Table of Contents

Section I: University of Phoenix Safety ................................................................. 4
  1.1 University of Phoenix Safety Declaration ..................................................... 4
  1.2 The Campus Security Authority .................................................................... 4
    1.2.1 University of Phoenix Corporate Security .............................................. 7
    1.2.2 Training of Contracted Guards ............................................................. 7
    1.2.3 Contracted Guards’ Communication with Campus Safety Coordinators .... 8
  1.3 Memorandum of Understanding with Local or State Police Agencies ........... 8
  1.4 Annual Review of the Campus Safety Program ............................................. 8

Section II: Reporting and Disclosure of Campus Safety Policies and Annual Crime Statistics .. 9
  2.1 Notifying the University Community ............................................................ 9
  2.1.1 Notifying Prospective Students, Faculty, and Staff ................................. 9
  2.2 Procedure for Gathering and Disclosing Annual Crime Statistics ............... 9

Section III: Safety Awareness and Crime Prevention ........................................... 11
  3.1 Crime Prevention Measures ......................................................................... 11
  3.2 Safety and Access to University Facilities .................................................. 11
  3.3 Maintenance on Campuses .......................................................................... 13
  3.4 Safety Programs .......................................................................................... 13
    3.4.1 Informing New Staff of Safety Reporting Procedures ............................ 14
  3.5 Emergency Evacuation Planning .................................................................. 14
    3.5.1 Emergency Evacuation Assistance ....................................................... 14
  3.6 Timely Warning Notifications to the Campus Community ........................... 14

Section IV: Emergency Mass Notification .......................................................... 16
  4.1 General Policy ............................................................................................ 16
  4.2 Weather Emergencies .................................................................................. 16
  4.3 Reporting Emergencies ................................................................................ 17
  4.4 Notifications and Warnings ......................................................................... 17
  4.5 Notification Methods ................................................................................... 19
  4.6 Maintenance of Emergency Contact Information ........................................ 20
  4.7 Responsibility for Emergency Mass Notification Administration .............. 20
  4.8 Monitoring and Enforcement ...................................................................... 21
  4.9 Definitions ................................................................................................... 21

Section V: Reporting Criminal Activities ............................................................. 23
  5.1 Reporting Emergency Criminal Activities .................................................... 23
    5.1.1 Reporting Weapons on Campus ............................................................. 23
  5.2 Reporting Criminal Activity to the Campus Safety Coordinator .................... 24
  5.3 Anonymous and Confidential Reporting of Crimes ..................................... 24
Section VI: Reportable Offenses .................................................. 2
  6.1 List of Clery Act Reportable Offenses ........................................ 2
  6.2 Crime Definitions ...................................................................... 2
    6.2.1 Criminal Offenses .................................................................. 2
    6.2.2 Hate Crimes ......................................................................... 3
    6.2.3 VAWA Offenses .................................................................... 4
    6.2.4 Arrests and Referrals for Disciplinary Action ......................... 5
  6.3 Reportable Locations .................................................................. 5
  6.4 "Unfounded" Crimes ................................................................. 6

Section VII: University Cooperation with Law Enforcement Agencies .................... 7

Section VIII: No Weapons on Campus ..................................................... 8
  8.1 Uniformed Law Enforcement Officers .......................................... 8
  8.2 Non-uniformed Law Enforcement Officers .................................... 9
    8.2.1 Request Process for Students ................................................ 9
    8.2.2 Request Process for Faculty Members .................................... 9

Section IX: Policies and Programs Concerning Alcohol and Other Drugs ..................... 11
  9.1 Alcohol and Other Drug Abuse Prevention and Counseling Services .............. 12
    9.1.1 Student Resources ................................................................ 12
    9.1.2 Employee Resources ............................................................ 12
    9.1.3 National Resources ............................................................... 12
  9.2 Health Risks of Alcohol and Other Drugs ........................................ 13
  9.3 Physical and Psychological Dependence and Effects of Specified Drugs ............. 13
  9.4 Standards of Conduct ............................................................... 13
  9.5 Sanctions the University Will Impose for Alcohol or Other Drugs Violations ......... 14
    9.5.1 Federal Drug Laws ............................................................... 14
    9.5.1.1 Federal Penalties and Sanctions for Illegal Trafficking and Possession of a Controlled Substance 15
  9.7 State Drug and Alcohol Statutes .................................................. 16

Section X: Sexual Violence Policy and Prevention ............................................. 28
  10.1 Reporting Dating Violence, Domestic Violence, Sexual Assault, and Stalking ........ 30
  10.2 Definitions .............................................................................. 30
    10.2.1 State Definitions ............................................................... 34
  10.3 Facts about Dating Violence, Domestic Violence, Sexual Assault, and Stalking ....... 72
  10.4 Bystander Intervention .............................................................. 72
  10.5 Risk Reduction ........................................................................ 73
Appendices

Section XII: Enrollment, Employment, and Student Organizations

12.1 Enrollment

12.2 Student Housing

12.3 Employment

12.4 Student Organizations

Appendices

A: Contacting the Campus Safety Coordinator

B: Counseling and Assistance Resources

B1: Assistance and Services for Victims of Sexual Violence

B2: National Legal Services

B4: University of Phoenix Sponsored Student and Employee Assistance Programs

B5: Alcohol and Other Drug Abuse Referral Services

B6: Suicide Referral Services

B7: Veteran Referral Services

C: Contacting the Campus Safety Team

D: Acronyms
Section I: University of Phoenix Safety

University of Phoenix (the "University" or "UOPX") developed important programs to help protect your safety and well-being. The following information is not a contract. It is, however, a collection of our campus safety policies, and we encourage you to read it carefully.

1.1 University of Phoenix Safety Declaration

_Education requires a safe environment for success. University of Phoenix is strongly committed to crime prevention and the safety of our members. Your cooperation is essential to minimize criminal activity and create a safer community for all._

Institutions of higher education are not without occasional crimes. You are not only a citizen of the country and state in which you live; you are an important member of the UOPX community of students, faculty and staff. This means that you must obey both U.S. law and the rules and regulations of the University. Being aware of those rules and taking personal responsibility for your own conduct and safety improves the quality of life for everyone at the University.

A well-informed campus community helps create a safety-conscious public. The University follows federal law and annually publishes and distributes crime statistics for the three previous calendar years. You may review these statistics at [http://www.phoenix.edu/about_us/campus-safety.html](http://www.phoenix.edu/about_us/campus-safety.html).

1.2 The Campus Security Authority

To help ensure the safety of the campus community, the University has Campus Security Authorities (CSAs) (for reporting crimes) and a designated Campus Safety Coordinator at every local campus (as defined in 34 C.F.R. § 668.46). At certain campus locations, we also provide security guards (via third-party contracted guard services). In some instances, we contract with law enforcement officials. UOPX also fully cooperates with law enforcement and local, state, and federal regulations to help keep our campus community safe.

The University complies with the _Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act_, or _"Clery Act,"_ a federal statute requiring all institutions of higher education that participate in federal financial aid programs to keep and disclose information about crime on and near their campuses and in all other areas located within the University’s Clery geography. We also comply with the _Violence Against Women Reauthorization Act of 2013 (VAWA)_ (42 USC 13701-14040) and the _Illinois Preventing Sexual Violence in Higher Education Act_ (110 ILCS 155). The Clery Act states that a CSA can be defined as any one of the following:

- A campus police department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
- Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
• An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.

This Campus Safety Policies document refers to the designated Campus Safety Coordinator as the individual the University designates at every local campus and identifies below. You can also find each Campus Safety Coordinator’s name and contact information at www.phoenix.edu/about_us/campus_safety/campus_safety_contact_list.html. Additional information is provided on the In Case of an Emergency poster, included within the Poster Compliance Binder, in all UOPX classrooms and common areas (e.g., breakrooms).

Below are the persons to whom students, faculty, and staff should report crimes. Visitors and others not associated with the University can also contact these CSA reporting contacts to report crimes:

Security Operations Center
(866) 992-3301
(602) 557-7000
SOC@phoenix.edu

Sr. Director of Security
Steve Lindsey
(602) 557-7537
Steve.Lindsey@phoenix.edu

Title IX Coordinator
Bridget Beville, JD
(602) 557-1823
(480) 273-0455
TIXC@phoenix.edu

Ethics Helpline
(888) 310-9569
www.UOPXhelpline.com

Campus Safety Coordinators

<table>
<thead>
<tr>
<th>Arizona</th>
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<tbody>
<tr>
<td>Phoenix</td>
<td>Ashley Kucharik</td>
<td>(602) 557-1090</td>
<td><a href="mailto:Ashley.Kucharik@phoenix.edu">Ashley.Kucharik@phoenix.edu</a></td>
<td></td>
</tr>
<tr>
<td>Southern Arizona</td>
<td>Juan Castellanos</td>
<td>(520) 239-5214</td>
<td><a href="mailto:Juan.Castellanos@phoenix.edu">Juan.Castellanos@phoenix.edu</a></td>
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<tr>
<th>California</th>
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<tbody>
<tr>
<td>Bay Area</td>
<td>Jackie Klinck</td>
<td>(408) 678-1125</td>
<td><a href="mailto:Jackie.Klinck@phoenix.edu">Jackie.Klinck@phoenix.edu</a></td>
<td></td>
</tr>
<tr>
<td>Bakersfield</td>
<td>Alex Monsibais III</td>
<td>(661) 565-9003</td>
<td><a href="mailto:Alex.MonsibaisIII@phoenix.edu">Alex.MonsibaisIII@phoenix.edu</a></td>
<td></td>
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<tr>
<td>Fresno</td>
<td>Alex Treas</td>
<td>(559) 312-1126</td>
<td><a href="mailto:Alex.Treas@phoenix.edu">Alex.Treas@phoenix.edu</a></td>
<td></td>
</tr>
<tr>
<td>Visalia</td>
<td>Heather Sanchez</td>
<td>(559) 738-3304</td>
<td><a href="mailto:Heather.Sanchez@phoenix.edu">Heather.Sanchez@phoenix.edu</a></td>
<td></td>
</tr>
<tr>
<td>Sacramento Valley</td>
<td>Chris Nunes</td>
<td>(916) 830-3802</td>
<td><a href="mailto:Chris.Nunes@phoenix.edu">Chris.Nunes@phoenix.edu</a></td>
<td></td>
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<tr>
<td>San Diego</td>
<td>Jimmy Tighe</td>
<td>(858) 650-3899</td>
<td><a href="mailto:Jimmy.Tighe@phoenix.edu">Jimmy.Tighe@phoenix.edu</a></td>
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<tr>
<td>Southern California</td>
<td>Miguel Cadena</td>
<td>(310) 995-6022</td>
<td><a href="mailto:Miguel.Cadena@phoenix.edu">Miguel.Cadena@phoenix.edu</a></td>
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<tr>
<td>Location</td>
<td>Name</td>
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<tr>
<td>Colorado</td>
<td>Benjamin Fagre</td>
<td>(801) 506-4138</td>
<td><a href="mailto:Ben.Fagre@phoenix.edu">Ben.Fagre@phoenix.edu</a></td>
<td></td>
</tr>
<tr>
<td>Florida</td>
<td>Tony Atkinson</td>
<td>(407) 463-8327</td>
<td><a href="mailto:Tony.Atkinson@phoenix.edu">Tony.Atkinson@phoenix.edu</a></td>
<td></td>
</tr>
<tr>
<td>Miramar</td>
<td>Claire Leclaire</td>
<td>(954) 628-1647</td>
<td><a href="mailto:ClaireFranchesca.Leclaire@phoenix.edu">ClaireFranchesca.Leclaire@phoenix.edu</a></td>
<td></td>
</tr>
<tr>
<td>Georgia</td>
<td>Samira Karyampudi</td>
<td>(770) 351-1402</td>
<td><a href="mailto:Samira.Karyampudi@phoenix.edu">Samira.Karyampudi@phoenix.edu</a></td>
<td></td>
</tr>
<tr>
<td>Hawaii</td>
<td>Ivy Wong</td>
<td>(808) 524-9848</td>
<td><a href="mailto:Ivy.Wong@phoenix.edu">Ivy.Wong@phoenix.edu</a></td>
<td></td>
</tr>
<tr>
<td>Illinois</td>
<td>Phil Cline</td>
<td>(312) 521-6889</td>
<td><a href="mailto:Phil.Cline@phoenix.edu">Phil.Cline@phoenix.edu</a></td>
<td></td>
</tr>
<tr>
<td>Nevada</td>
<td>Monica Moya</td>
<td>(702) 352-2928</td>
<td><a href="mailto:Monica.Moya@phoenix.edu">Monica.Moya@phoenix.edu</a></td>
<td></td>
</tr>
<tr>
<td>New Jersey</td>
<td>Shanielle Liburd</td>
<td>(201) 356-5720</td>
<td><a href="mailto:Shanielle.Liburd@phoenix.edu">Shanielle.Liburd@phoenix.edu</a></td>
<td></td>
</tr>
<tr>
<td>North Carolina</td>
<td>Andrew Nemeth</td>
<td>(704) 501-3094</td>
<td><a href="mailto:Andrew.Nemeth@phoenix.edu">Andrew.Nemeth@phoenix.edu</a></td>
<td></td>
</tr>
<tr>
<td>Texas</td>
<td>Shequeta Rainey</td>
<td>(214) 708-9052</td>
<td><a href="mailto:Shequeta.Rainey@phoenix.edu">Shequeta.Rainey@phoenix.edu</a></td>
<td></td>
</tr>
<tr>
<td>Arlington</td>
<td>Shequeta Rainey</td>
<td>(214) 708-9052</td>
<td><a href="mailto:Shequeta.Rainey@phoenix.edu">Shequeta.Rainey@phoenix.edu</a></td>
<td></td>
</tr>
<tr>
<td>El Paso</td>
<td>Jerry Cunningham</td>
<td>(575) 874-4643</td>
<td><a href="mailto:Jerry.Cunningham@phoenix.edu">Jerry.Cunningham@phoenix.edu</a></td>
<td></td>
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<tr>
<td>Houston</td>
<td>Leonardo Galvan</td>
<td>(713) 576-3876</td>
<td><a href="mailto:Leonardo.Galvan@phoenix.edu">Leonardo.Galvan@phoenix.edu</a></td>
<td></td>
</tr>
<tr>
<td>San Antonio</td>
<td>Sandra Villanueva</td>
<td>(210) 524-2127</td>
<td><a href="mailto:Sandra.Villanueva@phoenix.edu">Sandra.Villanueva@phoenix.edu</a></td>
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</tr>
<tr>
<td>Utah</td>
<td>Benjamin Fagre</td>
<td>(801) 506-4138</td>
<td><a href="mailto:Ben.Fagre@phoenix.edu">Ben.Fagre@phoenix.edu</a></td>
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</tr>
<tr>
<td>Virginia</td>
<td>Andrew Nemeth</td>
<td>(704) 501-3094</td>
<td><a href="mailto:Andrew.Nemeth@phoenix.edu">Andrew.Nemeth@phoenix.edu</a></td>
<td></td>
</tr>
<tr>
<td>Washington</td>
<td>Lisa Virgin</td>
<td>(425) 572-1633</td>
<td><a href="mailto:Lisa.Virgin@phoenix.edu">Lisa.Virgin@phoenix.edu</a></td>
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</table>

Individuals should report any complaints regarding non-compliance with the Clery Act, VAWA, or any state-specific regulations to their local Campus Safety Coordinator.

The Clery Act states that other individuals may also support the CSA function such as front desk University staff, those who provide security or monitor access to campus facilities or parking facilities, and the library or Student Resource Center (SRC). These individuals serve as a point of contact in the event of an emergency, incident, or crime. The local Campus Safety Coordinator advises these individuals of the CSA function, provides Clery Act training, and partners with them to maintain a constant working relationship. Employees and the University’s Corporate Security personnel who handle tasks like patrolling, monitoring access, or providing a driving or walking safety escort also serve in CSA capacities. The local Campus Safety Coordinator provides training on incident reporting and submitting crime reports.

---

1 Location is no longer enrolling new students and remaining classes are being taught off-site
1.2.1 University of Phoenix Corporate Security

UOPX Corporate Security provides security guards (via third-party contracted guard services) on its University properties, excluding the Dallas Campus. These state-licensed personnel report all incidents and crime information to the appropriate Campus Safety Coordinator and/or to UOPX Corporate Security per the Clery Act.

Our contracted security guards and local campus employees work closely with federal, state, and local law enforcement agencies to aid in the arrest of any individual who commits a crime against the University or its members on University property.

The number of contracted security guards UOPX Corporate Security assigns to a local campus may vary depending on the size of the campus community and local crime trends. Each contracted guard meets that state’s basic training requirements for uniformed security personnel. Authorized personnel may carry a guard license, guard certificate, security officer registration, or state-issued guard card. Additionally, UOPX Corporate Security may choose to deploy authorized armed security personnel as needed.

1.2.2 Training of Contracted Guards

UOPX Corporate Security’s contracted security guards receive training that covers the following:

- Laws of arrest, search and seizure, crimes and elements, and use of force
- Report writing basics and documentation requirements
- Workplace violence recognition, response, and prevention
- AED (where applicable), First Aid, and CPR certification
- Clery Act
- Personal appearance and conduct that meet both security industry standards and those of the University
- Personal protection and patrols
- Skills such as verbal communications/customer service, interviewing, and crowd control
- Monitor and control access to restricted areas both visually and electronically (where available)
- Operate, monitor, and/or respond to central alarms, energy management or building automation equipment, Uninterruptible Power Supply (UPS) systems, electronic photo badging equipment, digital cameras, and/or other devices or systems that require monitoring
- Maintain records and logbooks as required
  - Legibly complete daily logs of incidents occurring on the premises, time schedules, and other information as required
- Fire control, prevention, and evacuation procedures

2 A security presence is provided by the property managers at the Dallas Campus; however, the security guards do not have the authority to make arrests and are not affiliated with UOPX Corporate Security.

3 Automated External Defibrillator

4 Cardiopulmonary Resuscitation
• Provide response and assistance during emergency situations

UOPX Corporate Security works to provide at least one security guard at most local campus locations. These individuals serve as a point of contact in the event of an emergency, incident, or crime. The security personnel maintain a working relationship with local Campus Safety Coordinators to deter criminal activity and provide an environment of safety for the local campuses. Additionally, during safety events, the Campus Safety Coordinator will communicate to students and staff that UOPX Corporate Security’s contracted guards can assist with various security aspects, such as taking a written report, assisting the local Emergency Medical Services (EMS), providing safety escorts when requested, patrolling surrounding campus areas, and being a liaison with local law enforcement.

1.2.3 Contracted Guards’ Communication with Campus Safety Coordinators

UOPX Corporate Security’s contracted guards are required to report all crime information to the appropriate Campus Safety Coordinator and/or UOPX Corporate Security per the Clery Act. All information is reviewed by the University’s Campus Safety & Security Manager for Clery Act crime reporting purposes.

1.3 Memorandum of Understanding with Local or State Police Agencies

UOPX currently does not have any formal Memoranda of Understanding (MOU) between its local campuses and any law enforcement agencies.

1.4 Annual Review of the Campus Safety Program

UOPX conducts an annual review of its Campus Safety Program, including Clery Act-related obligations and each separate campus’ Annual Security Report (ASR), to ensure continued compliance with Clery Act requirements.
Section II: Reporting and Disclosure of Campus Safety Policies and Annual Crime Statistics

UOPX provides annual notice of the reporting and disclosure of campus safety policies and annual crime statistics to current students, faculty, and staff.

