Key Definitions and Summary Information: Policy 1202

Definitions

Complainant: An individual who is alleged to be the victim of Prohibited Conduct.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct.

Title IX Coordinator: The University employee responsible for coordinating the University’s compliance with and enforcement of Title IX and this policy.

Prohibited Conduct Definitions

Sexual or Gender-Based Harassment:

- Quid Pro Quo Sexual Harassment as Defined in Title IX Regulations: An employee of the University conditioning the provision of aid, benefit, or service on another individual’s participation in unwelcome sexual conduct.
- Hostile Environment Sexual Harassment as Defined in Title IX Regulations: Unwelcome conduct based on sex that would be determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity.

To the extent that conduct does not fall under the definition of Title IX Quid Pro Quo Sexual Harassment or Title IX Hostile Environment Sexual Harassment, the following conduct violates University Policy:

- University Policy Quid Pro Quo Sexual Harassment: Unwelcome conduct based on sex where submission to or rejection of such conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual’s education, employment, or participation in a University program or activity.
- University Policy Hostile Environment Sexual Harassment: Unwelcome conduct based on sex that is so severe, persistent, or pervasive that it alters the conditions of education, employment, or participation in a University program or activity, thereby creating an environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive. An isolated incident, unless sufficiently severe, does not amount to Hostile Environment Harassment.

Sexual Assault: Any sexual act directed against another person, without the Consent of the Complainant including instances where the Complainant is incapable of giving Consent.

- Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Sodomy: 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.
- Sexual Assault with An Object: To use 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

For a full review of Policy 1202, please visit https://universitypolicy.gmu.edu/policies/sexual-harassment-policy/
permanent mental or physical incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia, e.g., a finger, bottle, handgun, stick.

- **Fondling**: The 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 Assault**: Nonforcible sexual intercourse.

- **Incest**: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape**: Nonforcible sexual intercourse with a person who is under the statutory age of consent.

**Dating Violence**: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence**: Violence committed by a current or former spouse or intimate partner of the Complainant; a person with whom the Complainant shares a child in common; a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner; a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Virginia; by any other person against an adult or youth Complainant who is protected from that person’s acts under the domestic or family violence laws of Virginia. To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

**Stalking**: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others or suffer substantial emotional distress. Stalking may include the concept of “cyber-stalking,” a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion. When allegations of stalking are unrelated to sex and/or gender-based harassment, cases may be referred to the appropriate office and governed by either the Code of Student Conduct, Department of Human Resources Policy, Administrative/Professional Faculty Handbook, or the Faculty Handbook.

**Sexual Exploitation**: Purposely or knowingly doing one or more of the following without Consent:
- Taking sexual advantage of another person.
- Taking advantage of another’s sexuality.
- Exceeding the boundaries of consensual Sexual Contact without the knowledge of the other individual. Sexual Exploitation may be committed for any purpose, including sexual arousal or gratification, financial gain, or other personal benefit.

**Complicity**: Complicity is any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act of Prohibited Conduct under this Policy by another person. Examples of complicity include, but are not limited to, restraining another individual during a sexual assault, encouraging someone to

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commit dating violence or sexual assault, or intentionally not intervening for the purpose of facilitating another person committing Prohibited Conduct.

**Retaliation:** No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX or this policy.

### Employee Status at the University

**Non-Confidential Employee:** Non-Confidential Employees are required to report to the Title IX Coordinator all relevant details (obtained directly or indirectly) about any incident of Prohibited Conduct that involves a student or an employee as a Complainant, Respondent, and/or witness, including dates, times, locations, and names of parties and witnesses.

Any employee who is not a Confidential Employee. This includes students who are serving as Resident Assistants, Graduate Teaching Assistants, and all other student-employees, when disclosures are made to any of them in their capacities as employees.

**Confidential Employee:** Confidential Employees provide confidential, trauma-informed counseling or support. Confidential Employees will not disclose information about Prohibited Conduct reported to them by a student to the Title IX Coordinator without the student’s permission, unless there is a continuing threat of serious harm to the patient/client or to others or there is a legal obligation to reveal such information (e.g., where there is suspected abuse or neglect of a minor).

Any employee of the Student Support and Advocacy Center (“SSAC”), Counseling and Psychological Services (“CAPS”), or Student Health Services (“SHS”) or any other employee who is a licensed medical, clinical or mental-health professional (e.g., physicians, nurses, physicians’ assistants, psychologists, psychiatrists, professional counselors and social workers, and those performing services under their supervision), when acting in that professional role in the provision of services to a patient who is a student (“health care providers”); and (2) any employee providing administrative, operational and/or related support for such health care providers in their performance of such services.

### Note About Amnesty

**Amnesty Policy:** The University will not pursue disciplinary action against Complainants, Respondents, or witnesses for disclosure of illegal personal consumption of drugs and/or alcohol where such disclosures are made in connection with a good faith report or investigation of Prohibited Conduct.

### Referrals to the Title IX Office

Anyone at the University can submit an Incident Report to the Title IX Coordinator when they, or someone they know, has experienced a potential incident of sexual violence.

**Incident Reporting Form:** [https://diversity.gmu.edu/titleix-webform](https://diversity.gmu.edu/titleix-webform)

For other questions about the Title IX Office or the Title IX process, please review the Title IX website ([diversity.gmu.edu/sexual-misconduct](https://diversity.gmu.edu/sexual-misconduct)), or contact George Mason’s Title IX Coordinator at titleix@gmu.edu.

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