaliation – adverse action taken against a person who has reported or opposed conduct which the person reasonably and in good faith believes is discrimination or harassment, has

participated in an investigation / proceeding, or has assisted someone in reporting or opposing discrimination, harassment or retaliation or is perceived to have done either of these things.

Sexual assault – any attempted or completed sexual act without **consent**, including unwelcome sexual touching, oral, anal, or vaginal contact and/or penetration. Rape is defined as sexual intercourse without consent, and is a form of sexual assault.

Sexual harassment –consists of both non-sexual conduct based on sex or sex-stereotyping and conduct that is sexual in nature which can be verbal, nonverbal, or physical. Sexual harassment also includes hostile behavior based on sex or gender stereotypes, or one’s sexual orientation or gender identity, even if that behavior isn’t explicitly sexual. This behavior has the purpose or effect of creating an intimidating, hostile, or offensive working or learning environment, limiting one’s ability to participate in or benefit from the services, activities or opportunities offered by the University.

Stalking (including cyber-stalking) – **a repeated course of conduct directed at a specific person that places that person in reasonable fear for his/her or others’ safety, or causes the victim to suffer substantial emotional distress.** This can encompass a range of behaviors, including following someone in person or otherwise monitoring them.

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