



University
of Phoenix®

Campus Safety Policies

Sexual Violence Prevention



Contents

Sex Discrimination, Sexual Harassment, and Sexual Violence 2

- Facts about VAWA Offenses 3
- Reporting VAWA Offenses 4
 - Privacy 4
 - Importance of Preserving Evidence 5
- Surviving Sexual Violence and Available Victim Services 6
 - University Resources 7
 - National Resources 7
 - State/Local Resources 8

Accommodations and Supportive/Protective Measures 9

Possible Sanctions UOPX May Impose for VAWA Offenses 11

Procedures for Disciplinary Action 12

- Investigation Procedures and Protocols 12
 - Informal Resolution 12
 - Formal Grievance Process 13
- Rights of the Parties in an Institutional Proceeding 13

Educational Programs – VAWA Awareness 14

Bystander Intervention 16

Risk Reduction 16

Registered Sex Offenders 18

- Reporting Convicted Sex Offenders 19

Appendices 19

- Appendix A: Definitions 19
- Appendix B: State Definitions 23



Sex Discrimination, Sexual Harassment, and Sexual Violence

University of Phoenix (UOPX), through its **Equal Opportunity, Harassment, and Nondiscrimination Policy** and consistent with applicable laws, prohibits sex and gender-based discrimination, harassment, and violence, including acts of dating violence, domestic violence, sexual assault, and stalking, which may also constitute crimes. While UOPX policy may use different standards and definitions than state law, sex- and gender-based incidents often overlap with the crimes of dating violence, domestic violence, sexual assault, and stalking. Acts of violence and harassment based on sex or gender, including sexual orientation, gender identity, and gender expression, may also constitute crimes. Sexual harassment, including dating violence, domestic violence, sexual assault, and stalking, are forms of sex discrimination, which are prohibited under Title IX and UOPX policy. The [Equal Opportunity, Harassment, and Nondiscrimination Policy](https://www.phoenix.edu/content/dam/edu/about/doc/equal-opportunity-harrassment-and-nondiscrimination-policy.pdf) may be viewed in its entirety at: <https://www.phoenix.edu/content/dam/edu/about/doc/equal-opportunity-harrassment-and-nondiscrimination-policy.pdf>.

UOPX does not discriminate on the basis of sex in the education program or activity that it operates and is required by [Title IX of the Education Amendments of 1972](#) and [34 C.F.R. Part 106](#) not to discriminate in such a manner. The requirement not to discriminate in the education program or activity extends to admission and employment, and inquiries about the application of Title IX and 34 C.F.R. Part 106 may be referred to the Title IX Coordinator, to the [Assistant Secretary of Education](#), or both.

Individuals who believe they have experienced sex discrimination, harassment, and/or retaliation should contact the following:

Bridget Beville, JD, Title IX Coordinator

4035 S. Riverpoint Parkway

Phoenix, AZ 85040

TIXC@phoenix.edu

(602) 557-1823 office

(480) 273-0455 mobile

Regardless of where an incident occurs, any person may report sex discrimination, including sexual harassment (whether the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the Title IX Coordinator contact information. If an incident occurs at a UOPX location, any person may also report to any Campus Security Authority (CSA) or [Campus Safety Coordinator](#). Refer to the Safety and Security section of the Campus Safety Policies for a complete list of CSAs.

Complainants may exercise the following rights and options, if desired:

- Reporting offenses to proper local law enforcement, campus safety personnel, and health officials
- Preserving evidence that may assist in obtaining an order of protection or prove an offense occurred
- Receiving appropriate counseling referral information
- Receiving information on services for health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and transportation



- Completing crime reports
- Changing academic and work situations (e.g., student’s course schedule; employee’s work environment)
- Applying for judicial no-contact, restraining, or protective orders
- Having an advisor of their choice to accompany and assist during an institutional disciplinary proceeding
- Receiving the outcome of any institutional disciplinary proceeding that is brought alleging any crime of violence or a non-forcible sex offense
 - If the alleged victim is deceased as a result of the crime or offense, the institution must provide the results of the disciplinary hearing to the victim’s next of kin, if so requested

To request these options and assistance, please contact a Campus Safety Coordinator and/or the Title IX Coordinator. UOPX does not provide assistance related to changing living situations because it does not provide student housing on any of its locations. Security personnel, where available, will provide an onsite safety escort service within the confines of the local campus and to/from the parking facility, if requested.

UOPX will provide a *Rights and Options* document and/or applicable resources in writing any time a member of the campus community reports they have experienced dating violence, domestic violence, sexual assault, or stalking, *whether the incident occurred on or off campus*. More information can be found on the [UOPX Title IX site](https://www.phoenix.edu/about_us/title-ix.html) at https://www.phoenix.edu/about_us/title-ix.html.

The University’s Title IX Coordinator will discuss the availability of accommodations and supportive/protective measures if requested and if they are reasonably available, *regardless of whether the incident is reported to authorities*. The Title IX Coordinator or Campus Safety Coordinator can assist with providing notice and information to proper law enforcement if so desired. Supportive/protective measures for individuals who have experienced these incidents are available whether the individual chooses to report to local law enforcement, and irrespective of whether the individual pursues a formal complaint through the grievance process.

Every local campus has personal safety and sexual assault awareness and prevention programs in place and follows established procedures for reporting violations of UOPX policy and federal and state laws, including contacting local law enforcement personnel and assisting alleged victims.

No officer, employee, or agent of UOPX shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under [Title IX](#) of the Education Amendments of 1972 (Title IX) or the Violence Against Women Reauthorization Act of 2013 (VAWA) as amended under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

UOPX regards all forms of or attempts at sexual violence or misconduct as serious offenses that may result in suspension, expulsion, or termination of employment.

Facts about VAWA Offenses

Sexual assault can happen anywhere, at any time. According to the Rape, Abuse & Incest National Network (RAINN) and National Domestic Violence Hotline:



- Every 68 seconds, an American is sexually assaulted.
- On average, 24 people per minute (more than 12 million people a year) in the U.S. are victims of rape, physical violence, or stalking by an intimate partner.
- Only 310 out of every 1,000 sexual assaults are reported to police (2 out of 3 go unreported). Out of every 1,000 sexual assaults, 975 perpetrators will walk free.
- 8 out of 10 sexual assaults are committed by someone known to the victim. 93% of juvenile victims knew the perpetrator.
- Half (50%) of all perpetrators are 30 years old or older and more than half (57%) are white.
- 54% of sexual assault victims are between the ages of 18-34.
- Over 1 in 3 women and 1 in 4 men in the U.S. have experienced rape, physical violence, and/or stalking by an intimate partner in their lifetime.
- 21% of transgender, genderqueer, or nonconforming (TGQN) college students have been sexually assaulted (compared to 18% of non-TGQN females and 4% non-TGQN males).
- Native Americans are twice as likely to experience sexual assault compared to all races. 41% of sexual assaults committed by a stranger, 34% by an acquaintance, and 25% by an intimate partner or family member.

Reporting VAWA Offenses

UOPX strongly encourages reporting of sex and gender-based discrimination, harassment, and violence, including acts of dating violence, domestic violence, sexual assault, and stalking. Reporting may be made at any time. Complainants are encouraged to:

- Get to a safe place
- Dial **9-1-1**, if in immediate danger or seriously injured
- Accurately and promptly report the incident to the police and pursue criminal charges
- Seek medical treatment as soon as possible, including the collection and preservation of evidence that may assist in obtaining a protection order or prove an offense occurred (while sexual assaults may not result in external physical injuries, it is important to receive medical attention to check for internal injuries)
- Access support services provided by the University
- Report any incident to the Security Operations Center (SOC) at (866) 992-3301, Campus Safety Coordinator, Title IX Coordinator at (602) 557-1823 or TIXC@phoenix.edu, and/or the [Ethics Helpline](http://UOPXhelpline.com) at (888) 310-9569 or <http://UOPXhelpline.com>

Privacy

UOPX will protect the privacy of any complainant, respondent, and other necessary parties and witnesses to the maximum extent possible.

Pursuant to the University's [Equal Opportunity, Harassment, and Nondiscrimination Policy](#), when an employee who is not a confidential resource becomes aware of alleged harassment or discrimination under that policy (including, but not limited to, dating violence, domestic violence, sexual assault, and stalking), the employee must report that information to the Title IX Coordinator.



All UOPX faculty and staff are mandated reporters and expected to report actual or suspected harassment or discrimination of which they become aware and must promptly share all known details of a report made to them in the course of their employment, including the identities of both parties, with the Title IX Coordinator.

For other types of incidents that may constitute crimes (e.g., aggravated assault, burglary, etc.) any person who does not want to pursue action within the UOPX disciplinary system, or the criminal justice system, is nevertheless encouraged to make a report through the [Ethics Helpline](http://www.UOPXhelpline.com) at (888) 310-9569 or <http://www.UOPXhelpline.com>. Upon the reporter's request, a report of the details of the incident can be filed with UOPX without revealing the reporter's identity. Such confidential reports help UOPX take appropriate steps to ensure the safety of the campus community. With such information, UOPX can keep an accurate record of the number of incidents involving members of the campus community, determine where a pattern of crime may be developing, and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for UOPX.

Information obtained through the course of a Title IX investigation may be shared with law enforcement, if requested. Reports relating to criminal activity at UOPX locations will be communicated to the Campus Safety Coordinator for purposes of Clery Act reporting.

