

Title IX Final Rule & Higher Education

Association for Student Conduct Administration

Sexual Harassment Definitions

Sexual Assault
Dating Violence
Domestic Violence
Stalking

Sexual Harassment

- Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:
 - An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (*quid pro quo*);
 - Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
 - *Sexual assault* as defined in 20 U.S.C. 1092(f)(6)(A)(v), *dating violence* as defined in 34 U.S.C. 12291(a)(10), *domestic violence* as defined in 34 U.S.C. 12291(a)(8), or *stalking* as defined in 34 U.S.C. 12291(a)(30).

Sexual Harassment: Sexual Assault

- Term “sexual assault” constitutes sexual harassment, with the following definition:
 - “An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation” (20 U.S.C. 1092(f)(6)(A)(v)).
- [FBI Uniform Crime Reporting Handbook](#)

Sexual Harassment: Dating Violence

- Term “dating violence” constitutes sexual harassment, with the following definition:
 - ”Violence committed by a person—
 - Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship
 - The type of relationship
 - The frequency of interaction between the persons involved in the relationship” (34 U.S.C. 12291(a)(10)).

Sexual Harassment: Domestic Violence

- Term “domestic violence” constitutes sexual harassment, with the following definition:
 - “Felony or misdemeanor crimes 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 receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction” (34 U.S.C. 12291(a)(8)).

Sexual Harassment: Stalking Definition

- Term “stalking” constitutes sexual harassment, with the following definition:
 - “Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - Fear for his or her safety or the safety of others; or
 - Suffer substantial emotional distress (34 U.S.C. 12291(a)(30)).

Additional Resources

ASCA Webinar- [Overview of Title IX Regulations](#)

ASCA White Paper- [Title IX of the Amendments of 1972: 2020 Regulation](#)

Dept. of Education Regulations, Federal Register- [34 CFR Part 106, ID 1870-AA14](#)

About ASCA

The Association for Student Conduct Administration is the only non-profit, professional membership organization devoted to the advancement of the higher education student conduct profession

Membership in ASCA shall generally be open to any person who has a legitimate interest in the mission, vision, core values and activities of the Association and who agrees to abide by the provisions contained in the Associations Bylaws and Statement of Ethical Principles and Standards of Conduct.

ASCA Core Values: Advocacy; Community; Equity & Inclusion; Education; Integrity; Leadership



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