

Interim Title IX & Sexual Misconduct Chart

Below is a chart that will help in explaining what Prohibited Conduct is under the Interim Title IX & Sexual Misconduct Policy.

Allegation of Sexual Misconduct	Is considered <i>Title IX Sexual Misconduct</i> if . . .	Is considered <i>Non-Title IX Sexual Misconduct</i> if . . .	
Quid Pro Quo Sexual Harassment	<p>A WPI employee [is] conditioning the provision of an aid, benefit, or service of WPI on a person’s participation in unwelcome sexual conduct.</p> <p>- AND - it occurred against a person in the United States, on or after August 14, 2020, and within the context of a WPI Education Program or Activity.</p>	<p>(1) A WPI employee [is] conditioning the provision of an aid, benefit, or service of WPI on a person’s participation in unwelcome sexual conduct.</p> <p>- BUT - it <u>did not</u> occur against a person in the United States, on or after August 14, 2020, and/or within the context of a WPI Education Program or Activity</p>	<p>(2) [It is] unwelcome conduct of a sexual nature, including sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature, when:</p> <p>(a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or academic standing; or</p> <p>(b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting that individual.</p>
Hostile Environment Sexual Harassment	<p>[It is] unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively</p>	<p>(1) [It is] unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal</p>	<p>(2) [It is] unwelcome conduct of a sexual nature, including sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature, when: The</p>

	<p>denies a person equal access to WPI's education program or activity.</p> <p>- AND - it occurred against a person in the United States, on or after August 14, 2020, and within the context of a WPI Education Program or Activity.</p>	<p>access to WPI's education program or activity.</p> <p>- BUT - it <u>did not</u> occur against a person in the United States, on or after August 14, 2020, and/or within the context of a WPI Education Program or Activity</p>	<p>conduct has the purpose or effect of unreasonably interfering with an individual's work or a student's ability to participate in or benefit from the University's educational program, if, for example, the conduct is sufficiently severe, pervasive, or persistent that it creates an intimidating, hostile, or offensive working, learning, or living environment under both an objective (i.e., a reasonable person's view) and subjective (i.e., the complainant's view) standard.</p>
<p>Sexual Assault (a form of Sexual Violence)</p>	<p>It is a "Forcible Sex Offense" or "Nonforcible Sex Offense" as defined in the Clery Act and the FBI's National Incident-Based Reporting System.</p> <p>- AND - it occurred against a person in the United States, on or after August 14, 2020, and within the context of a WPI Education Program or Activity.</p> <p>NB: Forcible Sex Offenses are:</p> <ul style="list-style-type: none"> • Forcible Rape • Forcible Sodomy • Sexual Assault with an Object • Forcible Fondling 	<p>(1) It is a "Forcible Sex Offense" or "Nonforcible Sex Offense" as defined in the Clery Act and the FBI's National Incident-Based Reporting System.</p> <p>- BUT - it <u>did not</u> occur against a person in the United States, on or after August 14, 2020, and/or within the context of a WPI Education Program or Activity.</p> <p>NB: Forcible Sex Offenses are:</p> <ul style="list-style-type: none"> • Forcible Rape • Forcible Sodomy • Sexual Assault with an Object • Forcible Fondling 	<p>(2) [It is] any intentional sexual contact or activity that occurs without the consent of the other person.</p>

