

PROCEDURE TITLE:	REPORTING & INVESTIGATING SEXUAL ASSAULT, SEXUAL MISCONDUCT & OTHER FORMS OF DISCRIMINATION
PROCEDURE NO.:	5.01:2REV
RELATED POLICY:	5.01REV
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RESPONSIBLE ADMINISTRATOR(S):	TITLE IX COORDINATOR, DEAN OF STUDENTS, HR DIRECTOR
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APPROVED BY:	PRESIDENT

1.0 INTRODUCTION AND PURPOSE STATEMENT

- 1.1 This procedure serves to implement the investigation and complaint provisions of Policy 5.01, Non-Discrimination/Sexual Harassment, by identifying University pathways for students, employees and campus visitors to report sexual violence, sexual misconduct (sexual harassment), other unlawful discrimination, and retaliation, and to ensure that all discrimination complaints received by the University are reviewed and responded to promptly and in a fair and equitable manner.
- 1.2 This procedure further serves to provide additional focus on sexual misconduct and to ensure compliance with laws that serve to prevent sexual violence, including the Jeanne Clery Act and the Violence Against Women Reauthorization Act.
- 1.3 The terms “Complainant” and “Respondent” are used throughout this procedure. These terms are defined in Section 18, Definitions, along with terminology associated with sex and gender discrimination.

2.0 JURISDICTION AND APPLICATION

- 2.1 This procedure applies to complaints of sexual misconduct and other prohibited discrimination that take place at the following locations, events and circumstances:
 - 2.1.1 On property that is owned, leased or managed by the University, including student housing and athletic fields.

- 2.1.2 At academic and non-academic University-sponsored events, and activities sponsored or conducted by student organizations.
 - 2.1.3 That occur off-campus when the Title IX Coordinator or other administrator responsible for this procedure determines that the alleged off-campus conduct could reasonably create a hostile environment or be detrimental to the University.
 - 2.2 This procedure applies to all aspects of the University's programs and operations and applies to all employees, students, visitors, agents and volunteers.
- 3.0 EMPLOYEE DUTY TO REPORT
- 3.1 All University employees, except those exempted by legal privilege of confidentiality, such as University counselors, have an obligation under Ohio law to report incidents of a known sexual or other felonious assault to Public Safety or other law enforcement authority immediately.
 - 3.2 Mandatory Reporters. The following University employees by virtue of their position are considered "mandatory reporters" and have an obligation to report a violation of the Non-Discrimination/Harassment policy when they become aware of information that would lead a reasonable person to believe that prohibited discrimination may have occurred involving anyone covered under this procedure:
 - 3.2.1 Human Resources professionals
 - 3.2.2 Student Affairs professionals, and para-professionals (resident advisors)
 - 3.2.3 Supervisors
 - 3.2.4 Academic department chairs, program directors, program coordinators, clinical coordinators and developmental directors
 - 3.2.5 Faculty members, including adjuncts
 - 3.2.6 Athletics coaches, assistant coaches, and trainers
 - 3.2.7 Public Safety personnel
 - 3.3 Any person obligated to report under this section and who fails to report or take appropriate action, is subject to discipline.
 - 3.4 Any other person with knowledge or belief that sexual misconduct or other prohibited discrimination has occurred should report the alleged acts immediately

to a University official identified in Section 5, Reporting Pathways, of this procedure.

3.5 The following employees are exempt from reporting:

3.5.1 University employees who serve as counselors in the University's Counseling and Psychological Services; and

3.5.2 University employees in the SSU Health Clinic who have a professional license requiring confidentiality or are supervised by a person with such professional license are exempt from the duty to report.

4.0 FALSE ALLEGATIONS

4.1 It is a violation to knowingly make a false allegation or report of sexual misconduct, other discrimination or retaliation. Any employee or student found to knowingly or recklessly have made a false report or allegation is subject to discipline.

4.2 A University finding that sexual misconduct or other prohibited discrimination did not occur or that there was a lack of sufficient evidence to prove a claim of sexual misconduct/discrimination does not necessarily mean that a false allegation or report has been made.

