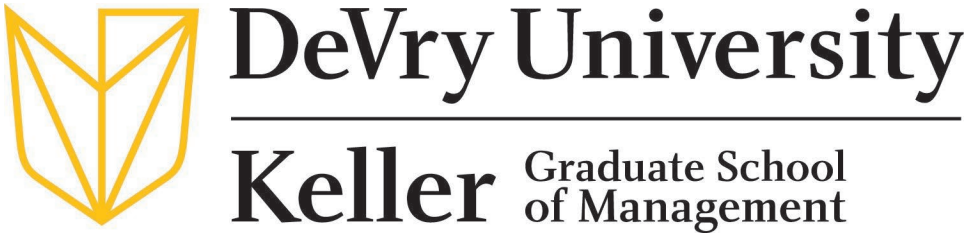

2024-2025 Annual Disclosure

Student Right-To-Know and Campus Security (Clery Act)

Annual Security Report

Title IX and Sexual Misconduct Policy

Alcohol & Substance Abuse Policy

Student Rights under FERPA
(The Family Educational Rights and Privacy Act)

This document includes information for:

Chicago

September 30th, 2024

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Purpose of the Annual Disclosure Report

DeVry University prepares this report to comply with the *Jeanne Clery Disclosure of Campus Security and Crime Statistics Act.* The full text of this document can also be found on the Student Consumer Information page (https://www.devry.edu/compliance/student-consumer-info.html) or by visiting your local Student Central office. This report was prepared with the assistance of local law enforcement agencies. Campus crime, arrest, and referral statistics include those that were report to local law enforcement and campus faculty and staff. This data may also include crimes that have occurred in private residences or businesses adjacent to the campus.

Reporting Crimes and Emergencies

It's your campus – Protect it!

A truly safe campus can only be achieved through the cooperation of students, faculty, and staff. As a member of the DeVry University community, it is your responsibility to report a crime, suspicious activity, or other emergencies on campus or in virtual university activities to the appropriate school official.

The Clery Act recognizes certain members of university faculty and staff as "Campus Security Authorities" (CSAs). CSAs are federally mandated crime reporters and the intent of including non-law enforcement personnel in the role of CSA is to acknowledge that some campus community members may be hesitant about reporting crimes to the police but may be more inclined to report incidents to other campus-affiliated individuals. To promote prompt reporting of incidents impacting the campus community, designated Chicago campus CSAs can be reached via email at: **ChicagoCSA@devry.edu**.

Via phone:

Brian Nero, Assistant Dean, Teaching and Learning, (773) 697-2976

Amanda Bellino, Assistant Director, Student Central, (773) 697-2002

DeVry University encourages all campus community members to promptly report all crimes and other emergencies directly to local police or to 911, we also recognize that some may prefer to report incidents to other individuals or University offices, such as student central, the Title IX coordinator, the incident commander or the CSAs. All Crimes will be investigated, and when appropriate brought to the attention of the Student Services office for discipline hearing. Please contact 911 in the event of a life-threatening emergency.

When making your report of an incident you will be asked to provide the following information:

1. Description of the incident.
2. Date, Time, and Location of the incident.
3. Description of the persons or vehicles involved in the incident.
4. Detail regarding who was notified about the incident.

Upon receipt of this report DeVry University will determine the appropriate response, which could include disciplinary action against the offender(s), notification to local law enforcement, notification to the campus community, or other public safety alternatives deemed appropriate given the circumstances. Please note that your identity may not be confidential when reporting an incident. DeVry University does not have procedures for voluntary, confidential reporting of crimes.

DeVry University does not have colleagues that serve as pastoral or professional counselors. DeVry University contracts with StudentLinc, an organization designed to help students overcome obstacles and achieve success both in and outside the classroom. StudentLinc supplements the University's other student services. StudentLinc includes a wide range of support services such as counseling, legal, and financial consultation, as well as referrals to housing, childcare and other resources for meeting daily life needs. StudentLinc has procedures in place to encourage students to report incidents to local law enforcement; DeVry University has procedures to request crime statistics from local law enforcement offices for inclusion in the annual security report and web-based report to the Department of Education.

DeVry University will contact the Chicago police department to monitor and record crimes that occur within the designated area surrounding the campus that have been reported to the local police.

All Emergencies – Dial 911

Emergency Response Plan (ERP)

DeVry University will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the SIREN notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The Incident Commander will determine if there is a significant emergency or dangerous situation and what segment of the campus community will need to receive a notification.

DeVry University will:

- Test emergency response and evacuation procedures on an annual basis.
- Document each test, including the date, time, and whether it was announced or unannounced.
- Publicize emergency response and evacuation procedures in conjunction with at least one test per calendar year.

SIREN Emergency Alert System

In the event of an emergency or a potentially dangerous threat to the campus or center arises, students, faculty, and staff will receive timely notification via the SIREN system, on campus flyers, and/or email announcements. This includes any Clery Act crimes that are reported to the campus IC (**Brian Niro**) or local police and are considered to represent a serious or continuing threat to students, faculty, and staff. In the event of an emergency, DeVry University's communication team in conjunction with local law enforcement and the DeVry University Security department, will develop communications to distribute digitally to the wider community. Please make sure to keep contact information update in SIREN through the student portal at https://learn.devry.edu/ for students and the DeVry University Staff Portal at https://dvu.okta.com/ for faculty and staff.

Area Police and Fire Non-Emergency Numbers:

County/City	Police	Fire and Paramedic
Chicago Campus	311	311

Campus Access, Facility Security, and Law Enforcement

Chicago Campus

The University Facilities department ensures the building and grounds are maintained with a concern for safety and security. Facilities staff inspect the facility regularly, promptly arrange for repairs affecting safety and security hazards, and respond to reports of potential safety and security hazards such as broken windows, locks, etc. Students, faculty, and staff can assist the Facilities staff by calling building security at (773) 697-

2029 or (773) 697-2030 to report concerns. Additionally, the Facilities team routinely inspects the grounds and building to review lighting and other environmental concerns for safety.

There are fire alarms and pull stations throughout the facility that should be used only in the event of an emergency. If an emergency requires evacuation, there are signs clearly posted throughout the building indicating the best routes for evacuation.

The building is generally open from 9:00 AM to 5:00 PM Monday through Thursday, 9:00 AM to 4:00 PM on Friday. When the building is closed, it is locked and monitored by a security company. Access to classrooms and laboratories is limited to those enrolled in the courses meeting there. Access to on- and off-campus activities is limited to actively enrolled students and their guests. Students are responsible for the behavior of their guests at all times at campus-arranged events. DeVry University reserves the right to require that DeVry University identification cards be presented for admittance to certain locations and events. DeVry University may also require students to register their guests with Student Services prior to attendance. Student, faculty, and staff identification cards should be worn at all times.

The on-duty security officer serves as an escort and on-campus security from 7:30 AM to 4:00 PM Monday through Friday. The security officer must be called to respond to emergencies and can be contacted at (773) 697-2029 or (773) 697-2030. The security officer has the authority to ask questions and request identification at any time. The security officer does not have the authority to make arrests. Criminal incidents will be referred to local law enforcement. DeVry University does not currently have a memorandum of understanding with local law enforcement.

All crime victims and witnesses are strongly encouraged to report incidents to both campus security and local police. Prompt reporting will ensure timely warning notices to the campus community and timely disclosure of crime statistics.

DeVry University does not have student housing facilities. Students living off-campus should check with their landlord for any specific safety and security measures available at their facility. Although most facilities provide keys for individuals and restrict access to apartments, the level of additional security varies from complex to complex. Crimes committed off-campus should be immediately reported to the police department with jurisdiction.

The campus security department maintains a policy concerning the monitoring and recording, through local police departments, of criminal activity in which students engaged at off-campus locations of student organizations officially recognized by the institution.

Important Emergency Contact Information for Each Location

Location Address & Phone	Building Phone #	Fire Dept. Phone #	Police Dept. Phone #
Chicago Campus 1900 W Lawrence Ave. Suite 100 Chicago, IL 60640 773-929-8500	773-929-8500	911	911
After hours emergency #	911	911	911

Safety and Security

CAMPUS CRIME STATISTICS ARE INCLUDED AT THE END OF THIS DOCUMENT

Campus safety and security is the shared responsibility of students, faculty, and staff. To enhance student, faculty and staff awareness of their responsibility for personal safety, various information and services, including but not limited to, the following may be provided throughout the year:

- Pamphlets on personal safety.
- Emergency safety information.
- Safety/security displays in common areas and/or student central office.
- Use of institution publications as a forum for personal safety topics.
- Institution inspections to consider security precautions.
- Escort services provided by on-duty security officer.

Safety and Security Tips

Personal

- Stay alert and tuned in to your surroundings.
- Communicate that you are calm, confident, and know where you going.
- Stay away from isolated areas.
- Stay on the part of sidewalks furthest away from shrubs, dark doorways, and alleys.
- Walk with a companion whenever possible.
- Check the back seat before getting into a car. Keep doors locked while driving.
- Don't overload yourself with packages or wear shoes or clothing that restricts movement.
- Avoid displaying large amounts of cash or jewelry.
- Carry a purse close to your body. Carry a wallet in an inside coat or front trouser pocket.
- If you think someone is following you, abruptly switch directions and walk toward an open store, restaurant or lighted home.
- Don't hitchhike or pick up hitchhikers.
- Park in well-lighted areas.
- Avoid isolated bus stops at times when few other people are around.
- Do not reveal your name, phone number, or address to strangers.
- Never admit that you are alone or that you will be away from home.
- Keep an eye on neighbors` homes or apartments while they are away and have them do the same for you.
- Keep your local police department's phone number next to your phone.

Residence

- Keep doors locked at all times.
- Draw shades and curtains whether or not you are at home.
- Keep money and jewelry locked in a safe place.
- Leave a light on while you are away or use a timer.
- Secure sliding glass doors with commercially available locks or a rigid wooden dowel in the track.
- Don't hide spare keys in mailboxes, planters, or under doormats.
- Make a record of your valuables and keep it in a safe spot.
- Don't leave a note that says you are not in.
- Never prop doors open.
- Keep ladders and tools in a locked area.
- Have someone cut your lawn while you're on vacation.

Vehicle

- Always lock your car and remove the keys. Make sure the windows are closed.
- Lock all valuables in the trunk.
- Never leave an ID tag on your key ring.
- Leave only the ignition key with parking attendants.
- Park in well-lit areas.

Office

- Keep your purse, wallet, and other valuable items with you at all time or locked in a drawer or closet.
- Never keep keys lying out.
- Never leave change or cash on the desk or in a top drawer.
- Notify security personnel of any suspicious persons or vehicles.
- Lock doors when working after normal hours.
- Report any broken or flickering lights, and doors that don't lock properly.

Title IX and Sexual Misconduct Policy

I. Purpose

DeVry University's (University) community, guests and visitors have the right to be free from all forms of sex and gender-based misconduct, discrimination and retaliation, examples of which can include acts of sexual harassment, sexual assault, dating violence, domestic violence, and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe on the rights of others.

As a recipient of Federal financial assistance, the University is required by Title IX of the Education Amendments of 1972 to ensure that all of its education programs and activities do not discriminate on the basis of sex and gender. Sex includes sex stereotypes, gender identity and expression, sexual orientation, and pregnancy or parenting status. The University's policies and procedures were created to comply with federal and state laws, and to ensure a fair, prompt, and impartial process for all parties involved in a sexual misconduct allegation. Any acts that meet this policy's definitions of Sexual Misconduct or Title IX Sexual Harassment are a violation of the University's policy, and potentially applicable state and federal law.

II. Scope[1]

This policy applies to all members of the University's community, including administrators, faculty, staff, students, applicants, visitors, volunteers, vendors, contractors, guests, and persons attempting to participate in the University's programs and activities. This policy prohibits sexual harassment meeting specific definitions according to the Title IX regulations, as well as other Sexual Misconduct, not falling under specific Title IX regulatory definitions.

This Policy applies to Title IX Sexual Harassment that occurs in the United States, within the University's education programs and activities and is committed by a member of the University community. Reports or complaints of Title IX Sexual Harassment will be governed by the University's Title IX Sexual Harassment procedures. This policy also applies to Sexual Misconduct occurring on-campus or off-campus when the off-campus conduct:

- occurs during a University sponsored employment or education activity or program;

[1] Non-Title IX sexual misconduct between colleagues and individuals other than students will utilize the resolution process outlined in the colleague Anti-Harassment and Non-Discrimination Policy.

- adversely impacts the education or employment of a member of the University community; or
- otherwise threatens the health and/or safety of a member of the University community.

Reports of Sexual Misconduct will be governed by the University's Sexual Misconduct procedures. The University will assess reported conduct in each instance to determine applicability under this policy and to determine the appropriate procedure.

When the person alleged to have committed a violation of this policy is a member of the University's community, a grievance process may be available, regardless if the Complainant is or is not a member of the community. Complainants must be attempting to access the University's programs and activities to make a formal complaint of Title IX Sexual Harassment, as further described below.

The University's ability to implement grievance procedures against individuals who are not members of the University community may be limited. Where a complaint or report alleges conduct that allegedly or potentially includes acts of both Title IX Sexual Harassment and Sexual Misconduct, and where the allegations involve the same parties or are otherwise materially related, the allegations will be consolidated and addressed using the Title IX Sexual Harassment Procedures.

III. Terminology

The following definitions clarify terminology used throughout this policy.

1. **Actual Knowledge** means notice of sexual harassment or allegations of sexual harassment to the University's Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of the University. When the University has actual knowledge, it must respond promptly by offering the Complainant supportive measures. University officials that have the authority to institute corrective measures include the Title IX Coordinator, Deans, Directors, Vice Presidents, and the President of the University.

2. **Appeals Officer** refers to an individual responsible for reviewing appeals after a written determination has been issued to the parties at the conclusion of a hearing.

3. **Clery Act** refers to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. Section 1092(f); 34 C.F.R. Part 668.46. The Clery Act requires that institutions annually disclose certain crimes which have occurred within a geography that includes campus buildings and adjacent locations. Annual disclosures are released on or by October 1st each year.

4. **Complaint Administrator** is an individual, typically a University colleague, responsible for conducting an investigation into student complaints. The Title IX Coordinator, or a designated appointee, is responsible for investigating Title IX Sexual Harassment and Sexual Misconduct allegations. To locate the complaint administrator for a specific location, please visit the Student Handbook.

5. **Complainant** is the individual who is alleged to be the victim of conduct that could constitute Sexual Misconduct or Title IX Sexual Harassment.

6. **Conduct Administrator** is an individual, typically a University colleague, authorized to administer disciplinary proceedings for alleged violations of the Student Code of Conduct and this Policy. A conduct administrator may serve as the sole member or as a participant in a Hearing Panel. Nothing shall prevent the University from authorizing a conduct administrator to impose sanctions in all cases at a single or multiple locations. To locate the conduct administrator for a specific location, please visit the Student Handbook.

8. **FERPA** means the Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g; 34 C.F.R. Part 99. FERPA sets certain limits on the disclosure of student records. This policy is designed to work in tandem with FERPA, and nothing in this policy is intended to require or encourage non-compliance with FERPA.

9. **Formal Complaint** is a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University investigate the allegation of sexual harassment. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail and must contain the Complainant's physical or electronic signature, or otherwise indicate the Complainant is the individual filing the formal complaint. The Complainant must be participating, or attempting to participate in, the University's programs or activities.

10. **Hearing Panel** refers to a person or persons who have decision-making and sanctioning authority within the University's policies.

11. **Hearing Officer** is an individual overseeing a hearing and is typically a member of a Hearing Panel.

12. **Report** refers to any information received by a University colleague, regardless if it is direct, indirect, partial or complete, that indicates possible Sexual Misconduct and/or Title IX Sexual Harassment occurred. When a report is received, University colleagues are required to inform the Title IX Coordinator or their supervisor who in turn must make a report to the Title IX Coordinator.

13. **Respondent** is the individual who has been reported to be the perpetrator of conduct that could constitute Sexual Misconduct or Title IX Sexual Harassment.

14. **Speak Up** refers to the Speak Up Program, a reporting system managed by a third party vendor (NAVEX), which encourages members of the University community to come forward with questions or concerns, including allegations of sex and/or gender-based misconduct. Reports can be made anonymously or reporters can provide their contact information.

15. **Student Code of Conduct** refers to the policy titled "Code of Conduct" which is accessible in the Student Handbook. It outlines students' rights and responsibilities, as well as the process by which action may be taken against a student for Code of Conduct violations.

16. **Title IX** is a federal law that prohibits sex and gender discrimination in U.S. education. Under Title IX, sex and gender-based misconduct are forms of discrimination that require investigation and appropriate remediation when students, colleagues, or other members of the educational institution's community are impacted. Title IX is enforced by the U.S. Department of Education. In the event Title IX conflicts with State or local law, Title IX pre-empts that law.

17. **VAWA** refers to the Violence Against Women Act. VAWA supports community resources for victims of sexual assault, stalking, dating violence and domestic violence and articulates expectations regarding the management of related concerns when a report is made to representatives of U.S. colleges and universities.

