

Department: Student Services
Owner & Title: Jaslyn Ramirez, Director of Program Compliance

Effective Date: 8/14/2020
Last Revised Date: 7/30/2024

I. POLICY STATEMENT

Consistent with UTI's Non-Discrimination Notice and the U.S. Department of Education's implementing regulations for Title IX of the Education Amendments of 1972 ("Title IX") (*see* 34 C.F.R. § 106 *et seq.*), UTI prohibits Sexual Harassment that occurs within its education programs or activities.

For purposes of this policy, Sexual Harassment includes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

Administrators, faculty member, staff, students, contractors, guests, and other members of the UTI community who commit Sexual Harassment are subject to the full range of UTI discipline including verbal reprimand; written reprimand; mandatory training, coaching, or counseling; mandatory monitoring; partial or full probation; partial or full suspension; fines; permanent separation from the institution (that is, termination or dismissal); physical restriction from UTI property; cancellation of contracts; and any combination of the same.

UTI will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to UTI's Education Programs or Activities.

II. SCOPE

This policy applies to Sexual Harassment that occurs within UTI's Education Programs or Activities and that is committed by an administrator, faculty member, staff, student, contractor, guest, or other member of the UTI community.

This policy does not apply to Sexual Harassment that occurs off-campus, in a private setting, and outside the scope of UTI's Education Programs or Activities; such sexual misconduct may be prohibited by the Sexual Misconduct Policy, Employee Handbook, or other UTI policies and standards if committed by an employee.

III. DEFINITIONS

(Additional definitions, including state law definitions and definitions required under the Violence Against Women Act amendments to the Clery Act, are set forth in Appendix A.)

- A. "Sexual Harassment" is conduct on the basis of sex that constitutes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.

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- B.** “Quid Pro Quo Sexual Harassment” is an employee of the UTI conditioning the provision of an aid, benefit, or service of UTI on an individual’s participation in unwelcome sexual contact.
- C.** “Hostile Environment Sexual Harassment” is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to UTI’s Education Programs or Activities.
- D.** “Sexual Assault” includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.¹

 - 1.** “Rape” is the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. There is “carnal knowledge” if there is the slightest penetration of the vagina or penis by the sexual organ of the other person. Attempted Rape is included.
 - 2.** “Sodomy” is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
 - 3.** “Sexual Assault with an Object” is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia.
 - 4.** “Fondling” is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including

¹ UTI’s definition of “Sexual Assault” is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Those regulations require UTI to adopt a definition of “Sexual Assault” that incorporates various forcible and non-forcible sex crimes as defined by the FBI’s Uniform Crime Reporting System. See 34 C.F.R. § 106.30(a).

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instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

5. “Incest” is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by applicable state law.
 6. “Statutory Rape” is sexual intercourse with a person who is under the statutory age of consent as defined by applicable state law.
- E.** “Domestic Violence” is felony or misdemeanor crimes 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 applicable state, 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 applicable state.
- F.** “Dating Violence” is violence committed by a person –
1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 2. Where the existence of such a relationship will be determined based on a consideration of the following factors:
 - The length of the relationship;
 - The type of relationship; and
 - The frequency of interaction between the persons involved in the relationship.
- G.** “Stalking” is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
- Fear for their safety or the safety of others; or
 - Suffer substantial emotional distress.
- H.** “Consent” refers to affirmative, conscious, and voluntary agreement to engage in sexual activity. Neither the lack of protest or resistance nor silence constitutes consent. Consent may be withdrawn at any time. Affirmative consent must be given by all parties to sexual activity. A person who is incapacitated cannot consent (see discussion of

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incapacitation below). Past consent does not imply consent to engage in sexual activity with another. Coercion, force, or threat of either invalidates consent.

- I. “Coercion” refers to direct or implied threat of danger, hardship, or retribution sufficient to persuade a reasonable person to engage in sexual activity in which they otherwise would not engage or to which they otherwise would not submit. Coercion is different from seductive behavior based on the type of pressure someone uses to get another to engage in sexual activity. A person’s words or conduct cannot amount to coercion unless they wrongfully impair the other’s free will and ability to choose whether or not to engage in sexual activity. Coercion can include unreasonable and sustained pressure for sexual activity. When someone makes clear that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- J. “Incapacitated” refers to the state where a person may be unable to give consent due to the effect of drugs or alcohol consumption, medical condition or disability, or due to a state of unconsciousness or sleep. In evaluating whether a complainant was incapacitated due to the consumption of alcohol, UTI will consider the totality of the circumstances, including factors such as the presence of slurred speech, an unsteady gait/stumbling, unfocused eyes, and impaired memory.
- K. “Inducing incapacitation” is to providing alcohol or drugs to an individual, with or without that individual’s knowledge, for the purpose of causing impairment or intoxication or taking advantage of that individual’s impairment or incapacitation.
- L. “Intimidation” is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.
- M. “Retaliation” is intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.
- N. “Complainant” means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.
- O. “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.
- P. “Formal Complaint” means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that UTI

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investigate the allegation of Sexual Harassment in accordance with this policy. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in UTI's Education Programs or Activities. A "document filed by a Complainant" means a document or electronic submission (such as an email) that contains the Complainant's physical or electronic signature or otherwise indicates that the Complainant is the person filing the Complaint.

- Q.** "Supportive Measures" are non-disciplinary, non-punitive individualized services offered, as appropriate, and reasonably available, and without fee or charge, that are designed to restore or preserve equal access to UTI's Education Programs or Activities without unreasonably burdening another party, including measures designed to protect the safety of all parties implicated by a report or UTI's education environment, or to deter Sexual Harassment. Supportive measures may include: counseling, extensions of academic or other deadlines, course-related adjustments, modifications to work or class schedules, campus escort services, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. Supportive Measures may also include mutual restrictions on contact between the parties implicated by a report.
- R.** "Education Programs or Activities" refers to all the operations of UTI, including, but not limited to, in-person and online educational instruction, employment, extracurricular activities, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by UTI. It also includes locations, events, or circumstances over which UTI exercises substantial control over the Respondent and the context in which the Sexual Harassment occurs, including Sexual Harassment occurring in any building owned or controlled by a student organization that is officially **recognized by UTI**.

IV. UNDERSTANDING HOSTILE ENVIRONMENT SEXUAL HARASSMENT

In determining whether a hostile environment exists, UTI will consider the totality of circumstances, including factors such as the actual impact the conduct has had on the Complainant; the nature and severity of the conduct at issue; the frequency and duration of the conduct; the relationship between the parties (including accounting for whether one individual has power or authority over the other); the respective ages of the parties; the context in which the conduct occurred; and the number of persons affected. UTI will evaluate the totality of circumstances from the perspective of a reasonable person in the Complainant's position. A person's adverse subjective reaction to conduct is not sufficient, in and of itself, to establish the existence of a hostile environment.

UTI encourages members of the UTI Community to report any and all instances of Sexual Harassment, even if they are unsure whether the conduct rises to the level of a policy violation.

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Some specific examples of conduct that may constitute Sexual Harassment if unwelcome include, but are not limited to:

- Unreasonable pressure for a dating, romantic, or intimate relationship or sexual contact
- Unwelcome kissing, hugging, or massaging
- Sexual innuendos, jokes, or humor
- Displaying sexual graffiti, pictures, videos, or posters
- Using sexually explicit profanity
- Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities
- E-mail, internet, or other electronic use that violates this policy
- Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin
- Sending sexually explicit emails, text messages, or social media posts
- Commenting on a person's dress in a sexual manner
- Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship
- Insulting, demeaning, or degrading another person based on gender or gender stereotypes
- Spreading rumors of a sexual nature

V. UNDERSTANDING CONSENT AND INCAPACITATION

A. Consent

Lack of consent is a critical factor in determining whether Sexual Harassment has occurred. As defined above, consent is a mutual, voluntary, and informed agreement to participate in specific sexual acts with another person that is not achieved through unreasonable manipulation or coercion—or any kind of physical force or weapon—and requires having cognitive ability to agree to participate. Consent requires an outward demonstration, through mutually understandable words, conduct or action, indicating that an individual has freely chosen to engage in the specific sexual acts. A verbal “no” constitutes lack of consent, even if it sounds insincere or indecisive.

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Impairment or incapacitation due to alcohol and/or drug use, permanent/ temporary psychological or physical disability, and being below the age of consent in the applicable jurisdiction are factors which detract from or make consent impossible.

Silence or an absence of resistance does not imply consent, and consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Even in the context of an ongoing relationship, consent must be sought and freely given for each specific sexual act. Consent may be withdrawn at any time. When consent is withdrawn, sexual activity must immediately stop.

B. Incapacitation

Incapacitation is a state where an individual cannot make an informed and rational decision to consent to engage in sexual contact because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the “who, what, where, when, why or how” of the sexual interaction) and/or is physically or mentally helpless. An individual is also considered incapacitated, and therefore unable to give consent, when asleep, unconscious, or otherwise unaware that sexual contact is occurring.

Incapacitation can only be found when the Respondent knew or should have known that the Complainant was incapacitated when viewed from the position of a sober, reasonable person. One’s own intoxication is not an excuse for failure to recognize another person’s incapacitation.

Incapacitation may result from the use of alcohol and/or other drugs; however, consumption of alcohol or other drugs, inebriation, or intoxication alone are insufficient to establish incapacitation. Incapacitation is beyond mere drunkenness or intoxication. The impact of alcohol or drugs varies from person to person, and evaluating incapacitation requires an assessment of how consumption of alcohol and/or drugs impacts an individual’s:

- Decision-making ability
- Awareness of consequences
- Ability to make informed judgments
- Capacity to appreciate the nature of circumstances of the act.

No single factor is determinative of incapacitation. Some common signs that someone may be incapacitated include slurred speech, confusion, shaky balance, stumbling or falling down, vomiting, and unconsciousness.

VI. REPORTING SEXUAL HARASSMENT

Any person may report Sexual Harassment to the Title IX or Deputy Title IX Coordinator. Reports may be made in person, by regular mail, telephone, electronic mail, or by any other means that results in the Title IX or Deputy Title IX Coordinator receiving the person’s verbal or written report. In-person reports

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must be made during normal business hours, but reports can be made by regular mail, telephone, or electronic mail at any time, including outside normal business hours.

The name and contact information for the Title IX Coordinator is:

Jaslyn Ramirez
Director of Program Compliance
Title IX Coordinator
4225 East Windrose Drive, Suite 200
Phoenix, AZ 85032
800-859-7249
623-445-0730
jramirez@uti.edu

The name and contact information for the Deputy Title IX Coordinator is:

Annalise Manginelli
National Director – Student Services
Deputy Title IX Coordinator
4225 East Windrose Drive, Suite 200
Phoenix, AZ 85032
800-859-7249
623-445-0813
amanginelli@uti.edu

In addition to reporting to the Title IX Coordinator, any person may report Sexual Harassment to any UTI employee with managerial authority over other employees, including other managers (collectively “Reporting Officials”) who must promptly forward such report of Sexual Harassment to the Title IX Coordinator.

UTI employees who are not Reporting Officials are encouraged, but are not required to, forward reports of Sexual Harassment to the Title IX Coordinator.

In cases involving California campuses, reports of certain sexual misconduct made to campus security authorities will be disclosed to local law enforcement.

VII. SPECIAL ADVICE FOR INDIVIDUALS REPORTING SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING

If you believe you are the victim of Sexual Assault, Domestic Violence, or Dating Violence, get to safety and do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. For

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those who believe that they are victims of Sexual Assault, Domestic Violence, or Dating Violence, UTI recommends the following:

- Get to a safe place as soon as possible.
- Try to preserve all physical evidence of the crime—avoid bathing, using the toilet, rinsing one’s mouth or changing clothes. If it is necessary, put all clothing that was worn at the time of the incident in a paper bag, not a plastic one.
- Do not launder or discard bedding or otherwise clean the area where the assault occurred- preserve for law enforcement
- Preserve all forms of electronic communication that occurred before, during, or after the assault
- Contact law enforcement by calling 911.
- Get medical attention - all medical injuries are not immediately apparent. This will also help collect evidence that may be needed in case the individual decides to press charges. Local hospitals have evidence collection kits necessary for criminal prosecution should the victim wish to pursue charges. Take a full change of clothing, including shoes, for use after a medical examination.
- Contact a trusted person, such as a friend or family member for support.
- Talk with a professional licensed counselor or health care provider who can help explain options, give information, and provide emotional support.
- Make a report to the Title IX Coordinator.
- Explore this policy and avenues for resolution under the Title IX Grievance Process.

It is also important to take steps to preserve evidence in cases of Stalking, to the extent such evidence exists. Such evidence is more likely to be in the form of letters, emails, text messages, electronic images, etc. rather than evidence of physical contact and violence. This type of non-physical evidence will also be useful in all types of Sexual Harassment investigations.

Once a report of Sexual Assault, Domestic Violence, Dating Violence, or Stalking is made, the victim has several options such as, but not limited to:

- obtaining Supportive Measures
- contacting parents or a relative

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- seeking legal advice
- seeking personal counseling (always recommended)
- pursuing legal action against the perpetrator
- filing a Formal Complaint
- requesting that no further action be taken

The Title IX, Deputy Title IX Coordinator, or campus Student Services Director/Advisor – is available to provide information or resources regarding how to seek an order of protection. In addition, an individual may request as an interim protective measure or accommodation that UTI honor an order of protection or no contact order entered by a State civil or criminal court.

VIII. AMNESTY

UTI encourages the reporting of incidents of sexual harassment and recognizes that some students may be reluctant to make such reports as a result of their personal consumption of drugs or alcohol at the time of the incident. UTI generally will not discipline complainants, respondents, or witnesses for personal consumption of drugs or alcohol in violation of UTI's policies where such conduct occurred at the time of the incident and did not endanger the health or safety of others. Educational responses to the conduct may be implemented, as appropriate. Note that UTI's commitment to amnesty in these situations does not prevent action by police or legal authorities against an individual who has illegally consumed alcohol or drugs.

In California, Complainants and witnesses are protected from sanctions for violations of student conduct policies that occurred around the time of the reported incidents, unless UTI finds the violations egregious.