5.0 REPORTING PATHWAYS

5.1 Any individual, student, employee or contractor or other campus visitor who has experienced, witnessed, or has been made aware of an incident of sexual misconduct/harassment, unwelcome sexual behavior, discrimination or retaliation, is encouraged to report it, even if the individual is uncertain whether discrimination, harassment or retaliation has occurred. Any victim, witness or other person, who wishes to consult with someone about an incident without making an official complaint may also contact a University official identified in the Reporting Pathways section of this procedure.

5.2 Reports of sexual misconduct/harassment, other discrimination and retaliation may be through the University's Online Complaint Form <http://www.shawnee.edu/offices/title-IX/complaint.aspx>

Reports may also be directed to any of the below-identified University administrators or officials:

5.2.1 Sexual and Non-sexual Assault, and other crimes of violence

Individuals who experience or witness incidents that involve sexual assault, physical assault, or other violence or threatening behavior

should immediately contact law enforcement. The SSU Department of Public Safety should be contacted for criminal incidents that occur at a University-sanctioned event or on University-owned, leased or managed property, including student housing. The Department of Public Safety can be reached at by calling 740-351-3232. You may also call 911.

5.2.2 Sexual Misconduct

Any person (student, employee, contractor or visitor) may report a violation of sexual misconduct to the Title IX Coordinator or any Deputy Title IX Coordinator. For contact information see:

<http://www.shawnee.edu/offices/title-IX/coordinator.aspx>

5.2.3 Other Forms of Discrimination

5.2.3.1 Students may report any discrimination violation to the Director of Housing and Residence Life or Dean of Students. For contact information see:

<http://www.shawnee.edu/offices/dean-students/>

5.2.3.2 Employees may report any discrimination violation to the Director of Human Resources, a supervisor or higher ranking administrator. For contact information see:

<http://www.shawnee.edu/offices/human-resources/compliance.aspx#eeo>

5.2.3.3 Campus visitors may report a violation to the Director of Human Resources. For contact information see:

<http://www.shawnee.edu/offices/human-resources/compliance.aspx#eeo>

5.3 Making a report to one of the above listed University offices does not preclude an individual from also filing a complaint with an external agency, such as the Ohio Civil Rights Commission (OCRC), the Equal Employment Opportunity Commission (EEOC), or the Office for Civil Rights in the U.S. Department of Education (OCR). Nor does it extend time limits with those agencies. Information regarding filing charges with an outside agency may be obtained by contacting the agency directly or from Human Resources.

5.4 Anonymous Complaints and Requests for Anonymity

5.4.1 Anonymous complaints will be accepted, however, the University's ability to fully and effectively investigate may be limited.

5.4.2 In situations where a complainant requests anonymity or declines to participate in an investigation, the University will honor that request, if it is possible to do so while also protecting the health and safety of the

complainant and the University community. In such circumstances, the University may take other appropriate steps designed to eliminate the reported conduct, prevent its recurrence, and remedy its effects on the complainant and the University community.

- 5.4.3 In all circumstances, a complainant has a right not to participate in an investigation.

6.0 CONFIDENTIALITY AND PRIVACY

In order to protect all parties, every effort will be made to handle the matter throughout the investigative process as discreetly as possible, but it is not possible to guarantee absolute confidentiality. Information received during the course of the investigation will be treated as confidential, except to the extent it is necessary to disclose information in the investigation process or when required by law.

7.0 RETALIATION

The University will not tolerate retaliation in any form against any person who makes an allegation, reports, serves as a witness, assists a complainant or participates in the University's investigation. Any employee or student determined to have committed retaliation, is subject to discipline in accordance with the applicable University process. Any visitor found to have retaliated is subject to a campus ban and other available legal remedies.

8.0 ROMANTIC AND SEXUAL RELATIONSHIPS IN SUPERVISORY AND INSTRUCTIONAL SETTINGS

- 8.1 Consensual romantic or sexual relationships in which one party retains a direct supervisory or evaluative role over the other party are unethical, create a risk for real or perceived coercion, and are expressly a violation of this policy. Furthermore, the possibility of a future amorous relationship may distort the present instructional or advising relationship.
- 8.2 Therefore, persons with direct supervisory, evaluative, grading, coaching, counseling, or academic advising responsibilities who are involved in such relationships must bring those relationships to the attention of their supervisor. This will likely result in the necessity to remove the employee from the supervisory, evaluative, grading, or academic advising responsibilities.
- 8.3 Shawnee State University does not intrude upon private choices regarding personal relationships when these relationships do not violate the policies of the University, cause harm to the safety and wellbeing of members of campus community, or increase the risk of harm to the safety and wellbeing of members of campus community.