IV. Prohibited Conduct

The University prohibits Sexual Misconduct and Title IX Sexual Harassment. Acts that are deemed to fall within the scope of this policy are violations of the Code of Conduct, as well as the expectations of members of the University community and may also be crimes. An attempt to commit an act identified in this policy, as well as assisting or knowingly encouraging any such an act, is also considered a violation of this policy.

1. **Title IX Sexual Harassment**
   Title IX 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.

   a. **Quid Pro Quo Sexual Harassment** is a colleague of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct.

b. **Hostile Environment Sexual Harassmen**t is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to the University's education program or activity.

c. **Sexual Assault** includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.[2]

1) **Rape** is penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant.

2) **Sodomy** is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the Complainant is incapable of giving consent because of age or because of 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 Complainant is incapable of giving consent because of age or because of 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 (buttocks, groin, breasts) for the purpose of sexual gratification, without the consent of the victim, including instances where the Complainant is incapable of giving consent because of age or because of 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 state law.

6) **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent in the state in which the incident occurs.

d. **Dating Violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

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

e. **Domestic Violence** includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a

[2] The University's definition of "Sexual Assault" is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Those regulations require the University 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).

victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who:

- is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;
- is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- shares a child in common with the victim; or
- commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

f. **Economic Abuse** in the context of domestic violence and dating violence means behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to:

- restrict a person's access to money, assets, credit, or financial information;
- unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or
- exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

g. **Technological Abuse** means an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile- devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

h. **Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. For the purpose of this definition:

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

2. **Sexual Misconduct**

Title IX defines specific behaviors that constitute sexual harassment and the steps institutions must take to resolve allegations. Not all allegations will rise to Title IX Sexual Harassment and the University ensures other forms of Sexual Misconduct are addressed. Conduct that is sexual in nature but does not meet the scope of Title IX Sexual Harassment is considered Sexual Misconduct. Sexual Misconduct includes Non-Title IX Sexual Harassment, Sex Discrimination, and Other Misconduct. Complaints involving allegations of Sexual Misconduct are prohibited by this Policy and are resolved using the Sexual Misconduct grievance process.

a. **Non-Title IX Sexual Harassment**

Non-Title IX sexual harassment is unwelcome communication or conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors and other verbal, written or physical conduct of a sexual nature, without regard to whether the parties are of the same or different genders or gender identities. It includes:

1) Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking as defined above, that occurs outside of the University's education programs or activities or outside the United States;

   - Quid Pro Quo Sexual Harassment also includes a student, in addition to a colleague of the University, conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct.
   - All stalking allegations, regardless if the stalking is based on sex, will be addressed under this Policy.

2) Unwelcome conduct that does not rise to the level of Hostile Environment Sexual Harassment, as defined in this Policy, but that:

   - is sufficiently serious (severe, pervasive, or persistent) and objectively offensive so as to deny or limit a person's ability to participate in or benefit from the University's programs, services, opportunities, or activities; or
   - has the purpose or effect of unreasonably interfering with an individual's work or academic performance.

b. **Sex Discrimination** means material, adverse treatment of a person or group on the basis of sex. Discrimination occurs when persons are excluded from participation in, or denied the benefits of, any University program or activity on the basis of a protected status.

c. **Pregnancy Discrimination** is a type of Sex Discrimination and means treating a woman unfavorably because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.

d. **Other Sexual Misconduct**

1) **Gender-Based Misconduct** refers to the unwelcome conduct, including harassment, of an unacceptable nature based on actual or perceived biological sex including behaviors based on gender identity, expression and non-conformity with gender stereotypes.

2) **Sexual Exploitation** occurs when one person takes a non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that the behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples include but are not limited to: invasion of sexual privacy; prostituting another person; non-consensual recording of nudity or sexual activity; voyeurism; and intentionally or recklessly exposing one's genitals in non-consensual circumstances.

V. Consent

Consent is clear, knowing, and voluntary words or actions that give permission for specific sexual activity. While consent can be given by word or action, non-verbal consent is not as clear as talking about what someone wants or doesn't want sexually. Under this Policy, the University will apply the following when assessing whether consent has been, or was, given.

- Consent can never be assumed.
- Consent cannot be implied either from the lack of explicit consent or the lack of opposition to the sexual activity.
- Where there is use of threat, force, or restraint by the responding party, the lack of verbal or physical resistance or the submission by the victim does not constitute consent.
- The manner of dress by the reporting party does not constitute consent.
- Past consent to sexual contact and/or a shared sexual history does not automatically imply consent to other sexual activity.

- Consent to a sexual activity with one person does not constitute consent to sexual activity with another person.
- A person who initially consents to sexual contact may withdraw continued consent at any time during the course of the interaction. When consent is withdrawn or could no longer be given because of temporary or permanent mental or physical incapacity, engagement in sexual activity must stop.
- Consent to some form of sexual activity cannot automatically be taken as consent to any other form of sexual activity.
- Consent is required regardless of whether the person initiating the sexual activity is under the influence of alcohol, drugs, and/or medication.

During an investigation into alleged conduct violating this policy, a consent analysis may occur to determine if consent was present during the incident. Consent can only exist free from intimidation, force, incapacitation, and threat of force or coercion. Force is the use of physical violence to gain access to a sexual act. Force includes threats, intimidation (implied threats), and coercion used to create consent against an individual's will. Coercion is unreasonable pressure for a sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, 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.

It is a policy violation for a person to engage in sexual activity with a person who is incapacitated or otherwise unable to give consent. A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstance, including without limitation the following: the person is incapacitated due to the use or influence of alcohol, drugs, or medication; the person is asleep or unconscious; the person is under age; or the person is incapacitated due to a mental or physical health condition.

Incapacitation may result from the use of alcohol and/or other drugs; however, consumption of alcohol of 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 understand 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. 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.

VI. Complainant and Respondent's Rights

When the University receives notice of an alleged incident, the Complainant and Respondent will receive written notification of their rights and options. Both parties have the right to:

- Receive information on the University's grievance process, and the contact information for the Title IX Coordinator, campus security, and local law enforcement;
- A fair, prompt, and impartial resolution process when a formal complaint is filed;
- Participate or decline to participate in the University's investigation, including the right to withdraw from the process at any time. The University may still proceed with an investigation and grievance process with available information;
- Be informed of the outcome of any student or colleague conduct process involving alleged sex or gender-based misconduct regardless of participation in the process leading to that outcome. Both parties have the right to appeal the outcome on specific bases;

- Not be required to describe the incident to more representatives than absolutely necessary for proper investigation and response;
- Make an opening statement and impact statement during the grievance process where the decision maker is prepared to deliberate on appropriate sanctions;
- Seek and receive appropriate supportive measures. Supportive measures include, but are not limited to academic accommodations, increased security, University and local health and mental health services, counseling and advocacy services, student financial aid counseling, and visa and immigration assistance;
- Request a University no contact order and receive information on obtaining a State issued order of protection or no contact order;
- Be accompanied by an advisor at all University meetings and proceedings relevant to the grievance process;
- Confidentiality under the Family Education Rights and Privacy Act (FERPA). The University will make all reasonable efforts to ensure preservation of privacy, limiting disclosure of information to only those with a legitimate need to know;
- Be free from retaliation for making a report or complaint of sexual misconduct, or for assisting or participating in an investigation, proceeding or hearing relating to sexual misconduct. Complaints of retaliation should be forwarded to the Title IX Coordinator.

VII. Filing a Report

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Complainants who wish to speak to an individual who can keep the matter confidential should review the confidential reporting options below. Anyone may make a report pertaining to violations of this policy, and nothing in this policy prohibits a student or colleague from reporting a crime directly to law enforcement.

1. **Title IX Coordinator**
   The University's Title IX Coordinator, or designee, oversees compliance of this policy. The Title IX Coordinator's responsibilities include the report intake, investigation, resolution, and implementation of supportive measures to stop, remedy, and prevent conduct prohibited under this policy. The Title IX Coordinator will carry out responsibilities free from bias and conflicts of interest. Concerns of bias, conflicts of interest, or misconduct by the Title IX Coordinator can be reported to the Senior Director of Regulatory Affairs.

   Paul Herbst
   Title IX Coordinator
   4225 Naperville Road
   Suite 400
   Lisle, Il 60532
   TitleIX@devry.edu
   (630) 960-8019

   Leanne Brumley
   Deputy Title IX Coordinator
   4225 Naperville Road
   Suite 400
   Lisle, Il 60532
   TitleIX@devry.edu
   (630) 799-9029

2. **Anonymously**
   Reports can also be made with the option to remain anonymous through Speak Up. Anyone can utilize Speak Up by calling (844) 703-9374 or online at www.devry.ethicspoint.com. Initial response to electronic reports will occur within 12 hours of initial receipt. Direct assistance, though limited, remains available when reports are made anonymously through Speak Up.

3. **Campus Administration and Staff**
   All University colleagues who are not otherwise identified in this policy or through an institutional addendum as confidential resources are required to immediately provide all information received about

any actual or suspected Sexual Misconduct and/or Title IX Sexual Harassment impacting any member of the University Community to the Title IX Coordinator.

4. **Department of Education**
   Individuals may also submit external inquiries to the U.S. Department of Education:

   U.S. Department of Education
   Office of Civil Rights (OCR)
   Lyndon Baines Johnson Building
   400 Maryland Avenue, SW
   Washington, DC 20202-1100

   Telephone: (800) 421-3481
   TDD: (800) 877-8339
   Email: OCR@ed.gov
   Web Page: https://www.ed.gov/ocr
   Office of Civil Rights Local Offices

VIII. Supportive Measures

Upon receiving notice of an alleged violation of this policy, the Title IX Coordinator will offer reasonable and appropriate supportive measures to restore or preserve the equal access to the University's programs, without unreasonably burdening the other party, including measures to protect the safety of the parties and the University's community. Supportive measures will be offered to the Complainant regardless if an investigation and grievance process is initiated.

Supportive measures are non-disciplinary, non-punitive, individualized services offered as appropriate to the Complainant and Respondent, without fee or charge, regardless if a formal complaint is filed. In most cases, supportive measures cannot be provided with anonymous reports. Complainants will receive written notification to the availability of supportive measures, as well as community resources. Supportive measures may include:

- Academic accommodations
- Changes in living or work arrangements
- Campus escorts or increased security
- No contact orders
- Student financial aid counseling
- Visa and immigration assistance
- Supported access to local medical, mental health, counseling, legal or law enforcement resources.
- Any other supportive measure to achieve the goals of this policy.

No one is required to take advantage of these services and resources, but the University provides them in the hope of offering help and supporting minimal disruption to access to academic programming or the workplace. If circumstances related to an incident change over time, these and other supportive measures may be revisited. Information about local and national resources can be found under the **Support and Resources** section of this policy.

IX. Emergency Removal

A student Respondent may be removed from the University's programs and activities after a safety assessment is conducted and determines that an immediate threat to the physical safety of any member of the University's community justifies the removal. When the emergency removal occurs, the student will receive notice of the removal and the opportunity to explain why the removal should not be implemented or should be modified. In the event the University imposes an interim removal, the University must offer to meet with the Respondent within twenty-four hours and provide the Respondent an opportunity to challenge the interim removal.

A colleague Respondent may be placed on administrative leave through the conclusion of the grievance process. For all other Respondents, including independent contractors and guests, the University 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 Title IX Sexual Harassment or otherwise.

X. Investigation Procedures

It is the University's policy to administer a fair, prompt, and impartial process for all parties involved in a sexual misconduct allegation. Upon receiving notice of an alleged violation, the Title IX Coordinator will contact the Complainant to offer supportive measures, describe the investigation and grievance process, and explain how to file a formal complaint, if a formal complaint was not submitted. As part of the initial response, the Title IX Coordinator may take investigative steps to determine the identity of the Complainant, if it is not apparent from the report.

The Complainant reserves the right to, or not to, initiate an investigation and grievance process. In the event the Complainant requests that an investigation not occur, the request will be honored when possible and unless the University determines in good faith that failure to investigate creates a potential risk of harm to the Complainant or other members of the community. Regardless, the Complainant will be offered supportive measures. Factors used to determine whether to adhere to such a request include, but are not limited to whether:

- the Respondent has a history of violent behavior or is a repeat offender;
- the incident represents escalation in unlawful or prohibited conduct on behalf of the Respondent from previously noted behavior;
- there is an increased risk that the Respondent will commit additional acts of violence;
- the Respondent is alleged to have used a weapon or force;
- the Complainant is a minor;
- the University possesses other means to obtain evidence; and/or available information reveals a pattern of perpetration by a specific person, at a given location, or by a particular group.

In the event a Title IX Coordinator initiates an investigation, the Title IX Coordinator will sign a formal complaint, but is not considered the Complainant. The Complainant and Respondent are still entitled to the same rights and notifications throughout the investigation and grievance process. Investigation and response to allegations of misconduct will include the following: an interview with the Complainant and Respondent; identifying and interviewing witnesses; gathering evidence; and cooperating with law enforcement, when applicable.

The University will strive to complete to the investigation and grievance process within ninety (90) calendar days. If the process exceeds ninety (90) calendar days, the Complainant and Respondent will be notified in writing with an explanation of the delay and the University will provide periodic updates to the parties regarding the status of investigations. The University reserves the right to process counter-complaints with the underlying complaint, or separately after the underlying complaint is resolved.

The University's procedures shall run concurrently with any criminal justice investigation or proceeding, except for temporary delays as requested by external agencies while law enforcement gathers evidence. While the University may temporarily delay its processes under this policy to avoid interfering with law enforcement efforts if requested by law enforcement, the University will otherwise apply this policy and its processes without regard to the status or outcome of any criminal process.

1. Initial Assessment

Upon receipt of a formal complaint or report of an alleged violation of this policy, the Title IX Coordinator will conduct an initial assessment of the matter and determine next steps to take. The Title IX Coordinator will contact the Complainant to offer supportive measures, describe the investigation and grievance processes, and explain how to file a formal complaint, if a formal complaint was not filed. The following determinations will be included in the initial assessment:

- If the report alleges conduct that would, if true, meet the Title IX definition of sexual harassment and the Complainant filed a formal complaint, the Title IX Coordinator will initiate an investigation using the Title IX grievance process.
- If the report alleges conduct that would not, if true, meet the Title IX definition of Sexual Harassment or fall within the scope of Title IX Sexual Harassment, but constituted other prohibited conduct within this policy, the Title IX Coordinator will close the matter under the Title IX Sexual Harassment grievance process and may initiate an investigation using the Sexual Misconduct grievance process.
- If the report alleges conduct that would not, if true, rise to the level of Title IX Sexual Harassment or Sexual Misconduct as prohibited by this policy, the Title IX Coordinator will dismiss the report, but may have educational meetings with the parties, as appropriate, or refer the matter to other University offices, as appropriate.

The University may consolidate Sexual Misconduct reports and/or Title IX Sexual Harassment formal complaints 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. A formal complaint of retaliation may be consolidated with a formal complaint of Title IX Sexual Harassment.

A formal complaint must be dismissed under the Title IX Sexual Harassment procedures if the Title IX Coordinator determines that:

- The conduct alleged in the formal complaint would not constitute Title IX Sexual Harassment, even if proved; or
- The conduct alleged in the formal complaint did not occur in the University's education programs and activities and/or the University does not have control of the Respondent; or
- The Complainant was not participating in, or attempting to participate in, the University's education programs and activities; or
- The alleged conduct occurred outside the geographic boundaries of the United States.

At any point in resolving alleged violations of this policy, a formal complaint may be dismissed and/or reinstated between the two grievance processes as additional information is obtained. A complaint may be dismissed and/or reinstated between the two processes for the following reasons:

- The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint.
- The Respondent is no longer employed or enrolled by the University.
- There are specific circumstances that prevent the University from gathering sufficient evidence to reach a determination on the allegations within the formal complaint.

If reinstatement or dismissal occurs, both parties will receive written notice with an explanation of the dismissal or reinstatement. Both parties have the opportunity to appeal a dismissal by providing written notification with rationale to the Title IX Coordinator within five (5) calendar days.

2. Notice of a Formal Complaint and/or Sexual Misconduct Report

Within five (5) calendar days of the Title IX Coordinator receiving a formal complaint or Sexual Misconduct report, the Title IX Coordinator will provide 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 Title IX Sexual Harassment or Sexual Misconduct, and the date and location of the alleged incident (if known);
- A statement that the Respondent is presumed not responsible for the alleged Title IX Sexual Harassment or Sexual Misconduct 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;

- Notifying the Complainant and Respondent of their right to inspect and review evidence;
- Notifying the Complainant and Respondent of the University's prohibition on retaliation and false statements specified in the Policy.
- Information about support that is available on campus and in the community.

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

When the Respondent is notified of a formal complaint, the Title IX Coordinator will also notify the Respondent of the availability of supportive measures, and the University 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.

3. **Investigation/Fact-Gathering**

After the written notice of a formal complaint and/or Sexual Misconduct report is issued to the parties, the Title IX Coordinator, or a designee serving as an investigator, will interview the Complainant and Respondent to gather information that may be relied upon to determine responsibility. The investigator will undertake an investigation to gather evidence relevant to the alleged misconduct, including inculpatory and exculpatory evidence. Both parties will have the opportunity to submit evidence and identify witnesses related to the alleged incident; however, the burden of gathering evidence sufficient to reach a determination in the adjudication lies with the University and not with the parties.

