

Interim Sexual Misconduct Policy FAQs

Frequently Asked Questions regarding the revised Interim Sexual Misconduct Policy

~~LA 14~~, 2020

Under the revised policy, will conduct that previously constituted a violation of College policy continue to constitute a violation of college policy?

Yes. Conduct that previously constituted a violation of College policy will continue to constitute a violation of College policy. However, such conduct may be adjudicated under different grievance processes (the Title IX Sexual Harassment process or the Sexual Misconduct process).

What kinds of conduct fall under the Title IX Sexual Harassment process versus the Sexual Misconduct process?

The ~~TI~~*Sexual Harassment* process is based on definitions set forth in regulations from the U.S. Department of Education under Title IX, and the scope of the policy is limited under the regulations to the following:

1. conduct that occurs within the United States; and
2. conduct that occurs within the College's education program or activity.

When those two parameters have been met, the policy applies to allegations of Quid Pro Quo Sexual Harassment, Title IX Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. For example, depending on the circumstances, the following types of allegations would likely fall under the Title IX Sexual Harassment process:

- Student A alleges that Student B sexually assaulted them in Student A's on-campus dorm room.
- Student A alleges that Student B engaged in dating violence at the Marketplace.
- Student A alleges that Faculty Member B engaged in severe and pervasive sexual harassment of them in an on-campus laboratory.
- Student A alleges that Faculty Member B engaged in quid pro quo sexual harassment of them during field work in Nevada.

The ~~SM~~*Misconduct* applies to allegations of Sexual Harassment, Sexual Assault, Domestic Violence, and Stalking that occur on the College campus, such as travel, research, or internship programs; or

3. conduct that involves the use of the College's computing and network resources from a remote location, including but not limited to accessing email accounts.