9.0 CLASSROOM AND INSTRUCTIONAL SETTINGS

The classroom and other instructional setting may provide special circumstances since academic freedom protects the expression of ideas, even if controversial or offensive. However, conduct will not be exempt merely because it occurs in an instructional setting. The investigation relating to alleged offensive conduct will consider the legitimate pedagogical context and appropriate deference will be afforded to the presentation or discussion in an instructional setting of sexual topics that are mature, controversial, graphic or explicit and not considered sexual harassment, even if some persons find these topics offensive.

10.0 INTERIM MEASURES

10.1 Upon receipt of a report of a violation of the Non-Discrimination/Sexual Harassment Policy, the University will work with the complainant to take or identify measures for support in order to ensure equal access to the University's education and employment programs and activities. Such support may be available before the final outcome of the investigation and may even be made without a formal investigation.

10.2 Student Interim measures include, but are not limited to:

- 10.2.1 No contact order
- 10.2.2 Change in housing assignment
- 10.2.3 Availability of off-campus resources
- 10.2.4 Counseling
- 10.2.5 Health services
- 10.2.6 Safety resources, including safety escort service
- 10.2.7 Academic support
- 10.2.8 Change in work or class schedule and/or location

10.3 Employee Interim measures include, but are not limited to:

- 10.3.1 No contact order
- 10.3.2 Availability of off-campus resources
- 10.3.3 Employee Assistance Program (EAP)
- 10.3.4 Safety resources, including safety escort service
- 10.3.5 Change in work schedule and/or location

11.0 INFORMAL RESOLUTION

- 11.1 An informal process to resolve a sexual misconduct/discrimination complaint may be appropriate in some circumstance when all parties agree. Informal or early resolution is encouraged when the parties desire to resolve the situation cooperatively and/or when a formal resolution is not likely to yield a satisfactory outcome. Participation in the informal resolution process is voluntary.
- 11.2 The University will not offer the informal process in cases of sexual violence or felonious assault.
- 11.3 If the University deems the matter appropriate for informal resolution, a University conduct officer (for students) or designated administrator will work with the parties towards a mutually agreed upon resolution.
- 11.3.1 The process may include an inquiry into the facts, informal discussion with the parties, mediation, and/or referral to counseling.
- 11.3.2 The resolution may include educational and training programs for either or both parties and specific remedies for the individual harmed by the offense.
- 11.3.3 Any party may end the early resolution process at any time and may choose to either begin the formal complaint process or to not further pursue the matter.

12.0 UNIVERSITY OFFICES RESPONSIBLE FOR CONDUCTING DISCRIMINATION INVESTIGATIONS

The University will investigate all reports of sexual misconduct and discrimination. Reports of sexual misconduct or other discrimination will be assessed and investigated by the following offices:

12.1 Sexual Misconduct.

The Title IX Coordinator or assigned deputy is responsible for the assessment and investigation of all reports of sexual misconduct. The Title IX Coordinator is responsible for monitoring all sexual misconduct investigations.

12.2 Other Discrimination

12.2.1 Reports made against a student will be assessed and investigated by the Director of Housing and Residence Life or Student Affairs Conduct Officer. The Director of Housing and Residence Life is also responsible for monitoring the investigation.

12.2.2 Reports made against an employee will be assessed and investigated by the Director of Human Resources or designee.

12.2.3 Reports made against an outside vendor, contractor or other visitor will be assessed and investigated by Public Safety or Human Resources.

13.0 COMPLAINT ASSESSMENT

13.1 In determining whether to pursue a formal investigation, an assessment will be made by the responsible official identified in Section 12 to determine whether the allegations are sufficiently specific and credible and what office(s) should be involved in the investigatory process.

13.2 The assessment will typically include a meeting with the complainant to clarify the complaint. Such meeting may also be an opportunity to assess whether the matter is appropriate for an informal resolution. (See Section 11, Informal Resolution.)

