Policy 8.2
Sexual Misconduct

This policy version was not current at the time of printing. Please see http://policies.emory.edu/8.2 for the current version.

Responsible Official: SVP and Dean for Campus Life
Administering Division/Department: Campus Life
Effective Date: May 24, 2007
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Overview

The tenets of Emory University’s Undergraduate Code of Conduct (honor, responsibility, trustworthiness, and respect) are essential components of healthy interpersonal relationships. When relationships become intimate, these principles become paramount. Sexual intimacy requires mutual participation in an environment of affirmative consent. Sexual misconduct against anyone by anyone, male or female (whether acquaintance or stranger) is unacceptable. Emory University will not tolerate sexual misconduct in its community.

Emory University has developed this policy based on five fundamental principles:

- Members of the university community are expected to maintain ethical standards of trustworthiness and respect for others.
- Sexual misconduct encompasses a range of behaviors, from inappropriate touching to rape.
- The use of alcohol and/or other drugs may blur the distinction between consent and manipulation.
- Real or perceived power differentials between individuals may create an unintentional atmosphere of coercion.
- Educational and preventative measures are necessary components of the university’s commitment to reduce sexual misconduct in its community.

The university will take seriously every complaint of sexual misconduct reported to the Office of Student Conduct. A careful and thorough investigation will be conducted to ensure that all parties involved receive appropriate support and fair treatment.

Applicability

Students

Policy Details
Under this policy, sexual misconduct includes, but is not limited to:

**Sexual misconduct defined.** Sexual misconduct is defined as any act of a sexual nature perpetrated against an individual without consent or when an individual is unable to give consent. Sexual misconduct includes, but is not limited to, the unwanted touching or attempted touching of a person's breasts/chest, buttocks, inner thighs, groin, or genitalia, either directly or indirectly; and/or rape, forcible sodomy, or sexual penetration (however slight) of another person’s oral, anal or genital opening with any object. Sexual misconduct also includes sexual exploitation, defined as taking non-consensual, unjust sexual advantage of another for one’s benefit or the benefit of another party. These acts may or may not be accompanied by the use of coercion, intimidation, or advantage gained by the use of alcohol and/or other drugs.

**Consent defined.** Because sexual misconduct is defined as sexual activity that is undertaken without consent, it is imperative that each participant obtains and gives consent to each instance of sexual activity. Consent is an affirmative decision to engage in mutually acceptable sexual activity, and consent is given by clear actions or words. It is an informed decision made freely and actively by all parties. Consent may not be inferred from silence, passivity, or lack of active resistance alone. Furthermore, a current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. Being intoxicated does not diminish one's responsibility to obtain consent.

Conduct will be considered “without consent” if no clear consent, verbal or nonverbal, is given. In some situations an individual’s consent to sexual activity may be invalidated because of circumstances or the behavior of another. Examples of such situations include, but are not limited to, incompetence, impairment from alcohol and/or other drugs, fear, unconsciousness, intimidation, coercion, confinement, isolation, or mental or physical impairment. Incompetence results when an individual is at such a level of impairment such that she/he cannot appreciate the nature of giving consent to participate in sexual activity.

**The use of alcohol and/or other drugs.** The use of alcohol and/or other drugs can have unintended consequences. Alcohol or other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and validly given. The perspective of a reasonable person will be the basis for determining whether one should have known about the impact of the use of alcohol and/or drugs on another's ability to give consent. Being intoxicated or high is never an excuse for sexual misconduct.

Any person wishing to report a possible violation of this policy may contact: Lauren (LB) Bernstein Coordinator of the Respect Program—Sexual Assault/Relationship Violence Response (404-727-1514); Emory Police (404.727.6111); a Residence Life & Housing staff member (404.727.7631); a Campus Life staff member (404.727.4364); or the Office of the dean of any school or college of the University. Mental health/medical assistance is available from the Counseling Center (404.727.7450); Student Health (404.727.7551), and the DeKalb Rape Crisis Center (404.377.1428).

**Related Links**

- Current Version of This Policy: http://policies.emory.edu/8.2

**Contact Information**

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<th>Subject</th>
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<th>Phone</th>
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<tr>
<td>Clarification of Policy</td>
<td>Office of Student Conduct</td>
<td>404-727-7190</td>
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<tr>
<td>Policy Posting</td>
<td>Campus Life Central</td>
<td>404-727-4364</td>
<td></td>
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**Revision History**

*Emory University policies are subject to change at any time. If you are reading this policy in paper or PDF format, you are strongly encouraged to visit policies.emory.edu to ensure that you are relying on the current version.*