

Sexual Misconduct Definitions

Sexual Misconduct

Sexual Misconduct is a broad term that encompasses sexual harassment, sexual assault, and other forms of misconduct and violence of a sexual nature. Sexual misconduct can occur between individuals who know each other, have an established relationship, have previously engaged in consensual sexual activity, and between individuals who do not know each other. Sexual misconduct can be committed by persons of any gender identity, and it can occur between people of the same or different gender.

Rape

Rape is the act of physically forcing or otherwise compelling oral, vaginal, or anal penetration through threats, coercion, or without seeking or receiving enthusiastic and continual consent.

Sexual Assault

Sexual assault is any sexual contact or sexual penetration with another individual without consent.

Sexual Harassment

Sexual harassment is any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

Stalking

Stalking is a course of behavior directed at a person that would cause a reasonable person to fear for their safety, or suffer substantial emotional distress.

Sexual Exploitation

Sexual exploitation is taking sexual advantage of another person and includes recording, photographing, or transmitting images of private sexual activity and/or the intimate parts of a person without consent.

Intimate Partner Violence

Intimate partner violence is any act of violence or a pattern of abusive behavior in an intimate relationship. It may include actual or threatened physical violence, sexual violence, psychological or emotional abuse, and progressive social isolation.

Consent

Consent is the clear and voluntary agreement to engage in specific acts of sexual contact or activity, communicated through mutually understandable words or actions. Consent is always freely informed and actively given. Silence or lack of resistance cannot be assumed to imply consent. Consent must be ongoing, and it may be withdrawn at any time. Consent for one sexual act does not imply consent for any subsequent sexual activity. If confusion or ambiguity arises during a sexual interaction, it is imperative that the behavior stop and the person initiating the activity has the other person's consent to continue. Consent may never be obtained:

- a) from an individual who is incapacitated;
- b) through the use of coercion or force; or
- c) from a person who is under the legal age to give consent (16 years of age in Massachusetts).