



Code of Conduct + Consent Definition

Tufts Mountain Club

1. *Expected Conduct*

- a. We expect that everyone will be treated with respect and compassion regardless of race, class, gender identity, ability, sexuality, or experience in the outdoors
- b. We expect that TMC members and those using TMC resources or attending TMC trips/events will actively work to make the Loj and Hayes House inclusive spaces in part by not ostracizing those who are new to these spaces, helping to familiarize them with the spaces, and showing them how to get any and all support they may need while in the spaces
- c. We expect all TMC members and those using TMC resources or attending TMC trips/events will uphold the standards of Tufts University and will adhere to all of Tufts' rules regarding student conduct
- d. At the Loj, we expect TMC members and those using TMC resources or attending TMC trips/events to follow all Loj rules now including "No sexual misconduct will be tolerated at the Loj" (see section 2a-c)
- e. We expect that TMC members and those using TMC resources or attending TMC trips/events will uphold TMC's values as outlined in our Constitution

2. *Actions Requiring Discipline*

a. Tier One:

- i. Coercive behaviors especially around drinking, removal of clothing, and/or sexual acts
- ii. Inappropriate and/or sexually suggestive language
- iii. Misusing/abusing power dynamics or status as an upperclassman, established trip leader, or board member

b. Tier Two:

- i. Any unwanted, non-consensual physical or sexual contact
- ii. Violent, threatening, and abusive language

c. Tier Three:

- i. Acts of physical, sexual, or violent assault
- ii. Deliberately exposing oneself without consent

3. *Mode of reporting*

All reports should only be made at the request of the survivor and furthermore the name of the perpetrator should be included if and only if the survivor consents to the publicization of their name

- i. **Never include the name of the survivor unless they give explicit permission**



- ii. By naming a perpetrator without the consent of the survivor, it puts the survivor at risk of retaliation and harassment.
- b. All Tufts students and alumni have access to the Office of Equal Opportunity's (OEO) website and can file a report through EthicsPoint wherein they have the choice to disclose as little or as much as they would like. Students may also report to the OEO directly. Once reported, this report may be conveyed to the TMC Advisor, confidentially, who will then inform the President, Vice President, and potentially Loj Director of TMC. They will take any and all punitive measures as outlined above so long as they are in accordance with the survivor's wishes.
- c. Anyone may inform a board member who will then inform the President and Advisor, a mandated reporter.
- d. Anyone may fill out an anonymous report on the TMC Listens form, located at the end of every weekly. This document is read by the President and Vice President who will convey all pertinent information to the Advisor, a mandated reporter.
- e. If any aggression at any scale takes place during a Loj stay, the survivor may inform the Caretaker. The Caretaker will either inform the Loj Director who will then inform the President, or inform both together. They will then inform the TMC Advisor, a mandated reporter.

4. Forms of Discipline

- a. All alleged perpetrators have the ability to be on or run for TMC Board revoked permanently.
- b. The following punitive measures apply to all allegations and not just things that have been or are currently investigated.
- c. **Tier One Violations:**
 - i. Certain privileges (see 4f) revoked for one semester (minimum) and can be reinstated once their understanding and commitment to upholding code of conduct is evaluated (see section 4g)
 - 1. This would happen at start of next semester, done once a semester
- d. **Tier Two Violations:**
 - i. Can no longer attend big weekends, other 4f privileges may be revoked and only reinstated after their understanding of the issue and consent is evaluated (see section 4g)
 - ii. Loss of Caretaker status for two semesters
- e. **Tier Three Violations:**
 - i. Membership may be revoked
 - ii. Can no longer attend big weekends, other 4f privileges may be revoked permanently



