



Pittsburg State University

Student Life

Sexual Misconduct and Relationship Violence Definitions

Pittsburg State University prohibits all forms of sexual misconduct and relationship violence to include rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking.

Victims of sexual misconduct or relationship violence may choose for the investigation to be pursued through the criminal justice system and/or the university discipline process. University personnel will assist in the report process if requested by the victim. A representative from the University Police, the Office of Student Rights and Responsibilities, and/or the Office of Equal Opportunity and Affirmative Action will guide the victim through the available options and support the victim in his or her decision. While the university will investigate the complaint and may pursue appropriate discipline action with or without the victim's consent, discussing a matter of sexual assault with a university official does not compel the victim to participate actively in pursuing disciplinary charges. As a victim, the individual has the option to decline to notify law enforcement or campus authorities.

Definition of Terms

Sexual Misconduct: Any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation. Sexual misconduct can occur between persons of the same or different sex and is represented by a continuum of conduct from forcible rape and sexual assault to nonphysical forms of pressure that compel individuals to engage in sexual activity against their will. It includes any physical contact of a sexual nature that is committed either by force, coercion, intimidation, or manipulation or through the use of a person's mental or physical incapacity, including incapacitation caused by the use of drugs or alcohol.

Consent: A freely and affirmatively communicated willingness to participate in sexual activity, expressed either by words or clear, unambiguous actions. It is the responsibility of the initiator of the sexual activity to ensure he or she has the other person's consent to engage in sexual activity. Consent must be present throughout the sexual activity by all parties involved. At any time, a participant can communicate that he or she no longer consents to continuing the activity.

Consent may never be—

- obtained through the use of force, coercion, intimidation, or manipulation or if the victim is mentally or physically disabled or incapacitated, including through the use of drugs or alcohol, or,
- assumed because of the existence of a dating relationship between the persons involved or due to the existence of a current or previous sexual relationship between the persons.

Dating Violence: Violence that occurs between individuals who are in a dating relationship. For the purposes of this definition, "dating relationship" means a social relationship of a romantic nature. In addition to any other factors the university may consider the following when making a determination of whether a relationship exists or existed: Nature of the relationship, length of time the relationship existed, frequency of interaction between the parties and time since termination of the relationship, if applicable.

Sexual Assault: Includes any physical contact of a sexual nature that is committed either by force, coercion, intimidation, or manipulation or through the use of a person's mental or physical incapacity, including incapacitation caused by the use of drugs or alcohol.



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The following definitions, adapted from Kansas Statutes, are used by university personnel when conducting an investigation of sexual misconduct. To access the original statute, please refer to http://kslegislature.org/li/b2013_14/statute/.

Domestic Violence (K.S.A. 21-5111): The act or threatened act of violence against a person with whom the offender is involved or has been involved in a dating relationship, or an act or threatened act of violence against a family or household member by a family or household member. Domestic violence also includes any other crime committed against a person or against property, or any municipal ordinance violation against a person or against property, when directed against a person with whom the offender is involved or has been involved in a dating relationship or when directed against a family or household member by a family or household member.

For the purposes of this definition:

- A. "Dating relationship" means a social relationship of a romantic nature. Factors used to establish a "dating relationship" include:
 - 1. Nature of the relationship,
 - 2. length of time the relationship existed,
 - 3. frequency of interaction between the parties and,
 - 4. time since termination of the relationship
- B. "Family or household member" means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time. Family or household member also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time.

Rape (K.S.A. 21-5503):

- (1) Knowingly engaging in sexual intercourse with a victim who does not consent to the sexual intercourse under any of the following circumstances:
 - (A) When the victim is overcome by force or fear; or
 - (B) when the victim is unconscious or physically powerless;
- (2) Knowingly engaging in sexual intercourse with a victim when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by the offender or was reasonably apparent to the offender;
- (3) sexual intercourse with a child who is under 14 years of age;



- (4) sexual intercourse with a victim when the victim's consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a medically or therapeutically necessary procedure; or
- (5) sexual intercourse with a victim when the victim's consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a legally required procedure within the scope of the offender's authority.

Acquaintance Rape: Rape, which occurs by someone the victim knows.

Stalking (K.S.A. 21-5427): Recklessly engaging in a course of conduct targeted at a specific person, which would cause a reasonable person in the circumstances to fear for their safety, or the safety of their family. Engaging in conduct toward a specific person with knowledge that the conduct will place the person in fear for their safety or the safety of a member of their immediate family. Additionally stalking can occur after being served with, or otherwise provided notice of, any protective order which prohibits contact (personal or electronic) with the person(s) who are named in the protective order.