The investigator will also attempt to interview all witnesses. The investigator retains discretion to limit the number of witness interviews 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. In most cases, prior sexual history with persons other than the other party will be excluded from the grievance process. The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own. As needed, the investigator will follow up with the Complainant and Respondent to clarify information obtained from the other participants. The University does not permit any recording of meetings throughout the entirety of the investigation and grievance process by anyone other than the University. University meetings and hearings will be recorded by audio and/or video or through notetaking. Interview notes will be made available to the individual interviewed for clarification and/or verification of accuracy.

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 or Sexual Misconduct report. 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.

The investigation will culminate in a written investigation report that will be submitted to the Hearing Officer. Although the length of each investigation may vary depending on the totality of the circumstances, the University strives to complete each investigation within forty-five (45) calendar days after providing written notice of formal complaint to the Complainant and Respondent.

The University expects all members of the community to cooperate fully with the investigation and grievance process. There may be circumstances in which the Complainant wishes to limit their participation. The Complainant reserves this right, however the University may still conduct an investigation. If the Respondent chooses not to participate in the investigation, the investigation, grievance process, and sanctioning, when applicable, may still proceed.

4. **Access to Evidence**

At the conclusion of the evidence-gathering phase of the investigation, but prior to the finalization of the investigation report, both parties and their advisors are entitled to review relevant evidence and

evidence that is directly related to the complaint. Relevant evidence is inculpatory and exculpatory evidence that is to be used by the decision-makers to determine whether or not the alleged incident(s) occurred. Evidence that is directly related to the complaint is evidence that is neither inculpatory nor exculpatory but related to the complaint.

Both parties have ten (10) calendar days to submit a written response regarding the evidence to the investigator, which may include why evidence should be included or excluded from the final report. The investigator will consider each party's statement prior to the finalizing 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 any evidence or disseminate any evidence to the public.

5. Investigation Report

After the Respondent and Complaint have had the opportunity to review and provide a written response to the evidence, the investigator will finalize the investigation report that fairly summarizes the relevant evidence. The report will be provided to both parties in the same format as near to simultaneously as possible and will include the following information:

- The allegation(s)
- Applicable policies
- Timeline of events
- Interview summaries
- Fact analysis (undisputed, disputed, corroborated)
- Relevant evidence, including inculpatory and exculpatory

Both parties may respond to the report by providing a written statement to the Title IX Coordinator within ten (10) calendar days from when the report is issued. The grievance process will occur no sooner than (10) calendar days after the final investigation report is issued. 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 or for any other reason;

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 University'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 the University 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.

XI. Grievance Process

At the conclusion of the investigation, one of two grievance processes will be used to determine if a policy violation occurred. The alleged conduct will be used as a basis in determining which grievance process will occur. The investigation report will be submitted as evidence to the Hearing Officer, Hearing Panel and/or University Human Resources and will be used in the grievance process. The University uses the preponderance of the evidence standard to determine whether or not violations of this policy occurred. The preponderance of the evidence standard means that the University will reach a determination regarding whether the facts that are supported by a preponderance of the evidence, or more likely than not, constitute one or more violations of the policy as alleged.

The grievance processes are independent of any and all procedures and proceedings under local, state, or federal criminal or civil law. The University reserves the right to pursue sanctions regardless of criminal prosecution, subject to the process outlined in this policy.

The University also reserves the right to outsource part of, or the entirety of the investigation and grievance process, including investigators and advisors. Violations of this policy by a visitor, volunteer, vendor, agents, or other third parties affiliated with the University may also result in the termination of pre-existing or future relationships.

1. **Title IX Sexual Harassment Grievance Process**

   Title IX requires that an institution must take certain steps to resolve a formal complaint of sexual harassment. If the alleged conduct meets the Title IX definition of Sexual Harassment, the Respondent, Complainant, and witnesses will participate in a live hearing, which can held virtually at the request of either party. When the Title IX grievance process is initiated, the Respondent is presumed not responsible for the alleged conduct until a determination is made at the conclusion of the grievance process. Allegations of Sexual Misconduct will be resolved under the Sexual Misconduct grievance process.

   A. **Hearing Officer and Hearing Notification**

      The Title IX Coordinator will promptly appoint a Hearing Officer who will oversee the hearing process and, with the Hearing Panel, render a determination of responsibility for the allegations in the formal complaint at the conclusion of the hearing process.

      No less than ten (10) calendar days prior to a hearing, the Hearing Officer will provide both parties written notice of the hearing date, time, location, and individuals participating in the hearing, including the Hearing Panel. Both parties will have the opportunity to object to the participation of any Hearing Panel member by providing a written statement detailing the rationale to the Title IX Coordinator at least five (5) calendar days prior to the hearing date. The Title IX Coordinator will review the written statement to determine if the panel member will be replaced. The hearing notice will also include a description of the alleged conduct, policies allegedly violated, and the range of possible sanctions.

   B. **Advisors**

      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, 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 the University 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 policy, the University 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, the University will provide the party an advisor, without fee or charge, who may conduct questioning on behalf of the party at the hearing. The University will have sole discretion to select the advisor it provides. The advisor the University provides may be, but is not required to be, an attorney. The University 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

C. **Pre-Hearing Conference**

Prior to the hearing, the Hearing Officer will conduct a pre-hearing conference with the parties and their advisors. 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.

The pre-hearing conference will be conducted live, with simultaneous 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 University 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 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.

D. **Live Hearing**

All live hearings will be recorded by audio and/or video by the University. Participants may not create their own recordings. In the event a pre-hearing conference does not occur, the Hearing Officer will discuss and address questions regarding the hearing procedures at the beginning of the hearing.

The hearing will be conducted live, with simultaneous participation by the parties and their advisors. By default, the hearing will be conducted with the Hearing Officer, Hearing Panel, the parties, the advisors, witnesses, and other necessary University 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.

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

- 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 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 opening statement and closing argument.

The investigator will be the first to provide testimony at the hearing by summarizing the investigation report, followed by the Complainant. The Hearing Officer will determine the remaining order of the Respondent and witnesses. When testimony begins, the Hearing Panel will be the first to question

the investigator, each party and all witnesses. After the Hearing Panel concludes their questioning, the advisors of both parties will have the opportunity to question the investigator, witness and other party. Complainants and Respondents cannot question witnesses and the other party directly.

All questions posed by an advisor will be subjected to a relevancy determination by the Hearing Officer. Once the question is posed, the Hearing Officer will state out loud whether the question will be allowed, disallowed, or the advisor will be asked to rephrase the question. Questions that are irrelevant, repetitive, or abusive will not be allowed. The Hearing Officer may ask why the advisor deems a certain question to be relevant but is not required to. When a question is not permitted, the Hearing Officer will provide a reason why the question was not allowed. Once the Hearing Officer makes a determination on a question, advisors cannot provide further arguments as to relevancy.

If a party or witness does not submit to questioning, any prior statement provided by that party may not be relied upon by the Hearing Panel when convening to make a final determination. Similarly, if a party or witness does not attend the hearing, no prior statements by that person can be used to make a final determination. However, the Hearing Officer may consider the testimony of any witness, whether given during the investigation or during the hearing, if the parties jointly stipulate that the testimony may be considered.

In applying this section, the Hearing Panel will not draw an inference about the determination regarding responsibility based solely on the absence of a party or a witness from the live hearing and/or refusal of a party or witness to submit to questioning.

E. **Deliberation and Determination**
After the hearing is complete, the Hearing Panel 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 Panel will exclude from consideration any evidence that was ruled inadmissible at the pre-hearing conference, during the hearing, or by operation of the section on participation in questioning at the hearing, above.

The Hearing Panel will resolve disputed facts using a preponderance of the evidence 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. Although the length of each hearing and time frame to issue a determination will vary depending on the totality of the circumstances, the University strives to issue the hearing officer's written determination within fourteen (14) calendar days of the conclusion of the hearing.

2. **Sexual Misconduct Grievance Process**
Conduct that does not rise to the Title IX definition of Sexual Harassment will be resolved through the grievance process outlined in this section. Additionally, conduct that meets the Title IX definition, but is dismissed due to jurisdictional reasons, may be resolved via the Sexual Misconduct Grievance Process.

At the conclusion of the investigation report, both parties will have the opportunity to review the investigation report at least ten (10) calendar days prior to a review by a Hearing Panel. Both parties will have the opportunity to respond to the report by providing written notice to the Title IX Coordinator, who may elect to incorporate the response into the report or provide the response to the other party for response before finalizing the report. The Hearing Panel will review the report, make a determination, and when applicable, impose sanctions.

The University may elect to hold a live hearing for allegations of sexual assault, stalking and domestic violence and dating violence where both parties will be required to attend. In advance of the review/hearing, both parties will be notified to the identities of the individuals reviewing the matter. If either party believes a conflict of interest exists, they may provide a written statement detailing the

conflict to the Title IX Coordinator within five (5) calendar days. The Title IX Coordinator will review the written statement to determine if a replacement is warranted.

3. **Colleague Grievance Processes**
   Alleged violations of this policy by colleagues will be referred to University Human Resources for appropriate review and action. In addition, violations of this policy may trigger application of sanctions to a colleague imposed under local, state, or federal law. Title IX Sexual Harassment allegations involving a colleague, whether the colleague is the Complainant or Respondent, will be resolved via the Title IX grievance process defined in this Policy. When a colleague is the Respondent, and the Complainant is an individual other than a student, complaints that do not meet the Title IX definition of Sexual Harassment will be resolved via the University's Anti-Harassment and Non-Discrimination Policy located in UltiPro. Sexual Misconduct allegations against a colleague by a student will be resolved via the Sexual Misconduct grievance process defined in this Policy.

XII. Written Decision, Sanctions and Appeals

After a Hearing Panel reaches a determination at the conclusion of either grievance process, the parties will receive written notification at the same time and in the same manner of any final determinations, sanctions, and the University's appeal process.

1. **Written Decision**
   The Hearing Officer will prepare a written decision that will detail the allegations potentially constituting Title IX Sexual Harassment and/or Sexual Misconduct, the procedural steps taken from the receipt of the complaint through the determination, including notification to the 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; factual findings made under a preponderance of the evidence standard supporting the determination; conclusions regarding the application of this policy to the facts, the rationale for the result as to each allegation and a determination regarding responsibility for each allegation, the sanction for each allegation, and whether or not the Complainant will receive remedies. The purpose of remedies are designed to restore or preserve equal access to the University's education program and activities. The Title IX Coordinator is responsible for implementing any remedies. The hearing officer's written determination will be sent to the parties, which concludes the hearing process, subject to any right of appeal.

2. **Sanctions and Remedies**
   In the event the Hearing Panel determines that the Respondent is responsible for violating this Policy, the Hearing Panel 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.

   Sanctions for substantiated violations of this policy by students may include a written warning, training, probation, suspension, expulsion, suspension of services, ineligibility for services, limiting order, or a ban from University property and events. Sanctions for colleagues found responsible for Title IX Sexual Harassment may include written reprimand, warning, probation, suspension, change in job assignment, office relocation, or termination of employment or contract, and will be imposed in accordance with applicable University policies and procedures. Past findings of Title IX Sexual Harassment, Sexual Misconduct or other Code of Conduct violations may be admissible when determining sanctions.

3. **Appeals**
   The parties have the opportunity to appeal the determination. Appeals must be submitted in writing to the person identified on the written decision within seven (7) calendar days of the date on the written decision. The appeal must explain the basis for appeal and must be based on one or more of the following:

   - Procedural irregularities that affected the outcome of the matter;

- New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made, which could affect the outcome of the matter;
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent, which affected the outcome of the matter; or
- The sanctions were not reasonably appropriate for the violation.

If the Appeals Officer confirms that the appeal is timely and meets at least one permitted ground for appeal, the Appeals Officer shall promptly obtain from the Title IX Coordinator any records from the investigation and adjudication necessary to resolve the appeal. The Appeals Officer will also 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) calendar days. Upon receipt of any opposition, or after the time period for submission of an opposition has passed without opposition being filed, the Appeals Officer will promptly decide the appeal.

The Complainant and Respondent will receive the appeal decision in writing within seven (7) calendar days after the decision or as determined by federal or State requirements. The written decision provided to the parties will explain the outcome of the appeal and the rationale. Should any change in outcome occur prior to finalization (e.g., a re-hearing ordered upon appeal), the parties will be informed at the same time and in the same manner and will be notified when the result of the grievance process is finalized.

Although the length of time necessary to decide each appeal will vary depending on the totality of the circumstances, the University strives to issue the Appeals Officer's written decision within (21) calendar days of an appeal being filed. No further review beyond the appeal is permitted, and the outcome decided by the Appeal Officer is final. Sanctions will not go into effect until the timeframe to appeal lapsed or a determination is made on an appeal. Violations of this policy may also trigger application of sanctions to a Respondent under local, state, or federal law.

XIII. Informal Resolution

At any time after the parties are provided written notice of the formal complaint, and before the completion of any 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 with the goal of resolving the allegations raised in the formal complaint by agreement of the parties. The Title IX Coordinator or designee will conduct the informal resolution process.

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 provide 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 University official, or a suitable third-party);
- Explains the effect of participating in an 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 grievance processes that would otherwise occur are stayed and all related deadlines are suspended.

If the parties reach a resolution through the informal resolution process, and the Title IX Coordinator does not believe that the resolution is 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 the University, except as otherwise provided in the resolution itself.

Informal resolution pursuant to this Section is not subject to appeal, however, the complaint and resolution may be revisited upon 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 the University.

Absent extension by the Title IX Coordinator, any informal resolution process must be completed within twenty-one (21) calendar days after the Title IX coordinator provides the informal resolution notice described above. If an informal resolution process does not result in a resolution within twenty-one (21) calendar days, and there is no 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 grievance process. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or grievance process that were suspended due to the informal resolution.

A party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized. Other language in this Section notwithstanding, informal resolution will not be permitted if the Respondent is a non-student employee of the University accused of committing Title IX Sexual Harassment against a student.

XIV. Prevention and Awareness

The University will provide primary and ongoing awareness and prevention programs covering the continuum of issues contemplated by this policy. Themes will include situational awareness and prevention strategies, such as bystander intervention and other forms of risk reduction. While bystander intervention specifically refers to the safe and effective ways that third parties can intervene to thwart sex and/or gender-based misconduct, risk reduction also encompasses various strategies to eliminate or reduce risk of harm by avoiding or removing oneself from situations that are dangerous or uncomfortable.

1. **Risk Reduction**

   Responsibility for sexual misconduct rests with those who commit such acts, and risk reduction tips are not intended to assign blame to Complainants. Certain precautions may effectively limit exposure to situations that could result in nonconsensual sexual acts. The following is non-exclusive list of precautions that may limit risk:

   - Communicate limits/boundaries and respect the limits/boundaries of others.
   - Clearly and firmly say “No” to a sexual aggressor.
   - If possible, leave the physical presence of a sexual aggressor or otherwise violently aggressive person.
   - If someone is nearby, ask for help.
   - Take responsibility for your alcohol and/or drug use. Acknowledge that alcohol and drugs lower sexual inhibitions, impair judgement as to right and wrong behavior and may make parties vulnerable to those who see an impaired person as a sexual opportunity.
   - Do not take advantage of someone’s intoxication or altered state, even if alcohol or drugs were consumed willingly.
   - If you choose to share intimate images, pictures, videos or content with others, even those you trust, be clear about your expectations regarding how the information may be used, shared or disseminated. If such content is shared with you, do not share it with others.

- Take care of friends and ask that they take care of you.
- As a sexual initiator, clearly communicate your intentions and give your sexual partner the opportunity to clearly communicate the same.
- Do not make assumptions about consent, sexual availability, sexual attraction, how far an interaction can go, or about physical and/or mental ability to consent.
- Remember that consent should be affirmative and continuous. If there is any question or ambiguity, you should proceed as if you do not have consent.
- Consider mixed messages from a partner to be an indication that sexual conduct should stop so that better communication can occur.
- Recognize the potential for a sexual partner to feel intimidated or coerced by you as a result of a power advantage, your gender, your demeanor or your physical presence. Do not use or abuse that power.

2. **Bystander Intervention**
   Intervention by classmates, colleagues and others within proximity to the precursors or signs of possible sexual misconduct can significantly impact the course of an interaction between a potential perpetrator and victim. Bystanders may also encourage friends, classmates and colleagues who are already experiencing victimization to seek assistance sooner than they may have without encouragement, support, or acknowledgement.

   Community members are encouraged to recognize warning signs and to consider possible methods of interference in various scenarios before opportunities to intervene arise. By planning ahead, we all maximize the likelihood of being empowered to take safe actions to either prevent sexual misconduct or offer paths to eliminate ongoing victimization.