UOPX operates educational training facilities known as Counseling Skills Centers at the Phoenix Main Campus (in-person services) and Southern California Campus Main - Ontario (virtual telehealth services). These Counseling Skills Centers model mental health clinics and offer complimentary services to members of the University and local community. Centers are staffed by counseling graduate students who work under the direct supervision of licensed, experienced professionals. For more information, or to contact a [Counseling Skills Center](http://www.phoenix.edu/students/counseling-skills-centers.html) near you, please visit <http://www.phoenix.edu/students/counseling-skills-centers.html>. To make an in-person appointment at the Phoenix Main Campus please call (602) 557-2217. To make a virtual telehealth appointment at the Southern California Campus - Ontario, please call (909) 472-3798.

Individuals seeking professional counseling through one of the University's Counseling Skills Centers will have their information kept in confidence. Even if an individual gives the professional counselor permission to release their identity, the counselor may only report the occurrence of the event itself to be included in the annual crime statistics, unless otherwise required by law. UOPX does not disclose personally identifiable information in publicly available records, including its Campus Crime Statistics at http://www.phoenix.edu/about_us/campus-safety.html, the public Campus Crime Log, or other reporting and/or disclosures. Only those with a need to know the identity for purposes of investigating the crime, assisting the victim, or disciplining the perpetrator will know the victim's identity.

Importance of Preserving Evidence

If you or someone you know has experienced dating violence, domestic violence, sexual assault, or stalking, it is important to preserve evidence. Preserving evidence may be useful in obtaining a protection order or in proceeding with a criminal investigation should you choose to do so. Text messages, records of phone calls, emails, pictures, notes, and gifts can all be pertinent for a report of dating violence, domestic violence, sexual assault, or stalking.

After a sexual assault, specifically, it is very important that the victim receive medical attention to treat any possible injuries and to screen for sexually transmitted infection (STI) and/or pregnancy. It is also strongly recommended for the victim to have a sexual assault forensic exam, sometimes called a "rape kit." Forensic exams are available to victims free of charge. During this exam, someone specially



trained to perform this exam, such as a Sexual Assault Nurse Examiner (SANE), will collect DNA¹ evidence that can help identify the perpetrator. The victim does not have to agree to a forensic exam to receive treatment but doing so may give them a stronger case against the perpetrator if they decide to report the crime. Agreeing to a forensic exam does not require the victim to subsequently file a police report.

Preserving DNA evidence from an assault is important. Even if the victim does not wish to file a police report immediately or is certain they will not prosecute, preserving DNA evidence allows the victim to change their mind later. DNA evidence may also prevent future sexual assaults from occurring. Even if the perpetrator is not prosecuted, their DNA may be added to the national database (CODIS²), making it easier to connect the perpetrator to a future crime.

Victims should try to avoid activities that could potentially damage evidence such as:

- Bathing
- Showering
- Using the restroom
- Changing or discarding clothes
- Combing hair
- Cleaning up the area in which the assault occurred

If a victim has done any of the above activities, they can still have a sexual assault forensic exam performed. The victim may want to bring a spare change of clothes to the hospital or health facility where the exam is going to be performed. In most cases, DNA evidence needs to be collected within 72 hours to be analyzed by a crime lab – but a sexual assault forensic exam can reveal other forms of evidence beyond this timeframe that can be useful if the victim decides to report. Place belongings, including the clothes worn, in a **paper bag** to safely preserve evidence.

To find a location near you that performs sexual assault forensic exams, you may call the National Sexual Assault Hotline at (800) 656-HOPE (4673) or talk to your local sexual assault service provider by visiting <https://centers.rainn.org/>. Sexual assault service providers can also offer information and resources for ongoing support related to sexual violence.

UOPX Resolution Services will review, on an annual basis, the preservation of evidence tips to ensure they meet the current needs of law enforcement and abilities of forensic science.

Surviving Sexual Violence and Available Victim Services

UOPX urges victims of sexual violence to seek counseling promptly. UOPX provides written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available, both within UOPX and nationally. Upon request, UOPX can assist with providing local resources in the surrounding community.

¹ Deoxyribonucleic acid; carrier of genetic information

² Combined DNA Index System



University Resources

Student Resources: UOPX offers various counseling services to all currently enrolled students via the Life Resource Center, directly accessible from MyPhoenix. The Life Resource Center offers free services that are confidential, available 24/7/365, and accessible by calling (844) 492-0546. Services include:

- life coaches to assist in areas such as time management skills, work-life balance skills, managing change/transitions, and managing stress;
- the Online Counseling Center to get short-term counseling on issues including managing stress, relationship issues, family concerns, substance abuse, grief, trauma, loss, anxiety, and depression;
- career coaching for students during any part of the career development process, from setting career goals to negotiating a salary; and
- online seminars.

Employee Resources: UOPX provides an Employee Assistance Program (EAP) administered by Uprise Health as an employee benefit. All employees have access to the EAP whether they obtain other benefits through UOPX. Information about the [EAP program](https://uopx.uprisehealth.com/) is available at all times at <https://uopx.uprisehealth.com/> (enter access code UOPX) or by calling (800) 395-1616. This benefit provides referral services and treatment sessions as needed. Calls and online inquiries are tracked by category. Employees enrolled in health care plans can obtain added substance abuse benefits, including outpatient and inpatient services through providers contracted with their health care plan.

UOPX also provides a mental wellness benefit, Ginger, for employees and their dependents age 13 and older. Ginger is an emotional support app that supplies emotional support at the right time, including confidential coaching via text-based chats, self-guided activities, and video-based therapy and psychiatry—all from the privacy of a smartphone. Ginger coaches are available 24/7 and work as a team to ensure personalized care when it's needed.

Student Financial Aid: Sometimes a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence based on the circumstances of a complaint, they should understand there may be financial aid implications in taking such leave. This should be discussed with financial aid personnel, and the Title IX Coordinator can assist in facilitating this conversation if desired. Additional information on student financial aid is available at <http://www.finaid.org/> and <http://www.fastweb.com/financial-aid>.

National Resources

- National Domestic Violence Hotline: (800) 799-7233
- National Sexual Assault Hotline: (800) 656-4673
- loveisrespect: (866) 331-9474, <http://www.loveisrespect.org/>, text "LOVEIS" to 22522
- Rape, Abuse, and Incest National Network (RAINN): <https://www.rainn.org/>
- One Love Foundation: <http://www.joinonelove.org/>
- National Alliance to End Sexual Violence: <http://www.endsexualviolence.org/>
- Abused Deaf Women's Advocacy Services: <https://www.adwas.org>
- Safety Planning for Survivors with Disabilities: https://thearc.org/wp-content/uploads/forchapters/Protocol_disability_safety_planning-rev-2010.pdf



- College Resources for Students with Disabilities: <https://dealspotr.com/article/college-resources-for-disabled-students>
- National Adult Protective Services Association: <http://www.napsa-now.org/get-help/help-in-your-area>
- The Trevor Project: (866) 488-7386, <https://www.thetrevorproject.org/get-help-now/>, text “START” to 678678
- Anti-Violence Project: call or text (212) 714-1141 or <https://avp.org>
- Forge-forward: (414) 559-2123 or <https://forge-forward.org>
- LGBT National Help Center: (888) 843-4564 or <https://www.lgbthotline.org/>
- Trans Lifeline: (877) 565-8860 or <https://www.translifeline.org>
- Casa de Esperanza: <https://www.casadeesperanza.org/> or info@esperanzaunited.org
- U.S. Dept. of Justice Office on Violence Against Women: <https://www.justice.gov/ovw>
- National Coalition Against Domestic Violence: <http://www.ncadv.org/>
- Respect Together (previously the National Sexual Violence Resource Center): <http://www.nsvrc.org/>
- The NW Network: (206) 568-7777 or <http://nwnetwork.org/>
- Fierberg National Law Group: (202) 351-0510, (877) 927-4321 or <https://tfnlgroup.com>
- WomensLaw.org: <https://www.womenslaw.org/> or <http://hotline.womenslaw.org/>
- U.S. Citizenship and Immigration Services: <https://www.uscis.gov/>
- Immigration Advocates Network: <https://www.immigrationadvocates.org/>

State/Local Resources

Arizona

Arizona Crisis Hotline: (602) 222-9444

Arizona Victims Services: (602) 542-1853 or (866) 787-7233

Arizona Crime Victim Rights Law Group: (480) 946-0832

Phoenix	HonorHealth: (480) 312-6340 Tempe St. Luke's Hospital: (480) 784-5500
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California

California Victims Services: (877) 433-9069

Bakersfield	Kern Medical: (661) 326-2000 Adventist Health Bakersfield: (661) 395-3000 Kern County Crisis Hotline: (800) 991-5272
Fresno	Community Regional Medical Center: (559) 459-6000 Clovis Community Medical Center: (559) 324-4000 Fresno County Crisis Hotline: (800) 654-3937



California

California Victims Services: (877) 433-9069

Sacramento	Mercy General Hospital: (916) 453-4545 Sutter Medical Center: (916) 887-0000 Sacramento County Crisis Hotline: (888) 881-4881
San Diego	Scripps Mercy Hospital San Diego: (619) 294-8111 Sharp Memorial Hospital: (858) 939-3400 San Diego County Crisis Hotline: (888) 724-7240
Ontario	Kaiser Permanente Ontario Medical Center: (833) 574-2273 Chino Valley Medical Center: (909) 464-8600 San Bernardino County Crisis Hotline: (909) 386-8256
Gardena	Harbor-UCLA Medical Center: (424) 306-4000 Torrance Memorial Medical Center: (310) 325-9110 Los Angeles County Crisis Hotline: (877) 727-4747
Murrieta	Rancho Springs Medical Center: (951) 696-6000 Loma Linda University Medical Center: (951) 290-4000 Riverside County Crisis Hotline: (951) 686-4357
Pasadena	Huntington Hospital: (626) 289-5454 Alhambra Hospital Medical Center: (626) 570-1606 Los Angeles County Crisis Hotline: (877) 727-4747

Hawaii

Crisis Line of Hawaii: (808) 832-3100

Hawaii Victims Services: (877) 846-3444

Kapolei	Queen’s Medical Center: - West Oahu: (808) 691-3000 Waianae Coast Comprehensive Health Center: (808) 697-3300 Child & Family Services Domestic Abuse Hotline: (808) 841-0822
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Texas

Texas Victims Services: (800) 848-4284

Dallas	Parkland Hospital: (214) 590-8000 Carrollton Regional Medical Center: (972) 492-1010 Dallas Crisis Hotline: (866) 260-8000
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Accommodations and Supportive/Protective Measures

The University provides written notification to victims about options for, and available assistance in, and how to request changes to academic, living, transportation, and working situations or other supportive/protective measures. If accommodations or supportive/protective measures are requested, and they are reasonably available, UOPX is obligated to provide them, regardless of whether a report is made to campus security or local law enforcement.