14.0 INVESTIGATION PROCESS

14.1 General Approach and Information

14.1.1 All parties will be informed of the investigative process and allegations being investigated.

14.1.2 The investigation generally will include interviews with the parties, interviews with other witnesses as determined by the investigator, and a review of relevant documents.

14.1.3 In cases of alleged sexual assault, relationship violence, or stalking, parties will be given timely and equal access to information that will be used during disciplinary meetings and hearings. In cases of non-violent sexual misconduct and other forms of discrimination, the investigator may, if deemed appropriate, equitably share information with all parties.

14.2 Interfering with an Investigation

14.2.1 Any party, witness, or other individual who interferes with a University investigation will be in violation of Policy 5.01 and this procedure, and is subject to discipline in accordance with the applicable University process. Interfering with an investigation includes, but is not limited to, the following:

14.2.1.1 Falsification, distortion, and/or misrepresentation of information at any point during the investigation or resolution process;

14.2.1.2 Attempting to discourage an individual's participation in the investigation or resolution process;

14.2.1.3 Attempting to influence the impartiality of an investigator or decision-maker.

14.3 Support Person.

Parties may have one individual (example: friend, family member, union representative or student ombudsman) present during any investigation meeting, student hearing, or other disciplinary proceeding that the party is noticed to attend. The support person does not serve as a spokesperson and may not unreasonably interject or interfere during any interview, meeting or hearing. If a support person is determined to be unreasonably interfering with the meeting or proceeding, that individual may be asked to leave.

14.4 Standard of Review.

The investigator and decision-maker will apply the "preponderance of evidence" standard to determine whether a violation of this policy has occurred. Therefore, if a violation of Policy 5.01, Non-Discrimination/Sexual Harassment, is found, the behavior is more likely than not to have occurred.

14.5 Investigation Timeframe.

14.5.1 A typical investigation will take approximately 60 calendar days following receipt of the complaint. This will vary depending on the complexity of the investigation and the severity and extent of the alleged discriminatory violation.

14.5.2 The process may also be extended if necessary due to holidays and academic breaks, illness, and unavailability of parties or witnesses.

15.0 INVESTIGATIVE FINDINGS

The investigator will report to the decision-making administrator of the investigative finding and may, if advised by the decision-making administrator, include recommended corrective actions. If the respondent is a student, the final report will be directed to the Dean of Students. If the respondent is an employee, the final report will be directed to the appropriate department or administrator responsible for the supervision and discipline of the employee. A written summary report will be provided to the parties.

16.0 RESOLUTION, CORRECTIVE ACTION AND OTHER REMEDIES

16.1 If the investigative report concludes that no violation of the discrimination policy occurred, the disciplinary process will not be initiated, no corrective action will be taken and the parties will be notified in writing.

16.2 If the investigative report concludes that a violation may have or has likely occurred, the matter will follow a University disciplinary review process described below. Corrective actions may include formal reprimand, suspension and termination.

16.2.1 If respondent is a University employee:

16.2.1.1 Full-time regular faculty member. The disciplinary review process for a full time regular faculty member is described in the article titled “Complaint Resolution and Disciplinary Process” in the collective bargaining agreement between the University and the Shawnee Education Association (SEA). The matter will be reviewed by the College Dean. This process provides a pathway for appeal.

Link to collective bargaining agreement:

<http://www.shawnee.edu/offices/human-resources/media/SEA-Contract.pdf>

16.2.1.2 Administrative and Administrative Technical Support Staff (ATSS), which includes managerial, supervisory, administrative and Public Safety employees, are subject to SSU Policy 4.51, which addresses “corrective action.” The matter will be reviewed by either the Vice President for the employee’s division or other senior level administrator.

Link to University policy:

<http://www.shawnee.edu/leadership/policies/media/policy-451rev.pdf>

16.2.1.3 Hourly employees (non-administrative). The disciplinary review process for full-time and regular part-time hourly employees is described in the article titled “Discipline” in the collective bargaining agreement between the University and the Communications Workers of America (CWA). The matter will be reviewed by either the Vice President for the employee’s division or other senior level administrator.

