

## Definitions

Understanding Sexual Misconduct

### ETSU Title IX



Sexual Misconduct is the overarching term used by the university to identify the conduct that includes sexual harassment by individuals or organizations that is prohibited by Title IX. For all individuals who are part of the ETSU community, sexually harassing conduct that is sufficiently severe, pervasive, and objectively offensive as to substantially disrupt or undermine a person's ability to participate in or to receive the benefits, services, or opportunities of the university is prohibited when such conduct substantially interferes with an individual's educational performance, or equal access to the college's resources and opportunities; or such conduct creates an intimidating, hostile, or abusive educational environment. The university recognizes that anyone can be a complainant or respondent regardless of sex, gender, or gender identification.

Following are definitions based on university [Student Conduct Policies](#):

**(v)Sexual Battery or Rape.** Committing any act of sexual battery or rape as defined by state law; May include any sexual act or penetration which is accompanied by threat, coercion, use of restraint or force, or any sexual act where the respondent knows, or should have known, that the victim was unable or incapable of giving consent.

**(w)Sexual Misconduct.** An offense including acts of sexual assault, domestic violence, dating violence and/or stalking as defined in East Tennessee State University's Student Sexual Misconduct Policy. All matters involving allegations of sexual misconduct will be governed by the procedures set forth in East Tennessee State University's Student Sexual Misconduct Policy.

## Additional Definitions:

 [ADVISOR](#)

→ **COMPLICITY**

→ **CONSENT**

→ **CONSENSUAL RELATIONSHIPS**

### — **CYBER-STALKING**

A particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion. Some examples of cyber-stalking include, but are not limited to, unwelcome or unsolicited emails, instant messages, and messages on on-line bulletin boards. It also includes, but is not limited to, unsolicited communications about a person, their family, friends, or co-workers, or sending or posting unwelcome and unsolicited messages with another username.

→ **DATING VIOLENCE**

→ **DOMESTIC VIOLENCE**

### — **HARASSMENT**

Harassment is conduct that is based on a person's race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, genetic information, or any other category protected by federal or state civil rights law, that Adversely affects a term or condition of an

Has the purpose or effect of unreasonably interfering with an individual's employment or academic performance or creating an intimidating, hostile, offensive or abusive environment of the individual; or is used as a basis for or a factor in decisions that tangibly affect that individual's employment, education, participation in an institution's activities or living environment. Not every act that might be offensive to an individual or a group will be considered harassment. (TBR Policy P-080)

→ **IMPACT STATEMENT**

→ **INCAPACITATION**

→ **NON-CONSENSUAL SEXUAL CONTACT**

→ **PARTIES**

→ **RESPONDENT**

→ **RETALIATION**

→ **SEXUAL ASSAULT**

→ **SEXUAL COERCION**

→ **SEXUAL EXPLOITATION**

→ **SEXUAL HARASSMENT**

criteria is met: submission to such conduct is made either explicitly or implicitly as a term or condition of the individual's employment or of the individual's status in a program, course, or activity; submission to or rejection of such conduct by an individual is used as a basis for employment decisions, a criterion for evaluation, or a basis for academic or other decisions affecting such individual; such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or educational experience, or creating an intimidating, hostile, or offensive work or educational environment. Whether the alleged conduct constitutes sexual harassment depends upon the record as a whole and the totality of the circumstances, such as the nature of sexual advances in the context within which the alleged incident occurs. Verbal expressions or written material that is relevant and appropriately related to course subject matter or curriculum may not be considered harassment. Sexual harassment and racial harassment have been held to constitute forms of discrimination prohibited by Title VI, Title VII of the Civil Rights Act of 1964, as amended, and Title IX of the Educational Amendments of 1972. The University may be held liable pursuant to Title VI or Title VII and/or lose federal funds pursuant to Title IX for failure to properly investigate and remedy claims of sexual or racial harassment.

[→ STALKING](#)

[→ STUDENT](#)

[→ TITLE IX](#)

[→ TITLE IX COORDINATOR](#)

[→ WITNESS](#)



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