Requests for supportive/protective measures should be made to the Title IX Coordinator at TIXC@phoenix.edu or (602) 557-1823, and the Title IX Coordinator is responsible for deciding what, if any, supportive/protective measures will be implemented.

Under the [Equal Opportunity, Harassment, and Nondiscrimination Policy](#), supportive/protective measures are non-disciplinary, non-punitive individualized services offered to the Complainant or the Respondent designed to restore or preserve equal access to the education program or activity, including measures designed to protect the safety of all parties or the educational environment, or deter harassment, discrimination, and/or retaliation. Supportive/protective measures may include, but are not limited to, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, security escorts, mutual restrictions on contact between the parties, changes in work location, leaves of absence, increased security and monitoring of certain areas, counseling referrals, and other similar measures. UOPX can make available a range of supportive/protective measures to all parties involved.

When determining the reasonableness of such a request, the following factors, among others, may be considered:

- The specific need expressed by the complainant
- The age of the individuals involved
- The severity or pervasiveness of the allegations
- Any continuing effects on the complainant
- Whether the complainant and respondent share the same class or job location
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders)

The University will maintain as private and/or confidential any accommodations or supportive/protective measures provided to the extent that maintaining such privacy and/or confidentiality would not impair the University's ability to provide them. However, there may be times when certain information must be disclosed to implement the accommodation or support/protection. For instance, resolution proceedings are private, and all persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with University policy. While there is an expectation of privacy, the parties involved have discretion to share their own knowledge and evidence with others if they so choose. University decisions to disclose certain information will be made in light of the circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or support/protection is provided. In the event a disclosure is necessary, the University will inform the relevant party of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared, and why.



Possible Sanctions UOPX May Impose for VAWA Offenses

Following a determination of responsibility that dating violence, domestic violence, sexual assault, or stalking has occurred, the following sanctions may be imposed:

- **Students**
 - Warning – A formal statement that the conduct was unacceptable and a warning that further violation of any UOPX policy, procedure, or directive will result in more severe sanctions.
 - Suspension – Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met.
 - Expulsion – Permanent termination of a student status and revocation of rights to be on campus for any reason or to attend recipient-sponsored events.
 - Withholding Diploma – UOPX may withhold a student’s diploma for a specified period of time and/or deny a student participation in commencement activities.
 - Revocation of Degree – UOPX reserves the right to revoke a degree previously awarded for violations committed by a student prior to graduation.
 - Other Actions – In addition to or in place of the above sanctions, the Decision-maker may assign any other sanctions as deemed appropriate

- **Part-Time Faculty**
 - Warning – A formal statement that the conduct was unacceptable and a warning that further violation of any UOPX policy, procedure, or directive will result in more severe sanctions, including the rescission of active faculty status.
 - Implementation of a remediation plan.
 - Removal from assigned course(s).
 - Restrictions on future teaching assignments.
 - Loss of teaching privileges altogether.
 - Other Actions – In addition to or in place of the above sanctions, the Decision-maker may assign any other sanctions as deemed appropriate

- **Staff and Full-Time Faculty**
 - Warning – Verbal or written.
 - Performance improvement/management process.
 - Required training or education.
 - Loss of oversight or supervisory responsibility.
 - Demotion.
 - Suspension with pay (dependent on situation).
 - Suspension without pay (dependent on situation).
 - Termination.
 - Other Actions – In addition to or in place of the above sanctions, the Decision-maker may assign any other sanctions as deemed appropriate



Procedures for Disciplinary Action

Allegations of domestic violence, dating violence, sexual assault, or stalking are resolved under the [Equal Opportunity, Harassment, and Nondiscrimination Policy](#) and are subject to the processes outlined in that policy.

Upon receipt of a report, the Title IX Coordinator determines jurisdiction and which processes apply.

Investigation Procedures and Protocols

For complete details regarding investigative procedures and protocols, please view the [Equal Opportunity, Harassment, and Nondiscrimination Policy](#).

Allegations of domestic violence, dating violence, sexual assault, or stalking are subject to the [University's Equal Opportunity, Harassment, and Nondiscrimination Policy](#) and the disciplinary proceedings therein. Students, faculty, and staff are subject to this policy. The University's procedures for disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, and stalking are provided in writing, and acknowledged by students, in the Academic Catalog. Further, rights and options, as well as resources, are provided to complainants and respondents upon disclosure of an allegation. Only incidents falling within the Title IX definition of sexual harassment will be subject to the Title IX Formal Grievance Process. An informal resolution process may only be used if certain criteria are met.

Informal Resolution

Parties are not required to participate in an Informal Resolution process and Informal Resolution may only be used if a formal complaint is filed. Any party participating in Informal Resolution can stop the process at any time and begin or resume the Title IX Formal Grievance Process. Informal Resolution may be used with the voluntary, written consent of both parties:

- When the Respondent accepts responsibility for violating policy and wants to accept a sanction and end the resolution process; or
- When the Title IX Coordinator can resolve the matter by providing supportive/protective measures to remedy the situation.

Prior to implementing Informal Resolution, both parties will be provided with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process. If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the University are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator accepts the Respondent's admission of responsibility and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary. The result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution.

Informal Resolution is not available to resolve allegations that an employee sexually harassed a student.



Formal Grievance Process

Once a formal complaint of alleged domestic violence, dating violence, sexual assault, or stalking is made, the Title IX Coordinator will provide a Notice of Allegations as soon as practicable to both parties, including the identities of the parties (if known), the precise misconduct being alleged, the date and location of the alleged incident(s) (if known), the specific policies implicated, a description of the applicable procedures, a statement that UOPX presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination, a statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period, and a statement that the parties may have an advisor of their choice (who may be, but is not required to be, an attorney).

Through the investigation process, all parties have a full and fair opportunity to suggest witnesses and questions, to provide evidence and expert witnesses, and to review and respond to all evidence on the record.

Once a final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a live hearing and select an appropriate decision-maker. At the hearing, the decision maker has the authority to hear and make determinations on all allegations.

A Notice of Outcome will be shared simultaneously in writing with both parties.

Either party may file a Request for Appeal in writing with the Title IX Coordinator within ten (10) days of the delivery of the Notice of Outcome. The non-appealing party will be notified of the appeal and permitted to submit a written statement in response. A three-member Appeals Panel will resolve the appeal within three (3) business days of receiving all relevant documentation.

Rights of the Parties in an Institutional Proceeding

Throughout the process described in the previous section, both the Complainant and Respondent are entitled to:

1. A prompt, fair, and impartial process from the initial report to the final outcome.
 - A prompt, fair, and impartial process is one that is:
 - Completed within reasonably prompt timeframes designated by the UOPX policy, including extensions of timeframes for good cause, with written notice to the parties of the delay and the reason for the delay.
 - Conducted in a manner that:
 - Is consistent with UOPX policies and transparent to the parties.
 - Includes timely notice of meetings at which the parties may be present; and
 - Provides timely access to the accuser, the accused, and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
 - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process impartially and without bias.



- Such training addresses topics such as the definition of sexual harassment; the scope of UOPX education programs and activities; how to conduct investigations, hearings, and appeals and informal resolutions (as applicable); relevant evidence and how it should be used during a proceeding; proper techniques for questioning witnesses; basic procedural rules for conducting a proceeding; avoiding actual and perceived conflicts of interest; relevant evidence and how it should be used during a proceeding; proper techniques for questioning witnesses; basic procedural rules for conducting a proceeding; and avoiding actual and perceived conflicts of interest. As mandated by Title IX, all training completed by Title IX Coordinators, Investigators, Decision-makers, Advisors, and the Appeal Panel is posted at https://www.phoenix.edu/about_us/title-ix.html.
- 3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. UOPX may not limit the choice of advisor but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
- 4. A determination based on the preponderance of the evidence standard.
- 5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, “result” means “any initial, interim, and final decision by an official or entity authorized to resolve disciplinary matters” and must include the rationale for reaching the result and any sanctions imposed.
- 6. Protection against retaliation.

Educational Programs – VAWA Awareness

UOPX conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees and an Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and employees. The PPAP advises campus community members that UOPX prohibits the offenses of dating violence, domestic violence, sexual assault, and stalking. They are also informed of the topics discussed below, including relevant definitions, risk reduction, and bystander intervention. The OPAC covers the same material as provided in the PPAP but is intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault, and stalking.

The PPAP and OPAC are carried out in a variety of ways, using a range of strategies, and, as appropriate, targeting specific audiences throughout UOPX. Methods include, but are not limited to, presentations, online training modules, distribution of written materials, periodic email blasts, and guest speakers. A summary of this programming is provided below.

