

# YALE SEXUAL MISCONDUCT POLICIES AND RELATED DEFINITIONS

Yale University is committed to maintaining and strengthening educational, working, and living environments founded on mutual respect in which students, faculty, and staff are connected by strong bonds of intellectual dependence and trust. Sexual misconduct is antithetical to the standards and ideals of our community. Therefore, Yale University prohibits all forms of sexual misconduct.

Yale aims to eradicate sexual misconduct through education, training, clear definitions and policies, and serious consequences for policy violations. The University Title IX Coordinator has responsibility for ensuring compliance with Yale's policies regarding sexual misconduct. The University-Wide Committee on Sexual Misconduct (UWC) and the University and Deputy Title IX coordinators address allegations of sexual misconduct.

These policies apply to all members of the Yale community as well as to conduct by third parties (i.e., individuals who are not students, faculty, or staff, including but not limited to guests and consultants) directed toward University students, faculty, or staff members. Conduct that occurs in the process of application for admission to a program or selection for employment is covered by these policies. These policies also apply to conduct that occurs in Yale-related off-campus activities.

Many forms of sexual misconduct are prohibited by federal law, including Title IX of the education amendments of 1972, and by Connecticut statutes, and could result in criminal prosecution or civil liability.

## SEXUAL MISCONDUCT

Sexual misconduct incorporates a range of behaviors including sexual assault, sexual harassment, intimate partner violence, stalking, voyeurism, and any other conduct of a sexual nature that is nonconsensual or has the purpose or effect of threatening, intimidating, or coercing a person.

Sexual misconduct often includes nonconsensual sexual contact, but this is not a necessary component. For example, threatening speech that is sufficiently severe or pervasive to constitute sexual harassment is sexual misconduct. Making photographs, video, or other visual or auditory recordings of a sexual nature of another person without consent constitutes sexual misconduct, even if the activity documented was consensual. Similarly, sharing such recordings or other sexually harassing electronic communications without consent is a form of sexual misconduct.

Violations of Yale's Policy on Teacher-Student Consensual Relations and its Policy on Relationships between Staff Members are also forms of sexual misconduct.

Yale's policies and definitions apply to all members of the Yale community, regardless of their sex or gender.

**NOTE:** Federal regulations for the implementation of Title IX of the Education Amendments of 1972 provide detailed rules for addressing formal complaints about some types of sexual misconduct. Sexual misconduct covered by these regulations is referred to as “Title IX sexual misconduct”. Yale’s broader definitions of sexual misconduct include Title IX sexual misconduct. For questions about Title IX sexual misconduct or the rules applicable to formal complaints, please contact a Title IX Coordinator or the UWC.

## **SEXUAL HARASSMENT**

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature on or off campus, when: (1) submission to such conduct is made either explicitly or implicitly a condition of an individual’s employment or academic standing; or (2) submission to or rejection of such conduct is used as the basis for employment decisions or for academic evaluation, grades, or advancement; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creating an intimidating or hostile academic or work environment. Sexual harassment may be found in a single episode, as well as in persistent behavior.

## **SEXUAL ASSAULT**

Sexual assault is any kind of nonconsensual sexual contact, including rape, groping, or any other form of nonconsensual sexual touching.

## **SEXUAL CONSENT**

Under Yale’s policies, sexual activity requires affirmative consent, which is defined as positive, unambiguous, and voluntary agreement to engage in specific sexual activity throughout a sexual encounter. Consent cannot be inferred merely from the absence of a “no.” A clear “yes,” verbal or otherwise, is necessary. Consent to some sexual acts does not constitute consent to others, nor does past consent to a given act constitute present or future consent. Consent must be ongoing throughout a sexual encounter and can be revoked by any participant at any time.

Consent cannot be obtained by threat, coercion, or force. Agreement under such circumstances does not constitute consent. Consent cannot be obtained from someone who is asleep or otherwise mentally or physically incapacitated due to alcohol, drugs, or some other condition. A person is mentally or physically incapacitated when that person lacks the ability to make or act on considered decisions to engage in sexual activity. Engaging in sexual activity with a person whom you know – or reasonably should know – to be incapacitated constitutes sexual misconduct.

## **GUIDANCE REGARDING SEXUAL CONSENT**

Consent can be accurately gauged only through direct communication about the decision to engage in sexual activity. Presumptions based upon contextual factors (such as clothing, alcohol consumption, or dancing) are unwarranted, and should not be considered as evidence for consent.

Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and gauging consent. Talking with sexual partners about desires

and limits may seem awkward, but it serves as the basis for positive sexual experiences shaped by mutual willingness and respect.

When alcohol or other drugs are involved, incapacitation is a state beyond drunkenness or intoxication. An inability to remember events is not on its own sufficient to demonstrate incapacitation. A person may be able to make and act on a considered decision to engage in sexual activity but not remember having done so.

## INTIMATE PARTNER VIOLENCE

Intimate partner violence (IPV) occurs when a current or former intimate partner uses or threatens physical or sexual violence. IPV also may take the form of a pattern of behavior that seeks to establish power and control by causing fear of physical or sexual violence. Stalking may also constitute IPV.

IPV may be accompanied by a range of abusive/controlling behaviors by a current or former intimate partner, such as verbal, emotional, or financial abuse. If you have experienced any of these behaviors, the SHARE Center and Title IX coordinators are available to assist you.

## STALKING

Stalking is repeated or obsessive unwanted attention on the basis of sex that is directed toward an individual or group and that is likely to cause alarm, fear, or substantial emotional distress. Stalking may take many forms, including following, lying in wait, monitoring, and pursuing contact. Stalking may occur in person or through a medium of communication, such as letters, email, text messages, or phone calls. In some circumstances, two instances of such behavior may be sufficient to constitute stalking.

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