IX. PRELIMINARY ASSESSMENT

After receiving a report under "Reporting Sexual Harassment," the Title IX Coordinator will conduct a preliminary assessment to determine:

- Whether the conduct, as reported, falls or could fall within the scope of this policy (see "Scope"); and
- Whether the conduct, as reported, constitutes or could constitute Sexual Harassment.

If the Title IX Coordinator determines that the conduct reported could not fall within the scope of the policy, and/or could not constitute Sexual Harassment, even if investigated, the Title Coordinator will close the matter and may notify the reporting party if doing so is consistent with the Family Educational Rights and Privacy Act ("FERPA"). The Title IX Coordinator may refer the report to other UTI offices, as appropriate.

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If the Title IX Coordinator determines that the conduct reported could fall within the scope of the policy, and/or could constitute Sexual Harassment, if investigated, the Title IX Coordinator will proceed to contact the Complainant (see “Contacting the Complainant”)

As part of the preliminary assessment, the Title IX Coordinator may take investigative steps to determine the identity of the Complainant, if it is not apparent from the report.

X. CONTACTING THE COMPLAINANT

If a report is not closed as a result of the preliminary assessment (see “Preliminary Assessment”) and the Complainant’s identity is known, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures (see “Supportive Measures”); to discuss and consider the Complainant’s wishes with respect to Supportive Measures; to inform the Complainant about the availability of Supportive Measures with or without filing a Formal Complaint; and to explain the process for filing and pursuing a Formal Complaint. The Complainant will also be provided options for filing complaints with the local police and information about resources that are available on campus and in the community.

XI. SUPPORTIVE MEASURES

If a report is not closed as a result of the preliminary assessment (see “Preliminary Assessment”), UTI will offer and make available Supportive Measures to the Complainant regardless of whether the Complainant elects to file a Formal Complaint.

Contemporaneously with the Respondent being notified of a Formal Complaint, the Title IX Coordinator will notify the Respondent of the availability of Supportive Measures for the Respondent, and UTI will offer and make available Supportive Measures to the Respondent in the same manner in which it offers and makes them available to the Complainant. UTI will also offer and make available Supportive Measures to the Respondent prior to the Respondent being notified of a Formal Complaint, if the Respondent requests such measures.

UTI will maintain the confidentiality of Supportive Measures provided to either a Complainant or Respondent, to the extent that maintaining such confidentiality does not impair UTI’s ability to provide the Supportive Measures in question.

XII. INTERIM REMOVAL

At any time after receiving a report of Sexual Harassment, the Title IX Coordinator may remove a student Respondent from one or more of UTI’s Education Programs or Activities on an temporary basis if an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal. In the event the Title IX or Deputy Title IX Coordinator imposes an interim removal, the Title IX or Deputy Title IX Coordinator must offer to meet with the Respondent within twenty-four hours and provide the Respondent an opportunity to challenge the interim removal.

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In the case of a Respondent who is a non-student employee (administrator, faculty, or staff), and in its discretion, UTI may place the Respondent on administrative leave at any time after receiving a report of Sexual Harassment, including during the pendency of the investigation and adjudication process (see “Investigation” and “Adjudication”).

For all other Respondents, including independent contractors and guests, UTI retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

XIII. FORMAL COMPLAINT

A Complainant may file a Formal Complaint with the Title IX Coordinator requesting that UTI investigate and adjudicate a report of Sexual Harassment in accordance with the provisions “Investigation” and “Adjudication.” Provided, however, that at the time the Complainant submits a Formal Complaint, the Complainant must be participating in, or attempting to participate in, one or more of UTI’s Education Programs or Activities.

A Complainant may file a Formal Complaint with the Title IX Coordinator in person, by regular mail, or by email using the contact information specified in “Reporting Sexual Harassment.” No person may submit a Formal Complaint on the Complainant’s behalf.

In any case, including a case where a Complainant elects not to file a Formal Complaint, the Title IX Coordinator may file a Formal Complaint on behalf of UTI if doing so is not clearly unreasonable. Such action will normally be taken in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the UTI Community. Factors the Title IX Coordinator may consider include (but are not limited to): (a) was a weapon involved in the incident; (b) were multiple assailants involved in the incident; (c) is the accused a repeat offender; and (d) does the incident create a risk of occurring again.

If the Complainant or the Title IX Coordinator files a Formal Complaint, then UTI will commence an investigation as specified in “Reporting Sexual Harassment” and proceed to adjudicate the matter as specified in “Adjudication,” below. In all cases where a Formal Complaint is filed, the Complainant will be treated as a party, irrespective of the party’s level of participation.

In a case where the Title IX Coordinator files a Formal Complaint, the Title IX Coordinator will not act as a Complainant or otherwise as a party for purposes of the investigation and adjudication processes.

XIV. CONSOLIDATION OF FORMAL COMPLAINTS

UTI may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances. Where the investigation and adjudication process involve more than one Complainant or more than one Respondent, references in this policy to the singular “party,” “Complainant,” or

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“Respondent” include the plural, as applicable. A Formal Complaint of Retaliation may be consolidated with a Formal Complaint of Sexual Harassment.

XV. DISMISSAL PRIOR TO COMMENCEMENT OF INVESTIGATION

In a case where the Complainant files a Formal Complaint, the Title IX Coordinator will evaluate the Formal Complaint and must dismiss it if the Title IX Coordinator determines:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved; or
- The conduct alleged in the Formal Complaint falls outside the scope of the policy specified in “Scope” (that is, because the alleged conduct did not occur in UTI’s Education Programs or Activities and/or the alleged conduct occurred outside the geographic boundaries of the United States).

In the event the Title IX Coordinator determines the Formal Complaint should be dismissed pursuant to this Section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal as specified in “Appeal.” The Title IX Coordinator may refer the subject matter of the Formal Complaint to other UTI offices, as appropriate. A dismissal pursuant to this Section is presumptively a final determination for purposes of this policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.

XVI. NOTICE OF FORMAL COMPLAINT

Within five (5) business days of the Title IX Coordinator receiving a Formal Complaint, the Title IX Coordinator will transmit a written notice to the Complainant and Respondent that includes:

- A physical copy of this policy or a hyperlink to this policy;
- Sufficient details known at the time so that the parties may prepare for an initial interview with the investigator, to include the identities of the parties involved in the incident (if known), the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident (if known);
- A statement that the Respondent is presumed not responsible for the alleged Sexual Harassment and that a determination of responsibility will not be made until the conclusion of the adjudication and any appeal;
- Notifying the Complainant and Respondent of their right to be accompanied by an advisor of their choice, as specified in “Advisor of Choice.”
- Notifying the Complainant and Respondent of their right to inspect and review evidence as specified in “Access to Evidence.”

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- Notifying the Complainant and Respondent of UTI’s prohibitions on retaliation and false statements specified in Sections “Bad Faith Complaints and False Information” and “Retaliation.”
- Information about resources that are available on campus and in the community.

Should UTI elect, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, UTI will provide a supplemental written notice describing the additional allegations to be investigated.

XVII. INVESTIGATION

A. Commencement and Timing

After the written notice of Formal Complaint is transmitted to the parties, an investigator selected by the Title IX Coordinator will undertake an investigation to gather evidence relevant to the alleged misconduct, including inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination in the adjudication lies with UTI and not with the parties. The investigation will culminate in a written investigation report, specified in “Investigation Report,” that will be submitted to the adjudicator during the selected adjudication process. Although the length of each investigation may vary depending on the totality of the circumstances, UTI strives to complete each investigation within thirty (30) to forty-five (45) days of the transmittal of the written notice of Formal Complaint.

B. Equal Opportunity

During the investigation, the investigator will provide an equal opportunity for the parties to be interviewed, to present witnesses (including fact and expert witnesses), and to present other inculpatory and exculpatory evidence. Notwithstanding the foregoing, the investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the Complainant, as specified in “Sexual History.” The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.

The investigation is a party’s opportunity to present testimonial and other evidence that the party believes is relevant to resolution of the allegations in the Formal Complaint. A party that is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the adjudication absent a showing of mistake, inadvertence, surprise, or excusable neglect.

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C. Documentation of Investigation

The investigator will take reasonable steps to ensure the investigation is documented. Interviews of the parties and witnesses may be documented by the investigator's notes, or transcribed. The particular method utilized to record the interviews of parties and witnesses will be determined by the investigator in the investigator's sole discretion, although whatever method is chosen shall be used consistently throughout a particular investigation.

D. Access to the Evidence

At the conclusion of the evidence-gathering phase of the investigation, but prior to the completion of the investigation report, the Investigating Officer will transmit to each party and their advisor, in either electronic or hard copy form, all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence UTI may choose not to rely on at any hearing and inculpatory or exculpatory evidence whether obtained from a party or some other source. Thereafter, the parties will have ten (10) days in which to submit to the investigator a written response, which the investigator will consider prior to completing the investigation report.

The parties and their advisors are permitted to review the evidence solely for the purposes of this grievance process and may not duplicate or disseminate the evidence to the public.

E. Investigation Report

After the period for the parties to provide any written response as specified "Access to Evidence" has expired, the investigator will complete a written investigation report that fairly summarizes the various steps taken during the investigation, summarizes the relevant evidence collected, lists material facts on which the parties agree, and lists material facts on which the parties do not agree. When the investigation report is complete, the investigator will transmit a copy to the Title IX Coordinator. The investigator will also transmit the investigation report to each party and their advisor, in either electronic or hard copy form.

XVIII. ADJUDICATION PROCESS SELECTION

After the investigator has sent the investigation report to the parties, the Title IX Coordinator will transmit to each party a notice advising the party of the two different adjudication processes specified in "Adjudication." The notice will explain that the hearing process specified in "Hearing Process" is the default process for adjudicating all Formal Complaints and will be utilized unless both parties voluntarily consent to administrative adjudication as specified in "Administrative Adjudication (Optional)" as a form of informal resolution. The notice will be accompanied by a written consent to administrative adjudication and will advise each party that, if both parties execute the written consent to administrative adjudication, then the administrative adjudication process will be used in lieu of the hearing process. Parties are urged to carefully review this policy (including the entirety of

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“Adjudication”), consult with their advisor, and consult with other persons as they deem appropriate (including an attorney) prior to consenting to administrative adjudication.

Each party will have three (3) days from transmittal of the notice specified in this Section to return the signed written consent form to the Title IX Coordinator. If either party does not timely return the signed written consent, that party will be deemed not to have consented to administrative adjudication and the Formal Complaint will be adjudicated pursuant to the hearing process.

XIX. ADJUDICATION

A. Hearing Process

The default process for adjudicating Formal Complaints is the hearing process specified in this Section (“Hearing Process”). The hearing process will be used to adjudicate all Formal Complaints unless both parties timely consent to administrative adjudication as specified in “Adjudication Process Selection.”

1. Hearing Officer

After selection of the hearing process as the form of administrative adjudication, the Title IX Coordinator will promptly appoint a hearing officer who will oversee the hearing process and render a determination of responsibility for the allegations in the Formal Complaint, at the conclusion of the hearing process. The Title IX Coordinator will see that the hearing officer is provided a copy of the investigation report and a copy of all evidence transmitted to the parties by the investigator as specified in “Access to Evidence.”

2. Hearing Notice and Response to the Investigation Report

After the hearing officer is appointed by the Title IX Coordinator, the hearing officer will promptly transmit written notice to the parties notifying the parties of the hearing officer’s appointment; setting a deadline for the parties to submit any written response to the investigation report; setting a date for the pre-hearing conference; setting a date and time for the hearing; and providing a copy of UTI’s Title IX Sexual Harassment Hearing Procedures. These procedures are available at www.uti.edu/campus-safety. Neither the pre-hearing conference, nor the hearing itself, may be held any earlier than ten (10) days from the date of transmittal of the written notice specified in this Section (“Hearing Notice and Response to the Investigation Report”).

A party’s written response to the investigation report must include:

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history specified in “Sexual History,” or for any other reason;

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- A list of any witnesses that the party contends should be requested to attend the hearing pursuant to an attendance notice issued by the hearing officer;
- A list of any witnesses that the party intends to bring to the hearing without an attendance notice issued by the hearing officer;
- Any objection that the party has to the UTI's Hearing Procedures;
- Any request that the parties be separated physically during the pre-hearing conference and/or hearing;
- Any other accommodations that the party seeks with respect to the pre-hearing conference and/or hearing;
- The name and contact information of the advisor who will accompany the party at the pre-hearing conference and hearing;
- If the party does not have an advisor who will accompany the party at the hearing, a request that UTI provide an advisor for purposes of conducting questioning as specified in "Hearing."

A party's written response to the investigation report may also include:

- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence; and
- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

3. Pre-Hearing Conference

Prior to the hearing, the hearing officer will conduct a pre-hearing conference with the parties and their advisors. The pre-hearing conference will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the pre-hearing conference will be conducted with the hearing officer, the parties, the advisors, and other necessary UTI personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

In the hearing officer's discretion, the pre-hearing conference may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

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During the pre-hearing conference, the hearing officer will discuss the hearing procedures with the parties; address matters raised in the parties' written responses to the investigation report, as the hearing officer deems appropriate; discuss whether any stipulations may be made to expedite the hearing; discuss the witnesses the parties have requested be served with notices of attendance and/or witnesses the parties plan to bring to the hearing without a notice of attendance; and resolve any other matters that the hearing officer determines, in the hearing officer's discretion, should be resolved before the hearing.

4. Issuance of Notices of Attendance

After the pre-hearing conference, the hearing officer will transmit notices of attendance to any UTI employee (including administrator, faculty, or staff) or student whose attendance is requested at the hearing as a witness. The notice will advise the subject of the specified date and time of the hearing and advise the subject to contact the hearing officer immediately if there is a material and unavoidable conflict.

The subject of an attendance notice should notify any manager, faculty member, coach, or other supervisor, as necessary, if attendance at the hearing will conflict with job duties, classes, or other obligations. All such managers, faculty members, coaches, and other supervisors are required to excuse the subject of the obligation, or provide some other accommodation, so that the subject may attend the hearing as specified in the notice.

UTI will not issue a notice of attendance to any witness who is not an employee or a student.

5. Hearing

After the pre-hearing conference, the hearing officer will convene and conduct a hearing pursuant to UTI's Hearing Procedures. The hearing will be audio recorded. The audio recording will be made available to the parties for inspection and review on reasonable notice, including for use in preparing any subsequent appeal.

The hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the hearing will be conducted with the hearing officer, the parties, the advisors, witnesses, and other necessary UTI personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

In the hearing officer's discretion, the hearing may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

While the Hearing Procedures and rulings from the hearing officer will govern the particulars of the hearing, each hearing will include, at a minimum:

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- Opportunity for each party to address the hearing officer directly and to respond to questions posed by the hearing officer;
- Opportunity for each party's advisor to ask directly, orally, and in real time, relevant questions, and follow up questions, of the other party and any witnesses, including questions that support or challenge credibility;
- Opportunity for each party to raise contemporaneous objections to testimonial or non-testimonial evidence and to have such objections ruled on by the hearing officer and a reason for the ruling provided;
- Opportunity for each party to submit evidence that the party did not present during the investigation due to mistake, inadvertence, surprise, or excusable neglect;
- Opportunity for each party to make a brief closing argument.

Except as otherwise permitted by the hearing officer, the hearing will be closed to all persons except the parties, their advisors, the investigator, the hearing officer, the Title IX Coordinator, and other necessary UTI personnel. With the exception of the investigator and the parties, witnesses will be sequestered until such time as their testimony is complete.

During the hearing, the parties and their advisors will have access to the investigation report and evidence that was transmitted to them pursuant to "Access to Evidence."

While a party has the right to attend and participate in the hearing with an advisor, a party and/or advisor who materially and repeatedly violates the rules of the hearing in such a way as to be materially disruptive, may be barred from further participation and/or have their participation limited, as the case may be, in the discretion of the hearing officer.

Subject to the minimum requirements specified in this Section ("Hearing"), the hearing officer will have sole discretion to determine the manner and particulars of any given hearing, including with respect to the length of the hearing, the order of the hearing, and questions of admissibility. The hearing officer will independently and contemporaneously screen questions for relevance in addition to resolving any contemporaneous objections raised by the parties and will explain the rationale for any evidentiary rulings.

The hearing is not a formal judicial proceeding and strict rules of evidence do not apply. The hearing officer will have discretion to modify the Hearing Procedures, when good cause exists to do so, and provided the minimal requirements specified in this Section ("Hearing") are met.

6. Subjection to Questioning

In the event that any party or witness refuses to attend the hearing, or attends but refuses to submit to questioning by the parties' advisors, the statements of that party or witness, as the case may be,

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whether given during the investigation or during the hearing, will not be considered by the hearing officer in reaching a determination of responsibility.

Notwithstanding the foregoing, the hearing officer may consider the testimony of any party or witness, whether given during the investigation or during the hearing, if the parties jointly stipulate that the testimony may be considered or in the case where neither party requested attendance of the witness at the hearing.

In applying this Section (“Subjection to Questioning”), the hearing officer will not draw an inference about the determination regarding responsibility based solely on a party or a witness’s absence from the live hearing and/or refusal to submit to questioning by the parties’ advisors.

7. Deliberation and Determination

After the hearing is complete, the hearing officer will objectively evaluate all relevant evidence collected during the investigation, including both inculpatory and exculpatory evidence, together with testimony and non-testimony evidence received at the hearing, and ensure that any credibility determinations made are not based on a person’s status as a Complainant, Respondent, or witness. The hearing officer will take care to exclude from consideration any evidence that was ruled inadmissible at the pre-hearing conference, during the hearing, or by operation of “Subjection to Questioning.” The hearing officer will resolve disputed facts using a preponderance of the evidence (that is, “more likely than not”) standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.

8. Discipline and Remedies

In the event the hearing officer determines that the Respondent is responsible for violating this policy, the hearing officer will, prior to issuing a written decision, consult with an appropriate UTI official with disciplinary authority over the Respondent and such official will determine any discipline to be imposed. The hearing officer will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing support measures or other remedies will be provided to the Complainant.

9. Written Decision

After reaching a determination and consulting with the appropriate UTI official and Title IX Coordinator as required by “Discipline and Remedies,” the hearing officer will prepare a written decision that will include:

- Identification of the allegations potentially constituting Sexual Harassment made in the Formal Complaint;
- A description of the procedural steps taken by UTI upon receipt of the Formal Complaint, through issuance of the written decision, including notification to the

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parties, interviews with the parties and witnesses, site visits, methods used to gather non-testimonial evidence, and the date, location, and people who were present at or presented testimony at the hearing.

- Articulate findings of fact, made under a preponderance of the evidence standard, that support the determination;
- A statement of, and rationale for, each allegation that constitutes a separate potential incident of Sexual Harassment, including a determination regarding responsibility for each separate potential incident;
- The discipline determined by the appropriate UTI official as referenced in “Discipline and Remedies”;
- Whether the Complainant will receive any ongoing support measures or other remedies as determined by the Title IX Coordinator; and
- A description of UTI’s process and grounds for appeal, as specified in “Appeal.”

The hearing officer’s written determination will be transmitted to the parties. Transmittal of the written determination to the parties concludes the hearing process, subject to any right of appeal as specified in “Appeal.”

Although the length of each adjudication by hearing will vary depending on the totality of the circumstances, UTI strives to issue the hearing officer’s written determination within fourteen (14) days of the conclusion of the hearing.

B. Administrative Adjudication

In lieu of the hearing process, the parties may consent to have a Formal Complaint resolved by administrative adjudication as a form of informal resolution. Administrative adjudication is voluntary and must be consented to in writing by both parties and approved by the Title IX Coordinator as specified in “Adjudication Process Selection.” At any time prior to the issuance of the administrative officer’s determination, a party has the right to withdraw from administrative adjudication and request a live hearing as specified in “Hearing Process.”

If administrative adjudication is selected, the Title IX Coordinator will appoint an administrative officer. The Title IX Coordinator will see that the administrative adjudicator is provided a copy of the investigation report and a copy of all the evidence transmitted to the parties by the investigator as specified in “Access to Evidence.”

The administrative officer will promptly send written notice to the parties notifying the parties of the administrative officer’s appointment; setting a deadline for the parties to submit any written response to the investigation report; and setting a date and time for each party to meet with the administrative

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officer separately. The administrative officer's meetings with the parties will not be held any earlier than ten (10) days from the date of transmittal of the written notice specified in this paragraph.

A party's written response to the investigation report must include:

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that a particular piece or class of evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history specified in "Sexual History," or for any other reason;
- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence;
- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

After reviewing the parties' written responses, the administrative officer will meet separately with each party to provide the party with an opportunity make any oral argument or commentary the party wishes to make and for the administrative officer to ask questions concerning the party's written response, the investigative report, and/or the evidence collected during the investigation.

After meeting with each party, the administrative officer will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The administrative officer will take care to exclude from consideration any evidence that the administrative officer determines should be ruled inadmissible based on the objections and arguments raised by the parties in their respective written responses to the investigation report. The administrative officer will resolve disputed facts using a preponderance of the evidence (that is, "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.

Thereafter, the administrative officer will consult with any UTI official and the Title IX Coordinator, in the manner specified in "Deliberation and Determination" and will prepare and transmit a written decision in the manner as specified in "Written Decision" which shall serve as a resolution for purposes of informal resolution.

Transmittal of the administrative officer's written determination concludes the administrative adjudication, subject to any right of appeal as specified in "Appeal."

Although the length of each administrative adjudication will vary depending on the totality of the circumstances, UTI strives to issue the administrative officer's written determination within twenty-one

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(21) days of the transmittal of the initiating written notice specified in this Section (“Administrative Adjudication”).

Other language in this Section (“Administrative Adjudication”) notwithstanding, informal resolution will not be permitted if the Respondent is a non-student employee accused of committing Sexual Harassment against a student

XX. DISMISSAL DURING INVESTIGATION OR ADJUDICATION

UTI shall dismiss a Formal Complaint at any point during the investigation or adjudication process if the Title IX Coordinator determines that one or more of the following is true:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved; or
- The conduct alleged in the Formal Complaint falls outside the scope of the policy specified in “Scope” (that is, because the alleged conduct did not occur in UTI’s Education Programs or Activities and/or the alleged conduct occurred outside the geographic boundaries of the United States).

UTI may dismiss a Formal Complaint at any point during the investigation or adjudication process if the Title IX Coordinator determines that any one or more of the following is true:

- The Complainant provides the Title IX Coordinator written notice that the Complainant wishes to withdraw the Formal Complaint or any discrete allegations therein (in which case those discrete allegations may be dismissed);
- The Respondent is no longer enrolled or employed by UTI, as the case may be; or
- Specific circumstances prevent UTI from gathering evidence sufficient to reach a determination as to the Formal Complaint, or any discrete allegations therein (in which case those discrete allegations may be dismissed).

In the event the Title IX Coordinator dismisses a Formal Complaint pursuant to this Section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal as specified in “Appeal.” The Title IX Coordinator may refer the subject matter of the Formal Complaint to other UTI offices, as appropriate. A dismissal pursuant to this Section is presumptively a final determination as it pertains to this policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.

XXI. APPEAL

Either party may appeal the determination of an adjudication, or a dismissal of a Formal Complaint, on one or more of the following grounds:

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- A procedural irregularity affected the outcome;
- There is new evidence that was not reasonably available at the time the determination or dismissal was made, that could have affected the outcome;
- The Title IX Coordinator, investigator, hearing officer, or administrative officer, as the case may be, had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent, that affected the outcome.

No other grounds for appeal are permitted.

A party must file an appeal within seven (7) days of the date they receive notice of dismissal or determination appealed from or, if the other party appeals, within three (3) days of the other party appealing, whichever is later. The appeal must be submitted in writing to Melanie Scheet, Senior Vice President of Student Success and Outcomes, 4225 E Windrose Drive, Suite 200, Phoenix, AZ 85032, 800-859-7249, mscheet@uti.edu, who serves as the appeal officer. The appeal must specifically identify the determination and/or dismissal appealed from, articulate which one or more of the three grounds for appeal are being asserted, explain in detail why the appealing party believes the appeal should be granted, and articulate what specific relief the appealing party seeks.

Promptly upon receipt of an appeal, the appeal officer will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the appeal officer determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the appeal officer will dismiss the appeal and provide written notice of the same to the parties.

If the appeal officer confirms that the appeal is timely and invokes at least one permitted ground for appeal, the appeal officer will provide written notice to the other party that an appeal has been filed and that the other party may submit a written opposition to the appeal within seven (7) days. The appeal officer shall also promptly obtain from the Title IX Coordinator any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal.

Upon receipt of any opposition, or after the time period for submission of an opposition has passed without one being filed, the appeal officer will promptly decide the appeal and transmit a written decision to the parties that explains the outcome of the appeal and the rationale.

The determination of a Formal Complaint, including any discipline, becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the appeal officer has resolved all appeals, either by dismissal or by transmittal of a written decision.

No further review beyond the appeal is permitted.

Although the length of each appeal will vary depending on the totality of the circumstances, UTI strives to issue the appeal officer's written decision within (21) days of an appeal being filed.

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XXII. ADVISOR OF CHOICE

From the point a Formal Complaint is made, and until an investigation, adjudication, and appeal are complete, the Complainant and Respondent will have the right to be accompanied by an advisor of their choice to all meetings, interviews, and hearings that are part of the investigation, adjudication, and appeal process. The advisor may be, but is not required to be, an attorney.

Except for the questioning of witnesses during the hearing specified in "Hearing," the advisor will play a passive role and is not permitted to communicate on behalf of a party, insist that communication flow through the advisor, or communicate with UTI about the matter without the party being included in the communication. In the event a party's advisor of choice engages in material violation of the parameters specified in this Section and "Hearing," UTI may preclude the advisor from further participation, in which case the party may select a new advisor of their choice.

In the event a party is not able to secure an advisor to attend the hearing specified in "Hearing," and requests UTI to provide an advisor, UTI will provide the party an advisor, without fee or charge, who will conduct questioning on behalf of the party at the hearing. UTI will have sole discretion to select the advisor it provides. The advisor UTI provides may be, but is not required to be, an attorney.

UTI is not required to provide a party with an advisor in any circumstance except where the party does not have an advisor present at the hearing specified in "Hearing," and requests that UTI provide an advisor.

XXIII. TREATMENT RECORDS AND OTHER PRIVILEGED INFORMATION

During the investigation and adjudication processes, the investigator and adjudicator, as the case may be, are not permitted to access, consider, disclose, permit questioning concerning, or otherwise use:

- A party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party; or
- Information or records protected from disclosure by any other legally-recognized privilege, such as the attorney client privilege;
- Unless UTI has obtained the party's voluntary, written consent to do so for the purposes of the investigation and adjudication process.

Notwithstanding the foregoing, the investigator and/or adjudicator, as the case may be, may consider any such records or information otherwise covered by this Section if the party holding the privilege affirmatively discloses the records or information to support their allegation or defense, as the case may be.

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XXIV. SEXUAL HISTORY

During the investigation and adjudication processes, questioning regarding a Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Notwithstanding the foregoing, a Complainant who affirmatively uses information otherwise considered irrelevant by this Section for the purpose of supporting the Complainant's allegations, may be deemed to have waived the protections of this Section.

XXV. INFORMAL RESOLUTION

At any time after the parties are provided written notice of the Formal Complaint as specified in "Notice of Formal Complaint," and before the completion of any appeal specified in "Appeal," the parties may voluntarily consent, with the Title IX Coordinator's approval, to engage in mediation, facilitated resolution, or other form of dispute resolution the goal of which is to enter into a final resolution resolving the allegations raised in the Formal Complaint by agreement of the parties. Administrative Adjudication as specified in "Administrative Adjudication" is a form of informal resolution.

The specific manner of any informal resolution process will be determined by the parties and the Title IX Coordinator, in consultation together. Prior to commencing the informal resolution process agreed upon, the Title IX Coordinator will transmit a written notice to the parties that:

- Describes the parameters and requirements of the informal resolution process to be utilized;
- Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another UTI official, or a suitable third-party);
- Explains the effect of participating in informal resolution and/or reaching a final resolution will have on a party's ability to resume the investigation and adjudication of the allegations at issue in the Formal Complaint; and
- Explains any other consequence resulting from participation in the informal resolution process, including a description of records that will be generated, maintained, and/or shared.

