4. acts of sexual misconduct
   a. acts of engagement in, or attempt to engage in, a sexual assault. Sexual assault is the imposition of non-consensual sexual conduct (excluding rape). It includes, but is not limited to caressing, fondling, or touching a person’s genitalia, buttocks, or breasts. It shall also be considered sexual assault when the victim is compelled to caress, fondle, or touch the assailant’s genitalia, buttocks, or breasts.
   b. acts committed, or an attempt to commit, a rape. Rape (date, acquaintance, and stranger) includes all acts of non consensual sexual intercourse involving any penetration of a bodily cavity with a foreign object, tongue, digit, or genitalia. A rape occurs when imposed under any of the following circumstances:
      o When the complainant is incapable of giving legal consent for mental, developmental, or physical reasons and this fact is known or reasonably should have been known by the person committing the act;
      o When the act is committed without the person’s explicit consent or is against the person’s wishes. Rape incorporates any or all of the following: the use of force, threat, intimidation, coercion, duress, violence, or by causing a reasonable fear of harm;
      o When the complainant is prevented from consenting or resisting because of intoxication or unconsciousness at the time of the act.
      o Use of intoxicating substances shall not be viewed as justification for the commission of rape or sexual assault.
      o Consent means explicit cooperation, both verbally and behaviorally. It must be voluntary and with full knowledge concerning the nature of the interaction/encounter. Previous sexual interactions shall not be considered implied consent. Silence or passivity shall not constitute consent.
   c. Domestic Violence is defined as violence committed by a current or former spouse or intimate partner of the survivor, by a person with whom the survivor shares a child in common, by a person who is cohabitating with or has cohabitated with the survivor as a spouse or someone similarly situated to a spouse, or by a person from whom the survivor is protected under the domestic or family violence laws.
d. **Dating Violence** is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the survivor. 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 in the relationship.

e. **Stalking** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress. Stalking includes but is not limited to cyberstalking, verbal contact, writing, by phone, electronic media, a third party or by other means to pursue or track another person.