   When a member of the University community observes threatening, coercive, forceful, aggressive or harassing behavior, it is important to assess the situation to determine the best possible course of action for all concerned. Some forms of intervention are direct, while others will be less apparent to the perpetrator or others within range of the interaction. Examples of possible intervention include but are not limited to:

   - Making up an excuse to get someone out of a dangerous situation.
   - Stepping in to change the course of an interaction.
   - Warning potential or perceived perpetrators that their actions may lead to severe consequences.
   - Refusing to leave the company of a potential victim despite efforts by an aggressor or pursuer to get the potential victim alone.
   - Remaining on the scene of observed misconduct and offering to make a statement or act as a witness subsequent to intervention by security, administration or the police.
   - Taking steps to reduce alcohol or drug consumption within a potentially dangerous social situation.
   - Calling and cooperating with security, administration, the police or others to assist with intervention and accountability.
   - Expressing concern or offering resources when you notice someone with unexplained or frequent injuries.
   - Refusing to consider sex and/or gender-based misconduct a personal or private matter between the victim and the perpetrator.

3. **Awareness Programs**
   In an effort to increase the likelihood of intervention and reduce the risk of sex and/or gender-based misconduct from occurring among its students and colleagues, the University is committed to providing primary and ongoing awareness and prevention programming.

Awareness programs are events that occur online or in person relating to identification and prevention of sex and/or gender-based misconduct that request active engagement of community members. It is the expectation and responsibility of each member of the University community to participate in programming that will assist with ongoing prevention efforts and effective and efficient identification and response when sex and/or gender-based misconduct does occur.

a. **Primary Prevention and Awareness Programming**
The University delivers prevention and awareness programing via a third-party online education platform to all colleagues and students and student-facing vendors, if necessary and appropriate.
- New, transfer, and readmit students will receive access to the training during their first session of enrollment.
- Students who do not complete the training during their first session are issued the training in each subsequent session of enrollment until the training is completed.
- New colleagues within their first three months of employment.
- All colleagues annually.
- Specific vendors as identified when appropriate.

Access to the primary prevention program and its contents will be ongoing throughout the participant's relationship with the University. Members of the University's community are encouraged to visit this resource regularly for personal, professional and academic purposes.

b. **Ongoing Prevention and Awareness Programming**
Ongoing prevention and awareness programming are public service announcements and campaigns, as well as messages and activities integrated into the day-to-day fabric of the academic community. These initiatives are intended to reinforce increased awareness regarding sex and/or gender-based misconduct and prevention strategies throughout the year. The University will continually seek formal and informal ways to incorporate additional awareness and prevention strategies (e.g. active and passive educational campaigns such as social norms poster campaigns, newsletter articles, presentations and volunteerism with local community resource agencies).

c. **Additional Training**
The University will ensure that University officials acting under this policy, including, but not limited to, the Title IX Coordinator, investigators, hearing officers, administrative officers, informal resolution facilitators, University 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.

XV. Additional Policies

The following policies also apply to reports of sexual misconduct.

1. **Amnesty**
The University encourages the reporting of sex and gender-based misconduct by victims and witnesses who are sometimes hesitant to report to University officials or participate in the investigation and grievance processes because of concern that they may be accused of policy violations, such as underage drinking or drug use at the time of the incident. It is in the best interest of the community that victims and witnesses come forward to share what they know regarding violations of this policy. To encourage reporting, victims and witnesses may be provided with educational options, rather than punitive sanctions, for minor policy violations.

Similarly, the University encourages direct assistance to those in need of support as a result of sex or gender-based misconduct. In instances where minor policy violations are revealed as a result of a person providing assistance to a victim, policy violations should not be overlooked. However, the University may provide educational options, rather than punitive sanctions, to those who offer their assistance.

2. **Confidentiality**
The University wishes to create an environment in which individuals feel free to discuss concerns and make complaints. The University understands that reporting parties, witnesses, and others involved in

the investigative process may be concerned about the confidentiality of the information they are sharing. In some cases, however, the University may be obligated to take action when it becomes aware of information relating to a complaint.

Confidentiality in cases of sex and/or gender-based misconduct will be maintained to the extent permissible by law and consistent with the University's obligations to investigate complaints. While the confidentiality of information received, the privacy of individuals involved, and compliance with the wishes of the Complainant or witnesses cannot be guaranteed, they will be respected to the extent possible and appropriate.

Subject to the following paragraphs, the University 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 Respondent or other individual who has been reported to be a perpetrator of Sexual Misconduct, Title IX Sexual Harassment, or Retaliation, and the identity of any witness. Subject to the following paragraphs, the University 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.

The University may reveal the identity of any person or the contents of any record if permitted by FERPA, if necessary to carry out the University'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. The parties involved in a report or formal complaint will be given access to investigation and adjudication materials in the circumstances specified in this policy.

While the University will maintain confidentiality specified in this Section, the University 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 Misconduct, Title IX 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 misconduct under this Policy are considered crimes for which the University 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.

3. **Privacy**
   Privacy of records specific to sexual misconduct investigations are maintained in accordance with applicable law, including FERPA. Any public release of information to comply with the timely warning provisions of the Clery Act will not include the names of victims or information that could easily lead to a victim's identification. In appropriate instances, pertinent interim actions and disciplinary hearing outcomes will be disclosed to the reporting and responding parties.
4. **False Information**
   Filing an intentional false report of an incident, intentionally making false statements, or intentionally providing false information during the course of the investigation and grievance process is a violation of the Student Code of Conduct and may also be a crime.
5. **Retaliation**
   Retaliation is any adverse action taken against a person participating in a protected activity under this policy because of their participation in that protected activity. Protected activity under this policy includes reporting an incident of sex and/or gender-based misconduct or assisting or participating in a proceeding, investigation or hearing relating to such allegations.

   Retaliation includes, but is not limited to, any form of intimidation, reprisal, threat, coercion, discrimination, or harassment. Charging an individual with a Code of Conduct violation for making a materially false statement in bad faith in connection with a report or the investigation and grievance

process is not considered retaliation. A determination regarding responsibility, alone, is not sufficient to conclude that any party intentionally made a materially false statement.

Any allegation of retaliation should be reported to the Title IX Coordinator and will be treated as an independent Title IX complaint requiring consideration of appropriate reparative interim action, as well as investigation and resolution as described in this policy.

6. **Bias and Conflicts of Interest**
   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 University officials managing the investigation and grievance process has a material conflict of interest or material bias must raise the concern promptly so that the University may evaluate the concern and find a substitute, if appropriate. At any point in the investigation and grievance process, either party may raise an issue of bias or conflict of interest of an investigator or decision-maker to the Title IX Coordinator. If the Title IX Coordinator is also the investigator, concerns may be raised to the University's Senior Director of Regulatory Affairs.
7. **Privileged Information**
   During the investigation and grievance processes, neither the investigator nor any adjudicator may 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.

   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. The University must obtain the party's voluntary, written consent prior to using privileged information during the investigation and grievance process.
8. **Recordkeeping**
   The University will retain those records specified in 34 C.F.R. § 106.45(b)(10) for a period of seven years, after which they may be destroyed, or continue to be retained, in the University'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.

2. Support and Resources

The following procedures and resources are applicable to reports of sexual misconduct.

1. Procedures to Follow After a Sexual Misconduct Incident

Victims of any sexual misconduct that might constitute a crime, including domestic violence, dating violence, sexual assault, stalking, and/or rape (including acquaintance rape) that impacts the University community may, and are encouraged to, contact local law enforcement authorities.

Whenever possible, victims should report a violation of this policy as soon as possible and preserve evidence that may be necessary to prove that the reported incident(s) occurred. Victims of sexual assault or rape are strongly encouraged to report the incidents to deter future assaults and to ensure that victims receive the services they need.

In addition, victims should obtain immediate medical attention for their safety and well-being. Note that obtaining medical attention as soon as possible, ideally within 72 hours of an incident, is particularly important in the case of rape and other forms of sexual assault. A hospital or other appropriate medical provider will provide a specific medical examination at no charge, and a victim will not be required to file a police report to obtain a medical examination. To preserve evidence, victims should not, if at all possible, bathe, shower, comb hair, douche, eat, drink, smoke, brush teeth, urinate, defecate or change clothes before a post-incident exam. However, victims should always seek prompt medical care, even

they have already taken any of these actions. Additionally, victims should gather bedding, linens, unlaundered clothing and any other pertinent articles that may be used for evidence and secure them in a clean paper bag or clean sheet.

The following steps may help victims deal with physical and emotional trauma associated with the incident:

- Go to a safe place; go somewhere to get emotional support.
- Consider reporting the incident to the police. If requested, the University will assist with notification.
- Report the misconduct to the student central leader, conduct administrator, complaint administrator, one-up manager, campus incident commander, campus leadership, Title IX Coordinator, or University Human Resources.
- Even after the immediate crisis has passed, consider seeking professional counseling and the support of local and specialized support agencies, such as sexual assault recovery centers and domestic violence safe houses. This can help to recover from psychological effects and provide a safe environment for recovery.
- Contact the Student Central leader, academic advising team lead (for online), conduct administrator, complaint administrator, one-up manager, Title IX Coordinator, or University Human Resources if you need assistance with University related concerns, such as implementing no-contact orders or other protective measures.

Victims are not required to report an incident to law enforcement authorities, but campus authorities will assist victims who wish to do so. The University may also liaise with local authorities to assist an individual who wishes to obtain protective or restraining orders. Anyone with knowledge about a sexual assault or other sex or gender-based misconduct is encouraged to report it immediately to the Title IX Coordinator in order to permit a coordinated report to applicable law enforcement authorities when appropriate. Nothing in this policy prohibits a student or colleague from reporting a crime directly to local authorities.

2. **Confidential Resources**

Confidential resources are available to discuss incidents without triggering an immediate report to the Title IX Coordinator and institutional or organizational response, both of which may result in or require that the reporter or impacted party being identified. Confidential resources also permit exploration of reporting options and possible consequences before filing a formal report. State or profession specific mandatory reporting laws related to certain types of concerns (i.e. child sexual abuse) may require a confidential resource to report an incident to identified enforcement agencies.

If students or colleagues wish to speak with someone who can assure confidentiality, they may access counseling services available by referral through the University's third party provider, StudentLinc at (888)893-5462 or support@curalinc.com (for students), text 'support' to 51230 (standard text messaging rates may apply) or visit https://www.mystudentlinc.com/ and use the username: devry. Colleagues should contact the employee assistance program, CompPsych, at (888) 628-4824 or www.guidanceresources.com. Additional confidential resources may be available off campus and vary by location.

3. National Resources

Rape, Abuse & Incest National Network (RAINN) **1-800-656-4673**
https://www.rainn.org/

RAINN, one the nation's largest anti-sexual violence organizations, created the National Sexual Assault Hotline. RAINN operates the hotline in partnership with more than 1,000 local sexual assault service providers across the country.

National Domestic Violence Hotline **1-800-799-7233**
https://www.thehotline.org/

This confidential and free hotline is available 24/7 to callers. The National Domestic Violence Hotline provides tools and immediate support to enable victims to find safety and live lives free of abuse. The organization offers referral services in more than 200 languages.

VictimConnect Resource Center **1-855-484-2846**
https://victimconnect.org/

The VictimConnect Resources Center is a referral helpline where crime victims can learn about their rights and options confidentially. The organization serves victims of crime in the United States and will refer victims to the most appropriate local or national resources based on their experience and needs.

National Suicide Prevention Lifeline **1-800-273-8255**
https://suicidepreventionlifeline.org/

The National Suicide Prevention Lifeline is a national network of local crisis centers that provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week.

Loveisrespect **1-866-331-9474**
https://www.loveisrespect.org/

Loveisrespect engages, educates and empowers young people to prevent and end abusive relationships. Advocates offer support, information and advocacy to young people who have questions or concerns about their dating relationships. Free and confidential phone, live chat and texting services are available 24 hours a day, 7 days a week.

4. **University and Local Resources**
Local Resources can be found in the University's Annual Disclosure reports distributed to each campus community and posted on the Student Consumer Information page of the University's web site. The reports are available by location and contain local resources available to victims of sex and gender-based misconduct. Contact information for local resources may also be obtained by contacting the Title IX Coordinator.
The University offers mental health counseling services through third parties. Students may seek support through StudentLinc, at (888) 893-5462 or support@curalinc.com (for students), text 'support' to 51230 (standard text messaging rates may apply) or visit https://www.mystudentlinc.com/ and use the username: devry. Colleagues should contact the employee assistance program, CompPsych, at (888) 628-4824 or www.guidanceresources.com.

Additionally, the following resources exist to provide information and links to local assistance:

Illinois Coalition Against Domestic Violence
806 S. College Street
Springfield, IL 62704
Phone: 217-789-2830
Hotline: 1-877-863-6338
http://www.ilcadv.org

Illinois Coalition Against Sexual Assault
100 N. 16th Street
Springfield, IL 62703
Phone: 217-753-4117
http://www.icasa.org

Domestic Violence Hotline
1-877-863-6339

Crisis Walk-in Center
(630) 328-1000

Illinois Coalition Against Sexual Assault
Safe Passage
(815) 756-5228
P.O. Box 621
DeKalb, IL 60115

Sexual Assault Victims Crisis Services
(815) 756-5228

Rape, Abuse and Incest National Network (RAINN)
(800) 656-HOPE

Campus Sex Crimes Prevention Act

The Campus Sex Crimes Prevention Act requires sex offenders already required to register in a State to provide notice, as required under State Law, to each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student. The act requires that state procedures ensure this registration information is promptly made available to law enforcement agencies with jurisdiction where the institutions of higher education are located and that it is entered into appropriate state records or data systems. These changes became effective two years after enactment of the law (2002).

This act amends the Higher Education Act of 1965 to require institutions of higher education to issue a statement, in addition to other disclosures required under that Act, advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. This change takes effect two years after enactment (2002).

This act amends the Family Educational Rights and Privacy Act of 1974 to clarify that nothing in that Act may be construed to prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders requires the Secretary of Education to take appropriate steps to notify educational institutions that disclosure of this information is permitted.

Convicted sex offenders or sexual predators attending or employed at an institution of higher education in Illinois are required to comply with The Illinois Sex Offender Registration Act. The act requires sex offenders/predators to register in person with the public safety or security director of the institution of higher education at which he or she is employed or attends. Please contact the appropriate Illinois Incident Commander to register.

Illinois requires an institution that contracts with a school district to provide educational service to K-12 students to collect fingerprints of any colleagues who will have regular contact with the K-12 students. This process is maintained by Human Resources.

To check registered sex offenders in a state see the State Offender Registry List section.

State Sexual Offender Registry List

ALABAMA
Website: https://www.communitynotification.com/cap_main.php?office=54247
Phone Number: 334-676-7250
ALASKA
Website: https://dps.alaska.gov/SORWeb/
Phone Number: 907-269-0396 or 1 800-658-8892 (outside Anchorage in Alaska)
ARIZONA
Website: https://www.azdps.gov/services/public/offender
Phone Number: 602-223-2000
ARKANSAS
Website: https://www.ark.org/offender-search/index.php
Phone Number: 501-682-2222
CALIFORNIA
Website: http://www.meganslaw.ca.gov/
Phone Number: 916-227-4974
COLORADO
Website: https://www.colorado.gov/apps/cdps/sor/
Phone Number: 303-239-4222
CONNECTICUT
Website: http://sheriffalerts.com/cap_main.php?office=54567
Phone Number: 860-685-8060
DELAWARE
Website: https://sexoffender.dsp.delaware.gov/
Phone Number: 302-739-5882
DISTRICT OF COLUMBIA
Website: http://sexoffender.dc.gov/
Phone Number: 202-727-4407
FLORIDA
Website: https://offender.fdle.state.fl.us/offender/sops/offenderSearch.jsf
Phone Number: 888-357-7332
GEORGIA
Website: http://state.sor.gbi.ga.gov/sort_public/SearchOffender.aspx
Email Link: http://state.sor.gbi.ga.gov/sort_public/ContactUs.aspx
HAWAII
Website: http://sexoffenders.ehawaii.gov/sexoffender/welcome.html
Phone Number: 808-587-3350
IDAHO
Website: http://www.isp.idaho.gov/sor_id/
Phone Number: 208-884-7305
ILLINOIS
Website: https://isp.illinois.gov/Sor
Phone Number: 217-785-0653
INDIANA
Website: http://www.icrimewatch.net/indiana.php

Phone Number: 800-622-4779

IOWA

Website: http://www.iowasexoffender.com/

Phone Number: 515-725-6050

KANSAS

Website: **https://www.kbi.ks.gov/registeredoffender/**Phone Number: 785-296-2841

KENTUCKY

Website: http://kspsor.state.ky.us/

Phone Number: 502-227-8700

LOUISIANA

Website: https://www.lsp.org/community-outreach/sex-offender-registry/Phone Number: 800-858-0551

MAINE

Website: http://sor.informe.org/cgi-bin/sor/index.pl

Phone Number: 207-624-7270

MARYLAND

Website: https://dpscs.maryland.gov/onlineservs/socem/default.shtmlPhone Number: 410-339-5000