After receiving the written notice specified in this paragraph, each party must voluntarily provide written consent to the Title IX Coordinator, before the informal resolution may commence.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended.

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If the parties reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will reduce the terms of the agreed resolution to writing and present the resolution to the parties for their written signature. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by UTI, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either party or to UTI. Notwithstanding the forgoing if the form of informal resolution is Administrative Adjudication as specified in "Administrative Adjudication," there shall not be an agreed resolution requiring the parties' signatures; instead, the determination issued by the administrative officer shall serve as the resolution and conclude the informal resolution process, subject only to any right of appeal. With the exception of a resolution resulting from the Administrative Adjudication process specified in "Administrative Adjudication," all other forms of informal resolution pursuant to this Section are not subject to appeal.

A party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized.

Absent extension by the Title IX Coordinator, any informal resolution process must be completed within twenty-one (21) days. If an informal resolution process does not result in a resolution within twenty-one (21) days, and absent an extension, abeyance, or other contrary ruling by the Title IX Coordinator, the informal resolution process will be deemed terminated, and the Formal Complaint will be resolved pursuant to the investigation and adjudication procedures. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or adjudication process that were suspended due to the informal resolution.

Other language in this Section notwithstanding, informal resolution will not be permitted if the Respondent is a non-student employee accused of committing Sexual Harassment against a student.

XXVI. PRESUMPTION OF NON-RESPONSIBILITY

From the time a report or Formal Complaint is made, a Respondent is presumed not responsible for the alleged misconduct until a determination regarding responsibility is made final.

XXVII. RESOURCES

Any individual affected by or accused of Sexual Harassment will have equal access to support and counseling services offered through UTI. UTI encourages any individual who has questions or concerns to seek support of UTI identified resources. The Title IX Coordinator is available to provide information about UTI's policy and procedure and to provide assistance. A list of UTI identified resources is located at the following link: www.uti.edu/campus-safety.

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XXVIII. CONFLICTS OF INTEREST, BIAS, AND PROCEDURAL COMPLAINTS

The Title IX Coordinator, investigator, hearing officer, administrative officer, appeals officer, and informal resolution facilitator will be free of any material conflicts of interest or material bias. Any party who believes one or more of these UTI officials has a material conflict of interest or material bias must raise the concern promptly so that UTI may evaluate the concern and find a substitute, if appropriate. The failure of a party to timely raise a concern of a conflict of interest or bias may result in a waiver of the issue for purposes of any appeal specified in "Appeal," or otherwise.

XXIX. OBJECTIONS GENERALLY

Parties are expected to raise any objections, concerns, or complaints about the investigation, adjudication, and appeals process in a prompt and timely manner so that UTI may evaluate the matter and address it, if appropriate.

XXX. RELATIONSHIP WITH CRIMINAL PROCESS

This policy sets forth UTI's processes for responding to reports and Formal Complaints of Sexual Harassment. UTI's processes are separate, distinct, and independent of any criminal processes. While UTI may temporarily delay its processes under this policy to avoid interfering with law enforcement efforts if requested by law enforcement, UTI will otherwise apply this policy and its processes without regard to the status or outcome of any criminal process.

XXXI. RECORDINGS

Wherever this policy specifies that an audio or video recording will be made, the recording will be made only by UTI and is considered property of UTI, subject to any right of access that a party may have under this policy, FERPA, and other applicable federal, state, or local laws. Only UTI is permitted to make audio or video recordings under this policy. The surreptitious recording of any meeting, interview, hearing, or other interaction contemplated under this policy is strictly prohibited. Any party who wishes to transcribe a hearing by use of a transcriptionist must seek pre-approval from the hearing officer.

XXXII. VENDORS, CONTRACTORS AND THIRD PARTIES

UTI does business with various vendors, contractors, and other third-parties who are not students or employees of UTI. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under this policy, UTI retains its right to limit any vendor, contractor, or third-party's access to campus for any reason. And UTI retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third-party irrespective of any process or outcome under this policy.

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XXXIII. BAD FAITH COMPLAINTS AND FALSE INFORMATION

It is a violation of this policy for any person to submit a report or Formal Complaint that the person knows, at the time the report or Formal Complaint is submitted, to be false or frivolous. It is also a violation of this policy for any person to knowingly make a materially false statement during the course of an investigation, adjudication, or appeal under this policy. Violations of this Section are not subject to the investigation and adjudication processes in this policy; instead, they will be addressed under the Code of Student Conduct in the case of students and other UTI policies and standards, as applicable, for other persons.

XXXIV. RETALIATION

It is a violation of this policy to engage in Retaliation. Reports and Formal Complaints of retaliation may be made in the manner specified in "Reporting Sexual Harassment," and "Formal Complaint." Any report or Formal Complaint of Retaliation will be processed under this policy in the same manner as a report or Formal Complaint of Sexual Harassment, as the case may be. UTI retains discretion to consolidate a Formal Complaint of Retaliation with a Formal Complaint of Sexual Harassment for investigation and/or adjudication purposes if the two Formal Complaints share a common nexus.

XXXV. CONFIDENTIALITY

UTI will keep confidential the identity of any individual who has made a report or Formal Complaint of Sexual Harassment or Retaliation including any Complainant, the identity of any individual who has been reported to be a perpetrator of Sexual Harassment or Retaliation including any Respondent, and the identity of any witness. UTI will also maintain the confidentiality of its various records generated in response to reports and Formal Complaints, including, but not limited to, information concerning Supportive Measures, notices, investigation materials, adjudication records, and appeal records. Notwithstanding the foregoing, UTI may reveal the identity of any person or the contents of any record if permitted by FERPA, if necessary to carry out UTI's obligations under Title IX and its implementing regulations including the conduct of any investigation, adjudication, or appeal under this policy or any subsequent judicial proceeding, or as otherwise required by law. Further, notwithstanding UTI's general obligation to maintain confidentiality as specified herein, the parties to a report or Formal Complaint will be given access to investigation and adjudication materials in the circumstances specified in this policy.

While UTI will maintain confidentiality specified in this Section, UTI will not limit the ability of the parties to discuss the allegations at issue in a particular case. Parties are advised, however, that the manner in which they communicate about, or discuss a particular case, may constitute Sexual Harassment or Retaliation in certain circumstances and be subject to discipline pursuant to the processes specified in this policy.

Note that certain types of Sexual Harassment are considered crimes for which UTI must disclose crime statistics in its Annual Security Report that is provided to the campus community and available to the public. These disclosures will be made without including personally identifying information.

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XXXVI. OTHER VIOLATIONS OF THIS POLICY

Alleged violations of this policy, other than violations of the prohibitions on Sexual Harassment and Retaliation, will be subject to review under the Student Code of Conduct for students Employee Handbook or other UTI policies and standards for employees.

XXXVII. SIGNATURES AND FORM OF CONSENT

For purposes of this policy, either a physical signature or digital signature will be sufficient to satisfy any obligation that a document be signed. Where this policy provides that written consent must be provided, consent in either physical or electronic form, containing a physical or digital signature, as the case may be, will suffice.

XXXVIII. DEADLINES, TIME, NOTICES, AND METHOD OF TRANSMITTAL

Where this policy specifies a period of days by which some act must be performed, the following method of calculation applies:

- Exclude the day of the event that triggers the period;
- Count every day, including intermediate Saturdays, Sundays, and legal holidays recognized by the federal government;
- Include the last day of the period until 5:00 p.m. central time, but if the last day is a Saturday, Sunday, or legal holiday recognized by the federal government, the period continues to run until 5:00 p.m. central time on the next day that is not a Saturday, Sunday, or legal holiday recognized by the federal government.

All deadlines and other time periods specified in this policy are subject to modification by UTI where, in UTI's sole discretion, good cause exists. Good cause may include, but is not limited to, the unavailability of parties or witnesses; the complexities of a given case; extended holidays or closures; sickness of the investigator, adjudicator, or the parties; the need to consult with UTI's legal counsel; unforeseen weather events; and the like.

Any party who wishes to seek an extension of any deadline or other time period may do so by filing a request with the investigator, hearing officer, administrative officer, appeal officer, or Title IX Coordinator, as the case may be, depending on the phase of the process. Such request must state the extension sought and explain what good cause exists for the requested extension. The UTI officer resolving the request for extension may, but is not required to, give the other party an opportunity to object. Whether to grant such a requested extension will be in the sole discretion of UTI.

The parties will be provided written notice of the modification of any deadline or time period specified in this policy, along with the reasons for the modification.

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Where this policy refers to notice being given to parties “simultaneously,” notice will be deemed simultaneous if it is provided in relative proximity on the same day. It is not necessary that notice be provided at exactly the same hour and minute.

Unless otherwise specified in this policy, the default method of transmission for all notices, reports, responses, and other forms of communication specified in this policy will be email using UTI email addresses.

A party is deemed to have received notice upon transmittal of an email to their UTI email address. In the event notice is provided by mail, a party will be deemed to have received notice three (3) days after the notice in question is postmarked.

Any notice inviting or requiring a party or witness to attend a meeting, interview, or hearing will be provided with sufficient time for the party to prepare for the meeting, interview, or hearing as the case may be, and will include relevant details such as the date, time, location, purpose, and participants. Unless a specific number of days is specified elsewhere in this policy, the sufficient time to be provided will be determined in the sole discretion of UTI, considering all the facts and circumstances, including, but not limited to, the nature of the meeting, interview, or hearing; the nature and complexity of the allegations at issue; the schedules of relevant UTI officials; approaching holidays or closures; and the number and length of extensions already granted.

XXXIX. OTHER FORMS OF DISCRIMINATION

This policy applies only to Sexual Harassment as defined in this Policy. Complaints of other forms of sex discrimination are governed by UTI’s Non-Discrimination Policy.

XL. EDUCATION

UTI is committed to having in place sexual harassment, including sexual assault, dating violence, domestic violence, and stalking, prevention and awareness programs for students and employees. UTI implements prevention and awareness programming during new student and new employee orientation. Informational prevention and awareness materials also are available on an on-going basis.

XLI. OUTSIDE APPOINTMENTS, DUAL APPOINTMENTS, AND DELEGATIONS

UTI retains discretion to retain and appoint suitably qualified persons who are not UTI employees to fulfill any function of UTI under this policy, including, but not limited to, the investigator, hearing officer, administrative officer, informal resolution officer, and/or appeals officer.

UTI also retains discretion to appoint two or more persons to jointly fulfill the role of investigator, hearing officer, administrative officer, informal resolution officer, and/or appeals officer.

The functions assigned to a given UTI official under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, hearing officer, administrative officer, informal

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resolution officer, and appeals officer, may, in the UTI's discretion, be delegated by such UTI official to any suitably qualified individual and such delegation may be recalled by UTI at any time.

XLII. TRAINING

UTI will ensure that UTI officials acting under this policy, including but not limited to the Title IX Coordinator, investigators, hearing officers, administrative officers, informal resolution facilitators, UTI provided advisors, and appeals officers receive training in compliance with 34 C.F.R. § 106.45(b)(1)(iii) and any other applicable federal or state law.

XLIII. RECORDKEEPING

UTI will retain those records specified in 34 C.F.R. § 106.45(b)(10) for a period of seven years after which point in time they may be destroyed, or continue to be retained, in UTI's sole discretion. The records specified in 34 C.F.R. § 106.45(b)(10) will be made available for inspection, and/or published, to the extent required by 34 C.F.R. § 106.45(b)(10) and consistent with any other applicable federal or state law, including FERPA.

XLIV. DEFINITIONS

Words used in this policy will have those meanings defined herein and if not defined herein will be construed according to their plain and ordinary meaning.

XLV. DISCRETION IN APPLICATION

UTI retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if UTI's interpretation or application differs from the interpretation of the parties.

Despite UTI's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case UTI retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy and the Hearing Procedures referenced in "Hearing" are not contractual in nature, whether in their own right, or as part of any other express or implied contract. Accordingly, UTI retains discretion to revise this policy and the Hearing Procedures at any time, and for any reason. UTI may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

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APPENDIX A

UTI is making these definitions available pursuant to the Violence Against Women Act Amendments to the Clery Act.

ARIZONA

Crime Type (Arizona Revised Statutes)	Definitions
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

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	<p>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.</p>
<p>Stalking (Ariz. Rev. Stat. § 13-2923)</p>	<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. • 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.
<p>Sexual Assault</p>	<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.
<p>Rape, Fondling, Incest, Statutory Rape</p>	<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>

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	<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, <i>et. seq.</i> • 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 in sexual contact, except sexual contact with the female breast, with a child who is under 15 years of age.

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Consent (as it relates to sexual activity) (Ariz. Rev. Stat. § 13-1401(7))	<p>"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.</p>

CALIFORNIA

Crime Type (California Penal Code)	Definitions
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</p>

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	<p>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. 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.

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	<ul style="list-style-type: none"> • 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> <p>(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.</p>

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	<p>(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 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.</p> <p>(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> <p>(1) "Intimate part" means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.</p> <p>(2) "Sexual battery" does not include the crimes defined in Section 261 or 289.</p>

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	<p>(3) "Seriously disabled" means a person with severe physical or sensory disabilities.</p> <p>(4) "Medically incapacitated" means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.</p> <p>(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.</p> <p>(6) "Minor" means a person under 18 years of age.</p>
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. 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

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	<p>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.</p> <ol style="list-style-type: none"> 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. <p>(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.</p> <ul style="list-style-type: none"> • 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

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	<p>fornication or adultery with each other, are punishable by imprisonment in the state prison.</p> <ul style="list-style-type: none"> • Statutory Rape: The institution has determined, based on good-faith research, that California law does not define the term statutory rape. California prosecutes such 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

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Crime Type (California Penal Code)	Definitions
	<p>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.</p> <ul style="list-style-type: none"> • 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): <ul 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. 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.

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Crime Type (California Penal Code)	Definitions
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.

FLORIDA

Crime Type (Florida Statutes)	Definitions
Dating Violence (Fla. Stat. § 784.046)	<ul style="list-style-type: none"> • "Dating violence" means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors: (1) A dating relationship must have existed within the past 6 months; (2) The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and (3) The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship. The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context. • "Violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, or false imprisonment, or any criminal offense resulting in physical injury or death, by a person against any other person.