- **Title IX Training** for students, faculty and staff is offered every other year. Faculty and staff are informed of employee requirements to help keep the UOPX community safe and free from discrimination including sexual harassment, dating violence, domestic violence, sexual assault, and stalking. Students are provided with contact and reporting information.
- **Employee Sexual Harassment Awareness Training and Title IX for Higher Education Training** must be completed by all new employees upon hire (within 30 days). Once hired, all employees must complete Employee Sexual Harassment Awareness training on a biennial basis.



- The **Campus Safety: Awareness, Prevention, and Action** online course is always available via MyLearning to staff and must be completed by all new staff upon hire (within 30 days). This course discusses key information on environmental, medical, and criminal risks.
- **Sexual Assault Awareness and Prevention Training** is offered annually to students, faculty, and staff virtually and at UOPX locations. This training includes:
 - The definitions of dating violence, domestic violence, sexual assault, stalking, and consent, in reference to sexual activity
 - The stance that UOPX prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking
 - Safe and positive options for bystander intervention (e.g., the three D’s of active bystander intervention: direct, distract, delegate) and risk reduction
 - Resources for survivors
 - Information on how alcohol and drug use could impact the risk of sexual assault
- UOPX offers information on sexual assault, dating violence, domestic violence, and stalking along with various resources and counseling services to all currently enrolled students via the **Life Resource Center (LRC)**, directly accessible from MyPhoenix. The LRC offers services that are confidential, available 24/7/365, accessible by calling (844) 492-0546, and free to students.
- **Employee Resources:** UOPX provides an Employee Assistance Program (EAP) administered by Uprise Health as an employee benefit. All employees have access to the EAP whether they obtain other benefits through UOPX. Information about the [EAP program](#) is available at all times at <https://uopx.uprisehealth.com/> (enter access code UOPX) or by calling (800) 395-1616. This benefit provides referral services and treatment sessions as needed. Calls and online inquiries are tracked by category. Employees enrolled in health care plans can obtain added substance abuse benefits, including outpatient and inpatient services through providers contracted with their health care plan. UOPX also provides a mental wellness benefit, Ginger, for employees and their dependents age 13 and older. Ginger is an emotional support app that supplies emotional support at the right time, including confidential coaching via text-based chats, self-guided activities, and video-based therapy and psychiatry—all from the privacy of a smartphone. Ginger coaches are available 24/7 and work as a team to ensure personalized care when it’s needed.
- **Denim Day:** Held in April in honor of Sexual Violence Awareness Month, UOPX local campuses and learning centers host their own Denim Day events. Students, faculty, and staff are encouraged to wear jeans on this day to support survivors and promote awareness of sexual violence.
- **Escalation Workshop:** The Title IX office has worked with the One Love Foundation to bring the Escalation Workshop to UOPX. The Escalation Workshop is a film-based discussion that opens people’s eyes to the warning signs of relationship abuse. Participants will understand the difference between healthy and unhealthy relationship behaviors and learn ways to safely intervene to help a friend. This is an annual event and is also available upon request.
- **Poster and Email Campaign:** Posters are periodically placed in public areas of the local campus to alert students and employees for personal safety and theft concerns. Also, emails and newsletter alerts provide awareness of various important topics such as sexual assault, personal safety, theft, incidents, and alcohol and drugs information.
- UOPX community members may contact their designated **Campus Safety Coordinator** at http://www.phoenix.edu/about_us/campus-safety/campus-safety-contact-list.html to learn about additional educational programs and dates/times they will be offered at their local campus related to these topics.



- **Security Escort Service:** Security personnel, where available, will provide an onsite safety escort service within the confines of the local campus to/from the parking facility if requested.
- **Persona Non Grata** – A trespass notice may be issued for individuals who have violated UOPX policy or who have demonstrated that they present a threat to anyone in the campus community. Violators can be arrested for trespass.

Bystander Intervention

Bystander intervention includes safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. As a bystander, you can help prevent sexual violence using safe and positive options. According to RAINN, stepping in can make all the difference, but it should never put your own safety at risk. If you find yourself in a situation where someone looks uncomfortable or something does not seem right, consider the **three D's of active bystander intervention:** 1) Direct, 2) Distract, 3) Delegate.

Direct – Step in and voice your opinion. For example, call out inappropriate behavior or ask if someone is okay.

Distract – Disrupt the interaction by creating a diversion. For example, ask a random question (e.g., Where's the bathroom?) or provide a random comment (e.g., I love the color of your shirt).

Delegate – Recruit others for help with the situation. For example, ask friends for help, inform campus resources, or call the police.

Risk Reduction

Risk reduction includes strategies designed to promote safety and decrease incidents of sexual violence and bystander inaction.

As bystanders, stepping in is not always easy but can have a big impact. UOPX strives to have a cohesive network of students, faculty, and staff that look out for each other, which ultimately creates a safer community for all.

The following suggestions may help foster a safer community. If you find yourself in an uncomfortable sexual situation, these suggestions may also help you reduce your risk:

- Know your resources.
 - Determine who you should contact and where you should go if you or a friend needs help.
 - Notice where emergency phones are located and program the Security Operations Center (SOC) number, (866) 992-3301, into your cell phone.
- Stay alert and aware of your surroundings. Avoid putting headphones in both ears or looking down to focus on your cell phone, especially when walking alone.
- Be careful about posting your location on social media.
- Make others earn your trust and make your limits known ahead of time.
- Consider back-up plans. Think about what you would need to do in various sticky situations such as if your phone dies, if your car runs out of gas, or if you become stranded without any cash or credit cards.



- You can withdraw consent to sexual activity at any time. Do not be afraid to tell a sexual aggressor “NO” clearly and loudly.
- Try to remove yourself from the physical presence of an aggressor. Be as direct as possible about wanting to leave the environment.
- Locate someone nearby and ask them for help.
- Attend events with friends you trust. Watch out for your friends and ask that they watch out for you. Show up together and leave together. If plans change, discuss with the group. Do not leave a friend stranded in an unfamiliar or unsafe situation.

Technology may also aid with preventing violence before it happens:

- **myPlan App** – [myPlan](http://www.joinonelove.org/my_plan_app) is a free app for iPhone and Android created to help people with safety decisions if they, or someone they care about, is experiencing abuse in their intimate relationship. myPlan is for everyone and can help identify, navigate, and provide resources for a range of relationship abuse concerns. For more information, visit http://www.joinonelove.org/my_plan_app.
- **The ASPIRE News App** – [ASPIRE News](https://www.whengeorgiasmiled.org/aspire-news-app/) is a free app for iPhone and Android that allows people to call for help at the touch of a button. The app contains summaries of top stories in world, sports, and entertainment news. Additionally, if someone you know is in an abusive relationship – or if that someone is you – the Help Section of the application contains domestic violence resources. You can triple tap the top of the application frame/title bar at any time in order to alert your trusted contacts that you’re in an emergency situation. For more information, visit <https://www.whengeorgiasmiled.org/aspire-news-app/>.

All persons should keep the following in mind before engaging in sexual behavior:

- Remember that you owe sexual respect to the other person.
- Don’t make assumptions about the other person’s consent or about how far they are willing to go.
- Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
- If your partner expresses a withdrawal of consent, stop immediately.
- Clearly communicate your sexual intentions and obtain consent before proceeding.
- “Mixed messages” may be a sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
- Don’t take advantage of someone who is intoxicated or on drugs, even if they knowingly and intentionally put themselves in that state. Further, don’t be afraid to step in if you see someone else trying to take advantage of a nearly incapacitated person.
 - Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.

It is also important to be aware of the warning signs of an abusive person. Some examples include past abuse, threats of violence or abuse, breaking objects, using force during an argument, jealousy, controlling behavior, quick involvement, unrealistic expectations, isolation, blames others for problems,



hypersensitivity, cruelty to animals or children, “playful” use of force during sex, and Jekyll-and-Hyde personality.

Become familiar with some of the warning signs and red flags of abusive relationships:

- Telling you that you can never do anything right
- Showing extreme jealousy of your friends and time spent away
- Keeping you or discouraging you from seeing friends or family members
- Insulting, demeaning, or shaming you with put-downs
- Controlling every penny spent in the household
- Taking your money or refusing to give you money for necessary expenses
- Looking at you or acting in ways that scare you
- Controlling who you see, where you go, or what you do
- Telling you that you are a bad parent or threatening to harm or take away your children
- Preventing you from working or attending school
- Destroying your property or threatening to hurt or kill your pets
- Intimidating you with guns, knives, or other weapons
- Pressuring you to have sex when you don’t want to or do things sexually you’re not comfortable with
- Pressuring you to use drugs or alcohol
- Punishing you by withholding affection

Registered Sex Offenders

The UOPX Campus Safety website at https://www.phoenix.edu/about_us/campus-safety.html provides a link to the public national websites at <http://www.sexoffender.com> and <http://www.nsopw.gov>. Sex offenders who are required to register in a state must provide notice to each institution of higher education in that state at which the offender is employed or is a student. This notice should be directed to the Campus Safety Coordinator at their local campus.

The *Campus Sex Crimes Prevention Act of 2000* provides minimum national standards for state sex offender registration and community notification programs. This act requires the state agencies to obtain information concerning registered sex offenders’ enrollment or employment at institutions of higher education.

Below are the direct links where one can go to access this information for those states that have a UOPX campus presence.

Arizona

<https://www.azdps.gov/services/public/offender>

California

<https://www.meganslaw.ca.gov/>



Hawaii

<https://sexoffenders.ehawaii.gov/sexoffender/welcome.html>

Texas

<https://publicsite.dps.texas.gov/SexOffenderRegistry>

Reporting Convicted Sex Offenders

Any UOPX employee who receives a student or employee disclosure of their sex offender status should notify the Security Operations Center (SOC) or any Campus Safety Coordinator. You can reach the SOC at SOC@phoenix.edu or (866) 992-3301. For a complete list of Campus Safety Coordinators, visit https://www.phoenix.edu/about_us/campus-safety/campus-safety-contact-list.html.

