Preventing and Addressing Student-on-Student Acts of Sexual Misconduct

III. KEYTERMSAND DEFINITIONS

Aggrieved means an individual or group of individuals who has experienced improper treatment including sexual harassment, sexual assault or dating violence.

Consent means words or overt actions indicating a freely given agreement to the sexual act or contact in question. Lack of verbal or physical resistance or submission by the aggrieved, resulting from the use of force, threats, or coercion by the respondent, shall not constitute consent. (D.C. Code § 22-3001(4))

Dating partner or intimate partner

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By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;

After rendering that other person unconscious; or

After administering to that other person by force or threat of force, or without the knowledge or permission of that other person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that other person to appraise or control their conduct.

Second degree sexual abuse means a person who engages in or causes another person to engage in or submit to a sexual act in the following manner:

By threatening or placing that other person in reasonable fear (other than by threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping); or

Where the person knows or has reason to know that the other person is:

- Incapable of appraising the nature of the conduct;
- o Incapable of declining participation in that sexual act; or
- o Incapable of communicating unwillingness to engage in that sexual act.

Third degree sexual abuse means a person who engages in or causes sexual contact with or by another person in the following manner:

By using force against that other person;

By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;

After rendering that person unconscious; or

After administering to that person by force or threat of force, or without the knowledge or permission of that other person, a drug, intoxicant, or similar substance that substantially impairs the ability of that other person to appraise or control their conduct.

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