2.1 Notifying the University Community

Every year, University community members receive a notice of the Annual Security Report electronically. The notice:

- Discloses that annual crime statistics are part of the annual security reports and are available on the University’s public website
- Provides the exact electronic website address where each report is located: https://www.phoenix.edu/about_us/campus-safety.html
- States that community members may request a paper copy of the reports

2.1.1 Notifying Prospective Students, Faculty, and Staff

UOPX also notifies students, faculty, and staff about the availability of its annual security reports. The notice contains the exact website address to obtain these reports, a description of its contents, and states how to request a paper copy. Similarly, when a prospective employee submits an application for employment or a prospective student inquiries about attending the University, a response is provided by the University that contains the link to access the annual security reports, a brief description of content in the reports, and a statement that a paper copy will be provided upon request.

2.2 Procedure for Gathering and Disclosing Annual Crime Statistics

UOPX encourages accurate and prompt reporting of all crimes. A police report must be filed for loss, destruction, or theft of University property, which is considered traceable (i.e., includes a serial number), even if the property was not stolen from a University location. Individual victims may choose to file a police report for the loss, destruction, or theft of personal property and we encourage them to do so. If asked, the Campus Safety Coordinator can assist with submitting police reports for personal property.

The Campus Safety Coordinator will prepare and maintain documentation for all reported campus crimes. Victims and witnesses can report crimes to a CSA or Campus Safety Coordinator to be included in the annual disclosure of crime statistics. If an individual wishes to report the crime on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics, then they can contact the Ethics Helpline at (888) 310-9569 or http://www.UOPXhelpline.com to report anonymously. The University’s annual security reports must include all Clery Act crimes reported to CSAs, regardless of who reported, whether an investigation is initiated, or whether there is any decision by a court, prosecutor, or any other non-campus official unless it has been determined to be “unfounded” by law enforcement personnel. In addition, the University’s annual security reports include any Clery Act crimes reported to local law enforcement collected by the Campus Safety Coordinator through an information request. The Campus Safety Coordinator requests crime data
from local law enforcement at least annually for reportable criminal activities occurring at University
locations.

UOPX Corporate Security prepares and distributes each separate campus’ Annual Security Report on
behalf of the University. UOPX Corporate Security is responsible for:

• Ensuring these Campus Safety Policies are reviewed and updated annually by the University’s
  respective subject matter experts to maintain continued compliance

• Reviewing all crime reports submitted by the CSAs to ensure the appropriate crime
classifications and Clery Act geographic locations are properly notated for insertion into the
applicable location’s Annual Security Report

• Reviewing all crime data the Campus Safety Coordinators receives from local law
  enforcement for reportable criminal activities occurring at University locations and ensuring
  this information is not double reported in the University’s crime statistics

The Campus Safety Coordinator also maintains a listing of all reported criminal incidents and
alleged criminal incidents (not just Clery Act crimes) that occurred on-campus, in or on noncampus
buildings or property, or on public property within the campus or immediately adjacent to and
accessible from the campus in the Campus Crime Log. Reports of crimes that occurred within the
patrol jurisdiction of the UOPX Corporate Security contracted security guards are also entered into
the Campus Crime Log. The Campus Crime Log must be made available to the public and maintained
at the front desk for inquiring individuals. The Campus Crime Log will not contain any personal or
private information regarding victims or witnesses of the crimes. In the event a local campus does
not have a front desk area, the Campus Crime Log will be kept in the SRC (if one is on-campus). In
rare instances where there is no front desk and no SRC, the Campus Safety Coordinator will retain
the Campus Crime Log.

The Campus Crime Log for the most recent 60-day period must be open to public inspection, free of
charge, upon request, during normal business hours. Anyone may have access to the Campus Crime
Log, whether or not they are associated with the University. Any portion of the Campus Crime Log
that is older than 60 days must be made available within two (2) business days of a request for
public inspection. An archived Campus Crime Log must be kept for seven (7) years.
Section III: Safety Awareness and Crime Prevention

At University of Phoenix, we take safety awareness and crime prevention measures very seriously.

3.1 Crime Prevention Measures

Part of crime prevention is being alert to and aware of your immediate environment. Here are some important ways you can help keep yourself, and the University community, safer and more secure:

- Roll up windows and lock your car
- Always take and keep your car keys with you
- At night, travel in well-lit areas and in pairs, if possible; avoid short cuts and deserted areas
- Walk with a sense of purpose – show you are calm, aware, confident, and know where you are going
- Scan the area, around and inside your car, before entering
- Do not leave valuable items visible inside your car, including personal items and school related materials such as textbooks
- Do not park in isolated or poorly lit areas
- Leave valuable items at home
- Do not leave your personal property unattended
- Do not carry more cash than necessary
- Keep your purse, backpack, or briefcase close to your body
- Mark personal items that you bring on campus, including textbooks, laptops, and calculators with your name or some other traceable identification
- Never bring any kind of weapon onto University property

UOPX routinely provides safety tips, like the ones listed above, to the campus community (students, faculty, and staff) annually via email and/or postings to the University’s website but does not offer any other specific crime prevention training programs.

3.2 Safety and Access to University Facilities

Our goal is to provide a campus environment that is as safe and secure as possible. Local campus buildings and facilities are usually accessible to the public during normal business hours; however, classrooms and office buildings are generally locked when not in use. Only faculty and staff members have access to secured administrative and institutional facilities. This restricted access is obtained using electronic access control badging systems or security locks. In addition to students signing in at the SRC, non-employees must be escorted by an employee throughout their visit to any restricted access area. Certain areas at each local campus (e.g., Faculty Resource Center and IT Support rooms) have secured access for all non-authorized personnel. UOPX does not have any residence halls or provide student housing at any of its local campuses.

Below is a description of the security and access features for each UOPX facility (an “X” indicates the feature is provided):
# Campus Safety Policies

<table>
<thead>
<tr>
<th>Access Control to/within Facility</th>
<th>Security Cameras</th>
<th>Intrusion Alarm</th>
<th>Duress Button</th>
<th>On-Site Duress Notification</th>
<th>Window Blinds</th>
<th>&quot;No Weapons&quot; Signage</th>
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\(^5\) Relocated from 1625 W. Fountainhead Pkwy. to 4035 S. Riverpoint Pkwy. in November 2018
\(^6\) Location is no longer enrolling new students and remaining classes are being taught off-site
### 3.3 Maintenance on Campuses

The Campus Safety Coordinator ensures campus maintenance issues affecting safety or potentially enabling criminal activity are resolved. The Campus Safety Coordinator must notify the appropriate facilities manager and request prompt attention to the problem.

University facilities management personnel maintain and repair campus facilities. This includes repairs to defective doors and locking mechanisms. Exterior lighting is another important part of our commitment to campus safety. Campus Safety Coordinators regularly check to ensure landscaping is not overgrown, pathways are well lit, and egress lighting is working in hallways and stairwells. Safety and security equipment such as alarms, video surveillance, and emergency call buttons are audited regularly by the Security Operations Center (SOC) to ensure that the equipment is functioning. We ask that you promptly report any problems or hazards you notice to your Campus Safety Coordinator.

### 3.4 Safety Programs

Each local campus sponsors two safety events and one sexual assault awareness and prevention training annually. These events are conducted during a time and at a location to maximize participation from all students, faculty, and staff. A common theme of our safety events is developing campus members’ awareness of their responsibility for their own safety and the safety of others. We also focus on increasing security alertness. Please contact your Campus Safety Coordinator for information on where and when these educational events will occur.

The two safety events include 1) training describing the differences between a timely warning and an emergency notification and 2) active shooter preparedness training. See your Campus Safety Coordinator for information about upcoming security awareness programs.
3.4.1 Informing New Staff of Safety Reporting Procedures

In addition to coordinating safety events, the Campus Safety Coordinator makes a good-faith effort to inform new and existing personnel of security reporting procedures. Staff members who have regular interaction with the campus community are informed that students may approach them with crime-related incidents that need to be reported quickly to the Campus Safety Coordinator.

New employees are also required to complete the “Campus Safety: Awareness, Prevention, and Action” online course within 30 days of employment. In this online course, employees learn key information on environmental, medical, and criminal risks and the role of CSAs.

3.5 Emergency Evacuation Planning

The University maintains Emergency Response Guides in classrooms and common areas to provide a hands-on resource for students, faculty, and staff to utilize in the event of emergencies involving medical response, evacuation, fire/smoke/explosion, severe weather, hazardous material, earthquake/power outage, active shooter, civil disturbance, and bomb threat. Students, faculty, and staff are encouraged to be familiar with these procedures. All campus buildings post exit and evacuation diagrams on each floor.

The designated Campus Safety Coordinator at each campus location conducts at least one emergency evacuation drill per year. Evacuation drills also include an emergency notification component to verify that students, faculty, and staff are familiar with the emergency notification messages and required actions. Drill results are reviewed by facility and security leadership for follow-up and additional training. The campus community receives an annual communication describing its Emergency Mass Notification policies and procedures. In addition, there is an annual test of the emergency system for each local campus which is documented by the SOC. Documentation for emergency evacuation drills conducted are on file with UOPX Corporate Security and the local campuses.

3.5.1 Emergency Evacuation Assistance

Individuals who require assistance during an emergency are strongly urged to disclose this need to the Campus Director or Operations Manager at the local campus. In conjunction with the Campus Safety Coordinator, Human Resources, and Facilities, the Campus Director/Operations Manager develops a personal emergency plan that includes specific notification and evacuation procedures for applicable students, faculty, or staff that require assistance in the event of an emergency.

3.6 Timely Warning Notifications to the Campus Community

The designated Campus Safety Coordinators are the individuals responsible for issuing and releasing a Timely Warning Notification (TWN) to alert the campus community (i.e., students, faculty, and staff) of crimes or events that may potentially threaten students, faculty, staff, or property. Posting these notices is necessary when a serious threat or a systemic pattern of crimes or threats may put anyone in the campus community at risk. Timely warnings are issued when Clery Act crimes are reported within Clery geography and pose a serious or ongoing threat. The designated Campus Safety Coordinators are responsible for alerting the campus community of a particular crime or trend of crimes in a manner that is timely and will aid in the prevention of similar crimes. TWNs can be issued for threats to persons or to property. Names of victims or any personally identifiable information will not be placed in the notification.
TWNs are posted in visible, accessible areas at campus locations where such threats occur. Local campuses may use posters, emails, and on-site digital video monitors, or other available means to inform the campus community. A combination of communication methods may be used.

It is important to note that designated Campus Safety Coordinators are not required to issue a TWN for every crime reported but must, at minimum, follow Clery Act guidelines. When making their decision, UOPX Corporate Security and the SOC may consult with local law enforcement. Whether the designated Campus Safety Coordinator issues a TWN is determined on a case-by-case basis in conjunction with all the facts surrounding the crime(s), including such factors as:

- **The nature of the crime**
  - TWNs should focus on those crimes and offenses specifically required for reporting according to the Clery Act and/or the seriousness of the crime

- **The continuing danger to the campus community**
  - TWNs should be released if the campus community is at risk of becoming victims of similar crimes, so it is important to evaluate whether the crime was a one-time occurrence or the result of a trend of reported crimes

- **The possible risk of compromising law enforcement efforts**
  - The Campus Safety Coordinator should consider law enforcement efforts when issuing a TWN, consulting with public authorities regarding the issuance of further TWNs so as not to compromise an ongoing investigation or other law enforcement efforts

- **Community safety and awareness**
  - When issuing a TWN, the Campus Safety Coordinator must balance the need to include pertinent information about the crime that triggered the warning, while also protecting the confidentiality of the victim to the maximum extent possible
  - The information in the TWN also promotes safety and aids in the prevention of similar crimes

Students, faculty, and staff may contact the SOC regarding security concerns at (866) 992-3301. SOC personnel are available 24/7/365. However, in the event of an emergency, call 9-1-1 first.
Section IV: Emergency Mass Notification

UOPX maintains emergency management policies, procedures, and systems to protect lives and property, and to continue necessary critical functions and essential services.

An emergency is defined as a situation that poses an immediate threat to the health or safety of someone in the campus community, at a UOPX site, or that significantly disrupts the University’s normal course of business.

The Emergency Mass Notification (EMN) process includes emergency escalation procedures, mass notifications, and supporting systems. In an emergency, dangerous, or otherwise high-risk situation, these processes enable the University to, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system to students, faculty, and staff, including those who are enrolled at UOPX unless issuing the notification system will, in the professional judgement of the responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

4.1 General Policy

The University has assigned responsibility of managing the EMN policy and procedures to UOPX Corporate Security. The review of emergency events and the related issuance of EMNs is the responsibility of the Security Operations Center (SOC) in partnership with the UOPX Senior Crisis Management Team.

By calling (866) 992-3301 or through emergency/panic alarms installed at some locations, the SOC may be notified of significant emergencies by any member of the campus community including students, faculty, staff, or visitors. These notices and warnings are issued when the SOC confirms with the local campus director, the designated Campus Safety Coordinator, verified media source, or via electronic means that there is a significant emergency or a dangerous situation involving an immediate threat to the health or safety of members of the UOPX community.

The UOPX Senior Crisis Management Team may consist of members from various UOPX organizations as defined in the University’s Crisis Management Plan to include University Legal Services, UOPX Corporate Security, Human Resources, Marketing, Real Estate & Facilities, Campus Operations, and Student Services.

Current UOPX Senior Crisis Management Team members include the Senior Vice President & General Counsel, the Sr. Director of Corporate Security, the Director of Internal Communications, the Vice President of Public Affairs, the Vice President of Litigation Risk, the Vice President of Facilities, and the Chief Operating Officer. Additional backup members from each participating organization are also assigned to take the place of the primary member(s) if unavailable. The UOPX Senior Crisis Management Team will assign backup individuals when appropriate. If a UOPX Senior Crisis Management Team meeting is called to review a significant emergency or dangerous situation, it typically convenes by teleconference using a line made available by the SOC.

4.2 Weather Emergencies

The EMN system will be used to notify members of the campus community of location closings or delayed openings that are the result of severe weather. The decision to close or modify the operating hours of a location is at the discretion of the campus director, senior management, or their designee.
All closings or delayed opening decisions must be reported to the SOC as soon as possible. The SOC will then send an EMN to the appropriate recipients according to the effected location. The content of these notifications will follow templates developed by the SOC. These alerts will only be sent during the hours of 7:00 am to 9:00 pm local time (campus directors may contact the SOC at any time to schedule these alerts).

### 4.3 Reporting Emergencies

Individuals should immediately call emergency 9-1-1 for police assistance if they believe the situation warrants it. In addition to 9-1-1 reports, incidents that may warrant contacting the Campus Safety Coordinator or SOC are those posing a serious or continuous health or safety threat to the campus community such as dangerous or otherwise high-risk situations at a UOPX site. An In Case of an Emergency poster is available in the Who We Are binder and an Emergency Response Guide are located in all classrooms and common areas (e.g., breakrooms) and details how to contact the local Campus Safety Coordinator.

The Campus Safety Coordinator contact list is available online at: [http://www.phoenix.edu/about_us/campus_safety/campus_safety_contact_list.html](http://www.phoenix.edu/about_us/campus_safety/campus_safety_contact_list.html). Other contacts include UOPX Corporate Security's contracted security guards, where available. Students, faculty, and staff on-campus or at other UOPX locations may contact the SOC directly at (866) 992-3301.

The SOC is responsible for maintaining copies and tracking all emergency notifications. Campus Safety Coordinators must promptly report any emergencies they receive to the SOC for escalation to the UOPX Senior Crisis Management Team for immediate review. The Campus Safety Coordinator also maintains a record of all EMNs for their location, including EMN tests, in the private CSA Notebook.

### 4.4 Notifications and Warnings

The process to initiate the EMN system is triggered as soon as the SOC receives notice of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, faculty, and/or staff. Upon notification, the SOC will immediately perform the following functions:

- Notify the UOPX Senior Crisis Management Team to convene and review the issue considering factors described in the next paragraph below
- Use pre-templated messaging and EMN standard operating procedures to develop messaging content that can be used if an EMN is to be issued
- Recommend which UOPX or local campus community segments should receive notifications
- Initiate a notice to be sent out to the impacted campus community by the University's EMN system (provided by an outside vendor) based on the direction of the UOPX Senior Crisis Management Team or SOC protocols

The SOC, in conjunction with the UOPX Senior Crisis Management Team, is responsible for reviewing issues on a case-by-case basis, considering factors such as:

- The nature of the situation
- The continuing danger to the campus community
• The content of the notification
• The possible risk of compromising law enforcement efforts
• Those incidents that, in the judgment of the SOC or UOPX Senior Crisis Management Team, warrant an EMN

Depending on the severity of the incident, the SOC has the authority to send an EMN before the UOPX Senior Crisis Management Team convenes. If the incident is a large-scale emergency, as determined by the SOC supervisor or a member of UOPX Corporate Security, that individual will be responsible for making these decisions.

Notices sent as part of the EMN policy and procedures may include the following information:

• Date and time of the notification and incident
• The reason for the notification
• The risk, threat, or emergency facing the campus community
• The locations that may be affected (which could include targets)
• Appropriate procedures, which may include:
  o Evacuation
  o Lockdown or shelter in place
• Safety suggestions
• Location closing information
• Procedures to help contain or protect against the problem
• Contact information for related questions or issues
• Resources such as telephone numbers, websites, and other sources for information regarding the incident
• Additional details and directives to preserve safety and security, maps, or other useful attachments
• Computer prompted questions may be presented

The UOPX Senior Crisis Management Team will use its discretion to determine what information should be disclosed and whether the notice should be delayed or limited to certain segments of the campus community. The UOPX Senior Crisis Management Team will make these determinations based on the nature of the issue and instructions from public safety officials to consider whether its release could compromise efforts to contain the emergency or the safety of the community. The decision to segment a notification will consider factors including, but not limited to, the severity of the situation, proximity (e.g., on-campus or near campus), and University personnel involved. The only reason that UOPX would not immediately issue a notification for a confirmed emergency or dangerous situation would be if doing so would compromise efforts to assist a victim, contain the emergency, respond to the emergency, or otherwise mitigate the emergency.

In Illinois, with assistance from the local Illinois Campus Safety Coordinator, the SOC will be responsible for communicating to the Illinois Emergency Management Agency (IEMA) with detailed information of the situation where an emergency occurs in that state. The IEMA can be reached at
In New Jersey, with assistance from the local New Jersey Campus Safety Coordinator, the SOC will be responsible for communicating to the Hudson County Office of the New Jersey Office of Emergency Management and also coordinate with state and local authorities including, but not limited to, the State Office of Emergency Management, local law enforcement officers, county and local health officers, county offices of emergency management, and other emergency responders as appropriate for the situation. The Hudson County Office of the New Jersey Office of Emergency Management can be reached at telephone number (201) 832-5615.

For those campus locations outside of Illinois and New Jersey, UOPX will disseminate emergency information to the larger community through local coordinated efforts with first responders.

All warnings, notifications, and related communications must be approved by the SOC or UOPX Senior Crisis Management Team. For the duration of the emergency, follow-up information will be provided to the campus community as warranted. When appropriate, the University's Communications & Public Relations department may relay further status information to the larger community.

At the conclusion of an incident and when authorized by the UOPX Senior Crisis Management Team, an "all clear" message may be sent to all recipients of previous alert messages.

Executive management, the UOPX Senior Crisis Management Team, and the SOC will receive copies of all notifications and alerts. Those sent to executive management will be labeled as "informational only" unless the executive team is being asked to act or make decisions. The SOC will be responsible for maintaining copies and tracking all EMNs.