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Crime Type (Florida Statutes)	Definitions
Domestic Violence (Fla. Stat. § 741.28)	<ul style="list-style-type: none"> • "Domestic violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member. • "Family or household member" means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.
Stalking (Fla. Stat. § 784.048)	<ul style="list-style-type: none"> • A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking, a misdemeanor of the first degree. • A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person and makes a credible threat to that person commits the offense of aggravated stalking, a felony of the third degree. • A person who, after an injunction for protection against repeat violence, sexual violence, or dating violence, or an injunction for protection against domestic violence, or after any other court-imposed prohibition of conduct toward the subject person or that person's property, knowingly, willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of aggravated stalking, a felony of the third degree. • A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks a child under 16 years of age commits the offense of aggravated stalking. • The following definitions apply to the crimes of stalking outlined above: <ul style="list-style-type: none"> ○ "Harass" means to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose. ○ "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, which evidences a

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Crime Type (Florida Statutes)	Definitions
	<p>continuity of purpose. The term does not include constitutionally protected activity such as picketing or other organized protests.</p> <ul style="list-style-type: none"> ○ "Credible threat" means a verbal or nonverbal threat, or a combination of the two, including threats delivered by electronic communication or implied by a pattern of conduct, which places the person who is the target of the threat in reasonable fear for his or her safety or the safety of his or her family members or individuals closely associated with the person, and which is made with the apparent ability to carry out the threat to cause such harm. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat. The present incarceration of the person making the threat is not a bar to prosecution under this section. ○ "Cyberstalk" means: 1) To engage in a course of conduct to communicate, or to cause to be communicated, directly or indirectly, words, images, or language by or through the use of electronic mail or electronic communication, directed at or pertaining to a specific person; or 2) To access, or attempt to access, the online accounts or Internet-connected home electronic systems of another person without that person's permission, causing substantial emotional distress to that person and serving no legitimate purpose.
Sexual Assault	The institution has determined, based on good-faith research that Florida law does not define the term sexual assault. Such offenses are generally prosecuted under the state's sexual battery provisions (Fla. Stat. § 794.011 <i>et. seq.</i>).
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 Florida law are as follows:</p> <ul style="list-style-type: none"> • Rape: The institution has determined, based on good-faith research, that Florida law does not define the term rape. • Fondling: The institution has determined, based on good-faith research, that Florida law does not define the term fondling. • Incest (Fla. Stat. § 826.04): Whoever knowingly marries or has sexual intercourse with a person to whom he or she is related by lineal consanguinity, or a brother, sister, uncle, aunt, nephew, or niece, commits incest, which constitutes a felony of the third degree. "Sexual intercourse" is the penetration

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Crime Type (Florida Statutes)	Definitions
	<p>of the female sex organ by the male sex organ, however slight; emission of semen is not required.</p> <ul style="list-style-type: none"> • Statutory Rape: The institution has determined, based on good-faith research, that Florida law does not define the term statutory rape. Such offenses are generally prosecuted under the state’s sexual battery provisions (Fla. Stat. § 794.011 <i>et. seq.</i>).
Other “sexual assault” crimes	<p>Other crimes under Florida law that may be classified as a "sexual assault" include the following:</p> <ul style="list-style-type: none"> • Sexual Battery (Fla. Stat. § 794.011): "Sexual battery" means oral, anal, or female genital penetration by, or union with, the sexual organ of another or the anal or female genital penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose. [note: the statute provides different degrees of sexual battery based on a variety of factors, including the ages of the parties involved and whether the victim was physically or mentally incapacitated]. <ul style="list-style-type: none"> ○ For purposes of this section “female genitals” includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina. • Unlawful Sexual Activity With Certain Minors (Fla. Stat. § 794.05: A person 24 years of age or older who engages in sexual activity with a person 16 or 17 years of age commits a felony of the second degree <ul style="list-style-type: none"> ○ As used in this section, the term: (a) “Female genitals” includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina. (b) “Sexual activity” means oral, anal, or female genital penetration by, or union with, the sexual organ of another or the anal or female genital penetration of another by any other object; however, sexual activity does not include an act done for a bona fide medical purpose.
Consent (as it relates to sexual activity) (Fla. Stat. § 794.011(1)(a))	<p>"Consent" means intelligent, knowing, and voluntary consent and does not include coerced submission. "Consent" shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.</p>

ILLINOIS

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Crime Type (Illinois Compiled Statutes)	Definitions
Dating Violence	The institution has determined, based on good-faith research, that Illinois' criminal statutes do not define the term dating violence.
Domestic Violence	<p>Illinois' Domestic Violence Act indicates that "domestic violence" means "abuse", which means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis. (750 Ill. Comp. Stat. Ann. 60/103).</p> <p>In addition, Illinois law includes the following:</p> <ul style="list-style-type: none"> • Domestic Battery (720 Ill. Comp. Stat. Ann. 5/12-3.2): A person commits domestic battery if he or she knowingly without legal justification: (1) Causes bodily harm to any family or household member; (2) Makes physical contact of an insulting or provoking nature with any family or household member. • Aggravated Domestic Battery (720 Ill. Comp. Stat. Ann. 5/12-3.3): (a) A person who, in committing a domestic battery, knowingly causes great bodily harm, or permanent disability or disfigurement commits aggravated domestic battery. (a-5) A person who, in committing a domestic battery, strangles another individual commits aggravated domestic battery. For the purposes of this subsection (a-5), "strangle" means intentionally impeding the normal breathing or circulation of the blood of an individual by applying pressure on the throat or neck of that individual or by blocking the nose or mouth of that individual. • For purposes of the above crimes, "family or household members" is defined at 720 Ill. Comp. Stat. Ann. 5/12-0.1 as: "Family or household members" include spouses, former spouses, parents, children, stepchildren, and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, persons with disabilities and their personal assistants, and caregivers as defined in Section 12-4.4a of this Code. For purposes of this Article, neither a casual acquaintanceship nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a dating relationship.
Stalking	<ul style="list-style-type: none"> • Stalking (720 Ill. Comp. Stat. Ann. 5/12-7.3):

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	<ul style="list-style-type: none"> ○ A person commits stalking when he or she knowingly engages in a course of conduct directed at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to: (1) fear for his or her safety or the safety of a third person; or (2) suffer other emotional distress. ○ A person commits stalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions follows another person or places the person under surveillance or any combination thereof and: (1) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint and the threat is directed towards that person or a family member of that person; or (2) places that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint to or of that person or a family member of that person. ○ A person commits stalking when he or she has previously been convicted of stalking another person and knowingly and without lawful justification on one occasion: (1) follows that same person or places that same person under surveillance; and (2) transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint to that person or a family member of that person. ○ A person commits stalking when he or she knowingly makes threats that are part of a course of conduct and is aware of the threatening nature of his or her speech. ● Aggravated Stalking (720 Ill. Comp. Stat. Ann. 5/12-7.4): A person commits aggravated stalking when he or she commits stalking and: (1) causes bodily harm to the victim; (2) confines or restrains the victim; or (3) violates a temporary restraining order, an order of protection, a stalking no contact order, a civil no contact order, or an injunction prohibiting the behavior described in subsection (b)(1) of Section 214 of the Illinois Domestic Violence Act of 1986. ● Cyberstalking (720 Ill. Comp. Stat. Ann. 5/12-7.5): <ul style="list-style-type: none"> ○ A person commits cyberstalking when he or she engages in a course of conduct using electronic communication directed at a specific person, and he or she knows or should know that would cause a reasonable

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Crime Type (Illinois Compiled Statutes)	Definitions
	<p>person to: (1) fear for his or her safety or the safety of a third person; or (2) suffer other emotional distress.</p> <ul style="list-style-type: none"> ○ A person commits cyberstalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions, harasses another person through the use of electronic communication and: (1) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement, or restraint and the threat is directed towards that person or a family member of that person; or (2) places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint; or (3) at any time knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person. ○ A person commits cyberstalking when he or she knowingly, surreptitiously, and without lawful justification, installs or otherwise places electronic monitoring software or spyware on an electronic communication device as a means to harass another person and: (1) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement, or restraint and the threat is directed towards that person or a family member of that person; (2) places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint; or (3) at any time knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person. ○ A person commits cyberstalking when he or she, knowingly and without lawful justification, creates and maintains an Internet website or webpage which is accessible to one or more third parties for a period of at least 24 hours, and which contains statements harassing another person and: (1) which communicates a threat of immediate or future bodily harm, sexual assault, confinement, or restraint, where the threat is directed towards that person or a family member of that person, or (2) which places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint, or (3) which knowingly solicits the commission of an act by any person which would be a

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Crime Type (Illinois Compiled Statutes)	Definitions
	violation of this Code directed towards that person or a family member of that person.
Sexual Assault	<ul style="list-style-type: none"> • Criminal Sexual Assault (720 Ill. Comp. Stat. Ann. 5/11-1.20): A person commits criminal sexual assault if that person commits an act of sexual penetration and: (1) uses force or threat of force; (2) knows that the victim is unable to understand the nature of the act or is unable to give knowing consent; (3) is a family member of the victim, and the victim is under 18 years of age; or (4) is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim, and the victim is at least 13 years of age but under 18 years of age. • Aggravated Criminal Sexual Assault (720 Ill. Comp. Stat. Ann. 5/11-1.30): <ul style="list-style-type: none"> a. A person commits aggravated criminal sexual assault if that person commits criminal sexual assault and any of the following aggravating circumstances exist during the commission of the offense or, for purposes of paragraph (7), occur as part of the same course of conduct as the commission of the offense: (1) the person displays, threatens to use, or uses a dangerous weapon, other than a firearm, or any other object fashioned or used in a manner that leads the victim, under the circumstances, reasonably to believe that the object is a dangerous weapon; (2) the person causes bodily harm to the victim, except as provided in paragraph (10); (3) the person acts in a manner that threatens or endangers the life of the victim or any other person; (4) the person commits the criminal sexual assault during the course of committing or attempting to commit any other felony; (5) the victim is 60 years of age or older; (6) the victim is a person with a physical disability; (7) the person delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim without the victim's consent or by threat or deception for other than medical purposes; (8) the person is armed with a firearm; (9) the person personally discharges a firearm during the commission of the offense; or (10) the person personally discharges a firearm during the commission of the offense, and that discharge proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person.

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Crime Type (Illinois Compiled Statutes)	Definitions
	<p>b. A person commits aggravated criminal sexual assault if that person is under 17 years of age and: (i) commits an act of sexual penetration with a victim who is under 9 years of age; or (ii) commits an act of sexual penetration with a victim who is at least 9 years of age but under 13 years of age and the person uses force or threat of force to commit the act.</p> <p>c. A person commits aggravated criminal sexual assault if that person commits an act of sexual penetration with a victim who is a person with a severe or profound intellectual disability.</p> <ul style="list-style-type: none"> • Predatory Criminal Sexual Assault of a Child (720 Ill. Comp. Stat. Ann. 5/11-1.40): A person commits predatory criminal sexual assault of a child if that person is 17 years of age or older, and commits an act of contact, however slight, between the sex organ or anus of one person and the part of the body of another for the purpose of sexual gratification or arousal of the victim or the accused, or an act of sexual penetration, and: (1) the victim is under 13 years of age; or (2) the victim is under 13 years of age and that person: (A) is armed with a firearm; (B) personally discharges a firearm during the commission of the offense; (C) causes great bodily harm to the victim that: (i) results in permanent disability; or (ii) is life threatening; or (D) delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim without the victim's consent or by threat or deception, for other than medical purposes.
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 Illinois law does not define these terms.
Other "sexual assault" crimes	<p>Other crimes under Illinois law that may be classified as a "sexual assault" include the following:</p> <ul style="list-style-type: none"> • Criminal Sexual Abuse (720 Ill. Comp. Stat. Ann. 5/11-1.50): <ul style="list-style-type: none"> a. A person commits criminal sexual abuse if that person: (1) commits an act of sexual conduct by the use of force or threat of force; or (2) commits an act of sexual conduct and knows that the victim is unable to understand the nature of the act or is unable to give knowing consent.

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Crime Type (Illinois Compiled Statutes)	Definitions
	<ul style="list-style-type: none"> b. A person commits criminal sexual abuse if that person is under 17 years of age and commits an act of sexual penetration or sexual conduct with a victim who is at least 9 years of age but under 17 years of age. c. A person commits criminal sexual abuse if that person commits an act of sexual penetration or sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person is less than 5 years older than the victim. • Aggravated Criminal Sexual Abuse (720 Ill. Comp. Stat. Ann. 5/11-1.60): <ul style="list-style-type: none"> a. A person commits aggravated criminal sexual abuse if that person commits criminal sexual abuse and any of the following aggravating circumstances exist (i) during the commission of the offense or (ii) for purposes of paragraph (7), as part of the same course of conduct as the commission of the offense: (1) the person displays, threatens to use, or uses a dangerous weapon or any other object fashioned or used in a manner that leads the victim, under the circumstances, reasonably to believe that the object is a dangerous weapon; (2) the person causes bodily harm to the victim; (3) the victim is 60 years of age or older; (4) the victim is a person with a physical disability; (5) the person acts in a manner that threatens or endangers the life of the victim or any other person; (6) the person commits the criminal sexual abuse during the course of committing or attempting to commit any other felony; or (7) the person delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim for other than medical purposes without the victim's consent or by threat or deception. b. A person commits aggravated criminal sexual abuse if that person commits an act of sexual conduct with a victim who is under 18 years of age and the person is a family member. c. A person commits aggravated criminal sexual abuse if: (1) that person is 17 years of age or over and: (i) commits an act of sexual conduct with a victim who is under 13 years of age; or (ii) commits an act of sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person uses force or threat of force to commit the act; or (2) that person is under 17 years of age and: (i) commits an