MASSACHUSETTS

Website: http://www.mass.gov/eopss/agencies/sorb/

Phone Number: 978-740-6400

MICHIGAN

Website: http://www.communitynotification.com/cap_main.php?office=55242/

Phone Number: 517-241-1806

MINNESOTA

Website: https://coms.doc.state.mn.us/PublicViewer/

Phone Number: 651-361-7340

MISSISSIPPI

Website: http://state.sor.dps.ms.gov/

Phone Number: 601-987-1540

MISSOURI

Website: http://www.mshp.dps.mo.gov/CJ38/search.jsp

Phone Number: 888-767-6747

MONTANA

Website: https://app.doj.mt.gov/apps/svow/

Phone Number: 406-444-7068

NEBRASKA

Website: https://sor.nebraska.gov/

Phone Number: 402-471-8647

NEVADA

Website: http://www.nvsexoffenders.gov/

Phone Number: 775-684-6262

NEW HAMPSHIRE

Website: http://business.nh.gov/NSOR/search.aspx

Phone Number: 800-735-2964

NEW JERSEY

Website: http://www.njsp.org/sex-offender-registry/index.shtml

Phone Number: 609-882-2000

NEW MEXICO

Website:

http://sheriffalerts.com/cap_office_disclaimer.php?office=55290&fwd=aHR0cDovL2NvbW11bml0eW5vdGlmaWNhdGlvbi5jb20vY2FwX21haW4ucGhwP29mZmljZT01NTI5MA=

Phone Number: 505-827-9297

NEW YORK

Website: http://www.criminaljustice.ny.gov/SomsSUBDirectory/search_index.jsp
Phone Number: 800-262-3257

NORTH CAROLINA

Website: http://sexoffender.ncsbi.gov/
Email Link: http://sexoffender.ncsbi.gov/contact.aspx

NORTH DAKOTA

Website: http://www.sexoffender.nd.gov/
Phone Number: 701-328-5500

OHIO

Website: http://www.communitynotification.com/cap_main.php?office=55149
Phone Number: 866-406-4534

OKLAHOMA

Website: https://sors.doc.ok.gov/ords/svorp/sors/r/sors/disclaimer
Email Address: osor@doc.state.ok.us

OREGON

Website: http://sexoffenders.oregon.gov/
Phone Number: 503-934-1258

PENNSYLVANIA

Website: http://www.pameganslaw.state.pa.us/
Phone Number: 866-771-3170

PUERTO RICO

Website: https://www.nsopw.gov/en/

RHODE ISLAND

Website: https://www.sheriffalerts.com/cap_main.php?office=56404Phone Number: 401-764-5900

SOUTH CAROLINA

Website: http://scor.sled.sc.gov/ConditionsOfUse.Aspx
Phone Number: 803-896-2601

SOUTH DAKOTA

Website: http://sor.sd.gov/
Phone Number: 605-773-3331

TENNESSEE

Website: https://www.tn.gov/tbi/general-information/tennessee-sex-offender-registry.html
Phone Number: 615-744-4000

TEXAS

Website: https://publicsite.dps.texas.gov/SexOffenderRegistry
Phone Number: 855-481-7070

UTAH

Website: http://sheriffalerts.com/cap_main.php?office=54438
Phone Number: 801-495-7700

VERMONT

Website: http://vcic.vermont.gov/sor
Phone Number: 802-241-5400

VIRGINIA

Website: **https://www.vspsor.com/**Phone Number: 804-674-2825

WASHINGTON

Website: http://www.icrimewatch.net/washington.php
Phone Number: 360-486-2386

WEST VIRGINIA

Website: https://apps.wv.gov/StatePolice/SexOffender/
Phone Number: 304-746-2133

WISCONSIN

Website: https://appsdoc.wi.gov/public
Phone Number: 608-240-5830

WYOMING

Website: http://www.communitynotification.com/cap_main.php?office=55699
Phone Number: 307-777-7181

Alcohol and Substance Abuse Policy

DeVry University expects all members of its community; students, faculty, and staff, to be familiar with and to abide by applicable state, federal, and local laws regarding alcohol and drugs. DeVry University forbids the use, possession, distribution, or sale of drugs, except permitted substances when taken under a doctor's prescription and consistent with a doctor's instructions. DeVry University specifically prohibits the use, possession, distribution, or sale of medical marijuana on its premises or at any DeVry University sponsored event. The unauthorized possession, distribution, sale, or consumption of alcoholic beverages anywhere on DeVry University property or at DeVry University sponsored events is also forbidden. Violation of state, federal, or other local regulations with respect to illegal drugs or alcohol are subject to both criminal prosecution and campus disciplinary action. Please refer to the following section for additional information: Drug Free Schools and Communities Act, Laws Regarding Alcohol and Drugs, School Sanctions, and Local Treatment Resources, and the Code of Conduct in the Student Handbook (https://www.devry.edu/content/dam/dvu/www_devry_edu/d/student-handbook.pdf).

Federal Drug Free Schools & Communities Act

Educational Guidelines Pertaining to Drug Free Schools & Communities Act

DeVry University abides by the federal regulations for the Drug Free Workplace Act and the Drug Free Schools and Communities Act, regardless of individual state legalization. DeVry University expects all members of its community including students, faculty and staff, to be familiar with and to abide by applicable state, federal and local laws regarding alcohol and drugs. Students are also responsible for knowing school regulations concerning alcohol use on campus. DeVry University forbids the unauthorized use, possession, distribution, or sale of drugs or alcohol by a student anywhere on DeVry University property. Violation of these laws or regulations may subject a student to both criminal prosecution and campus disciplinary action.

Use of illicit drugs and abuse of prescription drugs pose a serious threat to mental and physical health. Alcohol is a drug. Its use in even the smallest may be harmful to some people, and when used to excess, alcohol is harmful to everyone. For this reason, responsible drinking is essential and is expected of those who choose to drink.

Substance

Alcohol (at .08 Blood Alcohol Concentration & Above)

Impaired motor abilities; reduced judgment; sleepiness; increased sexual desire but reduced ability to perform; nausea, vomiting; liver disorders-alcohol hepatitis, alcoholic cirrhosis; cancer of the-tongue, mouth, throat, esophagus, liver, breast; fetal alcohol syndrome (most common symptom is intellectual disabilities).

Cannabis, Marijuana, Hash/Hash Oil, THC

Diminished-short term memory, motivation & cognition, coordination & concentration, oral communication, reaction time; anxiety & panic reactions; carcinogenic elements in smoke; damaged lungs & respiratory system.

Cocaine (includes Crack Cocaine)

Increased likelihood of risk taking; seizures; sleeplessness; paranoid; irregular heartbeat; can cause sudden death by stroke or heart failure, even in young users; cocaine psychosis (paranoia & hallucinations); ulceration of mucous membranes in the nose; sexual dysfunction; during pregnancy can cause severe physical & emotional problems in babies.

Depressants, Tranquilizers, Barbiturates, Methaqualone
Dangerous effects when mixed with alcohol; calmness & relaxed muscles; slurred speech, staggering gait, loss of motor coordination; altered perceptions; respiratory depression which can result in coma or death; disruption of normal sleep cycle; during pregnancy-birth defects, brain tumors in children; tolerance develops severe withdrawal symptoms; physical & psychological dependence.

Psychedelics, LSD, Mescaline, Psilocybin, Phencyclidine (PCP), MDMA (Ecstasy), MDA
Distorted sense of distance, space and time; blockage of pain sensations; nausea, vomiting & diarrhea; severe mood disorders, panic, depression, anxiety; greater suggestibility & feelings of invulnerability; unpredictable reactions if drugs are "cut" with impurities; tolerance after (3-4 daily doses—higher doses are required to produce same effects).

Narcotics, Opium, Morphine, Codeine, Thebaine, Heroin, Methadone, Darvon, Demerol
Feeling of euphoria followed by drowsiness; nausea & vomiting; respiratory depression; central nervous system depression; use of unsterile needles promotes the spread of blood borne pathogens (HIV/AIDS, Hepatitis B, Endocarditis); women dependent on opiates have multiple pregnancy complications-spontaneous abortions, still births, anemia, and diabetes.

Laws Regarding Alcohol and Drugs

Federal

Federal law penalizes the unlawful manufacturing, distribution, use, sale, and possession of controlled substances. The penalties vary based on many factors, including the type and amount of the drug involved, and whether there is intent to distribute. Federal law sets penalties for first offenses ranging from less than one year to life imprisonment and/or fines up to $10 million. Penalties may include forfeiture of property, including vehicles used to possess, transport, or conceal a controlled substance; the denial of professional licenses or Federal benefits, such as student loans, grants, and contracts; successful completion of a drug treatment program; community service; and ineligibility to receive or purchase a firearm. Federal law holds that any person who distributes, possesses with intent to distribute, or manufactures a controlled substance on or within one thousand feet of an education facility is subject to a doubling of the applicable maximum punishments and fines. See the Federal Controlled Substances Act at 21 USC 800.

ILLINOIS

In addition to the Federal laws, the State of Illinois has its own laws dealing with controlled substances.

CRIMINAL OFFENSES

(720 ILCS 570/) Illinois Controlled Substances Act.
(720 ILCS 570/Art. IV heading)

ARTICLE IV

(720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

Sec. 401. Manufacture or delivery, or possession with intent to manufacture or deliver, a controlled substance, a counterfeit substance, or controlled substance analog. Except as authorized by this Act, it is unlawful for any person knowingly to manufacture or deliver, or possess with intent to manufacture or deliver, a controlled substance other than methamphetamine and other than bath salts as defined in the Bath Salts Prohibition Act sold or offered for sale in a retail mercantile establishment as defined in Section 16-0.1 of the Criminal Code of 2012, a counterfeit substance, or a controlled substance analog. A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. For purposes of this Section, "controlled substance analog" or "analog" means a substance, other than a controlled substance, which is not approved by the United States Food and Drug Administration or, if approved, is not dispensed or

possessed in accordance with State or federal law, and that has a chemical structure substantially similar to that of a controlled substance in Schedule I or II, or that was specifically designed to produce an effect substantially similar to that of a controlled substance in Schedule I or II. Examples of chemical classes in which controlled substance analogs are found include, but are not limited to, the following: phenethylamines, N-substituted piperidines, morphinans, ecgonines, quinazolinones, substituted indoles, and arylcycloalkylamines. For purposes of this Act, a controlled substance analog shall be treated in the same manner as the controlled substance to which it is substantially similar.

(a) Any person who violates this Section with respect to the following amounts of controlled or counterfeit substances or controlled substance analogs, notwithstanding any of the provisions of subsections (c), (d), (e), (f), (g) or (h) to the contrary, is guilty of a Class X felony and shall be sentenced to a term of imprisonment as provided in this subsection (a) and fined as provided in subsection (b):

(1)(A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing heroin, or an analog thereof;

(B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing heroin, or an analog thereof;

(C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing heroin, or an analog thereof;

(D) not less than 15 years and not more than 60 years with respect to 900 grams or more of any substance containing heroin, or an analog thereof;

(1.5)(A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing fentanyl, or an analog thereof;

(B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing fentanyl, or an analog thereof;

(C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing fentanyl, or an analog thereof;

(D) not less than 15 years and not more than 60 years with respect to 900 grams or more of a substance containing fentanyl, or an analog thereof;

(2)(A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing cocaine, or an analog thereof;

(B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing cocaine, or an analog thereof;

(C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing cocaine, or an analog thereof;

(D) not less than 15 years and not more than 60 years with respect to 900 grams or more of any substance containing cocaine, or an analog thereof;

(3)(A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing morphine, or an analog thereof;

(B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing morphine, or an analog thereof;

(C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing morphine, or an analog thereof;

(D) not less than 15 years and not more than 60 years with respect to 900 grams or more of a substance containing morphine, or an analog thereof;

(4) 200 grams or more of any substance containing peyote, or an analog thereof;

(5) 200 grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid, or an analog thereof;

(6) 200 grams or more of any substance containing amphetamine or any salt of an optical isomer of amphetamine, or an analog thereof;

(6.5) (blank);

(6.6) (blank);

(7)(A) not less than 6 years and not more than 30 years with respect to: (i) 15 grams or more but less than 100 grams of a substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 15 or more objects or 15 or more segregated parts of an object or objects but less than 200 objects or 200 segregated parts of an object or objects containing in them or having upon them any amounts of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(B) not less than 9 years and not more than 40 years with respect to: (i) 100 grams or more but less than 400 grams of a substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 200 or more objects or 200 or more segregated parts of an object or objects but less than 600 objects or less than 600 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(C) not less than 12 years and not more than 50 years with respect to: (i) 400 grams or more but less than 900 grams of a substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 600 or more objects or 600 or more segregated parts of an object or objects but less than 1500 objects or 1500 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(D) not less than 15 years and not more than 60 years with respect to: (i) 900 grams or more of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 1500 or more objects or 1500 or more segregated parts of an object or objects containing in them or having upon them any amount of a substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(7.5)(A) not less than 6 years and not more than 30 years with respect to: (i) 15 grams or more but less than 100 grams of a substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 15 or more pills, tablets, caplets, capsules, or objects but less than 200 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amounts of any substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(B) not less than 9 years and not more than 40 years with respect to: (i) 100 grams or more but less than 400 grams of a substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 200 or more pills, tablets, caplets, capsules, or objects but less than 600 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(C) not less than 12 years and not more than 50 years with respect to: (i) 400 grams or more but less than 900 grams of a substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 600 or more pills, tablets, caplets, capsules, or objects but less than 1,500 pills, tablets, caplets, capsules, or objects containing in them or having

upon them any amount of any substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(D) not less than 15 years and not more than 60 years with respect to: (i) 900 grams or more of any substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) 1,500 or more pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of a substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(8) 30 grams or more of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine, or an analog thereof;

(9) 30 grams or more of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone, or an analog thereof;

(10) 30 grams or more of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP), or an analog thereof;

(10.5) 30 grams or more of any substance containing ketamine or any of the salts, isomers and salts of isomers of ketamine, or an analog thereof;

(10.6) 100 grams or more of any substance containing hydrocodone, or any of the salts, isomers and salts of isomers of hydrocodone, or an analog thereof;

(10.7) (blank);

(10.8) 100 grams or more of any substance containing dihydrocodeine, or any of the salts, isomers and salts of isomers of dihydrocodeine, or an analog thereof;

(10.9) 100 grams or more of any substance containing oxycodone, or any of the salts, isomers and salts of isomers of oxycodone, or an analog thereof;

(11) 200 grams or more of any substance containing any other controlled substance classified in Schedules I or II, or an analog thereof, which is not otherwise included in this subsection.

(b) Any person sentenced with respect to violations of paragraph (1), (2), (3), (7), or (7.5) of subsection (a) involving 100 grams or more of the controlled substance named therein, may in addition to the penalties provided therein, be fined an amount not more than $500,000 or the full street value of the controlled or counterfeit substance or controlled substance analog, whichever is greater. The term "street value" shall have the meaning ascribed in Section 110-5 of the Code of Criminal Procedure of 1963. Any person sentenced with respect to any other provision of subsection (a), may in addition to the penalties provided therein, be fined an amount not to exceed $500,000.

(b-1) Excluding violations of this Act when the controlled substance is fentanyl, any person sentenced to a term of imprisonment with respect to violations of Section 401, 401.1, 405, 405.1, 405.2, or 407, when the substance containing the controlled substance contains any amount of fentanyl, 3 years shall be added to the term of imprisonment imposed by the court, and the maximum sentence for the offense shall be increased by 3 years.

(c) Any person who violates this Section with regard to the following amounts of controlled or counterfeit substances or controlled substance analogs, notwithstanding any of the provisions of subsections (a), (b), (d), (e), (f), (g) or (h) to the contrary, is guilty of a Class 1 felony. The fine for violation of this subsection (c) shall not be more than $250,000:

(1) 1 gram or more but less than 15 grams of any substance containing heroin, or an analog thereof;

(1.5) 1 gram or more but less than 15 grams of any substance containing fentanyl, or an analog thereof;

(2) 1 gram or more but less than 15 grams of any substance containing cocaine, or an analog thereof;

(3) 10 grams or more but less than 15 grams of any substance containing morphine, or an analog thereof;

(4) 50 grams or more but less than 200 grams of any substance containing peyote, or an analog thereof;

(5) 50 grams or more but less than 200 grams of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid, or an analog thereof;

(6) 50 grams or more but less than 200 grams of any substance containing amphetamine or any salt of an optical isomer of amphetamine, or an analog thereof;

(6.5) (blank);

(7)(i) 5 grams or more but less than 15 grams of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) more than 10 objects or more than 10 segregated parts of an object or objects but less than 15 objects or less than 15 segregated parts of an object containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(7.5)(i) 5 grams or more but less than 15 grams of any substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof, or (ii) more than 10 pills, tablets, caplets, capsules, or objects but less than 15 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection (d) of Section 204, or an analog or derivative thereof;

(8) 10 grams or more but less than 30 grams of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine, or an analog thereof;

(9) 10 grams or more but less than 30 grams of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone, or an analog thereof;

(10) 10 grams or more but less than 30 grams of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP), or an analog thereof;

(10.5) 10 grams or more but less than 30 grams of any substance containing ketamine or any of the salts, isomers and salts of isomers of ketamine, or an analog thereof;

(10.6) 50 grams or more but less than 100 grams of any substance containing hydrocodone, or any of the salts, isomers and salts of isomers of hydrocodone, or an analog thereof;

(10.7) (blank);

(10.8) 50 grams or more but less than 100 grams of any substance containing dihydrocodeine, or any of the salts, isomers and salts of isomers of dihydrocodeine, or an analog thereof;

(10.9) 50 grams or more but less than 100 grams of any substance containing oxycodone, or any of the salts, isomers and salts of isomers of oxycodone, or an analog thereof;

(11) 50 grams or more but less than 200 grams of any substance containing a substance classified in Schedules I or II, or an analog thereof, which is not otherwise included in this subsection.