**4.5 Notification Methods**

The SOC or the UOPX Senior Crisis Management Team may activate all or individual elements of the EMN system. Depending on the nature of the incident, EMNs may be distributed by any of the following means by individuals authorized by the SOC or the UOPX Senior Crisis Management Team:

- **Technology alerts**
  - Text messaging
  - Recorded messages to phones or similar devices
  - E-mail notifications

- **Visual alerts**
  - News releases
  - Posting electronic alerts on organizational home pages, message boards, websites and other sites where information will be likely to reach the campus community
  - Posting on entry doors, bulletin boards, or other accessible areas of UOPX sites affected by the situation

- **Person-to-person directives**
  - Door-to-door notifications
  - Direct phone calls
  - Phone trees
  - Other media releases
4.6 Maintenance of Emergency Contact Information

Students, faculty, and staff are responsible for having current and accurate information on file with UOPX to ensure they receive notifications from the EMN system. Note that UOPX does not assume responsibility for incorrect contact information on file. Incorrect contact information may result in no notification due to technical malfunctions; human or technical error; lost, delayed or otherwise compromised data or transmissions, omission; interruption, deletion, defect, or failures of any telephone or computer line or network, costs, computer equipment, and software; or any other factors which may cause a lost notification.

The University has an automated process in place to update contact information in the EMN system using relevant data sources on a regular basis.

4.7 Responsibility for Emergency Mass Notification Administration

UOPX Corporate Security is responsible for maintaining policies and procedures related to the EMN processes. The EMN processes, policies, and procedures include the following elements:

- Establishing and communicating processes to report potential issues to the SOC and UOPX Senior Crisis Management Team for its review and consideration
- Creating and implementing campus community training regarding the EMN process including:
  - Determining how potential issues should be reported
  - Maintenance of emergency contact information
  - Appropriate response procedures when the EMN system is used
  - Developing and maintaining overlapping and redundant backup systems to support
- Providing written procedures used by the SOC and UOPX Senior Crisis Management Team to administer the EMN processes
- Tracking and retention of all EMNs that are sent
- Ensuring appropriate staff coverage and call trees to activate the EMNs
- Overseeing periodic testing, at least annually, of EMN systems and processes, documenting the following:
  - Evacuation and lock-down systems
  - Scheduled exercises to ensure students, faculty, and staff are aware of the EMN process
  - Document whether the EMN annual test was announced or unannounced
  - Publicize the EMN and evacuation procedures in conjunction with at least one test per year
  - Response of the EMN test
  - Description of the exercise, its date, and time
Frequently Asked Questions

I’m not getting alerts when I think I should. What can I do?

Alerts are sent using the contact information in the University’s database. Students, faculty, and staff are responsible for having current and accurate information on file with UOPX. Please check to ensure your information is correct.

Note: Some individuals may be associated with more than one local campus. These recipients may only receive notifications for their primary location.

- Students and faculty may update personal contact information on their eCampus Profile at https://portal.phoenix.edu/profile
- Staff may log into https://mypay.phoenix.edu to update personal contact information

My department is having special event. Can I use the EMN to send invitations?

No. The EMN System is only for emergencies.

I only attend classes online. Why am I receiving these alerts?

Many of our students utilize our physical locations and their resources despite their class being online. For this reason, our notifications are intended to advise all members the campus community of a disruption.

4.8 Monitoring and Enforcement

If any individual does not comply with this policy or if UOPX determines that any actions were inappropriate or inconsistent with the law, or any University policy, standard, or guideline, UOPX may take corrective action against students, faculty, or staff. This can include termination and appropriate actions as described in the student, faculty, and employee handbooks or similar governing guides.

If UOPX determines individuals are or have been engaged in criminal activity, UOPX may refer this matter to law enforcement and provide any related documentation to assist in prosecution.

4.9 Definitions

Alert – A signal or messaging technique used to warn of danger, attack, or other emergency situation. A condition or period of heightened watchfulness or preparation for action.

Campus – Is defined in 34 C.F.R. § 668.46 as:

Any building or property owned or controlled by an institution within the same reasonably contiguous area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes; and

Any building or property that is within or reasonably contiguous to the area identified above that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).
Dangerous Situation – A situation being managed by a public safety entity that can escalate into a condition that may threaten lives, safety, property, or the environment and may require immediate action (e.g. barricade suspect(s) within a contained police perimeter, release of localized hazardous materials that may require a building evacuation, structure fires requiring evacuation, suspicious devices that require a bomb squad response, etc.).

Emergency – An event, expected or unexpected, that threatens lives, safety, property, or the environment and requires immediate action.

Evacuate – To leave a room, building or campus in a timely and orderly manner.

Lockdown/Shelter-in-place – To secure an area by locking doors, windows, and barricading oneself to block entry to a room, building or campus. If a lockdown is ordered, all persons should locate a safe room, assist others in moving to a safe room, lock door, close windows and shades, turn off lights, move away from door and windows, and remain quiet until further instruction.

Notice or Warning – A notice or warning is issued when a condition or situation is "imminent" or confirmed "already occurring" (e.g., tornado warning, flash flood warning, severe storm warning). Action in response is discretionary.

State of Emergency – A state of emergency is a declaration that may suspend certain normal functions of the organization. In addition, a state of emergency would alert staff and students to alter their normal behaviors and to safeguard themselves accordingly.

Test – Regularly scheduled drills, exercises, and appropriate follow-through activities designed for assessment and evaluation of emergency plans and capabilities. Tests may be announced or unannounced. The emergency response and evacuation procedures should be publicized, and each test should be documented with a description of the exercise, the date, time, and whether it was announced or unannounced. The system should be exercised or used in conjunction with scheduled exercises to maintain awareness of the system by students, faculty, and staff.

UOPX – University of Phoenix

UOPX and Local, Campus, or University Community – UOPX U.S.-based students, faculty, and staff. Campus communities may include off-site locations under the control of UOPX.

UOPX Site –

Any building, property, or portion thereof, owned or controlled by UOPX, and

Any building or property that is within or reasonably contiguous to the area identified above that is owned by UOPX but controlled by another person, is frequently used by the UOPX community, and supports UOPX business (such as a food or other retail vendor).
Section V: Reporting Criminal Activities

UOPX does not regularly contract with local police to be present on our local campuses. In an emergency, dial 9-1-1 for help. We encourage accurate and prompt reporting of all crimes, whether on or off campus, to the state or local police when the victim of crime elects to or is unable to make such a report. UOPX campuses do not have a campus police department.

UOPX Corporate Security provides security guards (via third-party contracted guard services) on its UOPX properties, excluding the Dallas Campus. You can report on-campus incidents for the purpose of making timely warning reports and the annual statistical disclosure to UOPX Corporate Security’s contracted guards on site or at the front desk, in addition to any CSA or Campus Safety Coordinator. You may report criminal activity on a voluntary, confidential basis by contacting the Ethics Helpline at (888) 310-9569 to report anonymously.

The Campus Safety Coordinator will contact the local police departments at least annually to request crime data for reportable criminal activities occurring at University locations. By October 1 of each year, UOPX Corporate Security will compile and distribute the annual security reports on behalf of the University.

Recognized Student Organizations are permitted to use classroom space at local campuses for meeting in accordance with the guidelines outlined in the Recognized Student Organizations Handbook. There are no Recognized Student Organizations that are part of the University’s “noncampus” geography. University personnel and UOPX Corporate Security’s contracted guards do not monitor locations away from campus. However, we encourage you to report any emergency, criminal incident, or concern to local law enforcement and/or to your Campus Safety Coordinator as appropriate.

5.1 Reporting Emergency Criminal Activities

In emergencies, dial 9-1-1 first.

9-1-1 answers calls 24/7/365. The local police, fire, or medical departments will respond accordingly.

First, call 9-1-1 to report criminal offenses. You may use other emergency response numbers to reach public emergency response agencies.

Second, call the Security Operations Center (SOC). In the event the criminal offense involves intent to harm or an act of violence please contact the SOC after calling 9-1-1 so that it may respond to the situation as soon as possible. The SOC can be reached 24/7/365 at (866) 992-3301.

After calling 9-1-1 and the SOC, report emergency incidents and crimes to the Campus Safety Coordinator so they may also respond.

5.1.1 Reporting Weapons on Campus

No weapons are permitted on campus. In the event anyone brings a weapon on-campus and a threat or danger to the campus community is perceived call 9-1-1 to report the weapon. UOPX Corporate Security may choose to deploy authorized armed security personnel as needed. Next, call the SOC so that it may respond to the situation as soon as possible.
After calling 9-1-1 and the SOC, report the weapons incident to the Campus Safety Coordinator so they may also respond.

5.2 Reporting Criminal Activity to the Campus Safety Coordinator

CSA reporting contacts report crimes to the designated Campus Safety Coordinator (for additional information on the University's CSA reporting contacts, please see Section 1.2). A designated Campus Safety Coordinator is available at all UOPX local campuses for students, faculty, and staff. The Campus Safety Coordinator has the official capacity to document all reports relating to crime at University locations.

A list of Campus Safety Coordinators is on the University website at www.phoenix.edu/about_us/campus_safety/campus_safety_contact_list.html and additional information is provided on the In Case of an Emergency poster, included within the Poster Compliance Binder, in all classrooms and common areas (e.g., breakrooms). Please look for this information so you will be prepared if you need it.

5.3 Anonymous and Confidential Reporting of Crimes

The University encourages students, faculty, and staff to report any suspicious or criminal activities that occur at a UOPX location. You may request confidentiality or anonymity when making crime reports to law enforcement. Below are national and local anonymous tip lines for those cities that have a UOPX local campus presence.

<table>
<thead>
<tr>
<th>State</th>
<th>City</th>
<th>Phone Number</th>
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<tbody>
<tr>
<td>Arizona</td>
<td>Phoenix</td>
<td>(480) 948-6377</td>
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<td></td>
<td>Tucson</td>
<td>(520) 882-7463</td>
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<tr>
<td>California</td>
<td>Bakersfield</td>
<td>(661) 322-4040</td>
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<td></td>
<td>La Palma</td>
<td>(855) 847-6227</td>
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<td>Fresno</td>
<td>(559) 498-7867</td>
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<td></td>
<td>Gardena</td>
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<td>Lancaster</td>
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<td>(800) 950-2444</td>
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<td></td>
<td>Ontario</td>
<td>(800) 782-7463</td>
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<tr>
<td></td>
<td>Sacramento</td>
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<td>Salida</td>
<td>(209) 521-4636</td>
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<td>San Diego</td>
<td>(888) 580-8477</td>
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<td></td>
<td>El Centro</td>
<td>(760) 339-6333</td>
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<td></td>
<td>San Jose</td>
<td>(408) 947-7867</td>
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<td>Visalia</td>
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<td></td>
<td>Miramar</td>
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<td>Orlando</td>
<td>(800) 423-8477</td>
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<td>Atlanta</td>
<td>(404) 577-8477</td>
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<td>Georgia</td>
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<tr>
<td>Hawaii</td>
<td>Kapolei</td>
<td>(808) 955-8300</td>
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<tr>
<td>Illinois</td>
<td>Chicago</td>
<td>(800) 535-7867</td>
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<tr>
<td>Nevada</td>
<td>Las Vegas</td>
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<tr>
<td>New Jersey</td>
<td>Jersey City</td>
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<tr>
<td>North Carolina</td>
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<td>Texas</td>
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<td>Dallas</td>
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<td>(915) 566-8477</td>
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<td></td>
<td>San Antonio</td>
<td>(210) 224-7867</td>
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<tr>
<td>Utah</td>
<td>Salt Lake City</td>
<td>(801) 799-4636</td>
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<tr>
<td>Virginia</td>
<td>DC Metro Area</td>
<td>(866) 411-8477</td>
</tr>
<tr>
<td>Washington</td>
<td>Tukwilla</td>
<td>(800) 222-8477</td>
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Reports can also be made securely via the Ethics Helpline. The Ethics Helpline is operated by a third-party provider and available 24/7/365 at (888) 310-9569 or online at http://www.UOPXhelpline.com. Reports to the Helpline will be treated confidentially to the maximum extent possible. You may also choose to make your report anonymously. When calling the Ethics Helpline, please provide as much information as possible, including:

- Circumstances of the crime noted (names, dates, times, places)
- Campus, department, and individuals involved
- Location of any available evidence (physical evidence or records)
- Names and telephone numbers of witnesses
- Caller’s name and telephone number, if you choose not to remain anonymous

The University does not disclose personally identifiable information about the victim or other parties in its Campus Crime Statistics at http://www.phoenix.edu/about_us/campus-safety.html, or in the public Campus Crime Log. Personally identifying information about suspects may be shared if it would serve the public interest in Timely Warning Notifications or in other publicly available information.

5.4 Staff Support

The SOC provides staff support 24/7/365 to report information at (866) 992-3301.

5.5 Confidential Reporting to a Counselor

UOPX operates educational training facilities known as Counseling Skills Centers. These Counseling Skills Centers model mental health clinics and offer complimentary services to members of the University and local community. Centers are staffed by counseling graduate students who work under the direct supervision of licensed, experienced professionals. For more information, or to contact a Counseling Skills Center near you, please visit http://www.phoenix.edu/students/counseling-skills-centers.html.

Crime victims seeking professional counseling through the Counseling Skills Centers will have their information kept in confidence. Even if a victim gives the professional counselor permission to release his or her identity, the counselor may only report the occurrence of the event itself to be included in the annual crime statistics, unless otherwise required by law.

UOPX does not have policies or procedures that encourage pastoral and professional counselors to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis.
5.6 Florida Reporting of Child Abuse

Under Florida law (FL ST § 39.205), University administrators who knowingly and willfully, upon receiving information from faculty, staff, or other institution employees, fail to report known or suspected child abuse, abandonment, or neglect committed on the property of the University or during an event or function sponsored by the University or who knowingly and willfully prevent another person from doing so, shall be subject to fines of $1 million for each such failure. The fine shall be assessed by the Commission for Independent Education for a nonpublic institution such as UOPX.

5.7 Illinois Reporting of Child Abuse

Illinois law (IL ST CH 325 § 5/4) requires university personnel who have reasonable cause to believe that a child known to them in their professional or official capacities may be an abused or neglected child to immediately report such suspected child abuse or neglect to the Illinois Department of Children and Family Services by calling the Illinois Child Abuse Hotline at (800) 25-ABUSE (252-2873). University personnel may, in addition to filing the mandatory report to the Illinois Department of Children and Family Services, also notify the University administration by contacting the designated Campus Safety Coordinator (see Section 5.2) or the SOC. The SOC provides assistance 24/7/365 and can be reached at (866) 992-3301. Notifying University administration will not affect, modify, change, or eliminate the duty to provide the mandatory report to the Illinois Department of Children and Family Services.
Section VI: Reportable Offenses

The Clery Act delineates the violations which need to be reported. The University’s annual security reports include all Clery Act crimes reported to CSAs and local law enforcement agencies (collected by the Campus Safety Coordinator through an information request) that meet Federal Bureau of Investigations (FBI) crime definitions. Reportable crimes are not limited to FBI-defined offenses, however.

6.1 List of Clery Act Reportable Offenses

The following Clery Act crimes meet definitions in the FBI’s Uniform Crime Reporting (UCR) Program. For the categories of Domestic Violence, Dating Violence, and Stalking, definitions are provided by the Violence Against Women Act of 1994 (VAWA) and repeated in the U.S. Department of Education’s Clery Act regulations.

- **Criminal Offenses** – Murder and Non-Negligent Manslaughter, Manslaughter by Negligence, Rape, Fondling, Incest, Statutory Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, and Arson
- **Hate Crimes** – Any of the above-mentioned offenses (excluding Manslaughter by Negligence) and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by bias
- **VAWA Offenses** – Any incidents of Domestic Violence, Dating Violence, and Stalking
- **Arrests and Referrals for Disciplinary Action** – Weapons Law Violations (Carrying, Possessing, etc.), Drug Abuse Law Violations, and Liquor Law Violations

6.2 Crime Definitions

6.2.1 Criminal Offenses

- **Criminal Homicide** –
  - Murder and Non-Negligent Manslaughter – The willful (non-negligent) killing of one human being by another.
  - Manslaughter by Negligence – The killing of another person through gross negligence.
- **Sexual Assault (Sex Offenses)** – Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.
  - Rape – The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
  - Incest – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - Statutory Rape – Sexual intercourse with a person who is under the statutory age of consent.
• **Robbery** – The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

• **Aggravated Assault** – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

• **Burglary** – The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes unlawful entry with intent to commit a larceny or felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned.

• **Motor Vehicle Theft** – The theft or attempted theft of a motor vehicle. A motor vehicle is any self-propelled vehicle that runs on land surface and not on rails. Motorboats, construction equipment, airplanes, and farm equipment are specifically excluded from this category. (Classify as motor vehicle theft all incidents where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned – including joyriding.)

• **Arson** – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

### 6.2.2 Hate Crimes

A **Hate Crime** is a crime reported to local police agencies or to a CSA that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. **Bias** is an expressed negative opinion or attitude toward a group of persons based on actual or perceived race, gender, gender identity, religion, disability, sexual orientation, ethnicity, or national origin.

• **Race** – A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (i.e., Asians, blacks or African Americans, whites, etc.).

• **Gender** – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender (e.g., male or female).

• **Gender Identity** – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity (e.g., bias against transgender or gender non-conforming individuals).

• **Religion** – A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists, etc.).

• **Disability** – A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.

• **Sexual Orientation** – A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

• **Ethnicity** – A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a
common language, common culture (often including a shared religion), and/or ideology that stresses common ancestry.

- **National Origin** – A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

Hate crime reporting includes the listed **Criminal Offenses** above (excluding Manslaughter by Negligence) and includes four additional offenses:

- **Larceny-Theft** – The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Examples are thefts of bicycles or automobile accessories, shoplifting, pocket-picking, or the stealing of any property or article that is not taken by force and violence or by fraud. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, motor vehicle theft, and attempted motor vehicle theft are excluded.

- **Simple Assault** – An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

- **Intimidation** – To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

- **Destruction/Damage/Vandalism of Property** – To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Before an incident can be classified as a Hate Crime, sufficient, objective facts must be present to lead a reasonable and prudent person to conclude that the offender’s actions were motivated, in whole or in part, by bias.

**6.2.3 VAWA Offenses**

- **Domestic Violence** – A felony or misdemeanor crime of violence committed –
  - By a current or former spouse or intimate partner of the victim;
  - By a person with whom the victim shares a child in common;
  - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
  - 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.

- **Dating Violence** – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition –
• Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
• Dating violence does not include acts covered under the definition of domestic violence.

• **Stalking** – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to –
  o Fear for the person’s safety or the safety of others; or
  o Suffer substantial emotional distress.

For the purposes of the **Stalking** 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 victim.
• **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

### 6.2.4 Arrests and Referrals for Disciplinary Action

- **Weapons Law Violations (Carrying, Possessing, etc.)** – The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.
- **Drug Abuse Violations** – The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.
- **Liquor Law Violations** – The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

### 6.3 Reportable Locations

The **Clery Act** requires institutions to disclose statistics for reported crimes based on **where** the crimes occurred. UOPX discloses statistics for reported **Clery Act** crimes that occur within the University’s Clery geography. Crimes that occur outside the University’s Clery geography are **not** included in the annual security reports, even if UOPX students or employees are involved.

**Clery Geography** – For the purposes of collecting statistics on crimes for submission to the U.S. Department of Education and inclusion in an institution’s annual security report, Clery geography includes:
- Buildings and property that are part of the institution’s campus
- The institution’s noncampus buildings and property
• Public property within or immediately adjacent to and accessible from the campus

For the purposes of maintaining the crime log requirement, Clery geography also includes, in addition to the locations above, areas within the patrol jurisdiction of the campus police or the campus security department.

**On-Campus** – Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**Noncampus** – Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public Property** – All public property, including thoroughfares, streets, sidewalks, and parking facilities that is within the campus, or immediately adjacent to and accessible from the campus.

UOPX includes the following reporting location, *Reported by Local Police*, when it cannot determine whether the statistics obtained from local and/or state law enforcement agencies are for On-Campus incidents or Public Property incidents:

*Reported by Local Police* – Applicable statistics reported by local and state law enforcement not already included in the University's annual security reports.