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	<p>act of sexual conduct with a victim who is under 9 years of age; or (ii) commits an act of sexual conduct with a victim who is at least 9 years of age but under 17 years of age and the person uses force or threat of force to commit the act.</p> <p>d. A person commits aggravated criminal sexual abuse if that person commits an act of sexual penetration or sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person is at least 5 years older than the victim.</p> <p>e. A person commits aggravated criminal sexual abuse if that person commits an act of sexual conduct with a victim who is a person with a severe or profound intellectual disability.</p> <p>f. A person commits aggravated criminal sexual abuse if that person commits an act of sexual conduct with a victim who is at least 13 years of age but under 18 years of age and the person is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim.</p> <ul style="list-style-type: none"> • Sexual Relations Within Families (720 Ill. Comp. Stat. Ann. 5/11-11): A person commits sexual relations within families if he or she: (1) Commits an act of sexual penetration as defined in Section 11-0.1 of this Code; and (2) The person knows that he or she is related to the other person as follows: (i) Brother or sister, either of the whole blood or the half blood; or (ii) Father or mother, when the child, regardless of legitimacy and regardless of whether the child was of the whole blood or half-blood or was adopted, was 18 years of age or over when the act was committed; or (iii) Stepfather or stepmother, when the stepchild was 18 years of age or over when the act was committed; or (iv) Aunt or uncle, when the niece or nephew was 18 years of age or over when the act was committed; or (v) Great-aunt or great-uncle, when the grand-niece or grand-nephew was 18 years of age or over when the act was committed; or (vi) Grandparent or step-grandparent, when the grandchild or step-grandchild was 18 years of age or over when the act was committed.
<p>Consent (as it relates to sexual activity)</p> <p>(720 Ill. Comp. Stat. Ann. 5/11-0.1)</p>	<p>"Consent" means a freely given agreement to the act of sexual penetration or sexual conduct in question. Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force by the accused shall not constitute consent. The manner of dress of the victim at the time of the offense shall not constitute consent.</p>

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Crime Type (Illinois Compiled Statutes)	Definitions
	<p>“Unable to give knowing consent” includes when the accused administers any intoxicating or anesthetic substance, or any controlled substance causing the victim to become unconscious of the nature of the act and this condition was known, or reasonably should have been known by the accused. “Unable to give knowing consent” also includes when the victim has taken an intoxicating substance or any controlled substance causing the victim to become unconscious of the nature of the act, and this condition was known or reasonably should have been known by the accused, but the accused did not provide or administer the intoxicating substance. 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:</p> <ol style="list-style-type: none"> (1) was unconscious or asleep; (2) was not aware, knowing, perceiving, or cognizant that the act occurred; (3) was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact; or (4) 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. <p>A victim is presumed “unable to give knowing consent” when the victim:</p> <ol style="list-style-type: none"> (1) is committed to the care and custody or supervision of the Illinois Department of Corrections (IDOC) and the accused is an employee or volunteer who is not married to the victim who knows or reasonably should know that the victim is committed to the care and custody or supervision of such department; (2) is committed to or placed with the Department of Children and Family Services (DCFS) and in residential care, and the accused employee is not married to the victim, and knows or reasonably should know that the victim is committed to or placed with DCFS and in residential care; (3) is a client or patient and the accused is a health care provider or mental health care provider and the sexual conduct or sexual penetration occurs during a treatment session, consultation, interview, or examination; (4) is a resident or inpatient of a residential facility and the accused is an employee of the facility who is not married to such resident or inpatient who provides direct care services, case management services, medical or other

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	<p>clinical services, habilitative services or direct supervision of the residents in the facility in which the resident resides; or an officer or other employee, consultant, contractor or volunteer of the residential facility, who knows or reasonably should know that the person is a resident of such facility; or</p> <p>(5) is detained or otherwise in the custody of a police officer, peace officer, or other law enforcement official who: (i) is detaining or maintaining custody of such person; or (ii) knows, or reasonably should know, that at the time of the offense, such person was detained or in custody and the police officer, peace officer, or other law enforcement official is not married to such detainee.</p>

MICHIGAN

Crime Type (Michigan Compiled Laws)	Definitions
Dating Violence	The institution has determined, based on good-faith research, that Michigan law does not define the term dating violence.
Domestic Violence (Mich. Comp. Laws § 400.1501)	<p>Michigan's Domestic Violence Act uses the following definitions:</p> <ul style="list-style-type: none"> • "Domestic violence" means the occurrence of any of the following acts by a person that is not an act of self-defense: (i) Causing or attempting to cause physical or mental harm to a family or household member; (ii) Placing a family or household member in fear of physical or mental harm; (iii) Causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress; (iv) Engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested. • "Family or household member" includes any of the following: (i) A spouse or former spouse; (ii) An individual with whom the person resides or has resided;

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	<p>(iii) An individual with whom the person has or has had a dating relationship; (iv) An individual with whom the person is or has engaged in a sexual relationship; (v) An individual to whom the person is related or was formerly related by marriage; (vi) An individual with whom the person has a child in common; (vii) The minor child of an individual described in subparagraphs (i) to (vi).</p> <ul style="list-style-type: none"> • "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. Dating relationship does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.
Stalking (Mich. Comp. Laws § 750.411h)	<ul style="list-style-type: none"> • "Stalking" means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested. • The following definitions also apply: <ul style="list-style-type: none"> ○ "Course of conduct" means a pattern of conduct composed of a series of 2 or more separate noncontinuous acts evidencing a continuity of purpose. ○ "Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling. ○ "Harassment" means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable individual to suffer emotional distress and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose. ○ "Unconsented contact" means any contact with another individual that is initiated or continued without that individual's consent or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following: (i) Following or appearing within the sight of that individual; (ii) Approaching or confronting that individual

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	<p>in a public place or on private property; (iii) Appearing at that individual's workplace or residence; (iv) Entering onto or remaining on property owned, leased, or occupied by that individual; (v) Contacting that individual by telephone; (vi) Sending mail or electronic communications to that individual; (vii) Placing an object on, or delivering an object to, property owned, leased, or occupied by that individual.</p> <ul style="list-style-type: none"> ○ "Victim" means an individual who is the target of a willful course of conduct involving repeated or continuing harassment.
Sexual Assault	The institution has determined, based on good-faith research, that Michigan law does not define the term sexual assault, instead referring to sexual assault as "Criminal Sexual Conduct" prosecuted under Mich. Comp. Laws § 750.520b <i>et. seq.</i>
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 Michigan law are as follows:</p> <ul style="list-style-type: none"> • Rape: The institution has determined, based on good-faith research, that Michigan law does not define the term rape. Michigan generally prosecutes such offenses as "Criminal Sexual Conduct" under Mich. Comp. Laws § 750.520b <i>et. seq.</i> • Fondling: The institution has determined, based on good-faith research, that Michigan law does not define the term fondling. • Incest: The institution has determined, based on good-faith research, that Michigan law does not define the term incest. Michigan generally prosecutes such offenses as Criminal sexual conduct in the fourth degree (Mich. Comp. Laws § 750.520e(1)). • Statutory Rape: The institution has determined, based on good-faith research, that Michigan law does not define the term statutory rape. Michigan generally prosecutes such offenses as "Criminal Sexual Conduct" under Mich. Comp. Laws § 750.520b <i>et. seq.</i>
Other "sexual assault" crimes	<p>Other crimes under Michigan law that may be classified as a "sexual assault" include the following:</p> <ul style="list-style-type: none"> • Criminal sexual conduct in the first degree (Mich. Comp. Laws § 750.520b(1)): A person is guilty of criminal sexual conduct in the first degree if he or she

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	<p>engages in sexual penetration with another person and if any of the following circumstances exists:</p> <ol style="list-style-type: none"> a. That other person is under 13 years of age. b. That other person is at least 13 but less than 16 years of age and any of the following: (i) The actor is a member of the same household as the victim; (ii) The actor is related to the victim by blood or affinity to the fourth degree; (iii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit. c. Sexual penetration occurs under circumstances involving the commission of any other felony. d. The actor is aided or abetted by 1 or more other persons and either of the following circumstances exists: (i) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless; (ii) The actor uses force or coercion to accomplish the sexual penetration. Force or coercion includes, but is not limited to, any of the circumstances listed in subdivision (f). e. The actor is armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon. f. The actor causes personal injury to the victim and force or coercion is used to accomplish sexual penetration. Force or coercion includes, but is not limited to, any of the following circumstances: (i) When the actor overcomes the victim through the actual application of physical force or physical violence; (ii) When the actor coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the actor has the present ability to execute these threats; (iii) When the actor coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim believes that the actor has the ability to execute this threat. As used in this subdivision, "to retaliate" includes threats of physical punishment, kidnapping, or extortion; (iv) When the actor engages in the medical treatment or examination of the victim in a manner or for purposes that are medically recognized as unethical or unacceptable; (v) When the actor, through concealment or by the element of surprise, is able to overcome the victim.

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	<p style="margin-left: 40px;">g. The actor causes personal injury to the victim, and the actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.</p> <p style="margin-left: 40px;">h. That other person is mentally incapable, mentally disabled, mentally incapacitated, or physically helpless, and any of the following: (i) The actor is related to the victim by blood or affinity to the fourth degree; (ii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.</p> <ul style="list-style-type: none"> • Criminal sexual conduct in the second degree (Mich. Comp. Laws § 750.520c(1)): A person is guilty of criminal sexual conduct in the second degree if the person engages in sexual contact with another person and if any of the following circumstances exists: <ul style="list-style-type: none"> a. That other person is under 13 years of age. b. That other person is at least 13 but less than 16 years of age and any of the following: (i) The actor is a member of the same household as the victim; (ii) The actor is related by blood or affinity to the fourth degree to the victim; (iii) The actor is in a position of authority over the victim and the actor used this authority to coerce the victim to submit. c. Sexual contact occurs under circumstances involving the commission of any other felony. d. The actor is aided or abetted by 1 or more other persons and either of the following circumstances exists: (i) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless. (ii) The actor uses force or coercion to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the circumstances listed in section 520b(1)(f). e. The actor is armed with a weapon, or any article used or fashioned in a manner to lead a person to reasonably believe it to be a weapon. f. The actor causes personal injury to the victim and force or coercion is used to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the circumstances listed in section 520b(1)(f).

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	<p style="margin-left: 40px;">g. The actor causes personal injury to the victim and the actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.</p> <p style="margin-left: 40px;">h. That other person is mentally incapable, mentally disabled, mentally incapacitated, or physically helpless, and any of the following: (i) The actor is related to the victim by blood or affinity to the fourth degree; (ii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.</p> <ul style="list-style-type: none"> • Criminal sexual conduct in the third degree (Mich. Comp. Laws § 750.520d(1)): A person is guilty of criminal sexual conduct in the third degree if the person engages in sexual penetration with another person and if any of the following circumstances exist: <ul style="list-style-type: none"> a. That other person is at least 13 years of age and under 16 years of age. b. Force or coercion is used to accomplish the sexual penetration. Force or coercion includes but is not limited to any of the circumstances listed in section 520b(1)(f)(i) to (v). c. The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless. d. That other person is related to the actor by blood or affinity to the third degree and the sexual penetration occurs under circumstances not otherwise prohibited by this chapter. It is an affirmative defense to a prosecution under this subdivision that the other person was in a position of authority over the defendant and used this authority to coerce the defendant to violate this subdivision. The defendant has the burden of proving this defense by a preponderance of the evidence. This subdivision does not apply if both persons are lawfully married to each other at the time of the alleged violation. • Criminal sexual conduct in the fourth degree (Mich. Comp. Laws § 750.520e(1)): A person is guilty of criminal sexual conduct in the fourth degree if he or she engages in sexual contact with another person and if any of the following circumstances exist: <ul style="list-style-type: none"> a. That other person is at least 13 years of age but less than 16 years of age, and the actor is 5 or more years older than that other person.

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	<p>b. Force or coercion is used to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the following circumstances: (i) When the actor overcomes the victim through the actual application of physical force or physical violence; (ii) When the actor coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the actor has the present ability to execute that threat; (iii) When the actor coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim believes that the actor has the ability to execute that threat. As used in this subparagraph, "to retaliate" includes threats of physical punishment, kidnapping, or extortion; (iv) When the actor engages in the medical treatment or examination of the victim in a manner or for purposes which are medically recognized as unethical or unacceptable; (v) When the actor achieves the sexual contact through concealment or by the element of surprise.</p> <p>c. The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.</p> <p>d. That other person is related to the actor by blood or affinity to the third degree and the sexual contact occurs under circumstances not otherwise prohibited by this chapter. It is an affirmative defense to a prosecution under this subdivision that the other person was in a position of authority over the defendant and used this authority to coerce the defendant to violate this subdivision. The defendant has the burden of proving this defense by a preponderance of the evidence. This subdivision does not apply if both persons are lawfully married to each other at the time of the alleged violation.</p> <ul style="list-style-type: none"> • Assault with intent to commit criminal sexual conduct (Mich. Comp. Laws § 750.520g): Assault with intent to commit criminal sexual conduct involving sexual penetration shall be a felony punishable by imprisonment for not more than 10 years. Assault with intent to commit criminal sexual conduct in the second degree is a felony punishable by imprisonment for not more than 5 years.
Consent (as it relates to sexual activity)	The institution has determined, based on good-faith research, that Michigan law does not define the term consent (as it relates to sexual activity).

