

## 2. Definitions

Sexual harassment and sexual violence consist of the following:

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature (including sexual assault, dating violence, domestic violence, and stalking), when:
  - submission to such conduct is either explicitly or implicitly a term or condition of an individual's employment or education; or
  - submission to, or rejection of, that conduct is used as the basis for an employment or academic decision affecting such individuals; or
  - such conduct is sufficiently severe or pervasive as to have the effect of creating a hostile or offensive work or educational environment that substantially interferes with work or educational performance or negatively affects an individual's employment or educational opportunities.

Sexual harassment may include verbal and non-verbal communications and other physical conduct. Sexually harassing conduct may include but is not limited to verbal, physical, written, graphic, pictorial, and sexual violence incidents. Not every act that may be offensive to an individual or group constitutes sexual harassment. In determining whether sexual harassment or sexual violence has occurred, the totality of the circumstances surrounding the incident must be carefully reviewed and due consideration must be given to the protection of individuals' rights, freedom of speech, academic freedom, and advocacy. Complaints of sexual harassment and sexual violence, including sexual assault, dating violence, domestic violence, and stalking, will be reviewed from a standard of a "reasonable person" as the same sex of the complainant.