### 6.4 “Unfounded” Crimes

UOPX will disclose the total number of “unfounded” crimes in its annual security reports. While rare, the University may remove a reported crime from its crime statistics if a sworn or commissioned law enforcement official has fully investigated the reported crime and, based on the results of this full investigation and evidence, had made a formal determination that the crime report is false or baseless and has been determined to be “unfounded.” A reported crime cannot be designated “unfounded” if no investigation was conducted or the investigation was not completed. Nor can a crime report be designated unfounded merely because the investigation failed to prove that the crime occurred. Alleged crimes will be reported in the University's annual security reports even if an investigation determined the allegation to be inconclusive or unsubstantiated.
Section VII: University Cooperation with Law Enforcement Agencies

UOPX values its cooperative relationships with federal, state, and local law enforcement agencies. In addition to annual consultations for crime statistics reporting, Campus Safety Coordinators maintain working relationships with local law enforcement by facilitating timely lines of communication in case the authorities need to respond to an incident at a local campus location.

Sometimes UOPX may employ contract based off-duty police officers, but currently there is not a formal Memoranda of Understanding (MOU) in place with local or state law enforcement agencies. Every local campus does contact, at least annually, the appropriate authorities for annual crime reporting purposes. In addition, law enforcement agencies are contacted in the event of an emergency on-campus that requires their involvement.

On-going, cooperative communications and safety awareness programs may include:

- Inviting local law enforcement officers to participate in events on-campus
- Extending courtesy use of unused classroom space during business hours for training functions
- Requesting walkthroughs or safety assessments
Section VIII: No Weapons on Campus

No weapons are permitted on campus. Possession, use, or storage of weapons on land and/or in buildings owned, leased, or under the control of UOPX or its affiliated or related entities (geography that is separately and collectively referred to “University Controlled Property”) is prohibited. However, a limited exception to this prohibition applies to University Controlled Property within the State of Arizona as provided for in A.R.S. § 12-781.

A “weapon” is defined to include any object or substance designed to (or which could reasonably be expected to) inflict a wound, cause injury, incapacitate, or cause death, including, but not limited to all firearms (whether loaded or unloaded, simulated or real), devices designed to expel a projectile (e.g., bb gun, air guns, pellet guns, crossbow, bow and arrow, etc.), swords, knives with blades longer than 3 inches, martial arts weapons, electroshock devices (e.g., TASER), and chemicals such as tear gas. Additionally, a “weapon” includes any dangerous instrument that, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious injury.

It is important to clarify that UOPX will not prohibit an on-duty law enforcement official from bringing their weapon on campus if they are on official police business. The University values its cooperative relationships with federal, state, and local law enforcement agencies and has created a policy exception process for students, faculty, and visitors who are qualified, active law enforcement officers.

Some University locations’ building owners may restrict any and all carrying of weapons except for only “on-duty” qualified, active law enforcement officers on their private property. Also, depending on specific federal and state regulations, this policy might be preempted if the building owner posts such a restriction, which should prompt the Campus Safety Coordinator to seek further advice from UOPX Corporate Security, the SOC, and University Legal Services.

Additionally, UOPX Corporate Security may choose to deploy authorized armed security personnel as needed.

8.1 Uniformed Law Enforcement Officers

Any state or local certified law enforcement officer in uniform (i.e., students, faculty, and visitors) may have their agency-approved firearm on their person while on the campus or facility grounds, per the following process:

- Upon arrival, the officer must approach the University’s front desk to sign-in, they must show the front desk personnel their state-issued police ID, notify the front desk personnel of their presence on the local campus or facility, and state their purpose for being on the property
  - If the state-issued police ID card is verified, no further action is required
  - If the state-issued police ID card cannot be presented or is non-verifiable, the officer will be advised that they are not permitted to carry a weapon on campus

Note: In the event a local campus does not have a front desk area, the uniformed officer should approach a University staff member in the Student Resource Center (if one is on-campus). In rare instances where there is no front desk and no Student Resource Center, the officer will need to contact the Campus Safety Coordinator.
8.2 Non-uniformed Law Enforcement Officers

Students and faculty members who are qualified, active law enforcement officers (off-duty and in plain clothes) may request to carry their agency-approved firearm on campus grounds. These requests should be directed to the Campus Safety Coordinator.

All non-uniformed law enforcement officers (i.e., students, faculty, and visitors), wearing an agency-approved firearm, are required to sign-in at the University’s front desk (or other designated location) each time they arrive at the campus. The non-uniformed officer must also be prepared to show front desk personnel their department-issued law enforcement ID card. If this card cannot be presented or is non-verifiable, the officer will be advised that they are not permitted to carry a weapon while on campus grounds until such conditions are met.

8.2.1 Request Process for Students

1. Student requests to the Campus Safety Coordinator must include a letter of authorization from the commanding officer/supervisor of the department regarding the requirement to carry their weapon while off-duty
   a. The letter must be provided on department letterhead, signed by the commanding officer/supervisor of the department, and must confirm that the student is, in fact, a qualified, active law enforcement officer whose job requires carrying a weapon while off-duty
2. The Campus Safety Coordinator will provide this letter to the SOC for verification
3. The Campus Safety Coordinator will notify the student once the request is approved or denied
4. Approved students must sign in at the front desk upon arrival
5. Every two (2) years, students who have been approved via this process must re-verify with the Campus Safety Coordinator by showing their department-issued law enforcement ID card
   a. If the Campus Safety Coordinator is not able to verify the state-issued police ID card, the student will no longer be permitted to carry a weapon while on campus grounds

Note: If the Campus Safety Coordinator denies the request or an individual does not actually need to carry the weapon while off-duty, the student may instead secure the weapon in their vehicle while on campus.

8.2.2 Request Process for Faculty Members

1. A faculty member who is a qualified, active law enforcement officer will need to contact the Campus Safety Coordinator and request to carry their weapon on campus
   a. A faculty member who is an inactive (e.g., retired) law enforcement officer and requests to carry their weapon on campus will be denied
2. The faculty member must show the Campus Safety Coordinator their state-issued police ID card
   a. If the Campus Safety Coordinator verifies the department-issued law enforcement ID card, no further action is required
   b. If the department-issued law enforcement ID card is non-verifiable, the faculty member will be advised by the Campus Safety Coordinator that they are not permitted to carry a weapon while on campus grounds
3. Approved faculty must sign in at the front desk upon arrival

4. The Campus Safety Coordinator will collect the following information from faculty members who have been verified to carry a weapon while on campus: direct supervisor’s name, badge/employee number, and the expiration date on the state-issued police ID card, if available
   a. If a faculty member’s department-issued law enforcement ID card references an expiration date, they will need to re-verify with the Campus Safety Coordinator prior to the noted expiration date
Section IX: Policies and Programs Concerning Alcohol and Other Drugs

UOPX has a “Zero-Tolerance” policy regarding the unlawful use, sale, possession, or distribution of illegal drugs and alcohol on University Controlled Property, or as part of any University activity. Misconduct violations relating to the Student Code of Conduct, Faculty Code of Conduct, and/or the Code of Ethics are subject to disciplinary sanctions. Consequences for inappropriate behavior can be severe, up to and including dismissal from the University. If any individual is found violating any alcohol or other drug related law while at a University location or activity, the University will fully cooperate with federal and state law enforcement agencies. The University will enforce federal and state drug laws in cooperation with local law enforcement agencies for any individual violating a drug related law while at on University Controlled Property or at a University activity. The University will also enforce state underage drinking laws on University Controlled Property. (Note: the legal drinking age in the United States is 21 and over.) The University abides by federal Drug-Free Workplace and Drug-Free Schools and Communities Act regulations regardless of individual state legalization.

The University has established specific courses of action regarding alcohol and other drug abuse and has steps in place to prevent abuse and generate awareness:

- Each year, all students, faculty, and staff receive notification, to include the location, of Campus Safety Policies and the University's Consumer Information Guide
- Campus Safety Policies are available to all students, faculty, and staff on the public University website or upon request
- Students, faculty, and staff are encouraged to report instances of alcohol and other drug abuse:
  - Students can report concerns to faculty members, the local Campus Safety Coordinator, or on their end of course surveys
  - Faculty can report concerns to Academic Affairs, the local Campus Safety Coordinator, or on their end of course surveys
  - Staff, including faculty, can report concerns to their immediate supervisors or Human Resources
- Students, faculty, staff, visitors, or business partners can report concerns to the Ethics Helpline at (888) 310-9569 or online at http://www.UOPXhelpline.com
- Alcohol-related advertising or promotions are not permitted on-campus
- The local Campus Safety Coordinator maintains a list of local treatment facilities as well as alcohol and other drug abuse counseling resources for individuals and their family members
  - The Campus Safety Coordinator’s contact information is available at http://www.phoenix.edu/about_us/campus-safety/campus-safety-contact-list.html
  - In addition, details how to contact the local Campus Safety Coordinator are included on the In Case of an Emergency poster in the Poster Compliance Binder located in all classrooms and common areas (e.g., breakrooms)
- Employee benefits and student assistance programs offer resources to assist with alcohol and drug addiction related issues
- The University conducts a biennial review of its program to:
Determine its effectiveness and implement changes to the program if they are needed

Ensure that its disciplinary sanctions are consistent and enforced

9.1 Alcohol and Other Drug Abuse Prevention and Counseling Services

Every local campus offers sexual assault awareness and prevention training annually to students, faculty, and staff. This program involves how alcohol and other drugs can facilitate sexual assault. Please contact the Campus Safety Coordinator for information on where and when this educational event will occur.

9.1.1 Student Resources

The University also offers substance abuse and various counseling services to all currently enrolled students via the Life Resource Center, directly accessible from the student eCampus website under the Program tab in the Student Support section. The Life Resource Center offers services that are confidential, available 24/7/365, accessible by calling (866) 320-2817, and free to students.

For more information, please refer to Appendix B4.1.

9.1.2 Employee Resources

UOPX provides an Employee Assistance Program (EAP) as an employee benefit. All employees have access to EAP whether or not they obtain other benefits through the University. Information about the program is available at all times through the Benefit Central site at https://compass.empyreanbenefits.com/UOPX. This benefit provides referral services and treatment sessions as needed. Calls and online inquiries are tracked by category. Employees enrolled in health care plans can obtain additional substance abuse benefits, including outpatient and inpatient services, through providers contracted with their health care plan.

For more information, please refer to Appendix B4.2.

9.1.3 National Resources

We encourage anyone dealing with substance abuse issues (not just our employees and students) to also contact national agencies for guidance and assistance in identifying a counseling, treatment, or rehabilitation program. Support is always available with confidentiality and discretion! One need only ask.

- Al-Anon Family Groups (888) 4AL-ANON (425-2666) https://al-anon.org/
- Alcoholics Anonymous http://www.aa.org/
- Cocaine Anonymous https://ca.org/
- Narcotics Anonymous https://www.na.org/
- National Institute on Alcohol Abuse and Alcoholism https://www.niaaa.nih.gov/
- National Institute on Drug Abuse (800) 662-HELP (662-4357) https://www.drugabuse.gov/
9.2 Health Risks of Alcohol and Other Drugs

The health consequences of drugs and alcohol depend on the frequency, duration, and the intensity of use and can include both physical and psychological effects. Overdose is a risk for all drugs. It can result in coma, convulsions, psychosis, or death. Combinations of certain drugs, such as alcohol and barbiturates, can be lethal. The purity and strength of doses of illegal drugs are uncertain.

Continued use of substances can lead to tolerance (requiring more and more of a drug to get the same effect), dependence (physical or psychological need), or withdrawal (painful, difficult, and dangerous symptoms when stopping the use of drugs). Long-term use of drugs can lead to malnutrition, organ damage, and psychological problems. The risk of AIDS and other diseases increases if drugs are injected.

The consumption of alcohol or drugs when pregnant may cause abnormalities in babies.

9.3 Physical and Psychological Dependence and Effects of Specified Drugs

There are a vast array of health risks associated with chronic drug and alcohol use, including but not limited to: depression; liver and kidney disease; psychosis and impaired thinking; heart attack; seizures; strokes; high blood pressure; violent outbursts; paranoia; anxiety; increased risk of birth defects and developmental issues during and after pregnancy. For more information about the health risks associated with alcohol and particular types of drugs, please visit https://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts.

9.4 Standards of Conduct

The University's Codes of Conduct clearly state that the unlawful manufacture, sale, delivery, unauthorized possession, or use of any illicit drug is prohibited on property owned or otherwise controlled by the University. The University enforces a "Zero Tolerance" policy regarding underage
drinking and will enforce state underage drinking laws on its campus premises (Note: the legal drinking age in the United States is 21 and over).

Additional standards of conduct for employees are addressed in the University Alcohol and Drug Abuse Prevention policy in the Policy Library. If any individual is found violating any alcohol or other drug related law while at a University location or activity, the University will fully cooperate with federal and state law enforcement agencies.

9.5 Sanctions the University Will Impose for Alcohol or Other Drugs Violations

The University abides by federal, state, and local sanctions regarding unlawful possession of drugs and the unlawful consumption of alcohol. Any member of the campus community found consuming or selling alcohol and other drugs on University property is subject to disciplinary action up to and including dismissal from the University.

9.6 Federal Drug Laws

Denial of Federal Benefits (21 U.S.C. 862) A federal drug conviction may result in the loss of federal benefits, including school loans, grants, scholarships, contracts, and licenses. Federal drug trafficking convictions may result in denial of federal benefits for up to five years for a first conviction. Federal drug convictions for possession may result in denial of federal benefits for up to one year for a first conviction and up to five years for subsequent convictions.

Forfeiture of Personal Property and Real Estate (21 U.S.C. 853) Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued and property is seized at the time an individual is arrested on charges that may result in forfeiture.

Federal Drug Trafficking Penalties (21 U.S.C. 841) Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are twice as severe.

If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces the possibility of a life sentence and fines ranging up to $10 million.

Persons convicted on federal charges of drug trafficking within 1,000 feet of a university (21 U.S.C. 860) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year.

Federal Drug Possession Penalties (21 U.S.C. 844) Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison and a mandatory fine of no less than $1,000. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of $2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of $5,000.
9.6.1 Federal Penalties and Sanctions for Illegal Trafficking and Possession of a Controlled Substance

These are federal penalties and sanctions. Additional state penalties and sanctions may also apply.


Federal Trafficking Penalties

<table>
<thead>
<tr>
<th>DRUG/SCHEDULE</th>
<th>QUANTITY</th>
<th>PENALTIES</th>
<th>QUANTITY</th>
<th>PENALTIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cocaine (Schedule II)</td>
<td>500-4,999 grams mixture</td>
<td>First Offense: Not less than 5 years, and not more than 40 years. If death or serious injury, not less than 20 years or more than life. Fine of not more than $5 million if an individual, $25 million if not an individual.</td>
<td>5 kgs or more mixture</td>
<td>First Offense: Not less than 10 years, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than $10 million if an individual, $50 million if not an individual.</td>
</tr>
<tr>
<td>Cocaine Base (Schedule II)</td>
<td>28-279 grams mixture</td>
<td>Second Offense: Not less than 10 years, and not more than life. If death or serious injury, life imprisonment. Fine of not more than $8 million if an individual, $50 million if not an individual.</td>
<td>280 grams or more mixture</td>
<td>Second Offense: Not less than 20 years, and not more than life. If death or serious injury, life imprisonment. Fine of not more than $20 million if an individual, $75 million if not an individual.</td>
</tr>
<tr>
<td>Fentanyl (Schedule II)</td>
<td>40-399 grams mixture</td>
<td>100 grams or more mixture</td>
<td>400 grams or more mixture</td>
<td>1 kg or more mixture</td>
</tr>
<tr>
<td>Fentanyl Analogue (Schedule I)</td>
<td>10-99 grams mixture</td>
<td></td>
<td>100 grams or more mixture</td>
<td></td>
</tr>
<tr>
<td>Heroin (Schedule I)</td>
<td>100-999 grams mixture</td>
<td>Second Offense: Not less than 10 years, and not more than life. If death or serious injury, life imprisonment. Fine of not more than $8 million if an individual, $50 million if not an individual.</td>
<td>1 kg or more mixture</td>
<td>2 or More Prior Offenses: Life imprisonment. Fine of not more than $20 million if an individual, $75 million if not an individual.</td>
</tr>
<tr>
<td>LSD (Schedule I)</td>
<td>1-9 grams mixture</td>
<td>First Offense: Not more than 10 years. If death or serious injury, not more than 15 years. Fine $1 million if an individual, $5 million if not an individual.</td>
<td>50 grams or more pure or 500 grams or more mixture</td>
<td></td>
</tr>
<tr>
<td>Methamphetamine (Schedule II)</td>
<td>5-49 grams pure or 50-499 grams mixture</td>
<td>First Offense: Not more than 15 years. If death or serious injury, not more than 20 years. Fine $2 million if an individual, $10 million if not an individual.</td>
<td>100 grams or more pure or 1 kg or more mixture</td>
<td></td>
</tr>
<tr>
<td>PCP (Schedule II)</td>
<td>10-99 grams pure or 100-999 grams mixture</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Schedule I &amp; II drugs (and any drug product containing Gamma Hydroxybutyric Acid)</td>
<td>Any amount</td>
<td>First Offense: Not more than 20 years. If death or serious injury, not less than 20 years, or more than life. Fine $1 million if an individual, $5 million if not an individual.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flunitrazepam (Schedule IV)</td>
<td>1 gram</td>
<td>Second Offense: Not more than 30 years. If death or serious bodily injury, life imprisonment. Fine $2 million if an individual, $10 million if not an individual.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Schedule III drugs</td>
<td>Any amount</td>
<td>First Offense: Not more than 10 years. If death or serious injury, not more than 15 years. Fine not more than $500,000 if an individual, $2.5 if not an individual.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All other Schedule IV drugs</td>
<td>Any amount</td>
<td>Second Offense: Not more than 20 years. If death or serious injury, not more than 30 years. Fine not more than $1 million if an individual, $5 million if not an individual.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flunitrazepam (Schedule IV)</td>
<td>Other than 1 gram or more</td>
<td>First Offense: Not more than 5 years. Fine not more than $250,000 if an individual, $1 million if not an individual.</td>
<td>Second Offense: Not more than 10 years. Fine not more than $500,000 if an individual, $2 million if other than an individual.</td>
<td></td>
</tr>
</tbody>
</table>
Federal Trafficking Penalties – Marijuana

<table>
<thead>
<tr>
<th>DRUG</th>
<th>QUANTITY</th>
<th>1st OFFENSE</th>
<th>2nd OFFENSE</th>
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</thead>
<tbody>
<tr>
<td>Marijuana (Schedule I)</td>
<td>1,000 kg or more marijuana mixture or 1,000 or more marijuana plants</td>
<td>Not less than 10 years or more than life. If death or serious bodily injury, not less than 20 years or more than life. Fine not more than $10 million if an individual, $50 million if other than an individual.</td>
<td>Not less than 20 years or more than life. If death or serious bodily injury, life imprisonment. Fine not more than $20 million if an individual, $75 million if other than an individual.</td>
</tr>
<tr>
<td>Marijuana (Schedule I)</td>
<td>100 kg to 999 kg marijuana mixture or 100 to 999 kg marijuana plants</td>
<td>Not less than 5 years or more than 40 years. If death or serious bodily injury, not less than 20 years or more than life. Fine not more than $5 million if an individual, $25 million if other than an individual.</td>
<td>Not less than 10 years or more than life. If death or serious bodily injury, life imprisonment. Fine not more than $20 million if an individual, $75 million if other than an individual.</td>
</tr>
<tr>
<td>Marijuana (Schedule I)</td>
<td>More than 10 kg hashish; 50 to 99 kg marijuana mixture; More than 1 kg of hashish oil; 50 to 99 marijuana plants</td>
<td>Not less than 20 years. If death or serious injury, not less than 20 years or more than life. Fine $1 million if an individual, $5 million if other than an individual.</td>
<td>Not less than 30 years. If death or serious bodily injury, life imprisonment. Fine $2 million if an individual, $10 million if other than an individual.</td>
</tr>
<tr>
<td>Marijuana (Schedule I)</td>
<td>Less than 50 kg marijuana (but does not include 50 or more marijuana plants regardless of weight) 1 to 49 marijuana plants</td>
<td>Not less than 5 years. Fine not more than $250,000 if individual, $1 million if other than individual.</td>
<td>Not less than 10 years. Fine not more than $500,000 if individual, $2 million if other than individual.</td>
</tr>
<tr>
<td>Hashish (Schedule I)</td>
<td>10 kg or less</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hashish Oil (Schedule I)</td>
<td>1 kg or less</td>
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</tbody>
</table>

*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to $20 million if an individual and $75 million if other than an individual.