(c-5) (Blank).

(d) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance containing dihydrocodeine or classified in Schedules I or II, or an analog thereof, which is (i) a narcotic drug, (ii) lysergic acid diethylamide (LSD) or an analog thereof, (iii) any substance containing amphetamine or fentanyl or any salt or optical isomer of amphetamine or fentanyl, or an analog thereof, or (iv) any substance

containing N-Benzylpiperazine (BZP) or any salt or optical isomer of N-Benzylpiperazine (BZP), or an analog thereof, is guilty of a Class 2 felony. The fine for violation of this subsection (d) shall not be more than $200,000.

(d-5) (Blank).

(e) Any person who violates this Section with regard to any other amount of a controlled substance other than methamphetamine or counterfeit substance classified in Schedule I or II, or an analog thereof, which substance is not included under subsection (d) of this Section, is guilty of a Class 3 felony. The fine for violation of this subsection (e) shall not be more than $150,000.

(f) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedule III is guilty of a Class 3 felony. The fine for violation of this subsection (f) shall not be more than $125,000.

(g) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedule IV is guilty of a Class 3 felony. The fine for violation of this subsection (g) shall not be more than $100,000.

(h) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedule V is guilty of a Class 3 felony. The fine for violation of this subsection (h) shall not be more than $75,000.

(i) This Section does not apply to the manufacture, possession or distribution of a substance in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of Section 505 of the Federal Food, Drug and Cosmetic Act.

(j) (Blank).

(Source: P.A. 99-371, eff. 1-1-16; 99-585, eff. 1-1-17; 100-368, eff. 1-1-18.)

Local Prohibitions on Drug Paraphernalia: Possessing drug paraphernalia in Illinois is a criminal offense. The offense of unlawful possession of drug paraphernalia (UPDP) is a Class A misdemeanor with a sentence of up to one year in jail and a fine of $2,500. Selling paraphernalia is a Class 4 felony punishable by 1-3 years in the Department of Corrections and a possible fine of $25,000. If sold by a person who is 18 years of age or older to a person younger than 18, the sale of drug paraphernalia is an enhanced Class 3 felony (2-5 years prison and possible $25,000 fine).

Alcohol:

Underage Drinking

- The consumption of alcohol by any person under 21 years of age is illegal. [235 ILCS 5/6-20]

Providing and Possession by Minor

- Illinois law provides for a prison term of up to one year and for a fine of not less than $500 for knowingly providing alcohol to persons under 21. [235 ILCS 5/6-16]

- Persons under 21 who possess alcohol on or in any street or public place may be jailed for up to one year and fined $2,500. [235 ILCS 5/6-16]

Illegal Transportation

- It is illegal to transport alcoholic beverages in the passenger area of a vehicle. No matter who the alcohol belongs to, everyone in the vehicle can be charged with illegal transportation. If you drive the vehicle, your driving privileges will be suspended for 12 months for the first offense. A second offense will result in the revocation of your driving privileges and vehicle registration. [625 ILCS 5/11-502]

Driving Under the Influence

- Driving while under the influence of alcohol, drugs, or any combination thereof is against Illinois law. [625 ILCS 5/6-201]. Blood-alcohol level (BAL) is the percent of alcohol present in the blood. Operating

a vehicle in Illinois with a BAL above .00 for drivers under age 21 and at/above .08 for drivers aged 21 and over is illegal.

- Aside from the loss of driving privileges, possible fines, and jail time, other consequences caused by drinking and driving may include high insurance costs, mandatory alcohol evaluation and treatment, court and attorney fees, and negative long-term effects on your driving record and job opportunities.

	1st Offense	2nd Offense	3rd Offense
Jail	Up to 1 year	Up to 1 year	3 to 7 years
Fines and Penalties	Up to $2,500	Up to $2,500	Up to $25,000
License Suspension	Min. 1 year	Min. 5 years	Min. 10 years
IID** Required	Yes	Yes	Yes

School Sanctions*

(Applied to All Categories of Substances)

The following are prohibited under the Code of Conduct applicable to Students:

- Use, possession, or distribution of narcotic or other controlled substances, except as expressly permitted by law, or being under the influence of such substances.
- Use, possession, or distribution of alcoholic beverages, except as expressly permitted by law and DeVry University regulation; or public intoxication.

The sanctions listed below may be imposed upon any covered person found to have violated the Code of Conduct. The listing of the sanctions should not be construed to imply that covered persons are entitled to progressive discipline. The sanctions may be used in any order and/or combination that the University deems appropriate for the conduct in question.

A. Warning-A verbal or written notice that the respondent has not met the University's conduct expectations.
B. Probation-A written reprimand with stated conditions in effect for a designated period of time, including the probability of more severe disciplinary sanctions if the respondent does not comply with University policies or otherwise does not meet the University's conduct expectations during the probationary period.
C. Restitution-Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
D. DeVry Suspension-Separation of the respondent from the University for a defined period of time, after which the respondent may be eligible to return. Conditions for readmission may be specified.
E. DeVry Expulsion-Permanent separation of the respondent from all University locations.
F. Suspension of Services-Ineligibility to receive specific serves or all DeVry services for a specified period of time, after which the respondent may regain eligibility. Conditions to regain access to services may be specified.
G. Ineligibility for Services-Permanent ineligibility to receive specified or all DeVry University services.
H. Limiting Order-Restriction on a respondent's permission to be in the same proximity as the complainant and/or others, with the parameters of the restriction to be defined by the University (e.g., for use with allegations of sexual or other misconduct).

Faculty and Staff

Colleagues of the institution are prohibited from:

- Performing school business while under the influence of a controlled substance.
- Possession, use, and/or sale of a controlled substance.
- Furnishing a controlled substance to a minor.

Sanctions for this violation could lead up to termination of employment.

***These sanctions are in addition to any criminal sanctions that may be imposed. Student colleagues are subject to both colleague and student sanctions.**

Local Treatment Resources

The following is a sampling of local area information and treatment resources. A more comprehensive listing of available counseling and treatment programs can be obtained from Student Central.

Illinois Department of Human Services Substance Abuse Treatment
1-800-843-6154
http://www.dhs.state.il.us/page.aspx?item=29759

Alcoholics Anonymous District 42
(630) 387-9942
http://aa-nia-dist42.org/

Chicago Alcoholics Anonymous
1-312-346-1475
http://www.chicagoaa.org/

SAMHSA (Substance Abuse and Mental Health Services Administration) National Helpline
1-800-662-4357

Student Rights Under FERPA

(The Family Educational Rights and Privacy Act)

DeVry University respects the rights and privacy of its students and acknowledges the responsibility to maintain confidentiality of personally identifiable information.

FERPA is a federal law that affords students the following rights with respect to their education records. These rights include:

1. The Right To Inspect And Review The Student's Education Records
   Students have the right to review their education records within 45 days of the day the institution receives their request. Students should submit to the registrar, Dean, or head of the academic department a written request that identifies the record(s) they wish to inspect. The institution official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the official to whom the request is submitted does not maintain the records, that official will advise the student of the correct official to whom the request should be addressed.
2. The Right To Seek An Amendment Of Inaccurate Or Misleading Information
   Students may ask the institution to amend a record that they believe is inaccurate or misleading. They should write to the official responsible for the record, clearly identify the part of the record they believe should be changed and specify why it is inaccurate or misleading. If the institution decides not to

amend the record as requested by the student, the student will be notified of the decision and advise of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when they are notified of the right to a hearing. Following the hearing, if the institution still decides not to amend the record, the student has a right to place a clarifying statement in the record.

3. The Right To Limit Disclosure Of Personally Identifiable Information
   Students have the right to consent to disclosure of personally identifiable information contained in their educational records, except to the extent that FERPA authorizes disclosure without consent.
   One exception that permits disclosure without consent is disclosure to a school official who has a legitimate educational interest. A school official is a person employed by the institution in an administrative, supervisory, academic, research, or support staff position (including campus security, incident commanders, and health staff) or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer, or contractor outside of the institution who performs an institutional service or function for which the institution would otherwise use its own employees and who is under the direct control of the institution with respect to the use and maintenance of PII form education records, such as an attorney, auditor, intern or collection agent, or a student volunteering to assist another school official in performing their tasks. School officials have a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibilities for the institutions.
   Another exception that permits disclosure without consent is disclosure of directory information. Directory information is not considered to be harmful or an invasion of privacy if disclosed. See the Directory Information section for additional information.
4. **The Right To File A Complaint With The U.S. Department of Education If The Institution Fails To Comply With FERPA Requirements**

Complaints Should Be Directed To:
Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605
Phone: 1-800-USA-LEARN (1-800-872-5327)

Directory Information

The Family Educational Rights and Privacy Act (FERPA) designates certain student information as "Directory Information" and gives the institution the right to disclose such information without having to ask students` permission. The items listed below as "Directory Information" may be released for any purpose at the discretion of the institution. Under the provisions of FERPA, students have the right to withhold the disclosure of any or all of the categories of information listed below. **The following information will be released unless students specifically request that their information be withheld:**

- **Directory Information:** Name, address, telephone number, email address, date and place of birth, dates of attendance, previous institution(s) attended, major field of study (program), enrollment status, degrees and awards, past and present participation in officially recognized activities.
- **Career Services:** Students approaching graduation and working with career services staff on career planning, job interviewing, and resume preparation authorize release of the following records for a period of fifteen months after graduation: the resume, identifying data, academic work completed, immigration status (if applicable), and authorize career services to verify information graduates provide regarding their employment. At no time is compensation information released or published.

To Withhold Information

To have directory or career services information withheld, students must submit a written request to the Registrar. Once filed, this request becomes a permanent part of the student's record and no information may be released until the student instructs the institution otherwise.

Voter Registration

As a participant in Title IV Federal Student Financial Aid programs, DeVry University would like to remind students who are U.S. citizens of the importance of registering to vote.

If you are interested in participating in local, state, or national elections, please visit the Election Assistance Commission website at https://www.eac.gov/voters/register-and-vote-in-your-state to learn how you can register to vote.

Student Right to Know and Higher Education Opportunity Act Disclosures

DeVry University is committed to providing transparency for our applicants and students on the key outcomes for our students, including graduation rates. Yearly, prior to July 1st, DeVry University and its Keller Graduate School of Management publish these disclosures on the Student Consumer Information page. The Student Right to Know Disclosures can be found at https://www.devry.edu/compliance/student-consumer-info.html#student-right-to-know-disclosures and the Higher Education Opportunity Act Disclosures can be found at: https://www.devry.edu/compliance/student-consumer-info.html#higher-education-opportunity-act .

Unauthorized Distribution of Copyrighted Materials

DeVry University strives to provide access to varied materials, services, and equipment for students, faculty, and staff and does not knowingly condone policies or practices that constitute an infringement of Federal copyright law. Transmitting or downloading any material that you do not have the rights to make available and that infringes any patent, trademark, trade secret, copyright, or other proprietary rights of any party is prohibited.

Installing or distributing pirated or unlicensed software is also forbidden. Violation of these requirements may subject students, faculty, and staff to civil and criminal liabilities. Students, faculty, or staff who violate federal copyright law do so at their own risk. Copyright status is applied to a work as soon as it is created. Users should assume that all writings and images are copyrighted.

Title 17 of the United States Code (17 USC §501 et seq.) outlines remedies for copyright infringement that may include some or all of the following: obtaining an injunction to stop the infringing activity; impounding and disposing of the infringing articles; an award to the copyright owner of actual damages and the profits of the infringer, or in the alternative, an award of statutory damages which may be increased if the infringement is found to be willful; an award of two times the amount of the license fee a copyright owner could have gotten; an award of the full costs incurred in bringing an infringement action, and the award of attorney's fees; and for criminal copyright infringement, fines, and imprisonment.

DeVry University maintains a campus network to support and enhance the academic and administrative needs of our students, faculty, and staff. DeVry University is required by Federal Law – H.R. 4137 – to make an annual disclosure informing students that illegal distribution of copyrighted materials may lead to civil and/or criminal penalties. DeVry University takes steps to detect and punish users who illegally distribute copyrighted materials.

DeVry University reserves the right to suspend or terminate network access to any campus user that violates this policy and network access may be suspended if any use is impacting the operations of the network.

Violations may be reported to appropriate authorities for criminal or civil prosecution. The existence and imposition of sanctions do not protect members of the campus community from any legal action by external entities.

Alternative to Illegal Downloading

Illegal downloads hurt artists and deter the incentive to create. U.S. laws protect the rights of individuals regarding their own works. Below are lists of sites that offer free or inexpensive products that you can use without violating copyright law.

Free and Legal

Clipart:
http://www.coolarchive.com/
http://www.clipart.com/

Fonts:
http://www.blambot.com/
http://www.fonts.com/

Photos:
http://www.freefoto.com/index.jsp

Music:
https://www.jamendo.com/
https://soundcloud.com/

Campus Crime Statistics

DEVRY UNIVERSITY-CHICAGO ANNUAL CAMPUS CRIME STATISTICS

Reported in accordance with Uniform Crime Reporting procedures and the

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

	On Campus			Public Property		
Total Crimes Reported for:	2021	2022	2023	2021	2022	2023
Criminal Offenses (includes attempts)						
Murder/Non-negligent manslaughter	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0
Sexual Assault-Rape	0	0	0	0	0	0
Sexual Assault-Fondling	0	0	0	0	0	0
Sexual Assault-Incest	0	0	0	0	0	0
Sexual Assault-Statutory rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	1
Arson	0	0	0	0	0	0
HATE CRIMES	2021	2022	2023	2021	2022	2023
If there are any hate crimes to report, please enter count here and narrative description below.	0	0	0	0	0	0
VAWA Offenses	2021	2022	2023	2021	2022	2023

Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
Arrests	2021	2022	2023	2021	2022	2023
Weapons: carrying, possession, etc.	0	0	0	0	0	0
Drug abuse violations	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0
Referral for Disciplinary Actions	2021	2022	2023	2021	2022	2023
Weapons: carrying, possession, etc.	0	0	0	0	0	0
Drug abuse violations	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0
Hate Crimes						
Prejudice Categories:						
Race, Religion						
Sexual Orientation						
Gender, Gender Identity						
Disability						
Ethnicity						
National Origin						
On campus or public property:	2021	2022	2023			
Total Unfounded Crimes	0	0	0			

Jurisdictional Definitions

To comply with federal regulations, the following jurisdictional definitions are provided for **Dating Violence**, **Domestic Violence**, **Sexual Assault**, and **Stalking**.

Online (Federal) 34 CFR §668.46	**Dating Violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition— (A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. (B) Dating violence does not include acts covered under the definition of domestic violence. **Domestic Violence** is a felony or misdemeanor crime of violence committed: (A) By a current or former spouse or intimate partner of the victim; (B) By a person with whom the victim shares a child in common; (C) By a person who is cohabitating with or has cohabitated with, the victim as a spouse or intimate partner; (D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (~~D~~E) By any other person against an adult or youth victim who is protected from that person's acts under the

	domestic or family violence laws of the jurisdiction in which the crime of violence occurred. **Sexual Assault** is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program. The FBI's UCR program defines sexual assault as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent: *Fondling*- The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age ore because of his/her temporary or permanent mental incapacity; *Incest*- Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; and *Statutory Rape*- Sexual intercourse with a person who is under the statutory age of consent. **Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: fear for the person's safety or the safety of others or suffer substantial emotional distress. For the purposes of this definition- ***Course of conduct*** means two or more acts, including, but not limited to, acts in which the talker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property; ***Reasonable Person*** means a reasonable person under similar circumstances and with similar identities to the victim; and ***Substantial Emotional Distress*** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. The institution has determined, based on good-faith research that **Consent** is not defined in federal regulation.
Arizona Arizona State Legislature: 15-712.01 Arizona State Legislature: 36-3001 Arizona State Legislature: 13-1406 Arizona State Legislature: 13-2923 Arizona State Legislature: 13-1401	**Dating Abuse** means a pattern of behavior in which one person uses or threatens to use physical, sexual, verbal, or emotional abuse to control the person's dating partner. A Dating Partner means any person who is involved in an intimate association with another person that is primarily characterized by the expectation of affectionate involvement and that includes casual, serious, and long-term dating partners. **Domestic Violence** means attempting to cause or causing bodily injury to a family or household member or placing a family or household member by threat of force in fear of imminent physical harm. **Sexual Assault** is when a person intentionally or knowingly engages in sexual intercourse or oral sexual contact with any person without consent of such person. **Stalking**: 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: 1. Suffer emotional distress or reasonably fear that either:(a) The victim's property will be damaged or destroyed. (b) Any of the following will be physically injured:| (i) The victim. (ii) The victim's family member, domestic animal or livestock. (iii) A person with whom the victim has or has previously had a romantic or sexual relationship. (iv) 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. 2. 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. The institution has determined, based on good-faith research that **Consent** is not defined by Arizona law. However, the definition of **"Without Consent"** includes any of

	the following: (1) the victim is coerced by the immediate use or threatened use of force against a person or property; (2) 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; (3) the victim is intentionally deceived as to the nature of the act; or (4) the victim is intentionally deceived to erroneously believe that the person is the victim's spouse.
California -California Penal Code: 13700 -California Penal Code: 261 -California Penal Code: 646.9 -California Penal Code: 261.6	The institution has determined, based on good-faith research that **Dating Violence** is not defined by California law. However, offenses of this nature are included under the definition of **Domestic Violence.** **Domestic Violence** means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as spouses, (5) the continuity of the relationship, and (6) the length of the relationship. **Sexual Assault**: The California Legislature finds and declares that all forms of non-censual sexual assault may be considered rape for purposes of the gravity of the offenses and the support of survivors. Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances: (1) Where a person 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. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act, the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent. (2) Where 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) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused. (4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions: (A) Was unconscious or asleep. (B) Was not aware, knowing, perceiving, or cognizant that the act occurred. (C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact. (D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose. (5) Where 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 any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.