Appendices

Appendix A: Definitions

Awareness Programs: Community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge, and share information and resources to prevent violence, promote safety, and reduce perpetration.

Bystander Intervention: Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes:

- recognizing situations of potential harm;
- understanding institutional structures and cultural conditions that facilitate violence;
- overcoming barriers to intervening;
- identifying safe and effective intervention options; and
- taking action to intervene.

Complainant: The individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class.

Consent: The equal approval, given freely, willingly, and knowingly of each participant to desired sexual involvement. Consent is an affirmative, conscious decision – indicated clearly by words or actions – to engage in mutually accepted sexual contact and can be withdrawn at any time. A person forced to engage in sexual contact by force, threat of force, or coercion has not consented to contact. Lack of mutual consent is the crucial factor in any sexual assault. A person's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent. Consent is not given by a person's manner of dress or past sexual activity. A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another. Consent cannot be given if a person is unable to understand the nature of the activity or give knowing consent. Consent cannot be given if a person's ability to resist or consent is substantially impaired because of a mental or physical condition, if there is a significant age or perceived power differential, or due to the circumstances. Examples include, but are not limited to being:

- asleep or unconscious;
- underage;
- frightened;
- physically or psychologically pressured or forced;
- intimidated;
- substantially impaired because of a psychological health condition;



- substantially impaired because of voluntary intoxication;
- substantially impaired because of the deceptive administering of any drug, intoxicant, or controlled substance;
- incapacitated due to the use or influence of alcohol or drugs; or
- incapacitated due to a mental disability.

“Without Consent”: Includes any of the following:

- The victim is coerced by the immediate use or threatened use of force against a person or property.
- The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep, or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant. For purposes of this subdivision, “mental defect” means the victim is unable to comprehend the distinctively sexual nature of the conduct or is incapable of understanding or exercising the right to refuse to engage in the conduct with another.
- The victim is intentionally deceived as to the nature of the act.
- The victim is intentionally deceived to erroneously believe that the person is the victim’s spouse.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence: A felony or misdemeanor crime of violence committed:

- by a current or former spouse or intimate partner of the victim;
- by a person with whom the victim shares a child in common;
- by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Grievance Process: The non-criminal disciplinary process used to resolve a complaint, including, but not limited to, investigations; formal, informal, or administrative resolution; hearings; and appeals.

Incapacitation: A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or drugs.

Ongoing Prevention and Awareness Campaigns: Programming, initiatives, and strategies that are sustained over time and focus on increasing the understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking using a range of strategies with audiences throughout the institution and including information used to describe primary prevention and awareness programs at the institution.

Personally Identifying Information (PII): As defined in Section 40002(a) of the *Violence Against Women Act of 1994*, is individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including:



- a first and last name;
- a home or other physical address;
- contact information (including a postal, email, or Internet protocol address, or telephone or facsimile number);
- a social security number, driver’s license number, passport number, or student identification number; and
- any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.

Primary Prevention Programs: Programming, initiatives, and strategies intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking:

Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that are:

- culturally relevant;
- inclusive of diverse communities and identities;
- sustainable;
- responsive to community needs;
- informed by research or assessed for value, effectiveness, or outcome; and
- consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

NOTE: Programs to prevent dating violence, domestic violence, sexual assault, and stalking must include primary prevention and awareness programs directed at all incoming students and new employees. Ongoing prevention and awareness campaigns must be directed at all current students and employees.

Protected Class: Race, color, religion, creed, sex, pregnancy (including lactation, childbirth, and related medical conditions), sexual orientation, gender, gender identity or expression, familial or marital status, age (40 or older), physical or mental disability, medical condition (any health impairment related to a diagnosis, record, or history of cancer), genetic information (including testing and characteristics), national origin, ancestry, ethnicity, citizenship, military or veteran status, or any other status or characteristic protected by applicable federal, state, or local law.

Respondent: The individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class.

Outcome: Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.

Risk Reduction: Options designed to decrease perpetration and bystander inaction; increase empowerment for victims in order to promote safety; and help individuals and communities address conditions that facilitate violence.

Sexual Assault: defined as:

- **Sex Offenses, Forcible:** Any sexual act directed against another person, without consent of the complainant, including instances where the complainant is incapable of giving consent:



- **Forcible Rape:** Penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- **Sexual Assault with an Object:** To use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- **Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- **Sex Offenses, Nonforcible:** Nonforcible sexual intercourse.
 - **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

Sexual Harassment: Unwelcome, sex-based and/or gender-based verbal, non-verbal, written, online and/or physical conduct that satisfies one or more of the following:

- Takes the form of quid pro quo harassment;
- Creates a hostile environment;
- Is retaliatory.

Sexual Violence: Physical sexual acts attempted or perpetrated against a person's will or when a person is incapable of giving consent.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- fear for the person's safety or the safety of others; or
- suffer substantial emotional distress.

For the purposes of this definition:

1. *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
2. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
3. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

Title IX Sexual Harassment: Conduct on the basis of sex that satisfies one or more of the following:

- An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
- Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity;
- Sexual assault (as defined in the Clery Act);
- Dating Violence (as defined in VAWA);



- Domestic Violence (as defined in VAWA);
- Stalking (as defined in VAWA).

Appendix B: State Definitions

ARIZONA	
Crime Type	Definitions (Arizona Revised Statutes)
Dating Violence	The institution has determined, based on good-faith research, that Arizona law does not define the term dating violence.
Domestic Violence (Ariz. Rev. Stat. § 13.3601)	<p>“Domestic violence” means any act that is a dangerous crime against children or one of the following offenses as prescribed in state law: negligent homicide, manslaughter, second degree murder, first degree murder, endangerment, threatening or intimidation, assault, aggravated assault, custodial interference, unlawful imprisonment, kidnapping, sexual assault, unlawful distribution of pictures depicting nudity or specific sexual acts, criminal trespass in the third degree, criminal trespass in the second degree, criminal trespass in the first degree, criminal damage, interference with judicial proceeding, disorderly conduct, intentional cruelty to animals, intentional interference or prevention of person making an emergency phone call, or use of electronic communication to terrify, intimidate, threaten or harass, harassment, aggravated harassment, stalking, surreptitious photographing, aggravated domestic violence, or child or vulnerable adult abuse, if any of the following applies:</p> <ul style="list-style-type: none"> • The relationship between the victim and the defendant is one of marriage or former or of persons residing or having resided in the same household. • The victim and the defendant have a child in common. • The victim or the defendant is pregnant by the other party. • The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law. • The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant. • The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship. The following factors may be considered in determining whether the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship: (a) The type of relationship; (b) The length of the relationship; (c) The frequency of the interaction between the victim and the defendant; (d) If the relationship has terminated, the length of time since the termination.
Stalking (Ariz. Rev. Stat. § 13-2923)	<p>A person commits stalking if the person intentionally or knowingly engages in a course of conduct that is directed toward another person and if that conduct causes the victim to:</p> <ul style="list-style-type: none"> • Suffer emotional distress or reasonably fear that either: (a) The victim's property will be damaged or destroyed; or (b) Any of the following will be physically injured: (i) The victim; (ii) The victim's family member, domestic animal or livestock; (3) A person with whom the victim has or has previously had a romantic or sexual relationship; (4) A person who regularly resides in the victim's household or has resided in the victim's household within the six months before the last conduct occurred.



ARIZONA	
Crime Type	Definitions (Arizona Revised Statutes)
	<ul style="list-style-type: none"> Reasonably fear death or the death of any of the following: (a) The victim's family member, domestic animal or livestock; (b) A person with whom the victim has or has previously had a romantic or sexual relationship; (c) A person who regularly resides in the victim's household or has resided in the victim's household within the six months before the last conduct occurred.
Sexual Assault	<ul style="list-style-type: none"> Sexual assault (Ariz. Rev. Stat. § 13-1406): A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person. Violent sexual assault (Ariz. Rev. Stat. § 13-1423): A person is guilty of violent sexual assault if the offense involved the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or involved the intentional or knowing infliction of serious physical injury and the person has a historical prior felony conviction for a sexual offense under this chapter or any offense committed outside this state that if committed in this state would constitute a sexual offense under this chapter.
Rape, Fondling, Incest, Statutory Rape	<p>For purposes of the Clery Act, the term "sexual assault" includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Arizona law are as follows:</p> <ul style="list-style-type: none"> Rape: The institution has determined, based on good-faith research, that Arizona law does not define the term rape. These crimes are prosecuted under Arizona's sexual assault statutes. See Ariz. Rev. Stat. § 13-1406, et. seq. Fondling: The institution has determined, based on good-faith research, that Arizona law does not define the term fondling. Incest (Ariz. Rev. Stat. § 13-3608): Persons who are eighteen or more years of age and are within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who knowingly intermarry with each other, or who knowingly commit fornication or adultery with each other are guilty of a class 4 felony. Statutory Rape: The institution has determined, based on good-faith research, that Arizona law does not define the term statutory rape. Arizona prosecutes statutory rape offenses under its "sexual conduct with a minor" statutes which prohibits "intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under eighteen years of age." (Ariz. Rev. Stat. § 13-1405).
Other "sexual assault" crimes	<p>Other crimes under Arizona law that may be classified as a "sexual assault" include the following:</p> <ul style="list-style-type: none"> Sexual abuse (Ariz. Rev. Stat. § 13-1404): A person commits sexual abuse by intentionally or knowingly engaging in sexual contact with any person who is fifteen or more years of age without consent of that person or with any person who is under fifteen years of age if the sexual contact involves only the female breast. It is not a defense to a prosecution for a violation of this section that the other person consented if the other person was fifteen, sixteen or seventeen years of age and the defendant was in a position of trust. Sexual conduct with a minor (Ariz. Rev. Stat. § 13-1405): A person commits sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under eighteen years of age. Molestation of a child (Ariz. Rev. Stat. § 13-1410): A person commits molestation of a child by intentionally or knowingly engaging in or causing a person to engage



ARIZONA	
Crime Type	Definitions (Arizona Revised Statutes)
	in sexual contact, except sexual contact with the female breast, with a child who is under 15 years of age.
Consent (as it relates to sexual activity) (Ariz. Rev. Stat. § 13-1401(7))	“Without consent” includes any of the following: (a) The victim is coerced by the immediate use or threatened use of force against a person or property; (b) The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant. For the purposes of this subdivision, “mental defect” means the victim is unable to comprehend the distinctively sexual nature of the conduct or is incapable of understanding or exercising the right to refuse to engage in the conduct with another; (c) The victim is intentionally deceived as to the nature of the act; (d) The victim is intentionally deceived to erroneously believe that the person is the victim's spouse.

