

## Glossary of Terms/Definitions\*

**Sexual Harassment**: unwelcome conduct on the basis of sex that satisfies one or more of the following:

1. An employee of Alcorn State University conditioning the provision of an aid, benefit, or service of Alcorn on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person's equal access to education program or activity; or
3. Sexual assault (as defined in the Clery Act), dating violence, domestic violence or stalking as defined in the Violence Against Women Act (VAWA).

Sexual harassment is not limited to being bi-directional (male-to-female and female-to-male). Prohibited conduct, is still prohibited irrespective of the identity of the Complainant and Respondent. As explained, any person may experience sexual harassment as a form of sex discrimination, irrespective of the identity of the Complainant or Respondent.

*Notice: Alcorn's Title IX definition of sexual harassment, consistent with the United States Supreme Court's "Davis" definition is intended to provide First Amendment protections appropriate for educational institution where students are learning and employees are teaching. At Alcorn State University students, teachers, faculty, and others enjoy free speech and academic freedom protection even when speech or expression is offensive.*

**Sexual violence**: a form of sexual harassment. Sexual violence, as the U.S. Department of Education's Office of Civil Rights uses the term, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

**Sexual Assault** (Sex Offenses): Any sexual act directed at another person, without consent of the victim, as defined in the Clery Act, including instances where the victim is incapable of giving consent, including:

**Rape**: The 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. This offense includes both males and females.

**Fondling**: The touching of the private 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 his/her age or because of his/her temporary or permanent mental incapacity.

**Incest**: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape**: Sexual intercourse with a person who is under the age of consent (in Mississippi, according to Miss. Code §97-3-65, effective consent cannot be given by persons under the age of 14. Persons who are at least 17 years old cannot receive effective consent from anyone between the ages of 14 and 16 or younger by more than 36 months.)

For the purposes of this definition:

**Consent** means voluntary, positive agreement between the participants to engage in specific sexual activity.

**Stalking**: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or to suffer substantial emotional distress.

- *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, threatens, or communicates to or about a person, or interferes with a person's property.
- *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or professional treatment or counselling.

**Dating Violence:** Violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (2) where the existence of such a relationship shall be determined based on a consideration of its *length, type, and 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:** A felony or misdemeanour crime of violence committed by:

- A current or former spouse of intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Gender-based harassment:** Unwelcome conduct based on a person's actual or perceived sex. It includes slurs, taunts, stereotypes, or name-calling, as well as gender-motivated physical threats, attacks, or other hateful conduct.

**Actual knowledge:** Notice of sexual harassment or allegations of sexual harassment to Alcorn's Title IX Coordinator or any other Alcorn official who has authority to institute corrective measures on behalf of Alcorn.

**Deliberate indifference:** Standard used to evaluate Alcorn's selection of supportive measures and remedies, and responding to sexual harassment in a manner that is "clearly unreasonable in light of the known circumstances."

**Retaliation:** Intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under regulations implementing Title IX.

**Complainant:** An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

**Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**Advisor:** Under the conditions outlined in the applicable procedures, the parties in a Title IX grievance process each may be entitled to designate an "advisor" to support him or her during the investigation process. Advisors are individuals who, provide support to the advisee throughout the Title IX investigation. An advisor should be someone who can assist the party without conflict and thus, may not have any other involvement in the process. The advisor may be present when their advisee is being interviewed and can give feedback to their advisee in private. They may not speak for their advisee during the interview or hearing. The Advisor may not an attorney, but is required to be an attorney.

**Responsible Employee:** Designated people within the Alcorn community, who must report incidents of sexual assault or sexual harassment to the Title IX Coordinator. Most faculty and staff at Alcorn State University are considered "responsible employees" and thus must report. Some employees are considered "Confidential Employees", who do not need to share information.

**Grievance Procedure:** The process by which Alcorn investigate and adjudicate sexual harassment under Title IX. Alcorn uses this process and procedure to respond to Formal Complaints of sexual harassment.

**Title IX Committee:** A group of five (5) individuals from the Alcorn faculty and staff. The purpose and mission of this committee is to assist with investigations pursuant to Title IX. In addition, the committee is an integral component of developing and implementing Alcorn's sexual harassment policy.

**Supportive Measures:** Individualized services (provided to either party, or both parties), reasonably available, offered without charge/fee, designed to restore or preserve a complainant's equal access to the Alcorn's education program or activity without unreasonably burdening the other party, and/or designed to protect the complainant's safety or deter sexual harassment. Support measures should be non-punitive and non-disciplinary. Examples include: (1) Mutual no contact order prohibiting communication between the parties, (2) supervising the respondent, (3) informing the respondent of the Alcorn's policy against sexual harassment, (4) mental health services, (5) academic arrangements or adjustments, (6) modification of work, housing and/or class schedule, and (7) leaves of absence.

*NOTE: Supportive measures shall remain as confidential to the extent that such confidentiality would not impair the ability to provide the supportive measures. The Title IX Coordinator shall bear responsibility for coordinating the effective implementation of supportive measures.*

**Clear and Convincing:** Alcorn is required to use a standard of evidence to determine if a respondent is responsible for an incident. Clear and convincing evidence is defined as follows: that weight of proof which produces in the mind of decision-maker a firm belief or conviction as to the truth of the allegations sought to be established, evidence so clear and direct and weighty and convincing as to enable the decision-maker to come to a clear conviction, without hesitancy, of the truth of the precise facts of the case.

**Formal Complaint:** A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the school investigate the allegation of sexual harassment. The only Alcorn official who is authorized to initiate a grievance process against a respondent is the Title IX Coordinator (by signing a formal complaint). At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of Alcorn State University (the school with which the Formal Complaint is filed).

**Document filed by Complainant:** a document or electronic submission (such as by e-mail or through an online portal provided for this purpose by Alcorn) that contains the complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint the Title IX Coordinator is not a Complainant or party during the grievance process, and must comply with requirements for Title IX personnel to be free from conflicts or bias.

\*This section may appear at the front of the policy