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DEFINING CONSENT

Consent for Sexual Contact - All sexual interaction between students must be consensual. MIAD applies a "yes means yes" standard of consent. *Yes means yes* requires that spoken consent must be given for sexual interaction to be consensual. In some cases, however, consent may *never* be given, such as when an individual is asleep or unconscious, or when an individual's judgment is impaired by drugs or alcohol.

Students will be informed of the *Yes means yes* standard for consent in new student orientation, via the *Student Handbook*, via direct email of the Title IX policy to all students, via the *River Rat Review*, MIAD's on-line newsletter, and via a poster campaign conducted throughout the year. Ignorance of the policy will not be considered a defense for potential violations and it is the student's responsibility to ensure they understand their responsibilities under the policy.

Definitions and Examples of Conduct Prohibited Under this Policy

Prohibited conduct includes harassment and discrimination, including but not limited to sexual discrimination, unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment, and discrimination or harassment based upon one's race, color, religion, national origin, gender identity, sexual identity, age, genetic information, veteran status, or disability. The acts listed below are included to clarify examples of acts that qualify as discrimination or harassment against those with protected status under Title IX and elsewhere. The listing of these examples does not preclude nor set aside the college's formal codes of conduct listed elsewhere in MIAD publications. Violations of MIAD's code of conduct that do not constitute a violation of this policy are addressed under the applicable MIAD codes found in the faculty, staff, or student handbooks, or other College policies.

1. *Discriminatory Harassment*

Discriminatory Harassment is defined as un-welcome verbal or physical conduct based on race, color, religion, national origin, sex, gender identity, sexual orientation, age, genetic information, veteran status, or disability. Discriminatory harassment is behavior that has the purpose or effect of unreasonably interfering with the individual's work or educational performance, behavior that creates or has the intention of creating an intimidating, hostile, or offensive working and/or learning environment, or behavior that unreasonably interferes with or limits one's ability to participate in or benefit from an educational program or activity.

2. *Sex Discrimination*

Sex Discrimination is defined as making a distinction in favor of, or against, a person on the basis of gender rather than on individual merit.

In an educational setting, making a distinction on the basis of gender that deprives a person of the ability to participate in or benefit from the college's education program or activities is sex discrimination.

3. *Sexual Harassment*

Sexual Harassment is defined as unwelcome sex or gender-based verbal or physical conduct. Sexual Harassment occurs when behavior is sufficiently severe, pervasive, and offensive that it unreasonably interferes with, limits or deprives someone of the ability to participate in or benefit from MIAD's education program and/or activities, is potentially based on power differentials, creates a hostile environment, or involves retaliation.

Examples of sexual harassment include, but are not necessarily limited to, unwelcome sexual advances, repeated propositions or requests for a sexual relationship to an individual who has previously indicated that such conduct is unwelcome, or sexual gestures, noises, remarks, jokes, questions, or comments about a person's gender, sexuality or sexual experience. Sexual harassment may consist of repeated actions or may even arise from a single incident if sufficiently extreme. The complainant and the accused may be of any gender and need not be of different genders.

4. *Sexual Assault/Sexual Violence*

Sexual assault/sexual violence is a particular type of sexual harassment that includes non-consensual sexual contact, non-consensual sexual intercourse, rape, or other physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.¹ Sexual assault/sexual violence includes, but is not necessarily limited to, physical assaults of a sexual nature, such as rape, sexual assault, sexual battery, domestic violence, dating violence, stalking or attempts to commit these acts.

Non-Consensual Sexual Contact² is defined as any intentional sexual touching, however slight, with any object, by a person or persons upon another person or persons, which is without consent and/or by force.³

Non-Consensual Sexual Intercourse⁴ is defined as any sexual intercourse, however slight, with any object or body part, by a person or persons upon another person or persons, which is without consent and/or by force.

Domestic Violence is defined as a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. Domestic violence includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

Dating Violence is defined as violence committed by a person 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 shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Stalking is defined as a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.

Hazing includes but is not limited to any act directed toward an individual, or any coercion or intimidation of an individual to act or to participate in something which a reasonable person would perceive is likely to cause physical or psychological injury and where such act is a condition of initiation into, admission into, continued membership in or association with any group whether that group is a formal or informal entity.

Examples of behaviors prohibited at MIAD include, but are not limited to:

- Invasion of sexual privacy
- Prostituting another student
- Non-consensual video or audio-recording or broadcasting or sharing of sexual activity
- Engaging in voyeurism
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals
- Sexually-based stalking and/or bullying or other forms of sexual exploitation
- Use or display of electronic, of pornographic or sexually harassing materials such as posters, photos, cartoons or graffiti without pedagogical justification in the classroom or any MIAD facility or the *Two50Two* apartments, including
- Sexual activity with someone whom one should know to be - or based on the circumstances should reasonably have known to be - mentally or physically incapacitated (by alcohol or other drug ingestion, unconsciousness or blackout), constitutes a violation of this policy.
- Sexual activity with someone whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of drugs.
- Sexual activity of any kind with anyone under the age of 18.

Use of alcohol or drugs will never function as a defense for any behavior that violates this policy.