

## **Tuskegee University Title IX Policy**

**B.**

the defendant is not sufficient to constitute consent. Evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device or sexually transmitted disease protection, without additional evidence of consent, is not sufficient to constitute consent.

**Mentally Incapacitated** means a person is rendered temporarily incapable of appraising or controlling his/her conduct due to the influence of a narcotic, anesthetic, alcohol, or other substance, including substances administered without consent, or due to any other act committed upon the victim without consent.

**Physically Helpless** means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

**Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment, as defined herein. A respondent must be enrolled at or employed by TU when the formal complaint is filed.

**Sex discrimination** means an adverse action taken against an individual because of sex, including sexual harassment as defined herein, and sexual exploitation. Both men and women can file complaints of sex discrimination.

**Sexual exploitation** is when one person takes nonconsensual or abusive sexual advantage of another person or violates the sexual privacy of another person without their consent. Examples include recording, photographing, transmitting, viewing, or distributing intimate or sexual images or sexual information without the knowledge and consent of all parties involved and voyeurism (i.e., spying on others who are in intimate or sexual situations). Sexual exploitation does not include non-consensual sexual penetration or non-consensual sexual contact.

**Sexual harassment** means conduct on the basis of sex that satisfies one or more of the following:

- (1) **Quid pro quo** meaning an employee of TU conditioning provision of a TU aid, benefit, or service 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 equal access to the University's education program or activity; and/or one or more of the following:
    - (3)
- (a) **Sexual assault** Sex Offenses, Forcible—Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.

**Forcible Rape—(Except Statutory Rape)** The carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.

Forcible Sodomy—Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sexual Assault With An Object—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Forcible Fondling—The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sex Offenses, Non-forcible—(Except Prostitution Offenses) Unlawful, non-forcible sexual intercourse.





responsibility becomes final either on the date that TU provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

(4) **Appeals** Either or both parties may appeal





(B) Any appeal and the result therefrom;

(C) Any informal resolution and the result therefrom; and

(D) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. A recipient must make these training materials publicly available on its website, or if the recipient does not maintain a website the recipient must make these materials available upon request for inspection by members of the public.

**G. Training**

3. Applicants for admission
4. Application for employment This policy must be available:
  1. On the University website
  2. In hard copy at multiple campus locations
  3. In both printed and electronic publications, including student, staff, and faculty handbooks, codes of conduct, and catalogs