CALIFORNIA	
Crime Type	Definitions (California Penal Code)
Dating Violence	The institution has determined, based on good-faith research, that California law does not define the term dating violence.
Domestic Violence	<p>“Domestic violence” is abuse perpetrated against any of the following persons: (a) A spouse or former spouse. (b) a cohabitant or former cohabitant, as defined in Section 6209. (c) A person with whom the respondent is having or has had a dating or engagement relationship. (d) A person with whom the respondent has had a child, where the presumption applies that the male parent is the father of the child of the female parent under the Uniform Parentage Act. (e) A child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected. (f) Any other person related by consanguinity or affinity within the second degree. (Cal Fam. Code. § 6211).</p> <p>California law (Cal. Pen. Code §§ 242 & 243(e)(1)) provides penalties for battery (i.e., any willful and unlawful use of force or violence against another) when it is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship.</p> <p>Also, Cal. Pen. Code § 273.5 provides penalties for willful infliction of corporal injury:</p> <ol style="list-style-type: none"> a. Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6,000), or by both that fine and imprisonment. b. Subdivision (a) shall apply if the victim is or was one or more of the following: <ol style="list-style-type: none"> 1. The offender's spouse or former spouse. 2. The offender's cohabitant or former cohabitant. 3. The offender's fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship, as defined in paragraph (10) of subdivision (f) of Section 243. 4. The mother or father of the offender's child.



CALIFORNIA	
Crime Type	Definitions (California Penal Code)
	<ul style="list-style-type: none"> c. Holding oneself out to be the spouse of the person with whom one is cohabiting is not necessary to constitute cohabitation as the term is used in this section. d. As used in this section, "traumatic condition" means a condition of the body, such as a wound, or external or internal injury, including, but not limited to, injury as a result of strangulation or suffocation, whether of a minor or serious nature, caused by a physical force. For purposes of this section, "strangulation" and "suffocation" include impeding the normal breathing or circulation of the blood of a person by applying pressure on the throat or neck. e. For the purpose of this section, a person shall be considered the father or mother of another person's child if the alleged male parent is presumed the natural father under Sections 7611 and 7612 of the Family Code.
Stalking (Ca. Pen. Code § 646.9)	<ul style="list-style-type: none"> • Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking. • The following definitions apply to the crime of stalking: <ul style="list-style-type: none"> ○ "harasses" means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose. ○ "course of conduct" means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct." ○ "credible threat" means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally protected activity is not included within the meaning of "credible threat." ○ the term "electronic communication device" includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. "Electronic communication" has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.
Sexual Assault	<p>The institution has determined, based on good-faith research, that California law does not define the term sexual assault. California prosecutes such crimes as "sexual battery" under Cal. Penal Code § 243.4 defined as:</p> <ul style="list-style-type: none"> a. Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. b. Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the



CALIFORNIA	
Crime Type	Definitions (California Penal Code)
	<p>purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.</p> <p>c. Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).</p> <p>d. Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery.</p> <p>e. (1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery. (2) As used in this subdivision, "touches" means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.</p> <p>f. As used in subdivisions (a), (b), (c), and (d), "touches" means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.</p> <p>g. As used in this section, the following terms have the following meanings:</p> <ol style="list-style-type: none"> 1. "Intimate part" means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female. 2. "Sexual battery" does not include the crimes defined in Section 261 or 289. 3. "Seriously disabled" means a person with severe physical or sensory disabilities. 4. "Medically incapacitated" means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication. 5. "Institutionalized" means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital. 6. "Minor" means a person under 18 years of age.
Rape, Fondling, Incest, Statutory Rape	<p>For purposes of the Clery Act, the term "sexual assault" includes the offenses of rape, fondling, incest, and statutory rape. These definitions under California law are as follows:</p> <ul style="list-style-type: none"> • Rape (Cal. Pen. Code § 261): (a) Rape is an act of sexual intercourse accomplished under any of the following circumstances: <ol style="list-style-type: none"> 1. If a person who is not the spouse of the person committing the act is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. This paragraph does not preclude the prosecution of a spouse committing the act from being prosecuted under any paragraph of this subdivision or any other law.



CALIFORNIA	
Crime Type	Definitions (California Penal Code)
	<ol style="list-style-type: none"> 2. If it is accomplished against a person’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another. 3. If a person is prevented from resisting by an intoxicating or anesthetic substance, or a controlled substance, and this condition was known, or reasonably should have been known by the accused. 4. If a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, “unconscious of the nature of the act” means incapable of resisting because the victim meets any one of the following conditions: (A) Was unconscious or asleep; (B) Was not aware, knowing, perceiving, or cognizant that the act occurred; (C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact; (D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose. 5. If a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by artifice, pretense, or concealment practiced by the accused, with intent to induce the belief. 6. If the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, “threatening to retaliate” means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death. 7. If the act is accomplished against the victim’s will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official. <ul style="list-style-type: none"> • (b) For purposes of this section, the following definitions apply: (1) “Duress” means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and the victim’s relationship to the defendant, are factors to consider in appraising the existence of duress. (2) “Menace” means any threat, declaration, or act that shows an intention to inflict an injury upon another. • Fondling: The institution has determined, based on good-faith research, that California law does not define the term fondling. California prosecutes such crimes as “sexual battery” under Cal. Penal Code § 243.4 (defined above). • Incest (Cal. Pen. Code § 285): Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison. • Statutory Rape: The institution has determined, based on good-faith research, that California law does not define the term statutory rape. California prosecutes such



CALIFORNIA	
Crime Type	Definitions (California Penal Code)
	crimes as "Unlawful sexual intercourse with person under 18" under Cal. Penal Code § 261.5 (defined below).
Other "sexual assault" crimes	<p>Other crimes under California law that may be classified as a "sexual assault" include the following:</p> <ul style="list-style-type: none"> • Unlawful sexual intercourse with person under 18 (Cal. Pen. Code § 261.5): <ol style="list-style-type: none"> a. Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a "minor" is a person under the age of 18 years and an "adult" is a person who is at least 18 years of age. b. Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor. c. Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170. d. Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years. • Unlawful sexual intercourse, sexual penetration, oral copulation or sodomy; consent procured by false or fraudulent representation with intent to create fear (Cal. Pen. Code § 266c): Every person who induces any other person to engage in sexual intercourse, sexual penetration, oral copulation, or sodomy when his or her consent is procured by false or fraudulent representation or pretense that is made with the intent to create fear, and which does induce fear, and that would cause a reasonable person in like circumstances to act contrary to the person's free will, and does cause the victim to so act, is punishable by imprisonment in a county jail for not more than one year or in the state prison for two, three, or four years. As used in this section, "fear" means the fear of physical injury or death to the person or to any relative of the person or member of the person's family. • Aggravated sexual assault of a child (Cal. Pen. Code § 269): Any person who commits any of the following acts [as defined by state law] upon a child who is under 14 years of age and seven or more years younger than the person is guilty of aggravated sexual assault of a child: (1) Rape; (2) Rape or sexual penetration, in concert; (3) Sodomy; (4) Oral copulation; (5) Sexual penetration. • Sodomy (Cal. Pen. Code § 286): Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy. • Oral copulation (Cal. Pen. Code § 287): Oral copulation is the act of copulating the mouth of one person with the sexual organ or anus of another person. • Forcible acts of sexual penetration (Cal. Pen. Code § 289): <ol style="list-style-type: none"> a. Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.



CALIFORNIA	
Crime Type	Definitions (California Penal Code)
	<ul style="list-style-type: none"> b. Any person who commits an act of sexual penetration upon a child who is under 14 years of age, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years. c. Any person who commits an act of sexual penetration upon a minor who is 14 years of age or older, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 6, 8, or 10 years.
Consent (as it relates to sexual activity)	<ul style="list-style-type: none"> • Cal. Pen. Code § 261.6: In prosecutions under Section 261, 286, 287, or 289, or former Section 262 or 288a, in which consent is at issue, "consent" means positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 286, 287, or 289, or former Section 262 or 288a. • Cal. Pen. Code § 261.7: In prosecutions under Section 261, 286, 287, or 289, or former Section 262 or 288a, in which consent is at issue, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.

