

**GOVERNORS STATE UNIVERSITY
TITLE IX AND ANTI-SEX DISCRIMINATION, HARASSMENT, AND RETALIATION
POLICY**

I. Purpose of Policy

Governors State University (the “University”) is committed to maintaining a community in which students, faculty, and staff can work and learn together in an atmosphere free of all forms of unlawful sex discrimination, harassment, and/or retaliation. Such misconduct violates the dignity of the individual and the integrity of the University as an institution of higher learning, and thus, will not be tolerated. The University does not discriminate against any employee, student, or applicant for employment or admission on the basis of sex in any education program or activity it operates, including admissions and employment, and it is required by Title IX of the Education Amendments of 1972 (“Title IX”) not to discriminate in such a manner. The University is committed to taking all appropriate steps to eliminate sex-based discrimination, harassment, and/or retaliation, prevent its recurrence and address its effects.

II. Scope of Policy

This Policy prohibits all forms of discrimination against students and employees based on their actual or perceived sex, gender, gender identity conduct on or off campus property that substantially interferes with the mission of the University including but not limited to, interference with the safety and well-being of self or others and/or interference with the academic pursuits or employment environment of its students, faculty, or staff. This Policy does not replace federal and state mandated laws and regulations, and, where there is a conflict, the provisions of applicable law and regulations will govern.

III. Prohibited Conduct

No person shall, on the basis of sex, gender, gender identity, gender expression, and/or sexual orientation, be excluded from participation in, be denied of, or be subjected to discrimination under

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Policy, and/or retaliation. (All such types of exclusion, discrimination, harassment, and retaliation described herein are, collectively, “Prohibited Conduct”.)

A. “Sexual harassment” means:

Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- a) Quid Pro Quo:
 - 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, education, living environment, or participation in a University activity;
 - 2) Submission to or rejection of such conduct by an individual is used as the basis for or a factor in such decisions affecting employment, education, living environment, or participation in a University activity.
- b) Hostile Environment:

Such conduct has the purpose or effect of substantially interfering with an individual’s employment or educational performance or creating an intimidating, hostile, offensive environment for that individual’s working, educational and/or living environment; or such conduct was so severe or pervasive that it altered the condition of employment or effectively denies a person equal access to the recipient’s education program or activity.

B. “Sexual assault” means and includes:

- a) Sex Offenses, Forcible:
 - 1) Any sexual act directed against another person,
 - 2) without the consent of the Complainant,
 - 3) including instances in which the Complainant is incapable of giving consent.
- b) Forcible Rape:
 - 1) Penetration,
 - 2) no matter how slight,
 - 3) of the vagina or anus with any body part or object, or
 - 4) oral penetration by a sex organ of another person,
 - 5) without the consent of the Complainant.

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- 3) suffer emotional distress.
- d) For purposes of this definition—
 - 1) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, or threatens a person, workplace, or school, engages in other conduct, or interferes with or damages a person’s property or pet. A course of conduct may include contact via electronic communications.
 - 2) Reasonable person means a person in the Complainant’s circumstances with the Complainant’s knowledge of the respondent and the respondent's prior acts.
 - 3) Emotional distress means significant mental suffering, anxiety or alarm.

F. “Sexual exploitation” means:

- a) Taking advantage of the sexuality of another person,
- b) without consent,
- c)

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IV. Consent

As used for purposes of describing Prohibited Conduct under Section III, above, the following additional definition applies:

“Consent” is a freely and knowingly given agreement to the act of sexual conduct or sexual penetration in question. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. Lack of verbal or physical resistance or submission resulting from the use of force or threat of force by the accused shall not constitute consent. A person’s manner of dress does not constitute consent. A person's consent to past sexual activity does not constitute consent to future sexual activity. A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another. A person can withdraw consent at any time, and a person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following: (a) the person is incapacitated due to the use or influence of alcohol or drugs; (b) the person is asleep or unconscious; the person is under age; or (c) the person is incapacitated due to a mental disability.

V. Title IX Coordinator

Kaitlyn Anne Wild, J.D., M.B.A.
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Title IX Coordinator
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The Title IX Coordinator has the primary responsibility for coordinating the University’s efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this Policy. The Title IX Coordinator acts with authority free from bias and conflicts of interest in overseeing all resolutions under this Policy.

VI. Complaints of Discrimination, Harassment, and/or Retaliation and the University’s Response

To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, the University has developed internal procedures (the “Reporting and Grievance

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