



Title IX Policy and Sexual Misconduct Process

To speak with the Title IX Office, please contact Brittany Brickman, Title IX Coordinator, titleix@clarku.edu, 1-508-793-7194.

Emails or voicemails left for the Title IX team will be returned at our earliest convenience.

For emergencies, please contact University Police at [1-508-793-7575](tel:1-508-793-7575).

Clark University is committed to providing a learning and working environment free of discrimination, harassment, or violence. The University encourages individuals to come forward if they have experienced any form of sexual misconduct, discrimination, harassment, or violence.

For conduct that occurs after August 1, 2024, this [Title IX Policy](#) covers conduct including sex-based harassment, sex/gender discrimination, sexual assault, sexual violence, rape, stalking, and relationship violence (including domestic and dating violence), as well as harassment that targets a person based on gender identity, transgender identity, gender transition, or pregnancy. This policy covers conduct defined by the Title IX regulations issued by the Department of Education, as well as other conduct prohibited by Clark University. This Policy also contains the procedures that will be used when a report of prohibited conduct is made to the Clark University Title IX Office. This policy applies to all Clark University students, faculty, and staff.

For conduct that occurred prior to August 1, 2024, this [Sexual Offenses Policy](#) covers conduct including sexual harassment, sex/gender discrimination, sexual assault, sexual violence, rape, stalking, and relationship violence (including domestic and dating violence), as well as harassment that targets a person

based on gender identity, transgender identity, or gender transition. This policy covers conduct defined by the Title IX regulations issued by the Department of Education, as well as other conduct prohibited by Clark University. This Policy also contains the procedures that will be used when a report of prohibited conduct is made to the Clark University Title IX Office. This policy applies to all Clark University students, faculty, and staff.

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PLEASE NOTE

The party making an allegation of a sexual offense is considered a complainant and the party being accused is called a respondent.

Definitions

The definitions below can be found in Sections III and IV of the Sexual Offenses Policy. The Title IX regulations issued by the U.S. Department of Education require the University to apply specific definitions and procedures for conduct that is covered by those regulations. For definitions of Prohibited Conduct and procedures pertaining to conduct defined by the Title IX regulations see Appendix A of The Sexual Offenses Policy.

- [Consent](#)
- [Incapacitation](#)
- [Relationship Violence](#)
- [Retaliation](#)
- [Sexual assault](#)
- [Sexual exploitation](#)
- [Sexual harassment](#)
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Consent

Effective, clear consent is defined as a freely and affirmatively communicated willingness to participate in sexual activity, expressed either by words or clear, unambiguous actions.

- It is the responsibility of the initiator of the sexual activity to ensure that they have the other person's consent to engage in sexual activity.
- Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly.
- Consent cannot be assumed because of the existence of a dating relationship between the persons involved or due to the existence of a previous sexual relationship between the persons.
- Silence, in and of itself, cannot be interpreted as consent. Consent must be present throughout the sexual activity by all parties involved.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- The respondent or complainant's use of alcohol or other drugs does not diminish the respondent's responsibility.

Consent may never be given by minors (in Massachusetts, those not yet sixteen [16] years of age), those who have a mental disability, those who are incapacitated as a result of alcohol or other drug consumption (voluntary and involuntary), or those who are unconscious, unaware, or otherwise physically helpless.

Incapacitation

Incapacitation is the lack of physical or intellectual capability to consent. Being incapacitated differs from being intoxicated or drunk. A person who is incapacitated cannot understand the fact, nature, or extent of sexual activity. Incapacitation may be a result of consuming alcohol, drugs, or other intoxicating substances, being unconscious or asleep, and/or other factors that could alter one's faculties. It is a violation of this Policy to engage in sexual activity with a person who is incapacitated, regardless of whether the person appeared to be a willing participant.

Relationship Violence

Relationship violence (including domestic, dating, and intimate partner violence) is violent or controlling behavior by a person who is currently or was previously in a social relationship of a romantic or intimate nature with the Complainant. Relationship violence includes actual or threatened physical injury, sexual assault, psychological abuse, economic control, controlling/possessive behavior and/or progressive social isolation, threatening self-harm if the other partner leaves the relationship; destroying property, or monitoring a partner's calls and emails in order to manipulate or isolate.