HAWAII	
Crime Type	Definitions (Hawaii Revised Statutes)
Dating Violence	The institution has determined, based on good-faith research, that Hawaii law does not define the term dating violence.
Domestic Violence	<p>Under Hawaii's Health laws, "domestic violence" is physical harm, bodily injury, assault, or the threat of imminent physical harm, bodily injury, or assault, extreme psychological abuse or malicious property damage between family or household members. Haw. Rev. Stat. § 321-471.</p> <p>Hawaii's criminal laws define the following:</p> <ul style="list-style-type: none"> a. Abuse of Family or Household Members (Haw. Rev. Stat. § 709-906): It shall be unlawful for any person, singly or in concert, to physically abuse a family or household member. <ul style="list-style-type: none"> o "Family or household member": (a) Means spouses or reciprocal beneficiaries, former spouses or reciprocal beneficiaries, persons in a dating relationship as defined under section 586-1, persons who have a child in common, parents, children, persons related by consanguinity, and persons jointly residing or formerly residing in the same dwelling unit; and (b) Does not include those who are, or were, adult roommates or cohabitants only by virtue of an economic or contractual affiliation. <p>Hawaii law also provides the following definitions related to domestic abuse protective orders (Haw. Rev. Stat. § 586-1):</p> <ul style="list-style-type: none"> b. "Dating relationship" means a romantic, courtship, or engagement relationship, often but not necessarily characterized by actions of an intimate or sexual nature,



HAWAII	
Crime Type	Definitions (Hawaii Revised Statutes)
	<p>but does not include a casual acquaintanceship or ordinary fraternization between persons in a business or social context.</p> <ul style="list-style-type: none"> c. "Domestic abuse" means: (1) Physical harm, bodily injury, assault, or the threat of imminent physical harm, bodily injury, or assault, extreme psychological abuse, coercive control, or malicious property damage between family or household members; or (2) Any act which would constitute an offense under section 709-906, or under part V or VI of chapter 707 committed against a minor family or household member by an adult family or household member. d. "Extreme psychological abuse" means an intentional or knowing course of conduct directed at an individual that seriously alarms or disturbs consistently or continually bothers the individual, and that serves no legitimate purpose; provided that such course of conduct would cause a reasonable person to suffer extreme emotional distress. e. "Family or household member": (1) Means spouses or reciprocal beneficiaries, former spouses or former reciprocal beneficiaries, persons who have a child in common, parents, children, persons related by consanguinity, persons jointly residing or formerly residing in the same dwelling unit, and persons who have or have had a dating relationship; and (2) Does not include those who are, or were, adult roommates or cohabitants only by virtue of an economic or contractual affiliation. f. "Malicious property damage" means an intentional or knowing damage to the property of another, without his consent, with an intent to thereby cause emotional distress.
Stalking	<ul style="list-style-type: none"> • Harassment by Stalking (Haw. Rev. Stat. § 711-1106.5): A person commits the offense of harassment by stalking if, with intent to harass, annoy, or alarm another person, or in reckless disregard of the risk thereof, that person engages in a course of conduct involving pursuit, surveillance, or nonconsensual contact upon the other person on more than one occasion without legitimate purpose. <ul style="list-style-type: none"> ○ For purposes of this section, "nonconsensual contact" means any contact that occurs without that individual's consent or in disregard of that person's express desire that the contact be avoided or discontinued. Nonconsensual contact includes direct personal visual or oral contact and contact via telephone, facsimile, or any form of electronic communication, as defined in section 711-1111(2), including electronic mail transmission.
Sexual Assault	<ul style="list-style-type: none"> • Sexual assault in the first degree (Haw. Rev. Stat. § 707-730): A person commits the offense of sexual assault in the first degree if the person: (a) Knowingly subjects another person to an act of sexual penetration by strong compulsion; (b) Knowingly engages in sexual penetration with another person who is less than fourteen years old; (c) Knowingly engages in sexual penetration with a person who is at least fourteen years old but less than sixteen years old; provided that the actor is: (i) No less than five years older than the minor; and (ii) Not legally married to the minor; (d) Knowingly subjects to sexual penetration a person who is mentally defective; provided that the actor is negligent in not knowing of the mental defect of the victim; or (e) Knowingly subjects to sexual penetration a person who is mentally incapacitated or physically helpless as a result of the influence of a substance that the actor knowingly caused to be administered to the other person without the other person's consent. • Sexual assault in the second degree (Haw. Rev. Stat. § 707-731): A person commits the offense of sexual assault in the second degree if the person: (a)



HAWAII	
Crime Type	Definitions (Hawaii Revised Statutes)
	<p>Knowingly subjects another person to an act of sexual penetration by compulsion; (b) Knowingly subjects to sexual penetration a person who is mentally incapacitated or physically helpless; (c) While employed: (i) In a state correctional facility; (ii) By a private company providing services at a correctional facility; (iii) By a private company providing community-based residential services to persons committed to the director of public safety [corrections and rehabilitation (effective Jan 1, 2024)] and having received notice of this statute; (iv) By a private correctional facility operating in the State; or (v) As a law enforcement officer as defined in section 710-1000, knowingly subjects to sexual penetration: an imprisoned person; a person confined to a detention facility; a person committed to the director of public safety [corrections and rehabilitation (effective Jan 1, 2024)]; a person residing in a private correctional facility operating in the State; a person in custody; a person who is stopped by a law enforcement officer; or a person who is being accompanied by a law enforcement officer for official purposes; provided that this paragraph shall not be construed to prohibit a law enforcement officer from performing a lawful search pursuant to a warrant or exception to the warrant clause; or (d) Knowingly subjects to sexual penetration a person who is at least sixteen years old and the actor is contemporaneously acting in a professional capacity to instruct, advise, or supervise such a person; provided that the actor is: (i) No less than five years older than the minor; and (ii) Not legally married to the minor.</p> <ul style="list-style-type: none"> • Sexual assault in the third degree (Haw. Rev. Stat. § 707-732): A person commits the offense of sexual assault in the third degree if the person: (a) Recklessly subjects another person to an act of sexual penetration by compulsion; (b) Knowingly subjects to sexual contact a person who is less than fourteen years old or causes such a person to have sexual contact with the actor; (c) Knowingly engages in sexual contact with a person who is at least fourteen years old but less than sixteen years old or causes such a person to have sexual contact with the actor; provided that the actor is: (i) No less than five years older than the minor; and (ii) Not legally married to the minor; (d) Knowingly subjects to sexual contact a person who is mentally incapacitated, or physically helpless, or causes such a person to have sexual contact with the actor; (e) Knowingly subjects to sexual contact a person who is mentally defective, or causes such a person to have sexual contact with the actor; provided that the actor is negligent in not knowing of the mental defect of the victim; (f) While employed: (i) In a state correctional facility; (ii) By a private company providing services at a correctional facility; (iii) By a private company providing community-based residential services to persons committed to the director of public safety [corrections and rehabilitation (effective Jan 1, 2024)] and having received notice of this statute; (iv) By a private correctional facility operating in the State; or (v) As a law enforcement officer as defined in section 710-1000, knowingly subjects to sexual contact, or causes to have sexual contact: an imprisoned person; a person confined to a detention facility; a person committed to the director of public safety [corrections and rehabilitation (effective Jan 1, 2024)]; a person residing in a private correctional facility operating in the State; a person in custody; a person who is stopped by a law enforcement officer; or a person who is being accompanied by a law enforcement officer for official purposes; provided that this paragraph shall not be construed to prohibit a law enforcement officer from performing a lawful search pursuant to a warrant or an exception to the warrant clause; or (g) Knowingly, by strong compulsion, has sexual contact with another person or causes another person to have sexual contact with the actor.



HAWAII	
Crime Type	Definitions (Hawaii Revised Statutes)
	<ul style="list-style-type: none"> Sexual assault in the fourth degree (Haw. Rev. Stat. § 707-733): A person commits the offense of sexual assault in the fourth degree if: (a) The person knowingly subjects another person, not married to the actor, to sexual contact by compulsion or causes another person, not married to the actor, to have sexual contact with the actor by compulsion; (b) The person knowingly exposes the person's genitals to another person under circumstances in which the actor's conduct is likely to alarm the other person or put the other person in fear of bodily injury; (c) The person knowingly trespasses on property for the purpose of subjecting another person to surreptitious surveillance for the sexual gratification of the actor; or (d) The person knowingly engages in or causes sexual contact with a minor who is at least sixteen years old and the person is contemporaneously acting in a professional capacity to instruct, advise, or supervise the minor; provided that: (i) The person is not less than five years older than the minor; and (ii) The person is not legally married to the minor. a. Continuous sexual assault of a minor under the age of fourteen years (Haw. Rev. Stat. § 707-733.6): A person commits the offense of continuous sexual assault of a minor under the age of fourteen years if the person: (a) Either resides in the same home with a minor under the age of fourteen years or has recurring access to the minor; and (b) Engages in three or more acts of sexual penetration or sexual contact with the minor over a period of time, while the minor is under the age of fourteen years.
Rape, Fondling, Incest, Statutory Rape	<p>For purposes of the Clery Act, the term "sexual assault" includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Hawaii law are as follows:</p> <ul style="list-style-type: none"> a. Rape: The institution has determined, based on good-faith research, that Hawaii law does not define the term rape. Such offenses are generally prosecuted under the state's sexual assault provisions (Haw. Rev. Stat. § 707-730 et. seq.). b. Fondling: The institution has determined, based on good-faith research, that Hawaii does not define the term fondling. c. Incest (Haw. Rev. Stat. § 707-741): A person commits the offense of incest if the person commits an act of sexual penetration with another who is within the degrees of consanguinity or affinity within which marriage is prohibited. d. Statutory Rape: The institution has determined, based on good-faith research, that Hawaii law does not define the term statutory rape.
Consent (as it relates to sexual activity)	<p>The institution has determined, based on good-faith research, that Hawaii law does not define the term consent (as it relates to sexual activity). However, Hawaii law provides that a person commits a sex crime if the person subjects another person to a sexual act by compulsion; or the person subjects to a sexual act another person who is mentally defective, mentally incapacitated, or physically helpless. HRS §§ 707-730; 707-731; 707-732.</p>