	(6) Where 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) Where 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. (b) As used in this section, "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 his or her relationship to the defendant, are factors to consider in appraising the existence of duress. (c) As used in this section, "menace" means any threat, declaration, or act which shows an intention to inflict an injury upon another. **Stalking**: The state of California defines that 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. **Consent** is defined by the State of California to mean 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.
Colorado -Colorado Rev. Stat. §18-6-800.3 -Colorado Rev. Stat. §18-3-402 -Colorado Rev. Stat. §18-3-602 - Colorado Rev. Stat. §18-3-401	The institution has determined, based on good-faith research, that Colorado law does not define the term **Dating Violence**. However, offenses of this nature are defined under **Domestic Violence**. **Domestic Violence** means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. Domestic Violence also includes any other crime against a person or against property or any municipal ordinance violation against a person or against property, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship. **Sexual Assault**: Any actor who knowingly inflicts sexual intrusion or sexual penetration on a victim commits sexual assault if: •The actor causes submission of the victim by means of sufficient consequence reasonably calculated to cause submission against the victim's will; •The actor knows that the victim is incapable of appraising the nature of the conduct; •the actor knows that the victim submits erroneously, believing the actor to be the victim's spouse; •At the time of the commission of the act, the victim is less than fifteen years of age and the actor is at least four years older than the victim and is not the spouse of the victim; •At the time of the commission of the act, the victim is at least fifteen years of age but less than seventeen years of age and the actor is at least ten years older than the victim and is not the spouse of the victim; •The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim and uses this position of authority to coerce the victim to submit, unless the act is incident to a lawful search; •The actor, while purporting to offer a medical service, engages in treatment or examination of a victim for other than a bona fide medical purpose or in a manner substantially inconsistent with reasonable medical practices; or •The victim is physically helpless and the actor knows the victim is physically helpless and the victim has not consented.

	Stalking: A person commits stalking if directly, or indirectly through another person, the person knowingly: (a) Makes a credible threat to another person and, in connection with the threat, repeatedly follows, approaches, contacts, or places under surveillance that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship; or (b) Makes a credible threat to another person and, in connection with the threat, repeatedly makes any form of communication with that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship, regardless of whether a conversation ensues; or (c) Repeatedly follows, approaches, contacts, places under surveillance, or makes any form of communication with another person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship win a manner that would cause a reasonable person to suffer serious emotional distress and does cause that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship to suffer serious emotional distress. For purposes of this paragraph (c), a victim need not show that he or she received professional treatment or counseling to show that he or she suffered serious emotional distress. In the state of Colorado, **Consent** means cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship shall not be sufficient to constitute consent under the provisions of this part 4. Submission under the influence of fear shall not constitute consent.
Florida -Florida Statutes, 784.046 -Florida Statutes, 741.28 -Florida Statutes, 794.011 -Florida Statutes, 784.048 -Florida Statutes, 794.011	**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 acquaintance or violence between individuals who only have engaged in ordinary fraternization in a business or social context. **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. The State of Florida titles Sexual assault as **Sexual Battery**. **Sexual Battery** means oral, anal, or ~~vaginal~~ female genital penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose. **Stalking:** A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking. 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. In the state of Florida, **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.
Georgia -Official Code of GA: §19-13A-1 -Official Code of GA: §19-13-1 -Official Code of GA: §16-6-1	**Dating violence** means the occurrence of one or more of the following acts between persons through whom a current pregnancy has developed or who are currently, or within the last 12 months were, in a dating relationship: Any felony; or Commission of the offenses of simple battery, battery, simple assault, or stalking. The institution has determined, based on good-faith research, that Georgia law does not define the term "**domestic violence**" but defines **Family Violence**. **Family Violence** means the occurrence of one or more of the following acts between past or present spouses, persons who are parents of the same child, parents and children,

Official Code of GA: §16-6-3 Official Code of GA: §16-6-2 -Official Code of GA: §16-6-5.1(b) Official Code of GA: §16-5-90 Official Code of GA: §16-1-3	stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household: (1) Any felony; or (2) Commission of offenses of battery, simple battery, simple assault, assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass. The institution has determined, based on good-faith research, that Georgia law does not define the term "**sexual assault**". Instead, definitions are provided for the following crimes: **Rape:** A person commits the offense of rape when he has carnal knowledge of: (1) A female forcibly and against her will; or (2) A female who is less than ten years of age. Carnal knowledge in rape occurs when there is any penetration of the female sex organ by the male sex organ. The fact that the person allegedly raped is the wife of the defendant shall not be a defense to a charge of rape;, **Statutory Rape:** A person commits the offense of statutory rape when he or she engages in sexual intercourse with any person under the age of 16 years and not his or her spouse, provided that no conviction shall be had for this offense on the unsupported testimony of the victim; **Sodomy:** A person commits the offense of sodomy when he or she performs or submits to any sexual act involving the sex organs of one person and the mouth or anus of another; **Aggravated Sodomy**: A person commits the offense of aggravated sodomy when he or she commits sodomy with force and against the will of the other person or when he or she commits sodomy with a person who is less than ten years of age. The fact that the person allegedly sodomized is the spouse of a defendant hall not be a defense to a charge of aggravated sodomy; and **Sexual Assault by persons with supervisory or disciplinary authority**: An employee or agent commits the offense of improper sexual contact by employee or agent in the first degree when such employee or agent knowingly engages in sexually explicit conduct with another person whom such employee or agent knows or reasonably should have known is contemporaneously. **Stalking:** A person commits the offense of stalking when he or she follows, places under surveillance, or contacts another person at or about a place or places without the consent of the other person for the purpose of harassing and intimidating the other person. The institution has determined, based on good-faith research that **Consent** is not defined by Georgia law. However, in Georgia Code § 16-6-1, consent is implicitly interpreted as "**permission**" of a person who is capable of giving such permission. **Without his consent** is defined that a person whose concurrence is required has not, with knowledge of the essential facts, voluntarily yielded to the proposal of the accused or of another.
<u>Illinois</u> -750 ILCS 60/103 -750 ILCS 60/103 -720 ILCS 5/11-1.20 -720 ILCS 21/10 -720 ILCS 5/11-0.1 ~~1.70~~	The institution has determined, based on good-faith research, that **Dating Violence** is not defined by Illinois law. The Illinois Domestic Violence Act of 1986 provides protection to any person abused by a family or household member which is defined as including persons who have or have had a dating or engagement relationship. In the State of Illinois, **Domestic Violence** is defined as **Abuse** which is defined as 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. The institution has determined, based on good-faith research, that Sexual Assault is not defined by Illinois law. However, the state provides a definition of **Criminal Sexual Assault**: 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. **Stalking** means engaging 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 fear for his or her safety, the safety of a workplace, school, or place of

	worship, or the safety of a third person or suffer emotional distress. Stalking does not include an exercise of the right to free speech or assembly that is otherwise lawful or picketing out of a bona fide labor dispute, including any controversy concerning wages, salaries, hours, working conditions or benefits, including health and welfare, sick leave, insurance and pension or retirement provisions, the making or maintaining of collective bargaining agreements, and the terms to be included in those agreements. In the state of Illinois, **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.
Indiana -IC 34-6-2-44.8 -IC 35-42-2-1.3 - IC 35-42-4-8 and IC 35-42-4-1 -IC 35-45-10-1 -IC 35-42-4-1	The institution has determined, based on good-faith research, that Indiana law does not define the term **Dating Violence**. However, offenses of **Dating Violence** are included in the definition of **Family or Household member**: An individual is a "family or household member" of another person if the individual: (1) is a current or former spouse of the other person; (2) is dating or has dated the other person; (3) is engaged or was engaged in a sexual relationship with the other person; (4) is related by blood or adoption to the other person; (5) is or was related by marriage to the other person; (6) has or previously had an established legal relationship: (a) as a guardian of the other person; (b) as a ward of the other person; (c) as a custodian of the other person; (d) as a foster parent of the other person; or (e) in a capacity with respect to the other person similar to those listed; (7) has a child in common with the other person; or (8) has adopted a child of the other person. (b) An individual is a "family or household member" of both persons if the individual is a minor child of one of the persons. The State of Indiana includes Domestic Violence in their definition of **Domestic Battery**: A person who knowingly or intentionally: (1) touches a family or household member in a rude, insolent, or angry manner; or (2) in a rude, insolent, or angry manner places any bodily fluid or waste on a family or household member; commits domestic battery. The institution has determined, based on good-faith research, that Indiana law does not define the term **Sexual Assault**. However, it provides definitions for Sexual Battery and for Rape. Sexual Battery: When a person who, with intent to arouse or satisfy the person's own sexual desires or the sexual desires of another person: (1) touches another person when that person is: (A) compelled to submit to the touching by force or the imminent threat of force; or (B) so mentally disabled or deficient that consent to the touching cannot be given; or (2) touches another person's genitals, pubic area, buttocks, or female breast when that person is unaware that the touching is occurring; commits sexual battery. Rape: A person who knowingly or intentionally has sexual intercourse with another person or knowingly or intentionally causes another person to perform or submit to other sexual conduct when: (1) the other person is compelled by force or imminent threat of force; (2) the other person is unaware that the sexual intercourse or other sexual conduct is occurring; or (3) the other person is so mentally disabled or deficient that consent to sexual intercourse or other sexual conduct cannot be given; or (4) the person disregarded the other person's attempts to physically, verbally, or by other visible conduct refuse the person's acts; commits rape. **Stalk** means a knowing or an intentional course of conduct involving repeated or continuing harassment of another person that would cause a reasonable person to feel

	terrorized, frightened, intimidated, or threatened and that actually causes the victim to feel terrorized, frightened, intimidated, or threatened. The term does not include statutorily or constitutionally protected activity. {A person who stalks another person commits stalking} The institution has determined, based on good-faith research that **Consent** is not defined by Indiana law. However, Indiana code states that a person commits a sex crime when (1) the other person is compelled by force or imminent threat of force; (2) the other person is unaware that the sexual intercourse or other sexual conduct is occurring; or (3) the other person is so mentally disabled or deficient that consent to sexual intercourse or other sexual conduct cannot be given.
Missouri -MRS 455.010(5) -MRS 565.072, MRS 565.073, MRS 565.074, and MRS 565.076 -MRS 455.010(f) -MRS 566.030, MRS 566.031, MRS 566.100, MRS 566.101, MRS 566.093, and MRS 566.095 -MRS 565.225 and MRS 565.227 -MRS 566.030	The institution has determined, based on good-faith research, that Missouri law does not define the term **Dating Violence**. However, the definition of "Family or Household Member" includes relationships of a dating nature within the definition. **Domestic violence** means abuse or stalking committed by a family or household member. The State defines **Domestic Assault** in varying degrees. For the purposes of these definitions, **Family or Household Member** is defined as: spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time. The title "Domestic Victim" is included in the definition of Family or Household member. **Domestic Assault, in the first degree:** A person commits the offense of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a domestic victim. **Domestic Assault, in the second degree:** A person commits the offense of domestic assault in the second degree if the act involves a domestic victim and he or she: (1) knowingly causes physical injury to such domestic victim by any means, including but not limited to, use of a deadly weapon or dangerous instrument, or by choking or strangulation; or (2) recklessly causes serious physical injury to such domestic victim; or (3) recklessly causes physical injury to such domestic victim by means of any deadly weapon. **Domestic assault, in the third degree:** A person commits the offense of domestic assault in the third degree if he or she attempts to cause physical injury or knowingly causes physical pain or illness to a domestic victim. **Domestic assault, in the fourth degree:** A person commits the offense of domestic assault in the fourth degree if the act involves a domestic victim and: (1) the person attempts to cause or recklessly causes physical injury, physical pain, or illness to such domestic victim; (2) with criminal negligence the person causes physical injury to such domestic victim by means of a deadly weapon or dangerous instrument; (3) the person purposely places such domestic victim in apprehension of immediate physical injury by any means; (4) the person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to such domestic victim; (5) the person knowingly causes physical contact with such domestic victim knowing he or she will regard the contact as offensive; or (6) the person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation. **Sexual Assault** means causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent. The State defines **Rape**, **Sexual Misconduct**, and **Sexual Abuse** in varying degrees of severity. **Rape**, **in the first degree:** A person commits the offense of rape in the first degree if he or she has sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion.

	Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making a informed consent to sexual intercourse. **Rape**, **in the 2nd degree:** A person commits the offense of rape in the second degree if he or she has sexual intercourse with another person knowing that he or she does so without that person's consent. **Sexual Abuse, in the first degree:** A person commits the offense of sexual abuse in the first degree if he or she subjects another person to sexual contact when that person is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. **Sexual abuse, in the second degree:** A person commits the offense of sexual abuse in the second degree if he or she purposely subjects another person to sexual contact without that person's consent. **Sexual Misconduct, in the first degree:** A person commits the offense of sexual misconduct in the first degree if such person: (1) Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm; (2) Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or alarm; or (3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person. **Sexual misconduct, in the second degree:** A person commits the offense of sexual misconduct in the second degree if he or she solicits or requests another person to engage in sexual conduct under circumstances in which he or she knows that such request or solicitation is likely to cause affront or alarm. **Stalking, in the first degree:** A person commits the offense of stalking in the first degree if he or she purposely, through his or her course of conduct, disturbs or follows with the intent of disturbing another person and: (1) Makes a threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, the safety of his or her family or household member, or the safety of domestic animals or livestock kept at such person's resident or on such person's property. The threat shall be against the life of, or a threat to cause physical injury to, or the kidnapping of the person, the person's family or household members, or the person's domestic animals or livestock kept at such person's residence or on such person's property; or (2) At least one of the acts constitution the course of conduct is in violation of an order of protection and the person has received actual notice of such order; or (3) at least one of the actions constitution the course of conduct is in violation of a condition of probation, parole, pretrial release, or release on bond pending appeal; or (4) at any time during the course of conduct, the other person is seventeen years of age or younger and the person disturbing the other person is twenty-one years of age or older; or (5) he or she has previously been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was the victim; or (6) at any time during the course of conduct, the other person is a participant of the address confidentiality program and the person disturbing the other person knowingly accesses or attempts to access the address of the other person. **Stalking, in the second degree:** A person commits the offense of stalking in the second degree if he or she purposely, through his or her course of conduct, disturbs, or follows with the intent to disturb another person. The institution has determined, based on good-faith research that **Consent** is not defined by Missouri law. However, the Missouri Statutes provide that a person commits the offense of rape in the first degree if he or she has sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.

