Overview of Policy Revisions

1. Consent.
The Policy substantially revises the definition of consent. It also provides a detailed treatment of: (i) what is, and what is not, consent; (ii) the role of alcohol and drugs in connection with incapacitation; and (iii) other important points about circumstances that do not imply or constitute consent, e.g., “silence, passivity, or lack of resistance alone or in combination does not constitute consent.”

2. Confidentiality.
The Policy provides a substantially expanded discussion of the role and parameters of confidentiality.

The Policy articulates new principles regarding consensual relationships between academic appointees and students, as well as any situation involving a substantial power difference between the participants in the relationship. First, the Policy prohibits sexual or romantic relationships between faculty/other academic appointees and undergraduate students, as well as between athletic coaches and undergraduate students. Second, the Policy prohibits graduate students with an academic teaching or academic supervisory role (e.g., preceptor, teaching assistant, lecturer) from having a sexual or romantic relationship with an undergraduate student whom he or she teaches or supervises, during the duration of the teaching or supervisory relationship. Third, although not per se prohibited, relationships between graduate or professional school students and academic appointees must occur within boundaries designed to ensure fairness and minimize the inappropriate exercise of authority. As a result, the academic appointee must promptly report the existence of the relationship to his/her chair or dean after which a management plan must be devised and administered. Fourth, the Policy addresses sexual and romantic relationships among others at the University where there is an unequal power dynamic (e.g., supervisor-subordinate, faculty member-postdoctoral researcher).

4. Response Without Complainant’s Cooperation.
The Policy states the principle that, in some instances (e.g., threat to community), the University may proceed with an investigation and adjudication of a matter involving sexual misconduct without the complainant’s cooperation.

5. Leniency.
The Policy states the University’s commitment to offer leniency to complainants with regard to other violations of University policies (e.g., underage drinking) that come to light as a result of a report of sexual misconduct.

6. No Time Limits.
The Policy clarifies that the University does not impose a time limit after which it will not consider reports of sexual misconduct, although it notes that the timely filing of a report usually enables the development of the most useful and relevant recent recollections and evidence, and facilitates more prompt resolution.

7. Past Sexual History.
The Policy generally prohibits consideration of the complainant or respondent’s sexual history, but recognizes that there may be certain limited instances in which the sexual history between the parties may have limited relevance to explain context.

8. Anonymous Reports.
The Policy addresses how the University handles instances where the complaining party wishes to remain anonymous.
9. **Sexual Abuse and Sexual Assault.**
The Policy separately defines sexual abuse and sexual assault, as those concepts had been categorized in past policies as falling under a single concept (sexual assault) and this was confusing.

10. **Responsible Employee.**
The Policy defines “responsible employee” within the meaning of Title IX.

11. **Interim Measures.**
The Policy now defines interim measures that may be taken before the outcome of any investigation.

12. **“Location” of Misconduct.**
The Policy’s introduction has been augmented by a paragraph that addresses Policy’s applicability to misconduct that occurs: (i) on University property; or (ii) off University property, if (a) the conduct occurred in connection with a University or University-sponsored or –recognized program or activity; or (b) the conduct has or reasonably may have the effect of creating a hostile educational or work environment for a member of the University community.

13. **Means of Harassment.**
The definition of harassment has been expanded to recognize that prohibited harassment can occur not only via verbal or physical conduct, but also by the use of technology.

14. **Policy Title.**
The Policy’s title has been changed to “Policy on Harassment, Discrimination and Sexual Misconduct.”