Link: <http://www.shawnee.edu/offices/human-resources/media/CWA-Contract-2013-2016.pdf>

16.2.1.4 Security officers. The disciplinary review process for security officers is addressed in Policy 4.85, Corrective Action. Link: <http://www.shawnee.edu/leadership/policies/media/policy-485.pdf>

16.2.2 If the respondent is a student, the judicial hearing process in the Student Conduct Code will be followed. Potential sanctions under the Student Conduct Code include official warnings, remedial sanctions, disciplinary probation, deferred suspension, suspension, dismissal, and other educational sanctions deemed appropriate. The Conduct Code provides a pathway for an appeal.

<http://www.shawnee.edu/offices/dean-students/media/student-conduct-code.pdf>

16.2.3 When the respondent is not affiliated with the University, the recommendations will be implemented by the appropriate office. The University response may include a permanent ban from campus.

16.3 In all cases of alleged violation of the policy, the respondent student or employee will be informed in writing of the finding and any recommendation for sanctions or corrective action. The complainant will be informed in writing of the finding, any actions taken to resolve the complaint that are directly related to the complainant, and any disciplinary action or sanction imposed when the complainant needs to be aware of the sanction for it to be fully effective (e.g., restrictions on communication or contact with the complainant).

16.4 In cases of sexual assault, relationship violence, or stalking, parties will receive notice of findings simultaneously, in writing, including notice of all sanctions or corrective actions imposed.

17.0 OTHER REMEDIES

When the University makes a finding of a policy violation it will take steps, whether individual or systemic, to stop the alleged sexual misconduct or other discrimination, prevent its recurrence, eliminate any hostile environment, and remedy the discriminatory effects on the complainant and others, as appropriate.

18.0 DEFINITIONS

18.1 Complainant The individual who files a report or on whose behalf a report is filed.

18.2 Respondent The individual against whom a report has been filed.

- 18.3 Sex and Gender Based Discrimination Negative or adverse treatment based on sex (including sexual harassment, sexual violence, sexual misconduct, relationship violence (domestic violence or dating violence) or stalking), gender, gender identity, sexual orientation, or pregnancy, and the treatment denies or limits the individual's ability to obtain the benefits of Shawnee State's programs or activities.
- 18.4 Gender Identity A person's innermost concept of self as male or female or both or neither—how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different than the sex assigned at birth.
- 18.5 Sexual Orientation A person's sexual identity in relation to the gender to which they are attracted; the fact of being heterosexual, homosexual, or bisexual.
- 18.6 Sexual Harassment
- 18.6.1 Sexual harassment includes sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature that is unwelcome and sufficiently severe or pervasive from both a subjective (the complainant's) and an objective (reasonable person's) viewpoint.
- 18.6.2 Sexual harassment can take two forms - quid pro quo or hostile environment:
- 18.6.2.1 Quid pro quo sexual harassment exists when:
- 18.6.2.1.1 There are unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature; and
- 18.6.2.1.2 Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status; or
- 18.6.2.1.3 Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions adversely affecting such individual.
- 18.6.2.2 Hostile environment in the employment context includes any situation in which there is harassing conduct that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment; hostile environment in the education context includes any situation in

which there is harassing conduct that limits, interferes with or denies educational benefits or opportunities, from both a subjective (the complainant's) and an objective (reasonable person's) viewpoint. The determination of whether an environment is "hostile" is based on a totality of circumstances. These circumstances may include:

- 18.6.2.2.1 The degree to which the conduct interfered with complainant's educational or work performance;
- 18.6.2.2.2 The type, frequency, and duration of the conduct;
- 18.6.2.2.3 The identity of and relationship between the accused and the complainant(s);
- 18.6.2.2.4 The number of individuals involved;
- 18.6.2.2.5 The age and sex of the accused and the complainant(s);
- 18.6.2.2.6 The location of the incident(s) and the context in which it occurred;
- 18.6.2.2.7 The nature and severity of the conduct;
- 18.6.2.2.8 Whether the conduct was physically threatening;
- 18.6.2.2.9 Whether the conduct was humiliating;
- 18.6.2.2.10 The effect of the conduct on the complainant's mental or emotional state;
- 18.6.2.2.11 Whether the conduct arose in the context of other discriminatory conduct;
- 18.6.2.2.12 Whether the speech or conduct deserves the protections of academic freedom or the first amendment.

