

WAC 132T-100-147 Sexual misconduct. The term sexual misconduct includes sexual harassment, sexual intimidation, and sexual violence. For a description of prohibited sexual conduct under Title IX refer to WAC 132T-105-020.

(1) Sexual harassment. Sexual harassment outside of the Title IX definition or is a one-time offense is included in this chapter. For this chapter, the term sexual harassment means:

(a) Unwelcome conduct of a sexual nature that is sufficiently serious as to deny or limit, or that does deny or limit based on sex, the ability of a student to participate in or benefit from the college's educational or social programs;

(b) Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature or that creates an intimidating, hostile, or offensive environment for students, employees, or visitors; and/or

(c) Alters the terms or conditions of employment for a college employee.

(2) Sexual intimidation. The term sexual intimidation outside of the Title IX definition means threatening or emotionally distressing conduct based on sex and including, but not limited to, nonconsensual recording of sexual activity or the distribution of such recording.

(3) Sexual violence. Sexual violence outside of the Title IX definition is a type of sexual discrimination and sexual harassment. Nonconsensual sexual intercourse, nonconsensual sexual contact, domestic violence, intimate partner violence, and stalking are all types of sexual violence.

(a) Nonconsensual sexual intercourse outside of the Title IX definition is any sexual intercourse (anal, oral, or vaginal), however slight, that is without consent and/or by force by a person upon another person or with any object. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

(b) Nonconsensual sexual contact outside of the Title IX definition is any intentional sexual touching, however slight, by a person upon another person or with an object that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, other bodily orifice of another individual, or any other bodily contact in a sexual manner.

(c) Domestic violence outside of the Title IX definition includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under the domestic or family violence laws of the state of Washington, or anyone else protected under the domestic or family violence laws of the state of Washington, RCW 26.50.010.

(d) Intimate partner violence outside of the Title IX definition is violence by a person who is or has been in a dating, romantic, or intimate relationship with the victim.

(e) Stalking outside of the Title IX definition is intentional and repeated harassment or following another person which places that person in reasonable fear that the perpetrator intends to injure, intimidate, or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated, or harassed even if the perpetrator lacks such intent.

[Statutory Authority: RCW 34.05.250 and 28B.50.140. WSR 22-18-029, § 132T-100-147, filed 8/29/22, effective 9/29/22.]