



Student Code of Conduct

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Policy Owner: Division of Student Affairs

V. STUDENT SEXUAL MISCONDUCT POLICY

The University is committed to fostering a learning, living, and working environment grounded in respect for the dignity of every person, consistent with its Catholic, Jesuit mission and values.

The Student Sexual Misconduct Policy addresses allegations of sexual misconduct involving students that fall outside the scope of the University's [Title IX Policy](#). While certain forms of sexual misconduct are governed by federal Title IX regulations, the University recognizes that other forms of sexual misconduct may nevertheless violate University policy and warrant action through the Student Conduct process.

The University's Title IX Policy governs reports that fall within the jurisdiction and requirements of Title IX. Reports involving protected-class discrimination or harassment may also be addressed under the University's Discrimination and Harassment Policy, as applicable.

Accordingly, the University prohibits the behaviors described in this policy. The examples provided throughout this policy are illustrative and are not intended to be exhaustive. Conduct that is substantially similar to the prohibited behaviors described in this policy may also constitute a violation. Attempts to engage in conduct prohibited by this policy may constitute a violation, even if the prohibited conduct is not completed.

1. Scope and Applicability

This policy applies to:

- A. Students.
- B. Conduct occurring on or off campus, online, or in connection with University-affiliated activities, when the University has jurisdiction under the Student Code of Conduct and the conduct may reasonably impact the University community or its members.

This policy addresses sexual misconduct that falls outside the scope of Title IX as defined by federal regulation.

2. Definitions

When used in this Code:

“Consent” is the voluntary, informed, and freely given agreement to engage in specific sexual activity. Consent must be communicated through mutually understandable words or actions and may not be inferred from silence, lack of resistance, previous or current dating or intimate relationships, or prior sexual activity.

Consent may be withdrawn at any time. Once consent is withdrawn, the sexual activity must stop immediately.

A person cannot give consent when they are incapacitated due to alcohol, drugs, sleep, unconsciousness, or another physical or mental condition that prevents the individual from understanding the nature of the activity or communicating their willingness to participate.

Consent to one form of sexual activity does not constitute consent to other forms of sexual activity, nor does consent on one occasion constitute consent to future sexual activity.

“Incapacitation” is a state in which an individual lacks the ability to make informed decisions or communicate voluntary consent due to the use of alcohol or other drugs, sleep, unconsciousness, or a physical or mental condition. Incapacitation is determined based on the totality of the circumstances and is not measured solely by intoxication or impairment.

3. Prohibited Conduct

The following behaviors are prohibited under this policy. The examples provided are illustrative and are not exhaustive.

This policy applies to:

A. Sexual Assault

Sexual Assault is any intentional sexual act or sexual contact directed against another person without that person's consent. Sexual Assault includes attempted or completed penetration, however slight, of any body part or object; intentional touching of another person's intimate body parts for sexual gratification without consent; or causing another person to touch the intimate body parts of any person without consent.

B. Sexual Harassment (Non-Title IX)

Unwelcome sexual conduct that falls outside the scope of the University's Title IX Policy but is sufficiently serious to violate the Student Code of Conduct.

Examples include:

- a. Repeated sexual comments, jokes, gestures, or innuendo;
- b. Sexually suggestive remarks about a person's appearance, body, or identity;
- c. Unwelcome flirting or sexual advances;
- d. Sexually explicit messages, images, videos, or communications transmitted in person or electronically.

C. Sexual Exploitation

Sexual Exploitation is taking abusive, unfair, or nonconsensual sexual advantage of another person for one's own benefit or the benefit of another person.

Examples include:

- a. Recording, photographing, livestreaming, or distributing intimate images or sexual activity without consent;
- b. Allowing another person to observe sexual activity without consent;
- c. Knowingly exposing another person to a sexually transmitted infection without prior disclosure;
- d. Using another person's nudity, likeness, or sexual activity for personal, social, academic, or financial gain without consent;
- e. Creating, altering, manipulating, or distributing intimate or sexually explicit images, audio, or video

depicting another person without that person's knowledge or consent, including through artificial intelligence (AI), digital editing, deepfake technology, or other current/emerging technologies;

f. Threatening to disclose, publish, distribute, or otherwise share intimate images or sexually explicit content of another person to coerce, intimidate, embarrass, retaliate against, or obtain compliance from that person;

g. Knowingly removing, tampering with, or otherwise compromising a barrier method of contraception without the other person's consent;

h. Sharing or disclosing another person's private sexual information or intimate activities without that person's knowledge or consent when such disclosure is intended to exploit, embarrass, humiliate, or harm another person.

D. Sexual Coercion or Intimidation

The use of pressure, manipulation, threats, intimidation, or influence to obtain sexual activity or compliance.

Examples include:

- a. Persistent sexual pressure after a clear refusal;
- b. Threats related to academic standing, housing, employment, reputation, relationships, or other personal interests;
- c. Exploiting an imbalance of power, authority, or trust;
- d. Emotional manipulation, guilt, intimidation, or repeated requests intended to overcome another person's unwillingness to engage in sexual activity.

E. Public Sexual Conduct and Indecent Exposure

Knowingly exposing another person to sexual activity or nudity without that person's consent by engaging in sexual activity, exposing intimate body parts, or engaging in sexually explicit conduct in a location or manner where another person would reasonably be expected to observe the conduct.

Examples include:

- a. Exposing one's genitals in a public or semi-public location;
- b. Engaging in sexual activity in a location where another person would reasonably be expected to observe the conduct without that person's consent;
- c. Engaging in sexually explicit conduct at a University event or in another shared or public space;
- d. Intentionally exposing another person to bodily fluids or biological material in a sexual manner, for sexual gratification, or in a manner intended to humiliate, degrade, intimidate, or violate another person's bodily autonomy, without that person's consent.

F. Voyeurism and Invasion of Sexual Privacy

Nonconsensual observation or intrusion into another person's sexual or private activities.

Examples include:

- a. Observing individuals in private spaces, including bathrooms, bedrooms, locker rooms, or changing areas, without consent;
- b. Using cameras, recording devices, or other technology to observe or record individuals in private settings without consent;
- c. Sharing private sexual information or intimate images without permission.

G. Sexual Misconduct Within a Relationship

Sexual behavior within a dating, intimate, or ongoing relationship that is controlling, coercive, or manipulative but does not fall within the scope of the University's Title IX Policy.

Examples include:

- a. Reproductive coercion;
- b. Sexual pressure or manipulation;
- c. Controlling sexual behavior within a relationship.

4. Reporting and Initial Assessment

Individuals are encouraged to report concerns or incidents involving possible violations of this policy through the University's designated reporting channels.

Upon receipt of a report involving possible sexual misconduct by a student, the Director of Student Conduct, or designee, will consult with the Title IX Coordinator, or designee, to conduct an initial assessment of the report and determine the appropriate University policy and resolution process.

If the reported conduct is determined to fall under this policy, the matter will be resolved in accordance with the Student Conduct Procedures set forth in the Student Code of Conduct. For matters resolved under this policy, the definitions, prohibited conduct, and procedures contained herein shall govern the Student Conduct process.

Supportive measures may be available regardless of whether a formal complaint or Student Conduct process is initiated.

The University prohibits retaliation against any individual for reporting possible violations of this policy, participating in a Student Conduct process, supporting another person's participation, or otherwise exercising rights under this policy. Allegations of retaliation may be addressed under the University's Retaliation policy.

5. Standard of Proof

Alleged violations of this policy will be evaluated using the preponderance of the evidence standard.