9.7 State Drug and Alcohol Statutes

**ARIZONA**

**Category** | **Summary (Arizona Revised Statutes)**
---|---
Possession of Marijuana | The use of recreational marijuana is illegal, and possession for personal use of less than 2 pounds is a Class 6 felony. A Class 6 felony comes with a penalty of at least 4 months in jail. See A.R.S. § 13-702. Medical marijuana for certain conditions is allowed if the person possesses 2.5 ounces of usable marijuana. See A.R.S. § 36-2801. The use of marijuana, medical or otherwise, is prohibited in any public place. See A.R.S. § 36-2802. As the amount of marijuana increases, the crime classification becomes more severe and related penalties increase.
Controlled Substances | Arizona statutes cover a wide range of offenses related to the possession and delivery of controlled substances. See A.R.S. §§ 13-3401 – 13-3423. Penalties vary widely based on the type and amount of substance(s) confiscated, and if multiple controlled substances
### ARIZONA

<table>
<thead>
<tr>
<th>Category</th>
<th>Summary (Arizona Revised Statutes)</th>
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<tbody>
<tr>
<td></td>
<td>are found, sentencing is tied to either the unlawful substance of the greatest proportionate amount or the unlawful substance constituting the highest Class of offense. See A.R.S. §§ 13-3420 and 13-3401. Felony sentences can carry fines of up to $150,000, and the court may order a person convicted of a drug offense to pay an additional fine of at least $1,000 for the first offense and at least $2,000 for a second or subsequent offense. See A.R.S. §§ 13-801 and 13-821. The terms of imprisonment for a presumptive, minimum, maximum, mitigated, or aggravated sentence are prescribed under A.R.S. § 13-702. “Serious drug offenses,” patterns of violation/repeat offenses, and involvement in enterprises yielding a “significant source of income” (greater than $25,000 per calendar year) each result in more severe penalties. See A.R.S. §§ 13-3410 and 13-803. Involving minors in drug offenses or selling to underage persons also enhances applicable penalties. See A.R.S. §§ 13-3409 and 13-3403. As an example, a person who knowingly possesses, sells, transfers or offers to sell or transfer peyote is guilty of a Class 6 felony which carries a presumptive jail term of one year and at least a $1,000 fine.</td>
</tr>
<tr>
<td>Alcohol &amp; Minors</td>
<td>It is unlawful for a person under age 21 to have in the person’s body any “spirituous liquor.” See A.R.S. § 4-244. It is also a violation to sell, furnish, or give a minor alcohol. Id. A minor who solicits another person to purchase, sell, give, or serve them alcohol is guilty of a Class 3 misdemeanor. See A.R.S. § 4-241. Any underage person who misrepresents their age by means of a fraudulent or false written instrument of identification or the identification of another person in an effort to induce someone to sell or serve them alcohol is guilty of a Class 1 misdemeanor. See A.R.S. § 4-241.</td>
</tr>
<tr>
<td>Driving Under the Influence (DUI)</td>
<td>A person is guilty of a DUI if the person has a blood alcohol concentration of 0.08 or more within two hours of driving or being in actual physical control of the vehicle and the alcohol concentration results from alcohol consumed either before or while driving. A person convicted of a DUI is guilty of a Class 1 misdemeanor. See A.R.S. § 28-1381. A third offense within 7 years results in a Class 4 felony. See A.R.S. § 28-1383.</td>
</tr>
</tbody>
</table>

### CALIFORNIA

<table>
<thead>
<tr>
<th>Category</th>
<th>Summary (California Code)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Possession of Marijuana</td>
<td>Possession of 28.5 grams or less of cannabis will require 4 hours of drug education and 10 hours of community service if the offender is under the age of 18. If the offender is under the age of 21, a fine of $100 will be imposed. If the offender is over the age of 18 and possesses more than 28.5 grams, an imprisonment of not more than 6 months or a fine of not more than $500 will be imposed, or both. See Cal. Health &amp; Safety Code § 11357. As the amount of cannabis increases, the crime classification becomes more severe and related penalties increase.</td>
</tr>
<tr>
<td>Controlled Substances</td>
<td>California statutes cover a wide range of offenses related to delivering, selling, furnishing, transferring, possessing, or manufacturing controlled substances formerly classified as “narcotics” and “restricted dangerous drugs.” See Cal. Health &amp; Safety Code §§ 11350 – 11392. Penalties include prison sentences and monetary fines. See Cal. Health &amp; Safety Code §§ 11350 and 11377. These penalties vary widely by the type and amount of controlled substance confiscated, the number and type of prior convictions, and the intent of the individual to manufacture, sell, or use the drug. Involving a minor in any capacity—whether using or employing a minor, inducing a minor to violate provisions, selling or furnishing to a minor, or acting in locations where minors are present—is a distinct offense and will result in heightened penalties. See Cal. Health &amp; Safety Code §§ 11353 – 11354 and 11380.</td>
</tr>
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</table>
### CALIFORNIA

<table>
<thead>
<tr>
<th>Category</th>
<th>Summary (California Code)</th>
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<tbody>
<tr>
<td>For example, a first-time drug offender found in possession of opiates (Schedule I substances) without a valid prescription may be punished by up to 1 year in jail, a fine of at least $1,000, and/or community service. Possession of gamma hydroxybutyric acid (&quot;date rape drug&quot;) with intent to commit sexual assault is punishable by up to 3 years imprisonment.</td>
<td></td>
</tr>
<tr>
<td>Alcohol &amp; Minors</td>
<td>A minor who purchases alcohol or consumes any alcoholic beverage in any on-sale premises is punishable by a fine of $250 or between 24 and 32 hours of community service. Second or subsequent offenses are punishable by up to $500 and between 36 and 48 hours of community service. See Cal. Bus. &amp; Prof. Code § 25658. A person who sells, furnishes, or gives alcohol to a minor is guilty of a misdemeanor, as is a minor who purchases any alcoholic beverage. Id. Furnishing an alcoholic beverage to a minor is punishable by a fine of $1,000 and at least 24 hours of community service. If the minor subsequently consumes the alcohol and causes great bodily injury or death to himself/herself or any other person, the person who furnished the alcohol will be imprisoned for a term between 6 months and 1 year and/or fined $1,000. Id.</td>
</tr>
<tr>
<td>Driving Under the Influence (DUI)</td>
<td>It is illegal to operate a car with a blood alcohol content of 0.08 percent or more. It is also illegal to operate a vehicle when addicted to the use of any drug. See Cal. Veh. Code § 23152. Violation of these provisions is a misdemeanor. See Cal. Veh. Code § 40000.15. Punishment for a first offense is between 96 hours to 6 months imprisonment, with at least 48 continuous hours, as well as a fine of $390 to $1,000. See Cal. Veh. Code § 23536.</td>
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### COLORADO

<table>
<thead>
<tr>
<th>Category</th>
<th>Summary (Colorado Revised Statutes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Possession of Marijuana</td>
<td>Possessing, using, displaying, purchasing, or transporting marijuana accessories or 1 ounce or less of marijuana is legal in the state of Colorado. See Colo. Const. Art. XVIII, Section 16. A person under 21 years of age who possesses 1 ounce or less of marijuana or consumes marijuana anywhere in the state of Colorado commits illegal possession or consumption of marijuana by an underage person. See C.R.S.A. § 18-13-122. As the amount of marijuana increases, the crime classification becomes more severe and related penalties increase.</td>
</tr>
<tr>
<td>Controlled Substances</td>
<td>Colorado statutes cover offenses and varying penalties related to unlawful possession, use, and distribution of controlled substances and materials (&quot;precursor drugs&quot;) used to make controlled substances. See C.R.S.A. §§ 18-18-401 – 18-18-433. Penalties vary widely based on whether the individual intended to manufacture, sell, or use the drug. See C.R.S.A. § 18-1.3-401.5. Any person who uses any controlled substance (other than marijuana), except when it is dispensed by or under the direction of a person licensed or authorized by law to prescribe, administer, or dispense the controlled substance for bona fide medical needs, commits a level 2 drug misdemeanor. See C.R.S.A. § 18-18-404. A person who commits a felony drug offense is considered a &quot;special offender&quot; and subject to heightened penalties if he or she, as part of the offense: engaged in a drug conspiracy or continuing criminal enterprise; imported into the state more than 14 grams of any Schedule I or II controlled substance or more than 7 grams of methamphetamine, heroin, ketamine, or cathinone; used, displayed, or possessed deadly weapon or firearm; used a minor as his or her agent; earned a substantial part of his or her income; or distributed or manufactured any controlled substance near a school or public housing development. See C.R.S.A. § 18-18-407. As an example, a person who possesses nonprescription drugs (i.e., pseudoephedrine) with the intent to manufacture any controlled substance is guilty of a level 2 drug felony. This offense has a presumptive range of 4 to 8 years of imprisonment and/or a fine between $3,000 and $750,000.</td>
</tr>
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</table>
**COLORADO**

<table>
<thead>
<tr>
<th>Category</th>
<th>Summary (Colorado Revised Statutes)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Alcohol &amp; Minors</strong></td>
<td>Pursuant to C.R.S.A. § 18-13-122, it is illegal for a minor to consume or be in possession of alcohol. Courts can impose penalties such as probation, community service, driver's license suspension, and or alcohol education/treatment. It is also unlawful for any person to sell, serve, give, or deliver alcohol to any person under age 21. See C.R.S.A. § 44-3-901. A parent or legal guardian of a person under 21 may give or permit the possession and consumption of alcohol by a person under 21 in their presence and on private property. See C.R.S.A. § 18-13-122. It is unlawful for a minor to obtain or attempt to obtain any alcohol by misrepresentation of age. See C.R.S.A. § 44-3-901.</td>
</tr>
<tr>
<td><strong>Driving Under the Influence (DUI)</strong></td>
<td>A person who drives a motor vehicle or other vehicle under the influence of alcohol or one or more drugs, or a combination of both alcohol and one or more drugs, commits the offense of driving under the influence. See C.R.S.A. § 42-4-1301. “Under the influence” means a blood alcohol content of over 0.08 percent. Driving under the influence is a misdemeanor, but it is a Class 4 felony if the violation occurred after three or more prior convictions. A driver who doesn’t have a blood alcohol over 0.08 percent can still be charged with driving while ability impaired (“DWAI”). Id.</td>
</tr>
</tbody>
</table>

**FLORIDA**

<table>
<thead>
<tr>
<th>Category</th>
<th>Summary (Florida Statutes)</th>
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</thead>
<tbody>
<tr>
<td><strong>Possession of Marijuana</strong></td>
<td>If a person is in possession of 20 grams or less of cannabis, he or she commits a misdemeanor of the first degree. See Fla. Stat. Ann. § 893.13. This is punishable by a definite term not exceeding 1 year in prison. See Fla. Stat. Ann. § 775.082. As the amount of the marijuana increases, the crime classification becomes more severe and related penalties increase.</td>
</tr>
<tr>
<td><strong>Controlled Substances</strong></td>
<td>Fla. Stat. Ann. § 893.13 covers a wide range of offenses related to sale, manufacture, and delivery of the controlled substances enumerated in Fla. Stat. Ann. § 893.03. Penalties for the possession and delivery of illegal drugs vary but generally include prison sentences, monetary fines, and public service. See Fla. Stat. Ann. §§ 775.083 and 775.091. Trafficking controlled substances, or engaging in a conspiracy to do so, can result in other penalties such as disqualification from employment by any agency of the state and disqualification from applying for occupational licenses, permits, or certificates if certain criteria are not met. See Fla. Stat. Ann. § 775.16. For example, selling, manufacturing, or delivering certain controlled substances within 1,000 feet of an educational institution is a felony in the first or second degree, but penalties associated with other controlled substances will carry a $500 fine and a sentence of 100 hours of community service on top of other applicable penalties.</td>
</tr>
<tr>
<td><strong>Alcohol &amp; Minors</strong></td>
<td>It is unlawful for any person under age 21 to have alcoholic beverages in his or her possession. See Fla. Stat. Ann. § 562.111. Pursuant to Fla. Stat. Ann. § 562.11, a person may not sell, give, serve, or permit to be served alcoholic beverages to a person under 21 years of age or permit a person under 21 years of age to consume such beverages on the licensed premises. It is unlawful for any person to misrepresent or misstate his or her age or the age of any other person for the purpose of inducing someone to sell, give, or serve alcohol to a minor. Id.</td>
</tr>
<tr>
<td><strong>Driving Under the Influence (DUI)</strong></td>
<td>A person is guilty of a DUI if he or she has a blood alcohol content of 0.08 percent or more. The penalty for a DUI is a fine of $500 to $1000 and/or imprisonment of up to 6 months for the first conviction. These penalties become more severe upon subsequent convictions. See Fla. Stat. Ann. § 316.193.</td>
</tr>
</tbody>
</table>
### GEORGIA

<table>
<thead>
<tr>
<th>Category</th>
<th>Summary (Georgia Code Annotated)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Possession of Marijuana</td>
<td>Any person who is charged with possession of 1 ounce or less of marijuana is guilty of a misdemeanor and punishable by imprisonment for a period not to exceed 12 months or a fine not to exceed $1,000, or both, or “public works” (community service) not to exceed 12 months. See Ga. Code Ann. § 16-13-2. As the amount of the marijuana increases, the crime classification becomes more severe and related penalties increase.</td>
</tr>
<tr>
<td>Controlled Substances</td>
<td>Ga. Code Ann. §§ 16-13-24 – 16-13-29 establish five Schedules of controlled substances. Ga. Code Ann. §§ 16-13-30 – 16-13-30.6 and 16-13-4 cover a wide range of offenses related to purchase, possession, manufacture, sale, distribution, and delivery of controlled substances, and Ga. Code Ann. § 16-13-79 sets forth violations relating to dangerous drugs. Terms of imprisonment vary widely by the type of drug, amount confiscated, the number of previous offenses by the individual, and whether the possession was for personal use or for distribution. Trafficking certain controlled substances (i.e., cocaine, morphine, opium, methamphetamine, or ecstasy) will result in more severe penalties. See Ga. Code Ann. §§ 16-13-31 – 16-13-31.1. As an example, possession of between 1 and 4 grams of a Schedule I controlled substance or narcotic such as Psilocybin (“magic mushrooms”) is punishable by 1 to 8 years in prison.</td>
</tr>
<tr>
<td>Alcohol &amp; Minors</td>
<td>Ga. Code Ann. § 3-3-23 prohibits persons under 21 years of age from purchasing or possessing any alcoholic beverage or misrepresenting their age or identity in any manner for the purpose of purchasing or obtaining alcohol. A person under 21 convicted of purchasing, attempting to purchase, or possessing any alcoholic beverage is guilty of a misdemeanor and may be punished by up to 6 months in prison and a fine of up to $300. See Ga. Code Ann. § 3-3-23.1. Courts could also potentially impose other penalties like probation, community service, driver’s license suspension, and alcohol education or other treatment when a minor violates the state’s alcohol laws. Pursuant to Ga. Code Ann. § 3-3-21.1, no person is permitted to possess any alcoholic beverages on the property of any public elementary school, high school, or trade/vocational school. Any person who acts as an agent to purchase or acquire any alcoholic beverage for or on behalf of a person under 21 is, upon the first conviction, guilty of a misdemeanor of a high and aggravated nature. See Ga. Code Ann. § 3-3-23.1. An exception allows minors to consume alcohol when their parent or guardian provides the minor with the alcoholic beverage and the minor drinks the beverage in the home of the parent/guardian with the parent/guardian present. See Ga. Code Ann. § 3-3-23.</td>
</tr>
<tr>
<td>Driving Under the Influence (DUI)</td>
<td>A violation has occurred if an individual has a blood alcohol content of 0.08 percent while driving or within 3 hours of driving a vehicle. See Ga. Code Ann. § 40-6-391. First and second offenses constitute a misdemeanor. An initial conviction carries a fine of $300 to $1,000, a term of imprisonment of 10 days to 12 months (or probation), 40 hours of community service, and completion of a DUI program. Id.</td>
</tr>
</tbody>
</table>

### HAWAII

<table>
<thead>
<tr>
<th>Category</th>
<th>Summary (Hawaii Revised Statutes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Possession of Marijuana</td>
<td>A person commits the offense of promoting a detrimental drug in the third degree if the person knowingly possesses any marijuana or any Schedule V substance in any amount. Promoting a detrimental drug in the third degree is a petty misdemeanor. See HRS § 712-1249. The court may sentence a person who has been convicted of a misdemeanor or a petty misdemeanor to imprisonment for a definite term to be fixed by the court and not to exceed 1 year in the case of a misdemeanor or 30 days in the case of a petty misdemeanor. See HRS § 706-663. As the amount of the marijuana increases, the crime classification becomes more severe and related penalties increase.</td>
</tr>
<tr>
<td>Controlled Substances</td>
<td>Hawaii statutes cover offenses related to the “promotion” (meaning possession, distribution, or manufacture) of dangerous, harmful, or detrimental drugs in the first through third degrees. See HRS §§ 712-1241 – 712-1249. Penalties for promotion of</td>
</tr>
</tbody>
</table>
HAWAII

Summary (Hawaii Revised Statutes)

- Controlled substances include prison sentences and monetary fines. See HRS §§ 706-659 – 706-664 for terms of imprisonment and HRS §§ 706-640 and 706-650 for applicable fines.
- Penalties vary widely by the type and amount of substance confiscated. Trafficking methamphetamine or manufacturing a controlled substance with a child present will result in more severe penalties. See HRS §§ 712-1240.7 and 712-1240.5. The use of firearms in certain felony offenses and prior/repeat offenses by the individual also heighten the applicable penalties. See HRS §§ 706-659 and 706-606.5.
- For example, possession of 1 ounce or more of methamphetamine, heroin, morphine, or cocaine constitutes a Class A felony and is punishable by a fine of up to $53,000 and an indeterminate term of imprisonment of up to 20 years.

Alcohol & Minors

- Promoting intoxicating liquor to a person under the age of 21, including providing or purchasing liquor for consumption or use by any person under 21, is a misdemeanor. See HRS §§ 712-1250.5 and 281-101.5.
- No minor shall falsify any identification or use a false identification or the identification of another person (real or fictitious) for the purpose of buying or attempting to buy liquor or obtaining employment to sell or serve liquor on licensed premises. See HRS § 281-101.5. Any person between the ages of 18 and 21 who is in violation is guilty of a petty misdemeanor, and the court may impose penalties related to driver’s license suspension in addition to other penalties permitted by law. See HRS § 281-101.5.

Driving Under the Influence (DUI)

- A blood alcohol content of greater than 0.08 percent while operating a vehicle is a violation. For the first offense, a person will be sentenced to a 14 hour substance rehabilitation program, 1 year revocation of his or her driver’s license and privilege to operate a vehicle, and one or more of the following: 72 hours of community service, 48 hours to 120 hours of imprisonment, and a $250 to $1,000 fine. See HRS § 291E-61.