	<p>Nonforcible Sex Offenses are:</p> <ul style="list-style-type: none"> • Incest • Statutory Rape 	<p>Nonforcible Sex Offenses are:</p> <ul style="list-style-type: none"> • Incest • Statutory Rape 	
<p>Relationship Violence (a form of Sexual Violence)</p>	<p>It is considered “Dating Violence” or “Domestic Violence” as defined in the Violence Against Women Act.</p> <p>- AND - it occurred against a person in the United States, on or after August 14, 2020, and within the context of a WPI Education Program or Activity.</p>	<p>(1) It is considered “Dating Violence” or “Domestic Violence” as defined in the Violence Against Women Act.</p> <p>- BUT - it <u>did not</u> occur against a person in the United States, on or after August 14, 2020, and/or within the context of a WPI Education Program or Activity.</p>	<p>(2) [It is] physical, sexual, psychological, verbal and/or emotional behavior that serves to exercise control and power in an intimate relationship. . . Relationship violence can occur between current or former intimate partners who have dated, lived together, have a child together, currently reside together on or off campus, or who have otherwise connected through a past or existing relationship. It can occur in heterosexual, same sex, or any other type of relationship.</p>
<p>Stalking</p>	<p>It is considered “Stalking” as defined in the Violence Against Women Act.</p> <p>- AND - it occurred against a person in the United States, on or after August 14, 2020, and within the context of a WPI Education Program or Activity.</p>	<p>(1) It is considered “Stalking” as defined in the Violence Against Women Act.</p> <p>- BUT - it <u>did not</u> occur against a person in the United States, on or after August 14, 2020, and/or within the context of a WPI Education Program or Activity.</p>	<p>(2) [It is] engaging in a course of conduct directed at a specific person over time that would cause a reasonable person to (a) fear for their safety or the safety of others; or (b) suffer substantial emotional distress. This policy covers stalking that is motivated by the person’s real or perceived sex, gender, sexual orientation, or gender identity or expression. For purposes of this policy, “course of conduct” means two or more acts, including but not limited</p>

			<p>to acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.</p>
<p>Violence or harassment based on gender, sexual orientation, or gender identity or expression</p>	<p>It is violence or harassment based on gender, sexual orientation, or gender identity or expression that meets one of the definitions listed above</p> <p>- AND - it occurred against a person in the United States, on or after August 14, 2020, and within the context of a WPI Education Program or Activity.</p>	<p>It is violence or harassment based on gender, sexual orientation, or gender identity or expression that meets one of the definitions listed above</p> <p>- BUT - it <u>did not</u> occur against a person in the United States, on or after August 14, 2020, and/or within the context of a WPI Education Program or Activity.</p>	<p>[It is] violence or unwelcome conduct directed at a person due to their gender, sexual orientation, or gender identity or expression when:</p> <p>(a) Submission to such violence or is made either explicitly or implicitly a term or condition of an individual's employment or academic standing; or</p> <p>(b) Submission to or rejection of such violence or conduct by an individual is used as the basis for employment decisions or academic decisions affecting that individual; or</p> <p>(c) The violence or conduct has the purpose or effect of unreasonably interfering with an individual's work or a student's ability to participate in or benefit from the University's educational program, if, for example, the conduct is sufficiently severe, pervasive, or persistent that it creates an intimidating, hostile, or offensive working, learning, or living environment under both an objective (i.e., a reasonable person's view) and</p>

			subjective (i.e., the complainant's view) standard.
Inappropriate Relationships	Not prohibited by Title IX	<p>[They are] sexual or romantic relationships in the workplace or academic environment at WPI that are prohibited by this policy. WPI prohibits the following sexual or romantic relationships because they are fundamentally asymmetric in nature, may be the product of subtle or not-so-subtle coercion, or may lead to favoritism for the subordinate.</p> <p>(a) Sexual or romantic relationships between WPI employees and undergraduate students are prohibited, except in rare and unusual circumstances involving preexisting relationships.</p> <p>(b) Sexual or romantic relationships between WPI employees and graduate students are prohibited where there is a supervisory relationship between the employee and the graduate student.</p> <p>(c) Sexual or romantic relationships between a supervisor and a supervisee are prohibited. If a student employee (e.g., TA, RA, PLA, undergraduate student assistant, or work-study student) is assigned to a course and has a preexisting sexual or romantic relationship with one of the enrolled students, they are obligated to inform the instructor of the course so that alternative arrangements can be made.</p>	
Retaliation	<p>Neither WPI nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, 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 Title IX or this policy.</p> <p>Retaliation includes, intimidation, threats, coercion, or discrimination, including charges against an individual for conduct violations that do not involve sex discrimination or sexual misconduct, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sex discrimination or sexual misconduct for the purpose of interfering with any right or privilege secured by Title IX or this policy.</p> <p>Retaliation does not include charging an individual with a conduct violation for making a materially false</p>		

	<p>statement in bad faith under this Policy; provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.</p> <p>WPI will not charge a Complainant with a conduct violation for their actions that arise out of the same facts or circumstances as a report or their formal complaint of Sexual Misconduct unless the report or formal complaint was made in bad faith or the conduct violation was egregious, including but not limited to action(s) that place the health and safety of another person at risk.</p>
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