Nevada -Nevada Attorney General -NRS 33.018 -NRS 200.366 -NRS 200.575 -NRS 200.366.1	In the State of Nevada, offenses of **Dating Violence** are considered under the definition of Domestic Violence. **Domestic Violence** occurs when a person commits one of the following acts against or upon the person's spouse or former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child: a battery, an assault, coercion, sexual assault, a knowing, purposeful, or reckless course of conduct intended to harass the other person, a false imprisonment, and pandering. In the State of Nevada, a person is guilty of **Sexual Assault** if he or she: subjects another person to sexual penetration, or forces another person to make a sexual penetration on himself or herself or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his or her conduct; or commits a sexual penetration upon a child under the age of 14 years or causes a child under the age of 14 years to make a sexual penetration on himself or herself or another, or on a beast. **Stalking:** A person who, without lawful authority, willfully or maliciously engages in a course of conduct directed towards a victim that would cause a reasonable person under similar circumstances to feel terrorized, frightened, intimidated, harassed or fearful for his or her immediate safety or the immediate safety of a family or household member, and that actually causes the victim to feel terrorized, frightened, intimidated, harassed or fearful for his or her immediate safety or the immediate safety of a family or household member, commits the crime of stalking. The institution has determined, based on good-faith research that **Consent** is not defined by Nevada law. However, the state provides that a person is guilty of sexual assault if he or she subjects another person to sexual penetration, or forces another person to make a sexual penetration on himself or herself or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his or her conduct.
New Jersey - NJ Rev. Stat §2C:25-19(2013) -NJ Rev. Stat §2C:25-19(2013) -NJ Rev. Stat §2C:14-2(2013) -NJ Rev. Stat §2C:12-10(2013) -NJ Rev. Stat §2C:2-10 (2013)	The institution has determined, based on good-faith research, that **Dating Violence** is not defined by New Jersey law. However, offenses of this nature are included in the definition of **Domestic Violence.** "Victim of domestic violence" also includes any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship. **Domestic Violence** means the occurrence of one or more of the following acts inflicted upon a person protected by this act by an adult or an emancipated minor: Homicide, assault, terroristic threats, kidnapping, criminal restraint, false imprisonment, sexual assault, criminal sexual contact, lewdness, criminal mischief, burglary, criminal trespass, harassment, or stalking. In the State of New Jersey, an actor is guilty of **Aggravated Sexual Assault** if he commits an act of sexual penetration with another person under any one of the following circumstances: the victim is less than 13 years old, the victim is at least 13 but less than 16 years old; and the actor is related to the victim by blood or affinity to the third degree, or the actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status, or the actor is a resource family parents, a guardian, or stands in loco parentis within the household; the act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, kidnapping, homicide, aggravated assault on another, burglary, arson or criminal escape; 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 the actor is

	aided or abetted by one or more other persons and the actor uses physical force or coercion; the actor uses physical force or coercion and severe personal injury is sustained by the victim; the victim is one whom the actor knew or should have known was physically helpless, mentally incapacitated, or had a mental disease or defect which rendered the victim temporarily or permanently incapable of understanding the nature of his conduct, including, but not limited to, being incapable of providing consent. In the State of New Jersey, 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. In the state of New Jersey, **Consent** is given a generally applicable definition consisting of the following: 1. <u>In general:</u> The consent of the victim to conduct charged to constitute an offense or to the result thereof is a defense if such consent negates an element of the offense or precludes the infliction of the harm or evil sought to be prevented by the law defining the offense. 2. <u>Consent to bodily harm</u>: 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. 2. <u>Ineffective Consent:</u> Unless otherwise provided by the code or by the law defining the offense, assent does not constitute consent if: It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense; or (1) 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 (2) It is induced by force, duress or deception of a kind sought to be prevented by the law defining the offense.
<u>New York</u> -Definition from the New York State Office for the Prevention of Domestic Violence -NY Penal Law 130.20 -NY Penal Law 120.45 -NY Penal Law 103.05	The institution has determined, based on good-faith research, that New York law does not define the term **Dating Violence**. However, offenses of this nature are defined under **Domestic Violence.** **Domestic Violence** is a pattern of coercive tactics that can include physical, psychological, sexual, economic, and emotional abuse, perpetrated by one person against an adult intimate partner, with the goal of establishing and maintaining power and control. Domestic violence occurs in all kinds of intimate relationships, including married couples, people who are dating, couples who live together, people with children in common, same-sex partners, people who were formerly in a relationship with the person abusing them, and teen dating relationships. The institution has determined, based on good-faith research, that New York law does not define the term **Sexual Assault** but categorizes a broad range of crimes under the title **Sexual Misconduct.** A person is guilty of **Sexual Misconduct** when: 1. He or She engages in sexual intercourse with another person without such person's consent; or 2. He or She engages in oral sexual conduct or anal sexual conduct with another person without such person's consent; or 3. He or she engages in sexual conduct with an animal or a dead human body. The State of New York categorizes a broad range of degrees to stalking related crimes. A person is guilty of **Stalking** when he or she intentionally, and for no legitimate purposes, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct: 1. Is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of

	such person's immediate family or a third party with whom such person is acquainted; or 2. Causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or 3. Is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning, or initiating communication or contact at such person's place of employment or business and the actor was previously clearly informed to cease that conduct. In the state of New York, **Consent** is defined by the action that has occurred with a lack of consent. Whether or not specifically stated, it is an element of every offense defined in this article (103.05) that the sexual act was committed without consent of the victim. Lack of consent results from: (a) Forcible compulsion; or (b) Incapacity to consent; or (c) Where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct. A person is deemed incapable of consent when he or she is: (a) less than seventeen years old; or (b) mentally disabled; or (c) mentally incapacitated; or (d) physically helpless; or (e) committed to the care and custody or supervision of the state department of corrections and community supervision or a hospital.
North Carolina -North Carolina GS 50B-1 -North Carolina GS 14-27.21, 14-27.22, 14-27.26, 14-27.27 and 14-27.33 -North Carolina GS 14-277.3A -North Carolina GS 14-27.20	The institution has determined, based on good-faith research, that the term **Dating Violence** is not defined by North Carolina law**.** However, offenses of this nature are be defined under the Domestic Violence definition's clarification. **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 that rises to such a level as to inflict substantial emotional distress or (3) committing any act defined under "rape," "sexual battery," and/or "sexual offense." For the purposes of this section, the term "personal relationship" means a relationship wherein the parties involved: (1) are current or former spouses; (2) are person 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, (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. The institution has determined, based on good-faith research, that North Carolina law does not define the term "**Sexual Assault**" but define the concepts of Forcible Rape, Sexual Battery, and of Sexual Offense. **Rape**: 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. 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. **Sexual Offense:** A person is guilty of **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 display 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. 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. **Sexual Battery:** 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 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. In the State of North Carolina, a defendant is guilty of **stalking** if the defendant willfully on more than one occasion harasses another person without legal purposes 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 institution has determined, based on good-faith research that **Consent** is not defined by North Carolina law. However, the North Carolina General Statutes, in §14-27.20, define "**against the will of another person**" as either of the following: (1) without consent of the other person or (2) after consent is revoked by the other person, in a manner that would cause a reasonable person to believe consent is revoked.
Ohio - Ohio Revised Code, Title 29, 2930.20 -Ohio Revised Code, Title 41, 3113.31 -Ohio Revised Code, Title 29, 2907.02 and 2907.03 -Ohio Revised Code, Title 29, 2903.211 -Ohio Revised Code, Title 29, 2907.02	**Dating Violence** means the occurrence of one or more of the following acts against a person with whom the person engaging in the violence is or was in a dating relationship:(a) Attempting to cause or recklessly causing bodily injury to the other person;(b) Placing the other person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code;(c) Committing a sexually oriented offense against the other person. **Domestic Violence** means any of the following: (a) the occurrence of one or more of the following acts against a family or household member: (1) attempting to cause or recklessly causing bodily injury; (2) placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of 2903.211 or 2911.211 of the revised code; (3) committing any act with respect to a child that would result in the child being an abused child; (4) committing a sexually oriented offense. The occurrence of one or more of the acts identified here against a person with whom the respondent is or was in a dating relationship. In the State of Ohio, **Sexual Assault** is defined under several related types of offenses including **Rape**, and **Sexual Battery.** **Rape:** No person shall engage in sexual conduct with another who is not the spouse of the offender or who is the spouse of the offender but is living separate and apart from the offender, when all any of the following applies: for the purpose of preventing resistance, the offender substantially impairs the

	other person's judgment or control by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception; the other person is less than thirteen years of age, whether or not the offender knows the age of the other person; the other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age. **Sexual Battery:** No person shall engage in sexual conduct with another, not the spouse of the offender, when any of the following apply: the offender knowingly coerces the other person to submit by any means that would prevent resistance by a person of ordinary resolution; the offender knows that the other person's ability to appraise the nature of or control the other person's own conduct is substantially impaired; the offender knows that the other person submits because the other person is unaware that the act is being committed; the offender knows that the other person submits because the other person mistakenly identifies the offender as the other person's spouse; the offender is the other person's natural or adoptive parent, or stepparent, or guardian, custodian, or person in loco parentis of the other person; the offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the state board of education prescribed minimum standard, the other person is enrolled in or attends that school and the offender is not enrolled in and does not attend that school; the other person is a minor, the offender is a teacher, administrator, coach or other person in authority employed by or serving in an institution of higher education, and the other person is enrolled in or attends that institution; the other person is a minor, and the offender is the other person's athletic or other type of coach, is the other person's instructor, is the leader of a scouting troop of which the other person is a member, or is a person with temporary or occasional disciplinary control over the other person; the offender is a mental health professional, the other person is a mental health client or patient of the offender, and the offender induces the other person to submit by falsely representing to the other person that the sexual conduct is necessary for mental health treatment purposes; the other person is confined in a detention facility, and the offender is an employee of that detention facility; the other person is a minor, the offender is a cleric, and the other person is a member of, or attends, the church or congregation served by the cleric, and/or the other person is a minor, the offender is a peace officer, and the offer is more than two years older than the other person. In the State of Ohio, Stalking is defined as "**Menacing by Stalking**": No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or a family or household member of the other person or cause mental distress to the other person or a family or household member of the other person. In addition to any other basis for the other person's belief that the offender will cause physical harm to the other person or the other person's family or household member or mental distress to the other person or the other person's family or household member, the other person's belief or mental distress may be based on words or conduct of the offender that are directed at or identify a corporation, association, or other organization that employs the other person or to which the other person belongs. No person, through the use of any form of written communication or

	any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, r-computer system, or telecommunication device shall post a message or use any intentionally written or verbal graphic gesture with purpose to do either as defined above or to urge or incite another to commit the same violation. The institution has determined, based on good-faith research that **Consent** is not defined by the State of Ohio. However, the Ohio Revised Code does indicate that no person shall engage in sexual conduct with another when the offender purposely compels the other person to submit by force or threat of force; the mental or physical condition or advanced age of the person may render the person unable of providing consent; and that consent is not given if an offender substantially impairs another person's judgement or control by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force or deception.
<u>Pennsylvania</u> -House Bill No. 2026, session of 2009 -PA Consolidated Statutes, Title 23, Chapter 61, §6102 -PA Consolidated Statutes, Title 18, Chapter 31, §3124.1 -PA Consolidated Statutes, Title 18, Chapter 31, §2709.1 -PA Consolidated Statutes, Title 18, Chapter 31, §3123.a	**Dating Violence** shall mean behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control the person's dating partner. In the State of Pennsylvania, Domestic Violence is not defined. However, the word **Abuse** is defined to include offenses of that nature. **Abuse**: The occurrence of one or more of the following acts between family or household member, sexual or intimate partners or person 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; and/or ~~(3~~4) physically or sexually abusing minor children. (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). **Sexual Assault** occurs when a person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent. In the State of Pennsylvania, 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. The institution has determined, based on good-faith research that **Consent** is not defined by the State of Pennsylvania. However, 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 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.
<u>Tennessee</u> -TN Code, 39-13-111 -TN Code, 39-13-505 -TN Code, 39-17-315 -TN Code, 39-13-503	The institution has determined, based on good-faith research, that Tennessee law does not define the term "**dating violence**." However, offenses of this nature are defined under "Domestic Assault." The institution has determined, based on good-faith research, that Tennessee law does not define the term "**domestic violence**." However, a definition for **Domestic Assault** is provided combining the definition for Assault and the definition of Domestic Abuse Victim. **Assault:** A person commits assault who: (1) intentionally, knowingly or recklessly causes bodily injury to another; (2) intentionally or knowingly causes another to reasonably fear imminent bodily injury; or (3) intentionally or knowingly causes physical contact with another and a reasonable person would regard that contact as extremely offensive or provocative. **Domestic Abuse Victim:** A person commits domestic assault who commits assault against a domestic abuse victim. A domestic abuse victim means any person who falls within the following categories: (1) adults or minor who are current or former spouses; (2) adults or minor who live together or who have lived together; (3) adults or minors who are dating or who have dated or who have or had a sexual relationship, but does not include fraternization between two individuals in a business or social context; (4) adults or minor related by blood or adoption; (5) adults or minors who are related or were formerly related by marriage; or (6) adult or minor children of a person in a relationship of any of the previous listed types. The institution has determined, based on good-faith research, that Tennessee law does not define the term "**sexual assault**." However, a definition for **Sexual Battery** is provided. **Sexual Battery** is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances: (1) force or coercion is used to accomplish the act; (2) the sexual contact is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the contact that the victim did not consent; (3) the defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or (4) the sexual contact is accomplished by fraud. **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 institution has determined, based on good-faith research that **Consent** is not defined by the state of Tennessee. The definition provided for "**rape**" indicates what unlawful sexual penetration is and is not. In the state of Tennessee, Rape is unlawful sexual penetration of a victim by the defendant or of the defendant by a victim accompanied by any of the following circumstances: (1) Force or coercion is used to accomplish the act; (2) The sexual penetration is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the penetration that the victim did not consent; (3) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or (4) The sexual penetration is accomplished by fraud.
<u>Texas</u> -Texas Family Code, §71.0021 -Texas Family Code, §71.004 -Texas Penal Code, §21.011	In the State of Texas, **Dating Violence** is defined as an act, other than a defensive measure to protect oneself, by an actor: (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

-Texas Penal Code, §42.072 -Texas Penal Code, §22.011	harm, bodily injury, assault, or sexual assault. The institution has determined, based on good-faith research, that “Domestic Violence” is not defined by Texas law. However, **Family Violence** is defined as 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 measure to protect oneself; (2) abuse by a member of a family or household toward a child of the family or household; or (3) Dating Violence. In the state of Texas, a person commits **Sexual Assault** if: the person intentionally or knowingly: (1) causes the penetration of the anus or sexual organ of another person by any means, without that person’s consent; (2) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person’s consent; or (3) 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; regardless of whether the person knows the age of the child at the time of the offense, the person intentionally or knowingly: (1) causes the penetration of the anus or sexual organ of a child by any means; (2) causes the penetration of the mouth of a child by the sexual organ of the actor; (3) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; (4) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or (5) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor. In the State of Texas, a person commits an offense of **Stalking** if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that: (1) constitutes an offense of harassment 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; (b) bodily injury or death for a member of the other person’s family or household or for an individual with whom the other person has a dating relationship; or (c) that an offense will be committed against 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 to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person’s property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and (3) would cause a reasonable person to: (a) fear bodily injury or death for himself or herself; (b) fear bodily injury or death for a member of the person’s family or household or for 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, annoyed, alarmed, abused, tormented, embarrassed, or offended. The state of Texas defines **Consent** through illustration of “**without consent**”: A sexual assault under Subsection (a)(1) 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 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.
Virginia -Office of the Attorney General of Virginia Domestic and Sexual Violence Initiatives -Virginia Code, §16.1-228 -Virginia Code, §18.2-67.10 -Virginia Code, §18.2-60.3 -Virginia Code, §18.2-61.	In the State of Virginia, the Office of the Attorney General describes **Dating Violence** as a kind of intimate partner violence that occurs between two people in a close relationship. It is a pattern of abusive behaviors by one partner against the other within the context of either casual dating or long-term relationship. It can also take many forms, including psychological and emotional abuse, physical abuse, and sexual abuse. In the State of Virginia, "**Domestic Violence**" is not defined. However, **Family Abuse** means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. For the purposes of this definition, a **Family or Household member** means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person. The institution has determined, based on good-faith research, that "Sexual Assault" is not defined by Virginia law. However, **Sexual Abuse** means an act committed with the intent to sexually molest, arouse, or gratify any person, where: (a) the accused intentionally touches the complaining witness's intimate parts or material directly covering such intimate parts; (b) the accused forces the complaining witness to touch the accused's, the witness's own, or another person's intimate parts or material directly covering such intimate parts; (c) if the complaining witness is under the age of 13, the accused causes or assists the complaining witness to touch the accused's, the witness's own, or another person's intimate parts or material directly covering such intimate parts; or (d) the accused forces another person to touch the complaining witness's intimate parts or material directly covering such intimate parts. In the State of Virginia, **Stalking** is defined as: Any person, except a law-enforcement officer, and acting in performance of his official duties, and a registered private

	investigator, who is regulated and acting in the course of his legitimate business, who on more than one occasion engages in conduct directed at another person with the intent to place, or when he knows or reasonably should know that the conduct places that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member is guilty of a Class 1 misdemeanor. If the person contacts or follows or attempts to contact or follow the person at whom the conduct is directed after being given actual notice that the person does not want to be contacted or followed, such actions shall be prima facie evidence that the person intended to place that other person, or reasonably should have known that the other person was placed, in reasonable fear of death, criminal sexual assault, or bodily injury to himself or a family or household member. The institution has determined, based on good-faith research that **Consent** is not defined by the State of Virginia. However, the definition of **rape** provides that: If any person has sexual intercourse with a complaining witness, whether or not his or her spouse, or causes a complaining witness, whether or not his or her spouse, to engage in sexual intercourse with any other person and such act is accomplished (i) against the complaining witness's will, by force, threat or intimidation of or against the complaining witness or another person; or (ii) through the use of the complaining witness's mental incapacity or physical helplessness; or (iii) with a child under age 13 as the victim, he or she shall be guilty of rape.