ILLINOIS

Summary (Illinois Compiled Statutes)

Possession of Marijuana

- Illinois’ Cannabis Control Act can be found at 720 ILCS 550/1 et seq. It is unlawful for any person to knowingly possess cannabis. Possessing no more than 10 grams is a civil violation punishable by a minimum fine of $100 and a maximum fine of $200. Possessing more than 10 grams but not more than 30 grams is a Class B misdemeanor, which can include a prison sentence of up to 6 months and a fine of up to $1,500. As the amount of cannabis increases, the crime classification becomes more severe and related penalties increase. Starting January 1, 2020, Illinois residents age 21 and older may legally purchase recreational cannabis and possess up to 30 grams of cannabis flower. The possession limit is 15 grams of cannabis flower for non-Illinois residents. 410 ILC 705/10-10.

Controlled Substances

- Illinois statutes cover a wide range of offenses related to controlled substances. See 720 ILCS 570/401 et seq. Penalties for the possession and delivery of illegal drugs include prison sentences and monetary fines. These vary widely by the type of drug, amount confiscated, the number of previous offenses by the individual, and whether the individual intended to manufacture, sell, or use the drug. Trafficking controlled substances will result in more severe penalties.
- As an example, possession of between 15 grams and 99 grams of heroin, cocaine, morphine, or LSD is punishable by a fine of up to $200,000 and 4 to 15 years in prison.

Alcohol & Minors

- With very limited exceptions, it is illegal for anyone under the age of 21 to possess or consume alcohol, and it is also illegal to use fake identification for the purpose of obtaining alcohol. See 235 ILCS 5/6-20. A violation is a Class A misdemeanor, which can include a prison sentence of up to 1 year and a fine of up to $2,500. Courts could also potentially impose other penalties like probation, community service, driver’s license suspension, and alcohol education or treatment when a minor violates the state’s alcohol laws.
### ILLINOIS

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<tr>
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<tbody>
<tr>
<td>No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give, or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service. See 235 ILCS 5/6-16(a)(iii). A violation is a Class A misdemeanor and the sentence shall include, but shall not be limited to, a fine of not less than $500 for a first offense and not less than $2,000 for a second or subsequent offense.</td>
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</table>

| Driving Under the Influence (DUI) | Driving while under the influence of alcohol and drugs is prohibited. See 625 ILCS 5/11-501. A violation occurs when a person is driving or physically controlling a motor vehicle with a blood or breath alcohol concentration of 0.08 percent or greater. A violation may also occur when driving is impaired due to the driver being under the influence of alcohol and/or other drugs (even if BAC is not 0.08 percent or greater). A DUI is a Class A misdemeanor, which can include a prison sentence of up to 1 year and a fine of up to $2,500. Increased penalties are available for subsequent offenses and other aggravating circumstances (i.e., getting a DUI while transporting a person under the age of 16). |

### NEVADA

<table>
<thead>
<tr>
<th>Category</th>
<th>Summary (Nevada Revised Statutes)</th>
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</thead>
<tbody>
<tr>
<td>Possession of Marijuana</td>
<td>Possession of less than 1 ounce of marijuana is legal, but a person who smokes or otherwise consumes marijuana in a public place, in a retail marijuana store, or in a moving vehicle is guilty of a misdemeanor and will be punished by a fine of up to $600. See N.R.S. § 453D.400. Possession of over 1 ounce of marijuana mandates escalating penalties and lengths of incarceration.</td>
</tr>
</tbody>
</table>

| Controlled Substances | N.R.S. §§ 453.324 – 453.348 cover a wide range of offenses related to controlled substances and imitation controlled substances in the state of Nevada. Penalties for the possession and delivery of illegal drugs include prison sentences and monetary fines and vary widely by the type of drug, amount confiscated, the number of previous offenses by the individual, and whether the individual intended to manufacture, sell, or use the drug. Things that can enhance applicable penalties include allowing a child to be present during commission of certain violations, failing to render or seek medical assistance to persons injured by the use of controlled substances under certain circumstances, or violations near schools or other facilities for minors. See N.R.S. §§ 453.3325, 453.3335, and 453.3345. As an example, a person convicted of a second violation of selling a controlled substance to a minor is subject to life with the possibility of parole after 5 years and a fine of up to $20,000. |

| Alcohol & Minors | A person under 21 who purchases or consumes any alcoholic beverage is guilty of a misdemeanor. See N.R.S. § 202.020. Every minor who falsely represents himself or herself to be 21 years of age in order to obtain any intoxicating liquor is guilty of a misdemeanor. See N.R.S. § 202.040. Attempting to use or proffer any counterfeited, forged, altered, (etc.) identification to establish falsely or misrepresent his or her actual age for the purpose of purchasing alcoholic liquor or being served alcoholic liquor is a misdemeanor. See N.R.S. § 205.460. Selling, giving, or otherwise furnishing an alcoholic beverage to any person under 21 is also a misdemeanor, unless furnished by the minor’s parent or guardian. See N.R.S. § 202.055. |

| Driving Under the Influence (DUI) | The offense of Driving Under the Influence occurs when an individual has a blood alcohol concentration of 0.08 percent or more while driving or within 2 hours of having driven. See N.R.S. § 484C.110. A single offense within 7 years constitutes a misdemeanor. The offender must pay for tuition for educational course, be imprisoned for 2 days but not more than 6 months, perform not less than 48 hours but not more than 96 hours of community service, and/or be fined $400 to $1000. See N.R.S. § 484C.400. |
### NEW JERSEY

<table>
<thead>
<tr>
<th>Category</th>
<th>Summary (New Jersey Statutes Annotated)</th>
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<tbody>
<tr>
<td>Possession of Marijuana</td>
<td>A person in possession of 50 grams or less of marijuana, including any adulterants or dilutants, or 5 grams or less of hashish is categorized as a “disorderly person.” See N.J.S.A. § 2C:35-10. This offense carries a maximum fine of $1,000 and a maximum incarceration of 6 months. See N.J.S.A. §§ 2C:43-3; 2C:43-8, et seq. As the amount of the marijuana increases, the crime classification becomes more severe and related penalties increase.</td>
</tr>
<tr>
<td>Controlled Substances</td>
<td>N.J.S.A. §§ 2C:35-1 – 2C:35-31 cover a wide range of offenses from the first through fourth degree related to controlled substances. Penalties for the possession and delivery of illegal drugs include prison sentences and monetary fines. See N.J.S.A. § 2C:43-6 for mandatory terms of imprisonment, N.J.S.A. § 2C:43-3 for fines and restitution, and N.J.S.A. § 2C:43-3.5 for additional penalties. Penalties vary widely by the type of drug, amount confiscated, and whether the individual intended to obtain/posses, distribute/ dispense, or manufacture the drug. Trafficking controlled substances will result in more severe penalties. See N.J.S.A. § 2C:35-3. Distribution to persons under age 18, within 1,000 feet of school property or bus, or distributing within 500 feet of a public housing facility or park can also result in heightened penalties. See N.J.S.A. §§ 2c:35-8, 2c:35-7, and 2c:35-7.1. As an example, manufacture, distribution, or possession of more than one ounce of certain chemical substances commonly referred to as bath salts is a crime in the second degree punishable by between 5 and 10 years of imprisonment and up to $150,050.</td>
</tr>
<tr>
<td>Alcohol &amp; Minors</td>
<td>Any person under the legal age to purchase alcohol who possesses or knowingly consumes alcohol in any school, public place, or motor vehicle is guilty of a disorderly person’s offense and will be fined at least $500. See N.J.S.A. § 2C:33-15. If the offense was committed in a motor vehicle, the court may also, depending on the age of the minor, suspend or postpone the minor’s driving privileges for 6 months or more. Anyone who purposely or knowingly offers or serves or makes available an alcoholic beverage to a person under the legal age for consuming alcoholic beverages or entices or encourages that person to drink an alcoholic beverage is a “disorderly person” (unless the alcohol was furnished by a parent or guardian). See N.J.S.A. § 2C:33-17. A person who sustains personal injury or property damage as a result of the negligent service, including serving a minor under circumstances where the server knew, or reasonably should have known, that the person served was a minor, may recover damages from a licensed alcoholic beverage server. See N.J.S.A. § 2A:22A-5.</td>
</tr>
<tr>
<td>Driving Under the Influence (DUI)</td>
<td>Driving Under the Influence requires having a blood alcohol concentration of 0.08 percent or more. If the concentration is between 0.08 and 0.10 percent, the offender will be sentenced to a fine of not less than $250 nor more than $400, and a period of detention of not less than 12 hours nor more than 48 hours and, in the discretion of the court, a term of imprisonment of not more than 30 days. In addition, the person must forfeit the right to operate a motor vehicle until the person installs an ignition interlock device. See N.J.S.A. § 39:4-50. A higher concentration results in greater penalties. Id.</td>
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### NORTH CAROLINA

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Possession of Marijuana</td>
<td>Marijuana is a Schedule VI controlled substance. See N.C.G.S.A. §§ 90-94. A person in possession of a controlled substance classified in Schedule VI shall be guilty of a Class 3 misdemeanor, unless possession exceeds 0.5 ounces, which is a Class 1 misdemeanor. A Class 3 misdemeanor carries a small fine. N.C.G.S.A. §§ 90-95. As the amount of marijuana increases, the crime classification becomes more severe and related penalties increase.</td>
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</tr>
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<tbody>
<tr>
<td>Controlled Substances</td>
<td>North Carolina statutes cover a wide range of offenses related to possession, manufacture, sale, and delivery of controlled substances. See N.C.G.S.A. §§ 90-86 – 90-113.8. Penalties for the possession and delivery of illegal drugs include prison sentences and monetary fines. These vary widely by the type of drug, amount confiscated, the number of previous offenses by the individual, and whether the individual intended to manufacture, sell, or use the drug. See N.C.G.S.A. §§ 90-95. Involving a minor in any capacity will result in more severe penalties. See N.C.G.S.A. §§ 90-95.4 – 90-95.7. As an example, sale of a controlled substance classified in Schedule I or II (i.e., opiates, opium derivatives, hallucinogenic substances, etc.) is a Class G felony.</td>
</tr>
<tr>
<td>Alcohol &amp; Minors</td>
<td>It is unlawful for any person to sell or give alcoholic beverages to minors or for any person under 21 to purchase or attempt to purchase alcohol. See N.C.G.S.A. § 18B-302. It is also unlawful for any person to attempt to obtain alcoholic beverages using a fraudulent or altered identification card/document or driver's license issued to another person, or for any adult to permit an underage person to use their identification for purposes of obtaining alcohol. Id.</td>
</tr>
<tr>
<td>Driving Under the Influence (DUI)</td>
<td>Driving Under the Influence requires having a blood alcohol concentration of 0.08 percent or more. An initial offense is a misdemeanor. See N.C.G.S.A. § 20-138.1. Sentencing is determined by being placed in one of six punishment categories, each of which has minimums for fines, license suspensions, and incarceration periods. See N.C.G.S.A. § 20-179.</td>
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### TEXAS

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<tr>
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<tbody>
<tr>
<td>Possession of Marijuana</td>
<td>A Class B misdemeanor occurs if the amount of marijuana possessed is 2 ounces or less. A Class A misdemeanor occurs if the amount of marijuana possessed is between 2 ounces and 4 ounces. See Tex. Health &amp; Safety Code Ann. § 481.121. An individual adjudged guilty of a Class B misdemeanor will be punished by a fine not to exceed $2,000, confinement in jail for a term not to exceed 180 days, or both. An individual adjudged guilty of a Class A misdemeanor will be punished by a fine not to exceed $4,000, confinement in jail for a term not to exceed 1 year, or both. See Tex. Penal Code Ann. § 12.22. As the amount of marijuana increases, the crime classification becomes more severe and related penalties increase.</td>
</tr>
<tr>
<td>Controlled Substances</td>
<td>Texas Health &amp; Safety Code Ann. §§ 481.101 – 481.141 cover a wide range of offenses related to controlled substances. Penalties for the possession and delivery of illegal drugs include prison sentences and monetary fines and vary widely by the type of drug, amount confiscated, and whether the individual possessed or manufactured/delivered the controlled substance. Trafficking controlled substances will result in more severe penalties. As an example, a person who possesses less than 28 grams of a controlled substance listed in Penalty Group 3 (i.e., anabolic steroids) is guilty of a Class A misdemeanor punishable by a fine not to exceed $4,000 and confinement in jail for up to 1 year.</td>
</tr>
<tr>
<td>Alcohol &amp; Minors</td>
<td>A minor who consumes alcohol outside the visible presence of the minor’s adult parent/guardian or spouse is punishable by a fine of $250 to $2,000 and imprisonment for up to 180 days. The court may also impose penalties like community service, driver’s license suspension, and education or treatment. See Tex. Alcoholic Beverage Code Ann. § 106.04. A minor may possess an alcoholic beverage while in the course and scope of the minor’s employment. See Tex. Alcoholic Beverage Code § 106.05. An adult 21 years of age or older who is not a minor’s parent/guardian or spouse is liable for damages proximately caused by the intoxication of a minor under the age of 18 if the adult served the minor or allowed the minor to be served alcoholic beverages that contributed to the minor’s intoxication on the premises owned or leased by the adult. See Tex. Alcoholic Beverage Code Ann. § 2.02.</td>
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<tr>
<td>A person may purchase an alcoholic beverage for or give an alcoholic beverage to a minor if the person is the minor’s adult parent/guardian or spouse and is visibly present when the minor possesses or consumes the alcoholic beverage. See Tex. Alcoholic Beverage Code Ann. § 106.06.</td>
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<tr>
<td>A minor commits an offense if the minor falsely states that he/she is 21 years of age or older or presents any document that indicates he/she is 21 years of age or older to a person engaged in selling or serving alcoholic beverages. See Tex. Alcoholic Beverage Code Ann. § 106.06.</td>
<td></td>
</tr>
<tr>
<td><strong>Driving While Intoxicated (DWI)</strong></td>
<td>One is guilty of driving while intoxicated if he or she has a blood alcohol concentration of 0.08 percent or more. This is a Class B misdemeanor, with a minimum term of confinement of 72 hours. An offender can also be subject to fines, revocation/suspension of license, a vehicle interlock system, and educational programs. See Tex. Penal Code Ann. § 49 et seq. and Tex. Transp. Code Ann. § 524.022.</td>
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### UTAH

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<tbody>
<tr>
<td>Possession of Marijuana</td>
<td>A person possessing marijuana is guilty of a Class B misdemeanor and may be sentenced to a term not exceeding 6 months in prison. See U.C.A. §§ 58-37-8(2)(d). As the amount of the marijuana increases, the crime classification becomes more severe and related penalties increase.</td>
</tr>
<tr>
<td>Controlled Substances</td>
<td>Utah statutes cover a wide range of offenses related to controlled substances. See U.C.A. §§ 58-37-1 – 58-37-19. Prohibited acts and penalties are enumerated in U.C.A. § 58-37-8. Penalties for the possession and delivery of illegal drugs include prison sentences and monetary fines. These vary widely by the type of drug, amount confiscated, the number of previous offenses by the individual, and whether the individual intended to manufacture, sell, or use the drug. As an example, a person convicted of producing, manufacturing, or distributing a substance or counterfeit substance classified in Schedule I or II (i.e., psilocybin, heroin, opium, hydrocodone, etc.) is guilty of a second-degree felony punishable by imprisonment for up to 15 years.</td>
</tr>
<tr>
<td>Alcohol &amp; Minors</td>
<td>It is unlawful for a minor to attempt to purchase or solicit another person to purchase, possess, or consume an alcoholic product. Penalties include various screenings, assessments, and educational series. See U.C.A. § 32B-4-409. A person may not permit a minor to consume an alcoholic product in a chartered bus or limousine of which the person is the owner or operator. See U.C.A. § 32B-4-416. It is a Class C misdemeanor for a person to lend or knowingly permit the use of a license certificate issued to the individual, by another individual not entitled to the license certificate and to display or represent as the individual's own license certificate a license certificate not issued to the individual. See U.C.A. § 53-3-229 and U.C.A. § 53-3-810. It is a Class A misdemeanor for a person to transfer that person's proof of age to another person to help that person obtain alcohol. See U.C.A. § 32B-1-403. A person is guilty of a Class B misdemeanor if the person negligently or recklessly fails to determine whether the recipient of the alcoholic product is a minor. See U.C.A. § 32B-4-403.</td>
</tr>
<tr>
<td>Driving Under the Influence (DUI)</td>
<td>One is guilty of driving under the influence if they have a blood or breath alcohol concentration of 0.05 grams. See U.C.A. § 41-6a-502. This offense is a Class B misdemeanor. See U.C.A. § 41-6a-503. Penalties include: a jail sentence of not less than 48 consecutive hours or a compensatory-service work program for not less than 48 hours; participation in a screening or assessment; participation in educational programs; a fine of not less than $700; and probation. See U.C.A. § 41-6a-505.</td>
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### VIRGINIA

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<tbody>
<tr>
<td>Possession of Marijuana</td>
<td>Any person who is in possession of marijuana is guilty of a misdemeanor and will be imprisoned for a term of not more than 30 days and/or fined not more than $500. See Va. Code Ann. § 18.2-250.1. As the amount of marijuana increases, the crime classification becomes more severe and related penalties increase.</td>
</tr>
<tr>
<td>Controlled Substances</td>
<td>Virginia statutes cover a wide range of offenses related to controlled substances. See Ca. Code Ann. §§ 18.2-247 – 18.2-264. Penalties for the possession and delivery of illegal drugs include prison sentences and monetary fines. These vary widely by the type of drug, amount confiscated, the number of previous offenses by the individual, and whether the individual intended to manufacture, sell, or use the drug. Distribution of certain drugs to persons under 18 and sale or manufacture of drugs on or near certain properties carry enhanced penalties. See Va. Code Ann. § 18.2-255 and Va. Code Ann. § 18.2-255.2. As an example, any person who knowingly manufactures, sells, gives, or distributes any anabolic steroid may be sentenced to a term of imprisonment up to 10 years and a fine of up to $20,000.</td>
</tr>
<tr>
<td>Alcohol &amp; Minors</td>
<td>No person under the age of 21 may lawfully consume, purchase, or possess any alcoholic beverage unless in a private residence where he or she is accompanied by a parent/guardian or spouse who is 21 years of age or older. See Va. Code Ann. § 4.1-305. Use of an altered, fictitious, facsimile, or simulated form of identification to establish a false age in order to purchase or consume alcohol is unlawful. Id. Both of these offenses constitute Class 1 misdemeanors and are punishable by a minimum fine of $500 or at least 50 hours of community service, as well as a license suspension between 6 months and 1 year (depending on the age of the offender). Id.</td>
</tr>
<tr>
<td>Driving While Intoxicated (DWI)</td>
<td>A person is guilty of driving while intoxicated if they have a blood or breath alcohol concentration of 0.08 grams. See Va. Code Ann. § 18.2-266. The offender will be guilty of a Class 1 misdemeanor with a mandatory minimum fine of $250. See Va. Code Ann. § 18.2-270. The offender will be required to have a vehicle interlock system for no less than 6 consecutive months without alcohol-related violations. See Va. Code Ann. § 18.2-270.1. The offender’s license will also be suspended for 1 year. See Va. Code Ann. § 18.2-271</td>
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### WASHINGTON

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<tbody>
<tr>
<td>Possession of Marijuana</td>
<td>It is lawful to possess up to 1 ounce of marijuana. See RCWA § 69.50.360. Any person found guilty of possession of less than 40 grams but more than 1 ounce of marijuana is guilty of a misdemeanor. See RCWA § 69.50.4014. Every person convicted of a misdemeanor will be punished by imprisonment for a maximum term fixed by the court of not more than 90 days, or by a fine in an amount fixed by the court of not more than $1,000, or both. See RCWA § 9A.20.021. As the amount of marijuana increases, the crime classification becomes more severe and related penalties increase.</td>
</tr>
<tr>
<td>Controlled Substances</td>
<td>Washington statutes cover a wide range of offenses related to controlled substances and associated penalties. See RCWA §§ 69.50.401 – 69.50.475. Penalties for the possession and delivery of illegal drugs include prison sentences and monetary fines. These vary widely by the type of drug, amount confiscated, the number of previous offenses by the individual, and whether the individual intended to manufacture, sell, or use the drug. Additional (double) penalties apply to second or subsequent offenses. See RCWA § 69.50.408. As an example, it is a Class C felony for any person to sell for profit any controlled substance or counterfeit substance classified in Schedule I (i.e., heroin). An initial offense is punishable by up to 5 years imprisonment. A subsequent offense will result in a mandatory minimum sentence of 5 years imprisonment.</td>
</tr>
<tr>
<td>Alcohol &amp; Minors</td>
<td>It is a gross misdemeanor for any person under the age of 21 years to possess, consume, or otherwise acquire any liquor. See RCWA § 66.44.270. There is an exception allowing minors to consume alcohol provided by a parent or guardian in the presence of their parent or guardian.</td>
</tr>
<tr>
<td>Category</td>
<td>Summary (Revised Code of Washington)</td>
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<tr>
<td>Washington</td>
<td>It is a gross misdemeanor for any person to sell, give, or supply liquor to persons under 21. See RCWA § 66.44.270. Any person who transfers in any manner an identification of age to a minor for the purpose of permitting such minor to obtain alcoholic beverages will be guilty of a misdemeanor under RCWA § 66.44.325. This violation carries a minimum fine of $250 and requires at least 25 hours of community service.</td>
</tr>
<tr>
<td>Driving Under the Influence (DUI)</td>
<td>A person is guilty of driving under the influence if they have a blood or breath alcohol concentration of 0.08 or higher. This offense is a gross misdemeanor. See RCWA § 46.61.502. Penalties include imprisonment for not less than 24 consecutive hours or more than 364 days. The offender will have an interlock system installed in their vehicle. There will also be a fine of not less than $350 nor more than $5,000 dollars. See RCWA § 46.61.5055.</td>
</tr>
</tbody>
</table>
Section X: Sexual Violence Policy and Prevention

The University, through its Equal Opportunity, Harassment, and Nondiscrimination Policy and consistent with applicable laws, prohibits sex and gender-based discrimination, harassment, and violence, including acts of dating violence, domestic violence, sexual assault, and stalking, which may also constitute crimes. While University policy may use different standards and definitions than state law, sex and gender-based incidents often overlap with the crimes of dating violence, domestic violence, sexual assault, and stalking. Acts of violence and harassment based on sex or gender, including sexual orientation, gender identity, and gender expression, may also constitute crimes.