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Crime Type (Michigan Compiled Laws)	Definitions

NEW JERSEY

Crime Type (New Jersey Statutes Annotated)	Definitions
Dating Violence	<p>The institution has determined, based on good-faith research, that New Jersey's criminal statutes do not define the term dating violence outside of the K-12 context. New Jersey's education laws define "dating violence" as "a pattern of behavior where one person threatens to use, or actually uses physical, sexual, verbal, or emotional abuse to control a dating partner." "Dating partner" is defined as "any person involved in an intimate association with another individual that is primarily characterized by the expectation of affectionate involvement, whether casual, serious, or long-term." N.J. Stat. Ann. § 18A:35-4.23a.</p>
Domestic Violence (N.J. Stat. Ann. § 2C:25-19)	<ul style="list-style-type: none"> "Domestic violence" means the occurrence of one or more of the following acts inflicted upon a person protected under this act by an adult or an emancipated minor: (1) Homicide; (2) Assault; (3) Terroristic threats; (4) Kidnapping; (5) Criminal restraint; (6) False imprisonment; (7) Sexual assault; (8) Criminal sexual contact; (9) Lewdness; (10) Criminal mischief; (11) Burglary; (12) Criminal trespass; (13) Harassment; (14) Stalking; (15) Criminal coercion; (16) Robbery; (17) Contempt of a domestic violence order that constitutes a crime or disorderly persons offense; (18) Any other crime involving risk of death or serious bodily injury; (19) Cyber-harassment. "Victim of domestic violence" means a person protected under this act and shall include any person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present household member or was at any time a household member. "Victim of domestic violence" also includes any person, regardless of age, who has been subjected to domestic violence by a person with whom the victim has a child in common, or with whom the victim anticipates having a child in common, if one of the parties is pregnant. "Victim of domestic violence" also includes any person who

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	has been subjected to domestic violence by a person with whom the victim has had a dating relationship.
Stalking (N.J. Stat. Ann. § 2C:12-10)	<ul style="list-style-type: none"> • A person is guilty of stalking, a crime of the fourth degree, if he purposefully or knowingly engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for his safety or the safety of a third person or suffer other emotional distress. A person is guilty of a crime of the third degree if he commits the crime of stalking in violation of an existing court order prohibiting the behavior, commits a second or subsequent offense of stalking against the same victim, or commits the crime of stalking while serving a term of imprisonment or while on parole or probation. • "Course of conduct" means repeatedly maintaining a visual or physical proximity to a person; directly, indirectly, or through third parties, by any action, method, device, or means, following, monitoring, observing, surveilling, threatening, or communicating to or about, a person, or interfering with a person's property; repeatedly committing harassment against a person; or repeatedly conveying, or causing to be conveyed, verbal or written threats or threats conveyed by any other means of communication or threats implied by conduct or a combination thereof directed at or toward a person.
Sexual Assault	<ul style="list-style-type: none"> • Sexual assault: <ul style="list-style-type: none"> ○ N.J. Stat. Ann. § 2C:14-2: (b) An actor is guilty of sexual assault if the actor commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least four years older than the victim. ○ N.J. Stat. Ann. § 2C:14-2: (c) An actor is guilty of sexual assault if the actor commits an act of sexual penetration with another person under any one of the following circumstances: (1) The actor commits the act using coercion or without the victim's affirmative and freely-given permission, but the victim does not sustain severe personal injury; (2) The victim is on probation or parole, or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional or occupational status; (3) The victim is at least 16 but less than 18 years old and: (a) The actor is related to the victim by blood or affinity to the third degree; or (b) The actor has supervisory or disciplinary power of any nature or in any capacity over the victim; or (c) The actor is a

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	<p style="text-align: center;">resource family parent, a guardian, or stands in loco parent is within the household; (4) The victim is at least 13 but less than 16 years old and the actor is at least four years older than the victim.</p> <ul style="list-style-type: none"> Aggravated sexual assault (N.J. Stat. Ann. § 2C:14-2): An actor is guilty of aggravated sexual assault if the actor commits an act of sexual penetration with another person under any one of the following circumstances: (1) The victim is less than 13 years old; (2) The victim is at least 13 but less than 16 years old; and (a) The actor is related to the victim by blood or affinity to the third degree, or (b) The actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status, or (c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household; (3) The act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, carjacking, kidnapping, homicide, aggravated assault on the victim or a person other than the victim, burglary, arson, or criminal escape; (4) The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object; (5) The actor is aided or abetted by one or more other persons and the actor commits the act using coercion or without the victim's affirmative and freely-given permission; (6) The actor commits the act using coercion or without the victim's affirmative and freely-given permission and severe personal injury is sustained by the victim; (7) The victim, at the time of sexual penetration, is one whom the actor knew or should have known was: (a) physically helpless or incapacitated ; (b) intellectually or mentally incapacitated; or (c) had a mental disease or defect which rendered the victim temporarily or permanently incapable of understanding the distinctively sexual nature of the conduct, including, but not limited to, being incapable of providing consent, or incapable of understanding or exercising the right to refuse to engage in the conduct.
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 New Jersey law are as follows:</p> <ul style="list-style-type: none"> Rape: The institution has determined, based on good-faith research, that New Jersey law does not define the term rape.

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	<ul style="list-style-type: none"> • Fondling: The institution has determined, based on good-faith research, that New Jersey law does not define the term fondling. • Incest: The institution has determined, based on good-faith research, that New Jersey law does not define the term incest. • Statutory Rape: The institution has determined, based on good-faith research, that New Jersey law does not define the term statutory rape.
Other "sexual assault" crimes	<p>Other crimes under New Jersey law that may be classified as a "sexual assault" include the following:</p> <ul style="list-style-type: none"> • Criminal sexual contact (N.J. Stat. Ann. § 2C:14-3): (b) An actor is guilty of criminal sexual contact if he commits an act of sexual contact with the victim under any of the circumstances set forth in section 2C:14-2c. (1) through (5) [above]. • Aggravated criminal sexual contact (N.J. Stat. Ann. § 2C:14-3): (a) An actor is guilty of aggravated criminal sexual contact if he commits an act of sexual contact with the victim under any of the circumstances set forth in 2C:14-2a. (2) through (7) [above]. • Sexual extortion (N.J. Stat. Ann. § 2C:14-9.1): An actor commits the crime of sexual extortion if: (a) with the purpose to coerce another person to: engage in sexual contact, sexual penetration, or simulated sexual contact or sexual penetration, expose their intimate parts, or produce, photograph, film, videotape, record, or otherwise reproduce in any manner any image, video, or other recording of any individual's intimate parts or any individual engaged in sexual contact, sexual penetration, or simulated sexual contact or sexual penetration, the actor communicates by any means a threat: (1) to the person, property, or reputation of the victim or any other person; or (2) to disclose an image, video, or other recording of the victim or any other person engaged in sexual contact, sexual penetration, simulated sexual contact or penetration, or of the victim's or any other person's intimate parts; or (b) the actor knowingly causes another person to engage in sexual contact, sexual penetration, or, simulated sexual contact or penetration, or expose their intimate parts, or produce, photograph, film, videotape, record, or otherwise reproduce in any manner, any image, video, or other recording of any individual's intimate parts or any individual engaged in sexual contact, sexual penetration, or simulated sexual contact or penetration; by communicating by any means a threat: (1) to the person, property, or reputation of the victim or any other person; or. (2) to disclose an image, video, or other recording of the victim or any other person engaged in sexual contact, sexual penetration,

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	<p>simulated sexual contact or sexual penetration, or of the victim's or any other person's intimate parts.</p> <ul style="list-style-type: none"> • Invasion of privacy; observation of sexual contact; reproduction or disclosure of images of sexual contact or undergarment-clad intimate parts of another person; dressing rooms (N.J. Stat. Ann. §2C:14-9): <ul style="list-style-type: none"> ○ An actor commits a crime of the fourth degree if, knowing that he is not licensed or privileged to do so, and under circumstances in which a reasonable person would know that another may expose intimate parts or may engage in sexual penetration or sexual contact, he observes another person without that person's consent and under circumstances in which a reasonable person would not expect to be observed. ○ An actor commits a crime of the third degree if, knowing that he is not licensed or privileged to do so, he photographs, films, videotapes, records, or otherwise reproduces in any manner, the image of another person whose intimate parts are exposed or who is engaged in an act of sexual penetration or sexual contact, without that person's consent and under circumstances in which a reasonable person would not expect to be observed. ○ An actor commits a crime of the fourth degree if, knowing that he is not licensed or privileged to do so, he photographs, films, videotapes, records, or otherwise reproduces in any manner, the image of the undergarment-clad intimate parts of another person, without that person's consent and under circumstances in which a reasonable person would not expect to have his undergarment-clad intimate parts observed. ○ An actor commits a crime of the third degree if, knowing that he is not licensed or privileged to do so, he discloses any photograph, film, videotape, recording or any other reproduction of the image, taken in violation of subsection b. of this section, of: (1) another person who is engaged in an act of sexual penetration or sexual contact; (2) another person whose intimate parts are exposed; or (3) another person's undergarment-clad intimate parts, unless that person has consented to such disclosure.
Consent (as it relates to sexual activity)	<p>The institution has determined, based on good-faith research, that New Jersey law does not define the term consent (as it relates to sexual activity). However, the state's criminal code does have a provision relating to consent that pertains to all its criminal offenses. N.J. Stat. Ann. § 2C:2-10 provides the following:</p> <ul style="list-style-type: none"> • In general – The consent of the victim to conduct charged to constitute an offense or to the result thereof is a defense if such consent negatives an element of the offense or precludes the infliction of the harm or evil sought to be prevented by the law defining the offense.

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Crime Type (New Jersey Statutes Annotated)	Definitions
	<ul style="list-style-type: none"> • Consent to bodily harm – When conduct is charged to constitute an offense because it causes or threatens bodily harm, consent to such conduct or to the infliction of such harm is a defense if: (1) The bodily harm consented to or threatened by the conduct consented to is not serious; or (2) The conduct and the harm are reasonably foreseeable hazards of joint participation in a concerted activity of a kind not forbidden by law; or (3) The consent establishes a justification for the conduct under chapter 3 of the code. • Ineffective consent – Unless otherwise provided by the code or by the law defining the offense, assent does not constitute consent if: (1) It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense; or (2) It is given by a person who by reason of youth, mental disease or defect or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature of harmfulness of the conduct charged to constitute an offense; or (3) It is induced by force, duress or deception of a kind sought to be prevented by the law defining the offense.

NORTH CAROLINA

Crime Type (North Carolina General Statutes)	Definitions
Dating Violence	The institution has determined, based on good-faith research, that North Carolina law does not define the term dating violence.
Domestic Violence (N.C. Gen. Stat. § 50B-1)	<ul style="list-style-type: none"> • Domestic violence means the commission of one or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts of self-defense: (1) Attempting to cause bodily injury, or intentionally causing bodily injury; or (2) Placing the aggrieved party or a member of the aggrieved party's family or household in fear of imminent serious bodily injury or continued harassment, as defined in G.S. 14-277.3A, that rises to such a level as to inflict substantial emotional distress; or (3) Committing any act defined in G.S. 14-27.21 through G.S. 14-27.33.

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Crime Type (North Carolina General Statutes)	Definitions
	<ul style="list-style-type: none"> • As used above, the term "personal relationship"* [FYI, Red Flag found unconstitutional on arguments related to same sex relationships] means a relationship wherein the parties involved: (1) Are current or former spouses; (2) Are persons of opposite sex who live together or have lived together; (3) Are related as parents and children, including others acting in loco parentis to a minor child, or as grandparents and grandchildren. For purposes of this subdivision, an aggrieved party may not obtain an order of protection against a child or grandchild under the age of 16; (4) Have a child in common; (5) Are current or former household members; (6) Are persons of the opposite sex who are in a dating relationship or have been in a dating relationship. For purposes of this subdivision, a dating relationship is one wherein the parties are romantically involved over time and on a continuous basis during the course of the relationship. A casual acquaintance or ordinary fraternization between persons in a business or social context is not a dating relationship.
Stalking	<ul style="list-style-type: none"> • Stalking (N.C. Gen. Stat. § 14-277.3A*[FYI, Red Flag found this unconstitutional under State v. Shackelford on basis that it violated Defendants 1st Amendment protections and was procedurally flawed.]): A defendant is guilty of stalking if the defendant willfully on more than one occasion harasses another person without legal purpose or willfully engages in a course of conduct directed at a specific person without legal purpose and the defendant knows or should know that the harassment or the course of conduct would cause a reasonable person to do any of the following: (1) Fear for the person's safety or the safety of the person's immediate family or close personal associates; (2) Suffer substantial emotional distress by placing that person in fear of death, bodily injury, or continued harassment. • The following definitions apply to the crime of stalking: <ul style="list-style-type: none"> ○ Course of conduct – 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, is in the presence of, or follows, monitors, observes, surveils, threatens, or communicates to a person, or interferes with a person's property. ○ Harasses or harassment – Knowing conduct, including written or printed communication or transmission, telephone, cellular, or other wireless telephonic communication, facsimile transmission, pager messages or transmissions, answering machine or voice mail messages

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Crime Type (North Carolina General Statutes)	Definitions
	<p>or transmissions, and electronic mail messages or other computerized or electronic transmissions directed at a specific person that torments, terrorizes, or terrifies that person and that serves no legitimate purpose.</p> <ul style="list-style-type: none"> ○ Reasonable person – A reasonable person in the victim's circumstances. ○ Substantial emotional distress – Significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling. <ul style="list-style-type: none"> ● Cyberstalking (N.C. Gen. Stat. §14-196.3): It is unlawful for a person to: (1) Use in electronic mail or electronic communication any words or language threatening to inflict bodily harm to any person or to that person's child, sibling, spouse, or dependent, or physical injury to the property of any person, or for the purpose of extorting money or other things of value from any person; (2) Electronically mail or electronically communicate to another repeatedly, whether or not conversation ensues, for the purpose of abusing, annoying, threatening, terrifying, harassing, or embarrassing any person; (3) Electronically mail or electronically communicate to another and to knowingly make any false statement concerning death, injury, illness, disfigurement, indecent conduct, or criminal conduct of the person electronically mailed or of any member of the person's family or household with the intent to abuse, annoy, threaten, terrify, harass, or embarrass; (4) Knowingly permit an electronic communication device under the person's control to be used for any purpose prohibited by this section; (5) Knowingly install, place, or use an electronic tracking device without consent, or cause an electronic tracking device to be installed, placed, or used without consent, to track the location of any person.
Sexual Assault	The institution has determined, based on good-faith research, that North Carolina criminal statutes do not define the term sexual assault. North Carolina generally prosecutes such offences under its "Forcible Sexual Offense" statutes under N.C. Gen. Stat. § 14-27.26 <i>et. seq.</i>
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. These definitions under North Carolina law are as follows:

