



Definitions of Prohibited Conduct

The term “prohibited conduct” includes dating violence, domestic violence, gender-based harassment, retaliation, sex discrimination, sexual assault, sexual harassment, and stalking, as defined in this document, even if the behavior does not rise to the level of unlawful conduct.

Dating Violence

In accordance with the [*Violence Against Women Reauthorization Act of 2013 \(VAWA\)*](#), the term “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined based on the reporting party’s statement and with consideration of:

1. the length of the relationship,
2. the type of relationship, and
3. the frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence below.

Domestic Violence

In accordance with the [*Violence Against Women Reauthorization Act of 2013 \(VAWA\)*](#), the term “domestic violence” means a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth victim who is protected from that person’s actions under the domestic or family violence laws of the jurisdiction in which the violence occurred.

Gender-Based Harassment

Gender-based harassment includes physical, verbal, or non-verbal conduct based on the student’s or employee’s gender, the student’s or employee’s expression of characteristics perceived as stereotypical for the student’s or employee’s gender, or the student’s or employee’s failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, pervasive, or objectively offensive that the conduct limits or denies a student’s ability to participate in or benefit from Collin College’s education program or activity.

Examples of gender-based harassment directed against a student or employee, regardless of the student’s or employee’s or the harasser’s actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

Retaliation

Collin College prohibits retaliation by a student or Collin College employee against an individual alleged to have experienced dating violence, domestic violence, gender-based harassment, retaliation, sex discrimination, sexual assault, sexual harassment, and/or stalking (i.e., prohibited conduct), or an individual who, in good faith, makes a report of prohibited conduct, serves as a witness, or otherwise participates in an investigation.

Neither Collin College nor any 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 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. Intimidation, threats, coercion, or discrimination, including charges against an individual for *Student Code of Conduct* or *Employee Code of Conduct* violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or formal complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by *Title IX*, constitutes retaliation.

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a violation(s) for making a materially false statement in bad faith in the course of a complaint resolution proceeding does not constitute prohibited retaliation. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Complaints alleging retaliation that arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, may be filed, investigated, and resolved according to the complaint procedures outlined in the *Title IX Complaint Resolution Process Handbook for Collin College Students and Employees* located on Collin College's website at www.collin.edu/titleix/.

Complaints alleging retaliation that arise out of any circumstances not related to a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, may be filed, investigated, and resolved in accordance with Collin College Board policies DIAB (LOCAL) and FFDB (LOCAL), and the student and employee disciplinary process. To view Board policies DIAB (LOCAL) and FFDB (LOCAL), go to <https://pol.tasb.org/Policy/Search/304?filter=retaliation>. For more information on the student disciplinary process, see the *Student Code of Conduct* located in the current *Collin College Student Handbook* available on Collin College's website at <https://www.collin.edu/studentresources/personal/studenthandbook.html>, or contact the Dean of Students Office at 972.881.5604 or dos@collin.edu. For more information on the employee disciplinary process, contact the Human Resources Office (HR) at 972.758.3856 or hr@collin.edu.

Sex Discrimination

Sex discrimination against a student or employee is defined as conduct directed at a student or employee on the basis of sex or gender that adversely affects the student or employee.

Sexual Assault

Sexual assault is a form of sexual harassment. Sexual assault includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or due to an intellectual or other disability. In accordance with the [Clery Act](#), sexual assault is any sexual act directed at another person, without consent of the victim, including instances where the victim is incapable of giving consent; and includes attempted sexual acts, fondling, incest, rape, and statutory rape.

Sexual Harassment

In accordance with [Title IX](#), sexual harassment means conduct on the basis of sex that satisfies one (1) or more of the following:

1. a Collin College employee conditioning the provision of an aid, benefit, or service of Collin College on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo sexual harassment);
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 Collin College's education program or activity; or
3. *sexual assault, as defined in the [Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act \(Clery Act\)](#); and dating violence, domestic violence, or stalking as defined in the [Violence Against Women Reauthorization Act of 2013 \(VAWA\)](#).*

Note: Quid pro quo sexual harassment, Clery Act, and VAWA offenses are not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access because prohibiting such conduct presents no First Amendment concerns and such serious misconduct causes denial of equal educational access.

Examples of sexual harassment may include unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature by an employee, a student, or a third (3rd) party; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; rape; sexual assault; sexual battery; sexual coercion; dating violence, domestic violence, or stalking; and other sexually motivated conduct, communications, or contact.

Physical contact not reasonably construed as sexual in nature is not sexual harassment.

Stalking

In accordance with the [Violence Against Women Reauthorization Act of 2013 \(VAWA\)](#), the term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. "Course of conduct" means two (2) or more acts including, but not limited to, acts in which the stalker directly, indirectly, or through third (3rd) 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. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.