The University does not discriminate on the basis of sex in the education program or activity that it operates and is required by Title IX of the Education Amendments of 1972 and 34 C.F.R. Part 106 not to discriminate in such a manner.

Sexual harassment, dating violence, domestic violence, sexual assault, and stalking are forms of sex discrimination, which are prohibited under Title IX and by University policy. The University’s Equal Opportunity, Harassment, and Nondiscrimination Policy may be viewed in its entirety at: https://www.phoenix.edu/about_us/title-ix.html.

The requirement not to discriminate in the education program or activity extends to admission and employment and inquiries about the application of Title IX and 34 C.F.R. Part 106 may be referred to the University’s Title IX Coordinator, to the Assistant Secretary of Education, or both.

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

Bridget Beville, JD, Title IX Coordinator
4025 S. Riverpoint Parkway
Mail Stop: CF-K303
Phoenix, AZ 85040
TIXC@phoenix.edu
(602) 557-1823 office
(480) 273-0455 mobile

Regardless of where an incident occurs, any person may report sex discrimination, including sexual harassment (whether 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 Title IX Coordinator contact information. If an incident occurs at a University location, any person may also report to a Campus Safety Coordinator.

Complainants may email TIXC@phoenix.edu and exercise the following rights and options, if desired:

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

• Completing crime reports

• Changing academic and work situations (e.g., student’s course schedule; employee’s work environment)

• Applying for judicial no-contact, restraining, or protective orders

• Having an advisor of their choice to accompany and assist during an institutional disciplinary proceeding

• Receiving the outcome of any institutional disciplinary proceeding that is brought alleging any crime of violence or a non-forcible sex offense
  o If the alleged victim is deceased as a result of the crime or offense, the institution must provide the results of the disciplinary hearing to the victim’s next of kin, if so requested

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

The University will provide a “Rights and Options” document in writing any time a member of the campus community reports they have experienced dating violence, domestic violence, sexual assault, or stalking, whether the incident occurred on or off campus. Documents can be found at https://www.phoenix.edu/about_us/title-ix.html.

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

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

No officer, employee, or agent of the University shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under Title IX of the Education Amendments of 1972 (Title IX) or the Violence Against Women Reauthorization Act of 2013 (VAWA).

The University regards all forms of or attempts at sexual violence or misconduct as serious offenses that may result in suspension, required withdrawal, expulsion, or termination of employment.
10.1 Reporting Dating Violence, Domestic Violence, Sexual Assault, and Stalking

UOPX strongly encourages reporting of sex and gender-based discrimination, harassment, and violence, including acts of dating violence, domestic violence, sexual assault, and stalking. Reporting is best done as soon as possible but can be done at any time. Complainants are encouraged to:

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

10.2 Definitions

For a complete list of definitions, please view the University's Equal Opportunity, Harassment, and Nondiscrimination Policy at: https://www.phoenix.edu/about_us/title-ix.html.

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

- **Bystander Intervention** – Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes:
  
  - recognizing situations of potential harm;
  - understanding institutional structures and cultural conditions that facilitate violence;
  - overcoming barriers to intervening;
  - identifying safe and effective intervention options; and
  - taking action to intervene.

- **Complainant** – The individual who is alleged to be the victim of conduct that could constitute a violation of University policy.

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

- asleep or unconscious;
- under age;
- frightened;
- physically or psychologically pressured or forced;
- intimidated;
- substantially impaired because of a psychological health condition;
- substantially impaired because of voluntary intoxication;
- substantially impaired because of the deceptive administering of any drug, intoxicant, or controlled substance;
- incapacitated due to the use or influence of alcohol or drugs; or
- incapacitated due to a mental disability.

• “Without Consent” – Includes any of the following:
  - The victim is coerced by the immediate use or threatened use of force against a person or property.
  - The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep, or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant. For purposes of this subdivision, “mental defect” means the victim is unable to comprehend the distinctively sexual nature of the conduct or is incapable of understanding or exercising the right to refuse to engage in the conduct with another.
  - The victim is intentionally deceived as to the nature of the act.
  - The victim is intentionally deceived to erroneously believe that the person is the victim’s spouse.

• Dating Violence – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:
  - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - Dating violence does not include acts covered under the definition of domestic violence.

• Domestic Violence – A felony or misdemeanor crime of violence committed:
  - by a current or former spouse or intimate partner of the victim;
  - by a person with whom the victim shares a child in common;
  - by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
  - by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
• **Incapacitation** – A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs.

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

• **Personally Identifying Information** – As defined in Section 40002(a) of the Violence Against Women Act of 1994, is individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including:
  - a first and last name;
  - a home or other physical address;
  - contact information (including a postal, email, or Internet protocol address, or telephone or facsimile number);
  - a social security number, driver’s license number, passport number, or student identification number; and
  - any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.

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

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

• **Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking** – Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that are:
  - culturally relevant;
  - inclusive of diverse communities and identities;
  - sustainable;
  - responsive to community needs;
  - informed by research or assessed for value, effectiveness, or outcome; and
  - consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

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

• **Respondent** – The individual reported to be the perpetrator of conduct in violation of University policy.
• **Outcome** – Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.

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

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

• **Sexual Violence** – Physical sexual acts attempted or perpetrated against a person’s will or when a person is incapable of giving consent.

• **Stalking** – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  o fear for the person’s safety or the safety of others; or
  o suffer substantial emotional distress.

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

### 10.2.1 State Definitions

<table>
<thead>
<tr>
<th>ARIZONA</th>
<th>Definitions (Arizona Revised Statutes)</th>
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</thead>
<tbody>
<tr>
<td><strong>Crime Type</strong></td>
<td><strong>Definitions (Arizona Revised Statutes)</strong></td>
</tr>
<tr>
<td>Dating Violence</td>
<td>The institution has determined, based on good-faith research, that Arizona law does not define the term dating violence.</td>
</tr>
</tbody>
</table>
| Domestic Violence (Ariz. Rev. Stat. § 13.3601) | "Domestic violence" means any act that is a dangerous crime against children or one of the following offenses as prescribed in state law: negligent homicide, manslaughter, second degree murder, first degree murder, endangerment, threatening or intimidation, assault, aggravated assault, custodial interference, unlawful imprisonment, kidnapping, sexual assault, unlawful distribution of pictures depicting nudity or specific sexual acts, criminal trespass in the third degree, criminal trespass in the second degree, criminal trespass in the first degree, criminal damage, interference with judicial proceeding, disorderly conduct, intentional cruelty to animals, intentional interference or prevention of person making an emergency phone call, or use of electronic communication to terrify, intimidate, threaten or harass, harassment, aggravated harassment, stalking, surreptitious photographing, aggravated domestic violence, or child or vulnerable adult abuse, if any of the following applies:  
  - The relationship between the victim and the defendant is one of marriage or former or of persons residing or having resided in the same household.  
  - The victim and the defendant have a child in common.  
  - The victim or the defendant is pregnant by the other party.  
  - The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law.  
  - The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.  
  - The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship. The following factors may be considered in determining whether the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship: (a) The type of relationship; (b) The length of the relationship; (c) The frequency of the interaction between the victim and the defendant; (d) If the relationship has terminated, the length of time since the termination. |
| Stalking (Ariz. Rev. Stat. § 13-2923) | 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:  
  - Suffer emotional distress or reasonably fear that either: (a) The victim's property will be damaged or destroyed; or (b) Any of the following will be physically injured: (i) The victim; (ii) The victim's family member, domestic animal or livestock; (3) A person with whom the victim has or has previously had a romantic or sexual relationship; (4) A person who regularly resides in the victim's household or has resided in the victim's household within the six months before the last conduct occurred.  
  - Reasonably fear death or the death of any of the following: (a) The victim's family member, domestic animal or livestock; (b) A person with whom the victim has or has previously had a romantic or sexual relationship; (c) A person who regularly resides in the victim's household or has resided in the victim's household within the six months before the last conduct occurred. |
### ARIZONA Crime Type Definitions (Arizona Revised Statutes)

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<tr>
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</table>
| Sexual Assault | • Sexual assault (Ariz. Rev. Stat. § 13-1406): A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.  
• Violent sexual assault (Ariz. Rev. Stat. § 13-1423): A person is guilty of violent sexual assault if the offense involved the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or involved the intentional or knowing infliction of serious physical injury and the person has a historical prior felony conviction for a sexual offense under this chapter or any offense committed outside this state that if committed in this state would constitute a sexual offense under this chapter. |
| Rape, Fondling, Incest, Statutory Rape | For purposes of the Clery Act, the term "sexual assault" includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Arizona law are as follows:  
• Rape: The institution has determined, based on good-faith research, that Arizona law does not define the term rape.  
• Fondling: The institution has determined, based on good-faith research, that Arizona law does not define the term fondling.  
• Incest (Ariz. Rev. Stat. § 13-3608): Persons who are eighteen or more years of age and are within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who knowingly intermarry with each other, or who knowingly commit fornication or adultery with each other are guilty of a class 4 felony.  
• Statutory Rape: The institution has determined, based on good-faith research, that Arizona law does not define the term statutory rape. |
| Other "sexual assault" crimes | Other crimes under Arizona law that may be classified as a "sexual assault" include the following:  
• Sexual abuse (Ariz. Rev. Stat. § 13-1404): A person commits sexual abuse by intentionally or knowingly engaging in sexual contact with any person who is fifteen or more years of age without consent of that person or with any person who is under fifteen years of age if the sexual contact involves only the female breast. It is not a defense to a prosecution for a violation of this section that the other person consented if the other person was fifteen, sixteen or seventeen years of age and the defendant was in a position of trust.  
• Sexual conduct with a minor (Ariz. Rev. Stat. § 13-1405): A person commits sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under eighteen years of age.  
• Molestation of a child (Ariz. Rev. Stat. § 13-1410): A person commits molestation of a child by intentionally or knowingly engaging in or causing a person to engage in sexual contact, except sexual contact with the female breast, with a child who is under 15 years of age. |
| Consent (as it relates to sexual activity) (Ariz. Rev. Stat. § 13-1401(7)) | "Without consent" includes any of the following: (a) The victim is coerced by the immediate use or threatened use of force against a person or property; (b) The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant. For the purposes of this subdivision, "mental defect" means the victim is unable to comprehend the distinctively sexual nature of the conduct or is incapable of understanding or exercising the right to refuse to engage in the conduct with another; (c) The victim is intentionally deceived as to the nature of the act; (d) The victim is intentionally deceived to erroneously believe that the person is the victim’s spouse. |

### CALIFORNIA Crime Type Definitions (California Penal Code)

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<tbody>
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<td>Domestic Violence</td>
<td>The institution has determined, based on good-faith research, that California law does not define the term domestic violence.</td>
</tr>
</tbody>
</table>
## CALIFORNIA Crime Type Definitions (California Penal Code)

However, California law (Cal. Pen. Code §§ 242 & 243(e)(1)) does provide penalties for battery (i.e., any willful and unlawful use of force or violence against another) when it is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant’s child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship.

Also, Cal. Pen. Code § 273.5 provides penalties for willful infliction of corporal injury:

a. Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars ($6,000), or by both that fine and imprisonment.

b. Subdivision (a) shall apply if the victim is or was one or more of the following:
   - The offender's spouse or former spouse.
   - The offender’s cohabitant or former cohabitant.
   - The offender’s fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship, as defined in paragraph (10) of subdivision (f) of Section 243.
   - The mother or father of the offender's child.

c. Holding oneself out to be the spouse of the person with whom one is cohabiting is not necessary to constitute cohabitation as the term is used in this section.

d. As used in this section, "traumatic condition" means a condition of the body, such as a wound, or external or internal injury, including, but not limited to, injury as a result of strangulation or suffocation, whether of a minor or serious nature, caused by a physical force. For purposes of this section, "strangulation" and "suffocation" include impeding the normal breathing or circulation of the blood of a person by applying pressure on the throat or neck.

e. For the purpose of this section, a person shall be considered the father or mother of another person’s child if the alleged male parent is presumed the natural father under Sections 7611 and 7612 of the Family Code.

### Stalking (Ca. Pen. Code § 646.9)

- Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking.

- The following definitions apply to the crime of stalking:
  - "harasses" means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.
  - "course of conduct" means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."
  - "credible threat" means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally protected activity is not included within the meaning of "credible threat."
  - the term "electronic communication device" includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers.
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<td><strong>Electronic communication</strong> has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.</td>
</tr>
<tr>
<td><strong>Sexual Assault</strong></td>
<td>The institution has determined, based on good-faith research, that California law does not define the term sexual assault.</td>
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</tbody>
</table>
| **Rape, Fondling, Incest, Statutory Rape** | For purposes of the Clery Act, the term "sexual assault" includes the offenses of rape, fondling, incest, and statutory rape. These definitions under California law are as follows: \* \*Rape (Cal. Pen. Code § 261): Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:  
  o 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.
  o 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.
  o 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.
  o 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.
  o 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.
  o 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.
  o 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.  
  \* \*Rape of a spouse (Cal. Pen. Code § 262): Rape of a person who is the spouse of the perpetrator is an act of sexual intercourse accomplished under any of the following circumstances:  
  o 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.
  o 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.
  o 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.
|
### CALIFORNIA Crime Type Definitions (California Penal Code)

- **act** means incapable of resisting because the victim meets 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.
  
  - 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.
  
  - 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.

- **Fondling:** The institution has determined, based on good-faith research, that California law does not define the term fondling.

- **Incest (Cal. Pen. Code § 285):** Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison.

- **Statutory Rape:** The institution has determined, based on good-faith research, that California law does not define the term statutory rape.

- **Other "sexual assault" crimes**

  Other crimes under California law that may be classified as a "sexual assault" include the following:

  - **Unlawful sexual intercourse with person under 18 (Cal. Pen. Code § 261.5):**
    
    - Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a "minor" is a person under the age of 18 years and an "adult" is a person who is at least 18 years of age.
    
    - Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.
    
    - Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.
    
    - Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

- **Unlawful sexual intercourse, sexual penetration, oral copulation or sodomy; consent procured by false or fraudulent representation with intent to create fear (Cal. Pen. Code § 266c):** Everyone who induces any other person to engage in sexual intercourse, sexual penetration, oral copulation, or sodomy when his or her consent is procured by false or fraudulent representation or pretense that is made with the intent to create fear, and which does induce fear, and that would cause a reasonable person in like circumstances to act contrary to the person's free will, and does cause the victim to so act, is punishable by imprisonment in a county jail for not more than one year or in the state prison for two, three, or four years. As used in this section, "fear" means the fear...
### CALIFORNIA

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<thead>
<tr>
<th>Crime Type</th>
<th>Definitions (California Penal Code)</th>
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<tbody>
<tr>
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<td>of physical injury or death to the person or to any relative of the person or member of the person’s family.</td>
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<td>• Aggravated sexual assault of a child (Cal. Pen. Code § 269): Any person who commits any of the following acts [as defined by state law] upon a child who is under 14 years of age and seven or more years younger than the person is guilty of aggravated sexual assault of a child: (1) Rape; (2) Rape or sexual penetration, in concert; (3) Sodomy; (4) Oral copulation; (5) Sexual penetration.</td>
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<td>• Sodomy (Cal. Pen. Code § 286): Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy.</td>
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<td>• Oral copulation (Cal. Pen. Code § 287): Oral copulation is the act of copulating the mouth of one person with the sexual organ or anus of another person.</td>
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<td>• Forcible acts of sexual penetration (Cal. Pen. Code § 289):</td>
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<td>o Any person who commits an act of sexual penetration when the act is accomplished against the victim’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.</td>
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<tr>
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<td>o Any person who commits an act of sexual penetration upon a child who is under 14 years of age, when the act is accomplished against the victim’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.</td>
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<td></td>
<td>o Any person who commits an act of sexual penetration upon a minor who is 14 years of age or older, when the act is accomplished against the victim’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 6, 8, or 10 years.</td>
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</tbody>
</table>

| Consent (as it relates to sexual activity) | Cal. Pen. Code § 261.6: In prosecutions under Section 261, 262, 286, 287, or 289, or former Section 288a, in which consent is at issue, “consent” shall be defined 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. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 262, 286, 287, or 289, or former Section 288a. |
|            | Cal. Pen. Code § 261.7: In prosecutions under Section 261, 262, 286, 287, or 289, or former Section 288a, in which consent is at issue, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent. |