TEXAS	
Crime Type	Definitions (Texas Code Annotated)
Dating Violence (Tex. Fam. Code Ann. § 71.0021)	<p>The institution had determined, based on good-faith research, that the criminal statutes of Texas do not define the term dating violence.</p> <p>However, Section 71.0021 of the Texas Family Code provides the following:</p>



TEXAS	
Crime Type	Definitions (Texas Code Annotated)
	<p>a. "Dating violence" means an act, other than a defensive measure to protect oneself, by an actor that: (1) is committed against a victim or applicant for a protective order: (A) with whom the actor has or has had a dating relationship; or (B) because of the victim's or applicant's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and (2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim or applicant in fear of imminent physical harm, bodily injury, assault, or sexual assault.</p> <p>b. For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of: (1) the length of the relationship; (2) the nature of the relationship; and (3) the frequency and type of interaction between the persons involved in the relationship.</p> <p>c. A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b).</p> <p>In addition, Sections 51.251 and 51.281 of the Texas Education Code provide that "dating violence" shall have the meaning assigned by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20.U.S.C. Section 1092(f)(6)(A)). This law defines dating violence to mean violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.</p>
Domestic Violence	<p>The institution has determined, based on good-faith research, that Texas law does not define the term domestic violence.</p> <p>However, Texas law does define the term "Family Violence" (Tex. Fam. Code Ann. § 71.004) as follows: (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself; (2) abuse [as defined under state law] by a member of a family or household toward a child of the family or household; or (3) dating violence, as that term is defined by Section 71.0021.</p>
Stalking (Tex. Penal Code Ann. § 42.072)	<p>Stalking (Tex. Penal Code Ann. § 42.072):</p> <p>a. A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed at a specific other person, knowingly engages in conduct that:</p> <ol style="list-style-type: none"> 1. constitutes an offense under Section 42.07, or that the actor knows or reasonably should know the other person will regard as threatening: (A) bodily injury or death for the other person; or (B) that an offense will be committed against: (i) a member of the other person's family or household; or (ii) an individual with whom the other person has a dating relationship; or (iii) the other person's property; 2. causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship: (A) to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person, a member of the other person's family or



TEXAS	
Crime Type	Definitions (Texas Code Annotated)
	<p>household, or an individual with whom the other person has a dating relationship, or the other person's property; or (B) to feel harassed, terrified, intimidated, annoyed, alarmed, abused, tormented, embarrassed, or offended; and</p> <p>3. would cause a reasonable person under circumstances similar to the circumstances of the other person to: (A) fear bodily injury or death for the person; (B) fear that an offense will be committed against a member of the person's family or household or an individual with whom the person has a dating relationship; (C) fear that an offense will be committed against the person's property; or (D) feel harassed, terrified, intimidated, annoyed, alarmed, abused, tormented, embarrassed, or offended.</p> <p>b. An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section:</p> <ol style="list-style-type: none"> 1. the laws of another state; 2. the laws of a federally recognized Indian tribe; 3. the laws of a territory of the United States; or 4. federal law. <p>c. For purposes of this section, a trier of fact may find that different types of conduct described by Subsection (a), if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct.</p> <p>d. In this section:</p> <ol style="list-style-type: none"> 1. "Dating relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code; 2. "Property" includes a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code. <p>In addition, Sections 51.251 and 51.281 of the Texas Education Code provide that "stalking" shall have the meaning assigned by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20.U.S.C. Section 1092(f)(6)(A)). This law defines stalking as engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.</p>
Sexual Assault	<p>The Texas Penal Code provides the following definitions for sexual assault and aggravated sexual assault:</p> <ul style="list-style-type: none"> • Sexual Assault (Tex. Penal Code Ann. § 22.011): A person commits an offense if: <ul style="list-style-type: none"> ○ (1) the person intentionally or knowingly: (A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; (B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or (C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or ○ (2) regardless of whether the person knows the age of the child at the time of the offense, the person intentionally or knowingly: (A) causes the penetration of the anus or sexual organ of a child by any means; (B) causes the penetration of the mouth of a child by the sexual organ of the actor; (C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual



TEXAS	
Crime Type	Definitions (Texas Code Annotated)
	<p>organ of another person, including the actor; (D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or (E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.</p> <ul style="list-style-type: none"> • Aggravated sexual assault (Tex. Penal Code Ann. § 22.021): A person commits an offense: <ul style="list-style-type: none"> ○ If the person: (A) intentionally or knowingly: (i) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; (ii) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or (iii) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or (B) regardless of whether the person knows the age of the child at the time of the offense, intentionally or knowingly: (i) causes the penetration of the anus or sexual organ of a child by any means; (ii) causes the penetration of the mouth of a child by the sexual organ of the actor; (iii) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; (iv) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or (v) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and ○ If: (A) the person: (i) causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode; (ii) by acts or words places the victim in fear that any person will become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person; (iii) by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person; (iv) uses or exhibits a deadly weapon in the course of the same criminal episode; (v) acts in concert with another who engages in conduct described by Subdivision (1) directed toward the same victim and occurring during the course of the same criminal episode; or (vi) with the intent of facilitating the commission of the offense; administers or provides to the victim of the offense any substance capable of impairing victim's ability to appraise the nature of the act or to resist the act; (B) the victim is younger than 14 years of age, regardless of whether the person knows the age of the victim at the time of the offense; or (C) the victim is an elderly individual or a disabled individual. <p>In addition, Sections 51.251 and 51.281 of the Texas Education Code provide that "sexual assault" shall have the meaning assigned by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20.U.S.C. Section 1092(f)(6)(A)). This law defines sexual assault as any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.</p>
Rape, Fondling, Incest, Statutory Rape	For purposes of the Clery Act, the term "sexual assault" includes the offenses of rape, fondling, incest, and statutory rape. The institution has determined, based on good-faith research, that Texas law does not define these terms.



TEXAS	
Crime Type	Definitions (Texas Code Annotated)
Other "sexual assault" crimes	<p>Other crimes under Texas law that may be classified as a "sexual assault" include the following:</p> <ul style="list-style-type: none"> Prohibited Sexual Conduct (Tex. Penal Code Ann. § 25.02): A person commits an offense if the person engages in sexual intercourse or deviate sexual intercourse with another person the actor knows to be, without regard to legitimacy: (1) the actor's ancestor or descendant by blood or adoption; (2) the actor's current or former stepchild or stepparent; (3) the actor's parent's brother or sister of the whole or half blood; (4) the actor's brother or sister of the whole or half blood or by adoption; (5) the children of the actor's brother or sister of the whole or half blood or by adoption; or (6) the son or daughter of the actor's aunt or uncle of the whole or half blood or by adoption. Indecency With a Child (Tex. Penal Code Ann. § 21.11): A person commits an offense if, with a child younger than 17 years of age, whether the child is of the same or opposite sex and regardless of whether the person knows the age of the child at the time of the offense, the person (1) engages in sexual contact with the child or causes the child to engage in sexual contact; or (2) with the intent to arouse or gratify the sexual desire of any person: (A) exposes the person's anus or any part of the person's genitals, knowing the child is present; or (B) causes the child to expose the child's anus or any part of the child's genitals. Improper Relationship Between Educator and Student (Tex. Penal Code Ann. § 21.12): (a) An employee of a public or private primary or secondary school commits an offense if the employee: (1) engages in sexual contact, sexual intercourse, or deviate sexual intercourse with a person who is enrolled in a public or private primary or secondary school at which the employee works; (2) holds a position described by Section 21.003(a) or (b), Education Code, regardless of whether the employee holds the appropriate certificate, permit, license, or credential for the position, and engages in sexual contact, sexual intercourse, or deviate sexual intercourse with a person the employee knows is: <ul style="list-style-type: none"> (A) enrolled in a public or private primary or secondary school, other than a school described by Subdivision (1); or (B) a student participant in an educational activity that is sponsored by a school district or a public or private primary or secondary school, if students enrolled in a public or private primary or secondary school are the primary participants in the activity; or (3) engages in conduct described by Section 33.021, with a person described by Subdivision (1), or a person the employee knows is a person described by Subdivision (2)(A) or (B), regardless of the age of that person.
Consent (as it relates to sexual activity) (Tex. Penal Code Ann. § 22.011)	<p>A sexual assault is without the consent of the other person if: (1) the actor compels the other person to submit or participate by the use of physical force, violence, or coercion; (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person or to cause harm to the other person, and the other person believes that the actor has the present ability to execute the threat; (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist; (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it; (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring; (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other</p>



TEXAS	
Crime Type	Definitions (Texas Code Annotated)
	person's knowledge; (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat; (8) the actor is a public servant who coerces the other person to submit or participate; (9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor; (10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; (11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code; or (12) the actor is a health care services provider who, in the course of performing an assisted reproduction procedure on the other person, uses human reproductive material from a donor knowing that the other person has not expressly consented to the use of material from that donor; (13) the actor is a coach or tutor who causes the other person to submit or participate by using the actor's power or influence to exploit the other person's dependency on the actor; or (14) the actor is a caregiver hired to assist the other person with activities of daily life and causes the other person to submit or participate by exploiting the other person's dependency on the actor.

Note: The laws here are taken directly from state statute, which, in some cases may not reflect gender inclusive terminology.