Retaliation

The University will not tolerate retaliation in any form against any persons for their participation or involvement in the reporting, investigation, and/or resolution of matters subject to the Sexual Offenses Policy and Process. The University will take appropriate steps to prevent and/or address retaliatory conduct immediately. Retaliation includes any acts or words that constitute intimidation, threats, or coercion because of that person's (1) report of Policy violation(s); (2) assistance in reporting of Policy

violation(s); (3) participation in any proceeding under the policy; or (4) protest of Policy conduct, and that would also deter a reasonable person from reporting or assisting in reporting a violation of the policy, participating in any proceeding under the policy, or protesting of the Policy.

Sexual Assault

Sexual assault is any sexual penetration (anal, oral, or vaginal), however slight, with any object or sexual intercourse by one or more persons upon another without effective consent. Sexual penetration includes vaginal or anal penetration by a penis, object, tongue, or finger, and oral copulation by mouth-to-genital contact or genital-to-mouth contact.

Sexual Exploitation

Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute sexual assault, sexual misconduct, or sexual harassment. Examples of sexual exploitation include, but are not limited to: making public sexual activity with another person without that other person's consent; prostituting another person; non-consensual video- or audio-taping of sexual activity; going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex); voyeurism; and/or knowingly transmitting a sexually transmitted infection (STI) or HIV to another person.

Sexual Harassment

Sexual harassment consists of any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. This includes, but is not limited to: submission to, or rejection of, such conduct that is made either implicitly or explicitly a term or condition of employment or participation in an education program; submission to, or rejection of, such conduct that is used as the basis for employment or academic decisions affecting a student, faculty, or staff member; such conduct that has the purpose or effect of interfering with a student, faculty, or staff member's work or academic performance; or such conduct that creates a hostile or intimidating work or academic environment and is severe, pervasive or objectively offensive.

Please Note: Consistent with Title IX Federal Regulations, Appendix A includes a different definition of Sexual Harassment that is applicable when the Title IX Coordinator determines that a complaint falls under Appendix A and will be handled using Appendix A.

Sexual Misconduct

Sexual misconduct is any intentional sexual touching of a person, however slight, with any object without effective consent. Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth, or

another bodily orifice of another or any other bodily contact in a sexual manner. Any disrobing of, or exposure to, another person without effective consent is considered a violation of this policy.

Stalking on the Basis of Sex

Stalking is a course of conduct (two or more acts) directed at a specific person that would cause a reasonable person to a) fear for their safety or the safety of others or b) suffer substantial emotional distress. Stalking behaviors include, but are not limited to: non-consensual communication (including in-person communication, telephone calls, voice/text/email messages, social networking site postings, instant messages, postings of pictures or information on websites, written letters, gifts, or any other communications that are undesired and/or place another person in fear); following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by a person; surveillance and other types of observation, whether by physical proximity or electronic means; vandalism; trespassing; nonconsensual touching; direct physical or verbal threats against a person and/or their loved ones; gathering of information about a person from family friends, co-workers, and/or classmates; manipulative and controlling behaviors such as threats to harm oneself or threats to harm someone close to that person; and defamation or slander against a person.

Additionally Prohibited Conduct

Aiding or Facilitating a Sexual Offense

Aiding or facilitating a sexual offense means promoting or encouraging the commission of any behavior prohibited under this policy. Members of the Clark community are prohibited both from personally engaging in sexual offenses, and also from engaging in conduct which assists or encourages another person to engage in such misconduct.

Attempted Violations

In most circumstances, Clark University will treat attempts to commit any of the violations listed in this policy as if those attempts had been completed.

False Reports

Clark University will not tolerate intentional false reporting of incidents. It is a violation of the Student Code of Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

Changes in Title IX Regulations

Need to better understand federal regulations around sexual misconduct? Check out this overview from the Department of Education.

[Learn More >](#)

CONTACT INFORMATION

Title IX Office

OFFICE LOCATION

- 📍 Shaich Family Alumni and Student Engagement Center
Third Floor
939 Main St.
Worcester, MA 01610

CONTACT INFORMATION

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