18.6.3 A single or isolated incident of sexual harassment (e.g., rape) may be severe enough to create a hostile environment. All such acts of sexual harassment are forms of sexual misconduct covered under this policy.

18.7 Sexual Misconduct is conduct of a sexual nature or conduct based on sex or gender that is non-consensual or has the effect of threatening, intimidating, or coercing a person.

- 18.8 Sexual Violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the person's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including: rape, sexual assault, and sexual coercion. All such acts of sexual violence are forms of sexual harassment covered under Title IX. Gender-based violence may be directed at a person because of the person's gender, gender identity or perceived gender/gender identity.
- 18.9 Sexual Assault is any type of sexual contact or behavior that meets the definition of non-consensual sexual intercourse or of non-consensual sexual contact.
- 18.9.1 Non-consensual sexual contact is any intentional sexual touching, however slight, with any body part or object, by any individual upon another individual that is without consent and/or by force or coercion.
- 18.9.2 Sexual contact includes: intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts or object, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth, or other orifice. All such acts of non-consensual sexual contact are forms of sexual assault, and therefore sexual misconduct, covered under this policy.
- 18.9.3 Non-consensual sexual intercourse is any sexual penetration, however slight, with any body part or object, by any individual upon another individual that is without consent and/or by force or coercion.
- 18.9.4 Sexual penetration includes: vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact); no matter how slight the penetration or contact. All such acts of non-consensual sexual intercourse are forms of sexual assault, and therefore sexual misconduct, covered under this policy.
- 18.10 Relationship Violence includes dating violence and domestic violence. All such acts of relationship violence are forms of sexual misconduct covered under this procedure.
- 18.10.1 Domestic Violence is that which would meet the definition of a felony or misdemeanor crime of violence committed by the complainant's current or former spouse or intimate partner, a person with whom the complainant shares a child in common, a person who is or has cohabitated with the complainant as a spouse or intimate partner, or individual similarly situated to a spouse under domestic or family

violence law, or anyone else protected under the domestic or family violence law of the jurisdiction in which the offense occurred. An individual need not be charged with or convicted of a criminal offense to be found responsible for domestic violence pursuant to this policy.

- 18.10.2 Dating violence is violence or threat of violence by an individual who has been in a social relationship of a romantic or intimate nature with the complainant. Whether there was such relationship will be determined based on the reporting party's statement and with consideration of the length and type of relationship, and the frequency of interaction of the persons involved in the relationship.
- 18.11 Consent is permission that is clear, knowing, voluntary, and expressed prior to engaging in and during an act. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.
- 18.11.1 Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- 18.11.2 Consent may be withdrawn at any time.
- 18.11.3 Previous relationships or prior consent cannot imply consent to future sexual acts; this includes "blanket" consent (i.e., permission in advance for any/all actions at a later time/place).
- 18.11.4 Consent cannot be given by an individual who one knows to be – or based on the circumstances should reasonably have known to be – substantially impaired (e.g., by alcohol or other drug use, unconsciousness or blackout, etc.).
- 18.11.5 Substantial impairment is a state when an individual cannot make rational, reasonable decisions because she/he lacks the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why, or how" of their sexual interaction).
- 18.11.6 This policy also covers individuals whose substantial impairment results from other physical or mental conditions including mental disability, sleep, involuntary physical restraint, or from the consumption of alcohol or other drugs.
- 18.11.7 Being impaired by alcohol or other drugs will never function as a defense for any behavior that violates this policy.

18.11.8 An individual cannot consent who has been coerced, including being compelled by force, threat of force, or deception; who is unaware that the act is being committed; or who is coerced by a supervisory or disciplinary authority.

18.12 Stalking is a course of conduct directed at a specific individual that would cause a reasonable person under similar circumstances and with similar identities to the complainant to fear for her, his, or others' safety, or to suffer substantial emotional distress. A course of conduct includes two or more acts, including but not limited to, those in which the alleged perpetrator directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about the complainant, or interferes with the complainant's property.

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