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Crime Type (North Carolina General Statutes)	Definitions
	<ul style="list-style-type: none"> • First-degree forcible rape (N.C. Gen. Stat. § 14-27.21): A person is guilty of first-degree forcible rape if the person engages in vaginal intercourse with another person by force and against the will of the other person, and does any of the following: (1) Uses, threatens to use, or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon; (2) Inflicts serious personal injury upon the victim or another person; (3) The person commits the offense aided and abetted by one or more other persons. • Second-degree forcible rape (N.C. Gen. Stat. § 14-27.22): A person is guilty of second-degree forcible rape if the person engages in vaginal intercourse with another person: (1) By force and against the will of the other person; or (2) Who has a mental disability or who is mentally incapacitated, or physically helpless and the person performing the act knows or should reasonably know the other person has a mental disability or is mentally incapacitated, or physically helpless. • Fondling: The institution has determined, based on good-faith research, that North Carolina law does not define the term fondling. • Incest (N.C. Gen. Stat. § 14-178): A person commits the offense of incest if the person engages in carnal intercourse with the person's (i) grandparent or grandchild, (ii) parent or child or stepchild or legally adopted child, (iii) brother or sister of the half or whole blood, or (iv) uncle, aunt, nephew, or niece. • Statutory Rape of a Child by an Adult (N.C. Gen. Stat. § 14-27.23): A person is guilty of statutory rape of a child by an adult if the person is at least 18 years of age and engages in vaginal intercourse with a victim who is a child under the age of 13 years. • First-Degree Statutory Rape (N.C. Gen. Stat. § 14-27.24): A person is guilty of first-degree statutory rape if the person engages in vaginal intercourse with a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least four years older than the victim. • Statutory Rape of Person Who is 15 Years of Age or Younger (N.C. Gen. Stat. § 14-27.25): (a) A defendant is guilty of a Class B1 felony if the defendant engages in vaginal intercourse with another person who is 15 years of age or younger and the defendant is at least 12 years old and at least six years older than the person, except when the defendant is lawfully married to the person. (b) Unless

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	<p>the conduct is covered under some other provision of law providing greater punishment, a defendant is guilty of a Class C felony if the defendant engages in vaginal intercourse with another person who is 15 years of age or younger and the defendant is at least 12 years old and more than four but less than six years older than the person, except when the defendant is lawfully married to the person.</p>
Other "sexual assault" crimes	<p>Other crimes under North Carolina law that may be classified as a "sexual assault" include the following:</p> <ul style="list-style-type: none"> • First-Degree Forcible Sexual Offense (N.C. Gen. Stat. § 14-27.26): A person is guilty of a first degree forcible sexual offense if the person engages in a sexual act with another person by force and against the will of the other person, and does any of the following: (1) Uses, threatens to use, or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon; (2) Inflicts serious personal injury upon the victim or another person; (3) The person commits the offense aided and abetted by one or more other persons. • Second-Degree Forcible Sexual Offense (N.C. Gen. Stat. § 14-27.27): A person is guilty of second degree forcible sexual offense if the person engages in a sexual act with another person: (1) By force and against the will of the other person; or (2) Who has a mental disability or who is mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know that the other person has a mental disability or is mentally incapacitated, or physically helpless. • Statutory Sexual Offense With a Child by an Adult (N.C. Gen. Stat. § 14-27.28): A person is guilty of statutory sexual offense with a child by an adult if the person is at least 18 years of age and engages in a sexual act with a victim who is a child under the age of 13 years. • First-Degree Statutory Sexual Offense (N.C. Gen. Stat. § 14-27.29): A person is guilty of first-degree statutory sexual offense if the person engages in a sexual act with a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least four years older than the victim. • Statutory Sexual Offense With a Person Who is 15 Years of Age or Younger (N.C. Gen. Stat. § 14-27.30): (a) A defendant is guilty of a Class B1 felony if the defendant engages in a sexual act with another person who is 15 years of age or

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	<p>younger and the defendant is at least 12 years old and at least six years older than the person, except when the defendant is lawfully married to the person.</p> <p>(b) Unless the conduct is covered under some other provision of law providing greater punishment, a defendant is guilty of a Class C felony if the defendant engages in a sexual act with another person who is 15 years of age or younger and the defendant is at least 12 years old and more than four but less than six years older than the person, except when the defendant is lawfully married to the person.</p> <ul style="list-style-type: none"> • Sexual Battery (N.C. Gen. Stat. § 14-27.33): A person is guilty of sexual battery if the person, for the purpose of sexual arousal, sexual gratification, or sexual abuse, engages in sexual contact with another person: (1) By force and against the will of the other person; or (2) Who has a mental disability or is mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know that the other person has a mental disability or who is mentally incapacitated, or physically helpless.
Consent (as it relates to sexual activity)	The institution has determined, based on good-faith research, that North Carolina law does not define the term consent (as it relates to sexual activity).

PENNSYLVANIA

Crime Type (Pennsylvania Statutes and Consolidated Statutes)	Definitions
Dating Violence	The institution has determined, based on good-faith research, that Pennsylvania law does not define the term dating violence, other than in the context of dating violence education, where it is defined as follows: Behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control the person's dating partner. 24 Pa. Stat. Ann. § 15-1553(f).
Domestic Violence	Pennsylvania defines domestic violence as follows (71 Pa. Stat. Ann. § 611.13): the occurrence of one or more of the following acts between family or household member:

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Crime Type (Pennsylvania Statutes and Consolidated Statutes)	Definitions
	<p>(1) Intentionally, knowingly or recklessly causing or attempting to cause bodily injury; (2) Placing, by physical menace, another in fear of imminent serious bodily injury.</p> <p>Pennsylvania law defines "Abuse" in its domestic relations statutes as follows (23 Pa. Stat. Ann. § 6102): The occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood: (1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon; (2) Placing another in reasonable fear of imminent serious bodily injury; (3) The infliction of false imprisonment pursuant to 18 Pa. Stat. Ann. § 2903; (4) Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services); (5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).</p>
<p>Stalking (18 Pa. Stat. Ann. § 2709.1)</p>	<p>A person commits the crime of stalking when the person either: (1) engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or (2) engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.</p>
<p>Sexual Assault</p>	<ul style="list-style-type: none"> • Sexual Assault (18 Pa. Stat. Ann. § 3124.1): Except as provided in section 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), a person commits a felony of the second degree when that person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent. • Statutory Sexual Assault (18 Pa. Stat. Ann. § 3122.1): <ul style="list-style-type: none"> ○ Felony of the second degree – Except as provided in section 3121 (relating to rape), a person commits a felony of the second degree

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Crime Type (Pennsylvania Statutes and Consolidated Statutes)	Definitions
	<p>when that person engages in sexual intercourse with a complainant to whom the person is not married who is under the age of 16 years and that person is either: (1) four years older but less than eight years older than the complainant; or (2) eight years older but less than 11 years older than the complainant.</p> <ul style="list-style-type: none"> ○ Felony of the first degree – A person commits a felony of the first degree when that person engages in sexual intercourse with a complainant under the age of 16 years and that person is 11 or more years older than the complainant and the complainant and the person are not married to each other. ● For purposes of the statutes above, sexual intercourse and deviate sexual intercourse are defined in 18 Pa. Stat. Ann. § 3101 as follows: <ul style="list-style-type: none"> ○ "Deviate sexual intercourse." Sexual intercourse per os or per anus between human beings and any form of sexual intercourse with an animal. The term also includes penetration, however slight, of the genitals or anus of another person with a foreign object for any purpose other than good faith medical, hygienic or law enforcement procedures. ○ "Sexual intercourse." In addition to its ordinary meaning, includes intercourse per os or per anus, with some penetration however slight; emission is not required.
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 Pennsylvania law are as follows:</p> <ul style="list-style-type: none"> ● Rape (18 Pa. Stat. Ann. § 3121): A person commits a felony of the first degree when the person engages in sexual intercourse with a complainant: (1) By forcible compulsion; (2) By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution; (3) Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring; (4) Where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or

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	<p>other means for the purpose of preventing resistance; (5) Who suffers from a mental disability which renders the complainant incapable of consent.</p> <ul style="list-style-type: none"> • Fondling: The institution has determined, based on good-faith research, that Pennsylvania law does not define the term fondling. • Incest (18 Pa. Stat. Ann. § 4302): <ul style="list-style-type: none"> a. General rule – Except as provided under subsection (b), a person is guilty of incest, a felony of the second degree, if that person knowingly marries or cohabits or has sexual intercourse with an ancestor or descendant, a brother or sister of the whole or half blood or an uncle, aunt, nephew or niece of the whole blood. b. Incest of a minor – A person is guilty of incest of a minor, a felony of the second degree, if that person knowingly marries, cohabits with or has sexual intercourse with a complainant who is an ancestor or descendant, a brother or sister of the whole or half blood or an uncle, aunt, nephew or niece of the whole blood and: (1) is under the age of 13 years; or (2) is 13 to 18 years of age and the person is four or more years older than the complainant. c. Relationships – The relationships referred to in this section include blood relationships without regard to legitimacy, and relationship of parent and child by adoption. • Statutory Rape: Pennsylvania law does not define the term statutory rape. The state defines the charge as statutory sexual assault (18 Pa. Stat. Ann. § 3122.1) as defined above.
Other “sexual assault” crimes	<p>Other crimes under Pennsylvania law that may be classified as a "sexual assault" include the following:</p> <ul style="list-style-type: none"> • Involuntary Deviate Sexual Intercourse (18 Pa. Stat. Ann. § 3123): <ul style="list-style-type: none"> a. Offense defined – A person commits a felony of the first degree when the person engages in deviate sexual intercourse with a complainant: (1) by forcible compulsion; (2) by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution; (3) who is unconscious or where the person knows that the complainant is

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Crime Type (Pennsylvania Statutes and Consolidated Statutes)	Definitions
	<p>unaware that the sexual intercourse is occurring; (4) where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance; (5) who suffers from a mental disability which renders him or her incapable of consent; or (6) (Deleted by amendment); (7) who is less than 16 years of age and the person is four or more years older than the complainant and the complainant and person are not married to each other.</p> <p>b. Involuntary deviate sexual intercourse with a child – A person commits involuntary deviate sexual intercourse with a child, a felony of the first degree, when the person engages in deviate sexual intercourse with a complainant who is less than 13 years of age.</p> <p>c. Involuntary deviate sexual intercourse with a child with serious bodily injury – A person commits an offense under this section with a child resulting in serious bodily injury, a felony of the first degree, when the person violates this section and the complainant is less than 13 years of age and the complainant suffers serious bodily injury in the course of the offense.</p> <ul style="list-style-type: none"> • Aggravated Indecent Assault (18 Pa. Stat. Ann. § 3125): <ul style="list-style-type: none"> a. Offenses defined – Except as provided in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse) and 3124.1 (relating to sexual assault), a person who engages in penetration, however slight, of the genitals or anus of a complainant with a part of the person's body for any purpose other than good faith medical, hygienic or law enforcement procedures commits aggravated indecent assault if: (1) the person does so without the complainant's consent; (2) the person does so by forcible compulsion; (3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution; (4) the complainant is unconscious or the person knows that the complainant is unaware that the penetration is occurring; (5) the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or

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	<p>employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance; (6) the complainant suffers from a mental disability which renders him or her incapable of consent; (7) the complainant is less than 13 years of age; or (8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.</p> <p style="padding-left: 40px;">b. Aggravated indecent assault of a child – A person commits aggravated indecent assault of a child when the person violates subsection (a)(1), (2), (3), (4), (5) or (6) and the complainant is less than 13 years of age.</p> <ul style="list-style-type: none"> • Indecent Assault (18 Pa. Stat. Ann. § 3126): A person is guilty of indecent assault if the person has indecent contact with the complainant, causes the complainant to have indecent contact with the person or intentionally causes the complainant to come into contact with seminal fluid, urine or feces for the purpose of arousing sexual desire in the person or the complainant and: (1) the person does so without the complainant's consent; (2) the person does so by forcible compulsion; (3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution; (4) the complainant is unconscious or the person knows that the complainant is unaware that the indecent contact is occurring; (5) the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance; (6) the complainant suffers from a mental disability which renders the complainant incapable of consent; (7) the complainant is less than 13 years of age; or (8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.
Consent (as it relates to sexual activity)	<p>The institution has determined, based on good-faith research, that Pennsylvania law does not define the term consent (as it relates to sexual activity).</p> <p>However, Pennsylvania law does provide the following regarding consent to criminal offenses generally (18 Pa. Stat. Ann. § 311(c)): Unless otherwise provided by this title or by the law defining the offense, assent does not constitute consent if: (1) it is given by a</p>

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	<p>person who is legally incapacitated to authorize the conduct charged to constitute the offense; (2) it is given by a person who by reason of youth, mental disease or defect or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; (3) it is given by a person whose improvident consent is sought to be prevented by the law defining the offense; or (4) it is induced by force, duress or deception of a kind sought to be prevented by the law defining the offense.</p>

TEXAS

Crime Type (Texas Code Annotated)	Definitions
<p>Dating Violence (Tex. Fam. Code Ann. § 71.0021)</p>	<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> <ol style="list-style-type: none"> 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. 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. c. A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b). <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</p>

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Crime Type (Texas Code Annotated)	Definitions
	<p>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> <ol style="list-style-type: none"> 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: <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 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 3. would cause a reasonable person under circumstances similar to the circumstances of the other person to: (A) fear bodily injury or death

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	<p>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:

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	<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 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. ● 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

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Crime Type (Texas Code Annotated)	Definitions
	<p>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> <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.
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

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	<p>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.</p> <ul style="list-style-type: none"> • 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.
<p>Consent (as it relates to sexual activity) (Tex. Penal Code Ann. § 22.011(b))</p>	<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 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</p>

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	<p>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.</p>

Title IX Sexual Harassment Policy

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Document Revision History				
Date	Version	Change	Author	Approver
8/14/20	1.0		Melanie Scheet, National Director	Scott Levine, VP Deputy General Counsel
12/28/20	1.1	Updated state regulations in Appendix A.	Melanie Scheet, National Director	Scott Levine, VP Deputy General Counsel
1/31/22	1.2	Updated the policy owner from the National Director of SS to the Director of Program Compliance. Updated the Title IX Coordinator from Melanie Scheet to Jaslyn Ramirez.	Jaslyn Ramirez, Director of Program Compliance	Melanie Scheet, VP Student Success
6/1/22	1.3	Incorporated MIAT Logo and added criminal law terms and definitions for Michigan to Appendix A.	Jaslyn Ramirez, Director of Program Compliance	Melanie Scheet, VP Student Success
9/23/23	1.4	Updated state regulations in Appendix A. Updated Appeal contact to VP Student Success.	Jaslyn Ramirez, Director of Program Compliance	Melanie Scheet, VP Student Success
7/30/24	1.5	Updated Melanie Scheet title to SVP Student Success & Outcomes.	Jaslyn Ramirez, Director of Program Compliance	Melanie Scheet, SVP Student Success & Outcomes