- iii. At least one if not multiple 4g steps must be taken to help show the perpetrator understands their actions and to prevent future misconduct
- f. Privileges we can revoke and reinstate¹:
 - i. Caretaker certification
 - ii. Big weekend attendance
 - iii. Loj use
 - iv. Van use
 - v. Trip leading
 - vi. Membership status
- g. Once disciplinary action has been taken, here are some of the ways that perpetrators can demonstrate a commitment to changing behavior and attitudes:
 - i. Meeting with OEO or CARE Office
 - ii. Meeting with TMC Advisor
 - iii. Meeting with a therapist or professional trained in rehabilitating perpetrators
 - iv. Self education and reflection as confirmed by peers, friends, relatives
- h. If something happens Friday night and people are still at the Loj Saturday, the perpetrator will be engaged and sent back to Tufts before Saturday night. If the survivor wants to go home we offer to reimburse them.
- i. If a survivor discloses an assault but wants no action to be taken, we will respect their wishes so long as there is not a second report filed against the same perpetrator.
 - i. The first survivor will be notified if action is being taken.

We recognize that as this policy is implemented problems and oversights may arise, thus it is subject to change and will go through the ratification process as stipulated in the TMC Constitution. Furthermore, we recognize this only outlines steps to be taken in the case of sexual harassment or misconduct and does not address other forms of discrimination for which certain disciplinary measures may also be taken.

¹ On a semester by semester basis



Consent Definition

- From Tufts: Sexual misconduct includes stalking, sexual exploitation, sexual assault, sexual harassment, sex discrimination and relationship violence
 - Stalking- a course of conduct directed at a specific person that involves repeated (two or more occasions) visual or physical proximity, non-consensual communication, or verbal, written, or implied threats, or a combination thereof, that would cause a reasonable person fear.
 - Sexual assault- sexual intercourse or attempted sexual intercourse, intentional groping, other unwanted bodily contact of a sexual nature, use of coercion, manipulation, or force to make someone engage in sexual activity
 - Sexual harassment- verbal, written, or physical behavior of a sexual nature, submission or consent to the behavior is believed to carry consequences for another person's education, employment, living environment, or participation in a program or activity
 - Sex discrimination- discrimination in employment, housing, opportunities, and opportunity based on an individual's sex
 - Relationship violence/abuse- a pattern of behaviors used by one partner to maintain power and control over another partner in an intimate relationship



- **Note** that in the image above, the pronoun she is used, however, anyone of any gender can be the victim of IPV



- Indecent exposure- exposing genitals or other parts of the body in front of someone without their consent
- Definition of affirmative consent
 - willingly, unambiguously and knowingly agree to engage in sexual activity in a clear and affirmatively communicated way that is understood by all of the parties involved
 - active not passive
 - ongoing process, offered freely and knowingly
 - Consent should be a continuous question, keep checking up with your partner
 - Saying yes to one act isn't saying yes to anything else
 - An initial yes doesn't mean they can't later say no, even if it is the same act
 - You are allowed to change your mind at any point, even when an act is happening
 - Saying yes to an act one day doesn't mean it will be a yes the next day
 - Pre-consent is not consent-- agreeing to an act a day before does not mean you do not have to receive consent right before engaging in a sexual activity
 - Not coercive, i.e. a yes after 5 no's isn't a yes
 - A "no" is definitive
 - Guilting is coercive

Think about power dynamics and whether someone fully feels like they have the right to say no

- i.e. boss and employee
- i.e senior and a first year
- i.e club leader and club member
- A person who has consumed alcohol and/or drugs still has a responsibility to obtain ongoing consent for any sexual activity with another person(s).
- Consent is not:
 - Silence
 - "I don't know."
 - "Maybe"
 - A head shake
 - Lack of objection
 - Not fighting back
 - Ambiguous responses such as "uh huh" or "mm hmm" without more
 - A verbal "no," even if it may sound indecisive or insincere



- Non sexual touching also must be consensual-- i.e., snuggling, massage trains, hugging, etc→ always must ask for verbal confirmation
- Consent can never be given by:
 - Someone who is incapacitated-- A person can be incapacitated through the use of drugs, alcohol or any other intoxicating substance, or when they are unconscious, asleep or otherwise unaware the sexual activity is occurring
 - Someone under the legal age of consent (in MA the age of consent is 16)
 - Someone who is mentally disabled or cognitively impaired to the extent that they are unable to understand the nature of the sexual encounter and what their affirmative consent may mean