### COLORADO

<table>
<thead>
<tr>
<th>Crime Type</th>
<th>Definitions (Colorado Revised Statutes)</th>
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<tbody>
<tr>
<td>Dating Violence</td>
<td>The institution has determined, based on good-faith research, that Colorado law does not define the term dating violence.</td>
</tr>
<tr>
<td>Domestic Violence (Colo. Rev. Stat. § 18-6-800.3)</td>
<td>• &quot;Domestic violence&quot; means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. &quot;Domestic violence&quot; also includes any other crime against a person, or against property, including an animal, or any municipal ordinance violation against a person, or against property, including an animal, 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.</td>
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<td>• &quot;Intimate relationship&quot; means a relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child.</td>
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<tr>
<td>Crime Type</td>
<td>Definitions (Colorado Revised Statutes)</td>
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<tr>
<td>Stalking (Colo. Rev. Stat. § 18-3-602)</td>
<td>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 in 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.</td>
</tr>
<tr>
<td>Sexual Assault</td>
<td>• Sexual Assault (Colo. Rev. Stat. § 18-3-402): Any actor who knowingly inflicts sexual intrusion or sexual penetration on a victim commits sexual assault if: (a) The actor causes submission of the victim by means of sufficient consequence reasonably calculated to cause submission against the victim's will; or (b) The actor knows that the victim is incapable of appraising the nature of the victim's conduct; or (c) The actor knows that the victim submits erroneously, believing the actor to be the victim's spouse; or (d) 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; or (e) 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; or (f) 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; or (g) 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 (h) The victim is physically helpless and the actor knows the victim is physically helpless and the victim has not consented. • Sexual Assault on a Child (Colo. Rev. Stat. § 18-3-405): Any actor who knowingly subjects another not his or her spouse to any sexual contact commits sexual assault on a child if the victim is less than fifteen years of age and the actor is at least four years older than the victim. • Sexual Assault on a Child by One in a Position of Trust (Colo. Rev. Stat. § 18-3-405.3): Any actor who knowingly subjects another not his or her spouse to any sexual contact commits sexual assault on a child by one in a position of trust if the victim is a child less than eighteen years of age and the actor committing the offense is one in a position of trust with respect to the victim.</td>
</tr>
<tr>
<td>Rape, Fondling, Incest, Statutory Rape</td>
<td>For purposes of the Clery Act, the term &quot;sexual assault&quot; includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Colorado law are as follows: • Rape: The institution has determined, based on good-faith research, that Colorado law does not define the term rape. • Fondling: The institution has determined, based on good-faith research, that Colorado law does not define the term fondling. • Incest (Colo. Rev. Stat. § 18-6-301): Any person who knowingly marries, inflicts sexual penetration or sexual intrusion on, or subjects to sexual contact, as defined in section</td>
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### COLORADO

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<thead>
<tr>
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</table>
| 18-3-401, an ancestor or descendant, including a natural child, child by adoption, or stepchild twenty-one years of age or older, a brother or sister of the whole or half blood, or an uncle, aunt, nephew, or niece of the whole blood commits incest, which is a class 4 felony. For the purpose of this section only, "descendant" includes a child by adoption and a stepchild, but only if the person is not legally married to the child by adoption or the stepchild. | - **Aggravated Incest (Colo. Rev. Stat. § 18-6-302):** A person commits aggravated incest when he or she knowingly:  
  o Marries his or her natural child or inflicts sexual penetration or sexual intrusion on or subjects to sexual contact, as defined in section 18-3-401, his or her natural child, stepchild, or child by adoption, but this paragraph (a) shall not apply when the person is legally married to the stepchild or child by adoption. For the purpose of this paragraph (a) only, "child" means a person under twenty-one years of age.  
  o Marries, inflicts sexual penetration or sexual intrusion on, or subjects to sexual contact, as defined in section 18-3-401, a descendant, a brother or sister of the whole or half blood, or an uncle, aunt, nephew, or niece of the whole blood who is under ten years of age. |
| Other "sexual assault" crimes | Other crimes under Colorado law that may be classified as a "sexual assault" include the following:  
  - **Unlawful Sexual Contact (Colo. Rev. Stat. § 18-3-404)**  
    o Any actor who knowingly subjects a victim to any sexual contact commits unlawful sexual contact if: (a) The actor knows that the victim does not consent; or (b) The actor knows that the victim is incapable of appraising the nature of the victim’s conduct; or (c) The victim is physically helpless and the actor knows that the victim is physically helpless and the victim has not consented; or (d) The actor has substantially impaired the victim’s power to appraise or control the victim’s conduct by employing, without the victim’s consent, any drug, intoxicant, or other means for the purpose of causing submission; or (e) [Repealed]; (f) 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, unless incident to a lawful search, to coerce the victim to submit; or (g) The actor engages in treatment or examination of a victim for other than bona fide medical purposes or in a manner substantially inconsistent with reasonable medical practices.  
    o Any person who knowingly, with or without sexual contact, induces or coerces a child by any of the means set forth in section18-3-402 to expose intimate parts or to engage in any sexual contact, intrusion, or penetration with another person, for the purpose of the actor’s own sexual gratification, commits unlawful sexual contact. For the purposes of this subsection (1.5), the term "child" means any person under the age of eighteen years. |

### Consent (as it relates to sexual activity) (Colo. Rev. Stat. § 18-3-401)  
"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. Nothing in this definition shall be construed to affect the admissibility of evidence or the burden of proof in regard to the issue of consent under this part 4.

### FLORIDA

<table>
<thead>
<tr>
<th>Crime Type</th>
<th>Definitions (Florida Statutes)</th>
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<tbody>
<tr>
<td>Dating Violence</td>
<td>- &quot;Dating violence&quot; 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</td>
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<tr>
<td>FLORIDA Crime Type</td>
<td>Definitions (Florida Statutes)</td>
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<tr>
<td>Domestic Violence</td>
<td>factors: (1) A dating relationship must have existed within the past 6 months; (2) The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and (3) The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship. The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.</td>
</tr>
<tr>
<td>Domestic Violence</td>
<td>• &quot;Violence&quot; means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, or false imprisonment, or any criminal offense resulting in physical injury or death, by a person against any other person.</td>
</tr>
<tr>
<td>Stalking</td>
<td>• &quot;Domestic violence&quot; 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.</td>
</tr>
<tr>
<td>Stalking</td>
<td>• &quot;Family or household member&quot; means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.</td>
</tr>
<tr>
<td>Stalking</td>
<td>A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking, a misdemeanor of the first degree....</td>
</tr>
<tr>
<td>Stalking</td>
<td>A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person and makes a credible threat to that person commits the offense of aggravated stalking, a felony of the third degree....</td>
</tr>
<tr>
<td>Stalking</td>
<td>A person who, after an injunction for protection against repeat violence, sexual violence, or dating violence, or an injunction for protection against domestic violence, or after any other court-imposed prohibition of conduct toward the subject person or that person's property, knowingly, willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of aggravated stalking, a felony of the third degree....</td>
</tr>
<tr>
<td>Stalking</td>
<td>The following definitions apply to the crimes of stalking outlined above:</td>
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<td>o &quot;Harass&quot; means to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose.</td>
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<td>o &quot;Course of conduct&quot; means a pattern of conduct composed of a series of acts over a period of time, however short, which evidences a continuity of purpose. The term does not include constitutionally protected activity such as picketing or other organized protests.</td>
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<td>o &quot;Credible threat&quot; means a verbal or nonverbal threat, or a combination of the two, including threats delivered by electronic communication or implied by a pattern of conduct, which places the person who is the target of the threat in reasonable fear for his or her safety or the safety of his or her family members or individuals closely associated with the person, and which is made with the apparent ability to carry out the threat to cause such harm. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat. The present incarceration of the person making the threat is not a bar to prosecution under this section.</td>
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<td>o &quot;Cyberstalk&quot; means: 1) To engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person; or 2) To access, or attempt to access, the online accounts or Internet-connected home</td>
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### FLORIDA

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<thead>
<tr>
<th>Crime Type</th>
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<tbody>
<tr>
<td>Sexual Assault</td>
<td>The institution has determined, based on good-faith research that Florida law does not define the term sexual assault.</td>
</tr>
<tr>
<td>Rape, Fondling, Incest,</td>
<td>For purposes of the Clery Act, the term &quot;sexual assault&quot; includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Florida law are as follows:</td>
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<tr>
<td>Statutory Rape</td>
<td>- Rape: The institution has determined, based on good-faith research, that Florida law does not define the term rape.</td>
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<td>- Fondling: The institution has determined, based on good-faith research, that Florida law does not define the term fondling.</td>
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<td>- Incest (Fla. Stat. § 826.04): Whoever knowingly marries or has sexual intercourse with a person to whom he or she is related by lineal consanguinity, or a brother, sister, uncle, aunt, nephew, or niece, commits incest, which constitutes a felony of the third degree. Sexual intercourse is the penetration of the female sex organ by the male sex organ, however slight; emission of semen is not required.</td>
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<td>- Statutory Rape: The institution has determined, based on good-faith research, that Florida law does not define the term statutory rape.</td>
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<tr>
<td>Other &quot;sexual assault&quot; crimes</td>
<td>Other crimes under Florida law that may be classified as a &quot;sexual assault&quot; include the following:</td>
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<td>- Sexual Battery (Fla. Stat. § 794.011): &quot;Sexual battery&quot; means oral, anal, or vaginal 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. [note: the statute provides different degrees of sexual battery based on a variety of factors, including the ages of the parties involved and certain aggravating factors, such as if the victim was physically incapacitated].</td>
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<td>- Unlawful Sexual Activity With Certain Minors (Fla. Stat. § 794.05(1)): A person 24 years of age or older who engages in sexual activity with a person 16 or 17 years of age commits a felony of the second degree.... As used in this section, &quot;sexual activity&quot; means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual activity does not include an act done for a bona fide medical purpose.</td>
</tr>
<tr>
<td>Consent (as it relates to</td>
<td>&quot;Consent&quot; means intelligent, knowing, and voluntary consent and does not include coerced submission. &quot;Consent&quot; shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.</td>
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<td>sexual activity)</td>
<td>(Fla. Stat. § 794.011(1)(a))</td>
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### GEORGIA

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<thead>
<tr>
<th>Crime Type</th>
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<tbody>
<tr>
<td>Dating Violence</td>
<td>The institution has determined, based on good-faith research, that Georgia law does not define the term dating violence.</td>
</tr>
<tr>
<td>Domestic Violence</td>
<td>The institution has determined, based on good-faith research, that Georgia law does not define the term domestic violence. However, Georgia law does define Family Violence (Ga. Code Ann. § 19-13-1): As used in this article, the term &quot;family violence&quot; 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, 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 term &quot;family violence&quot; shall not be deemed to include reasonable discipline administered by a parent to a child in the form of corporal punishment, restraint, or detention.</td>
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<tr>
<td>GEORGIA Crime Type</td>
<td>Definitions (Georgia Code Annotated)</td>
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<tr>
<td>Stalking (Ga. Code Ann. § 16-5-90(a)(1))</td>
<td>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. For the purpose of this article, the terms &quot;computer&quot; and &quot;computer network&quot; shall have the same meanings as set out in Code Section 16-9-92; the term &quot;contact&quot; shall mean any communication including without being limited to communication in person, by telephone, by mail, by broadcast, by computer, by computer network, or by any other electronic device; and the place or places that contact by telephone, mail, broadcast, computer, computer network, or any other electronic device is deemed to occur shall be the place or places where such communication is received. For the purpose of this article, the term &quot;place or places&quot; shall include any public or private property occupied by the victim other than the residence of the defendant. For the purposes of this article, the term &quot;harassing and intimidating&quot; means a knowing and willful course of conduct directed at a specific person which causes emotional distress by placing such person in reasonable fear for such person's safety or the safety of a member of his or her immediate family, by establishing a pattern of harassing and intimidating behavior, and which serves no legitimate purpose. This Code section shall not be construed to require that an overt threat of death or bodily injury has been made.</td>
</tr>
<tr>
<td>Sexual Assault</td>
<td>The institution has determined, based on good-faith research, that Georgia law does not define sexual assault.</td>
</tr>
</tbody>
</table>
| Rape, Fondling, Incest, Statutory Rape | For purposes of the Clery Act, the term "sexual assault" includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Georgia law are as follows:  
- Rape (Ga. Code Ann. § 16-6-1): 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.  
- Fondling: The institution has determined, based on good-faith research, that Georgia law does not define the term fondling.  
- Incest (Ga. Code Ann. § 16-6-22): A person commits the offense of incest when such person engages in sexual intercourse or sodomy, as such term is defined in Code Section 16-6-2 [see below], with a person whom he or she knows he or she is related to either by blood or by marriage as follows: (1) Father and child or stepchild; (2) Mother and child or stepchild; (3) Siblings of the whole blood or of the half blood; (4) Grandparent and grandchild of the whole blood or of the half blood; (5) Aunt and niece or nephew of the whole blood or of the half blood; or (6) Uncle and niece or nephew of the whole blood or of the half blood.  
- Statutory Rape (Ga. Code Ann. §16-6-3): 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. |
| Other "sexual assault" crimes | Other crimes under Georgia law that may be classified as a "sexual assault" include the following:  
- Sodomy (Ga. Code Ann. § 16-6-2(a)(1)): 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 (Ga. Code Ann. § 16-6-2(a)(2)): 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 shall not be a defense to a charge of aggravated sodomy.  
- Child Molestation (Ga. Code Ann. § 16-6-4(a)): A person commits the offense of child molestation when such person: (1) Does any immoral or indecent act to or in the presence of or with any child under the age of 16 years with the intent to arouse or
### GEORGIA

<table>
<thead>
<tr>
<th>Crime Type</th>
<th>Definitions (Georgia Code Annotated)</th>
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<tbody>
<tr>
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<td>satisfy the sexual desires of either the child or the person; or (2) By means of an electronic device, transmits images of a person engaging in, inducing, or otherwise participating in any immoral or indecent act to a child under the age of 16 years with the intent to arouse or satisfy the sexual desires of either the child or the person.</td>
</tr>
<tr>
<td></td>
<td>- Aggravated Child Molestation (Ga. Code Ann. § 16-6-4(c)): A person commits the offense of aggravated child molestation when such person commits an offense of child molestation which act physically injures the child or involves an act of sodomy.</td>
</tr>
<tr>
<td></td>
<td>- Sexual Battery (Ga. Code. Ann. § 16-6-22.1(b)): A person commits the offense of sexual battery when he or she intentionally makes physical contact with the intimate parts of the body of another person without the consent of that person.</td>
</tr>
<tr>
<td></td>
<td>- Aggravated sexual battery (Ga. Code Ann. § 16-6-22.2(b)): A person commits the offense of aggravated sexual battery when he or she intentionally penetrates with a foreign object the sexual organ or anus of another person without the consent of that person.</td>
</tr>
</tbody>
</table>

| Consent (as it relates to sexual activity) | The institution has determined, based on good-faith research, that Georgia law does not define the term consent specifically as it relates to sexual activity. However, the state's criminal code does have a provision relating to consent that pertains to all its criminal offenses. Ga Code Ann. § 16-1-3(19) states: "Without his consent" means 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. |

### HAWAII

<table>
<thead>
<tr>
<th>Crime Type</th>
<th>Definitions (Hawaii Revised Statutes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dating Violence</td>
<td>The institution has determined, based on good-faith research, that Hawaii law does not define the term dating violence.</td>
</tr>
<tr>
<td>Domestic Violence</td>
<td>Under Hawaii law, &quot;domestic violence&quot; is physical harm, bodily injury, assault, or the threat of imminent physical harm, bodily injury, or assault, extreme psychological abuse or malicious property damage between family or household members. Haw. Rev. Stat. § 321-471. However, Hawaii law does define the following:</td>
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<td>- Abuse of Family or Household Members (Haw. Rev. Stat. § 709-906): It shall be unlawful for any person, singly or in concert, to physically abuse a family or household member.</td>
</tr>
<tr>
<td></td>
<td>- For the purposes of this section: &quot;Family or household member&quot;: (a) Means spouses or reciprocal beneficiaries, former spouses or reciprocal beneficiaries, persons in a dating relationship as defined under section 586-1 [see below], persons who have a child in common, parents, children, persons related by consanguinity, and persons jointly residing or formerly residing in the same dwelling unit; and (b) Does not include those who are, or were, adult roommates or cohabitants only by virtue of an economic or contractual affiliation.</td>
</tr>
</tbody>
</table>

Hawaii law also provides the following definitions related to domestic abuse protective orders (Haw. Rev. Stat. § 586-1):

- "Dating relationship" means a romantic, courtship, or engagement relationship, often but not necessarily characterized by actions of an intimate or sexual nature, but does not include a casual acquaintance or ordinary fraternization between persons in a business or social context.
- "Domestic abuse" means: (1) Physical harm, bodily injury, assault, or the threat of imminent physical harm, bodily injury, or assault, extreme psychological abuse or malicious property damage between family or household members; or (2) Any act which would constitute an offense under section 709-906, or under part V or VI of chapter 707 committed against a minor family or household member by an adult family or household member.
### HAWAII

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<td></td>
<td>• &quot;Extreme psychological abuse&quot; means an intentional or knowing course of conduct directed at an individual that seriously alarms or disturbs consistently or continually bothers the individual, and that serves no legitimate purpose; provided that such course of conduct would cause a reasonable person to suffer extreme emotional distress.</td>
</tr>
<tr>
<td></td>
<td>• 'Family or household member': (1) Means spouses or reciprocal beneficiaries, former spouses or former reciprocal beneficiaries, persons who have a child in common, parents, children, persons related by consanguinity, persons jointly residing or formerly residing in the same dwelling unit, and persons who have or have had a dating relationship; and (2) Does not include those who are, or were, adult roommates or cohabitants only by virtue of an economic or contractual affiliation.</td>
</tr>
<tr>
<td></td>
<td>• &quot;Malicious property damage&quot; means an intentional or knowing damage to the property of another, without his consent, with an intent to thereby cause emotional distress.</td>
</tr>
</tbody>
</table>
| Stalking   | • Harassment by Stalking (Haw. Rev. Stat. § 711-1106.5): A person commits the offense of harassment by stalking if, with intent to harass, annoy, or alarm another person, or in reckless disregard of the risk thereof, that person engages in a course of conduct involving pursuit, surveillance, or nonconsensual contact upon the other person on more than one occasion without legitimate purpose.  
  o For purposes of this section, "nonconsensual contact" means any contact that occurs without that individual’s consent or in disregard of that person’s express desire that the contact be avoided or discontinued. Nonconsensual contact includes direct personal visual or oral contact and contact via telephone, facsimile, or any form of electronic communication, as defined in section 711-1111(2), including electronic mail transmission. |
| Sexual Assault | • Sexual assault in the first degree (Haw. Rev. Stat. § 707-730): A person commits the offense of sexual assault in the first degree if: (a) The person knowingly subjects another person to an act of sexual penetration by strong compulsion; (b) The person knowingly engages in sexual penetration with another person who is less than fourteen years old; (c) The person knowingly engages in sexual penetration with a person who is at least fourteen years old but less than sixteen years old; provided that: (i) The person is not less than five years older than the minor; and (ii) The person is not legally married to the minor; (d) The person knowingly subjects to sexual penetration another person who is mentally defective; or (e) The person knowingly subjects to sexual penetration another person who is mentally incapacitated or physically helpless as a result of the influence of a substance that the actor knowingly caused to be administered to the other person without the other person’s consent. |
|            | • Sexual assault in the second degree (Haw. Rev. Stat. § 707-731): A person commits the offense of sexual assault in the second degree if: (a) The person knowingly subjects another person to an act of sexual penetration by compulsion; (b) The person knowingly subjects to sexual penetration another person who is mentally incapacitated or physically helpless; (c) ...; or (d) The person knowingly subjects to sexual penetration a minor who is at least sixteen years old and the person is contemporaneously acting in a professional capacity to instruct, advise, or supervise the minor; provided that: (i) The person is not less than five years older than the minor; and (ii) The person is not legally married to the minor. |
|            | • Sexual assault in the third degree (Haw. Rev. Stat. § 707-732): A person commits the offense of sexual assault in the third degree if: (a) The person recklessly subjects another person to an act of sexual penetration by compulsion; (b) The person knowingly subjects to sexual contact another person who is less than fourteen years old or causes such a person to have sexual contact with the person; (c) The person knowingly engages in sexual contact with a person who is at least fourteen years old but less than sixteen years old or causes the minor to have sexual contact with the person; provided that: (i) The person is not less than five years older than the minor;
**HAWAII**

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<td>and (ii) The person is not legally married to the minor; (d) The person knowingly subjects to sexual contact another person who is mentally defective, mentally incapacitated, or physically helpless, or causes such a person to have sexual contact with the actor; (e) ...; (f) The person knowingly, by strong compulsion, has sexual contact with another person or causes another person to have sexual contact with the actor.</td>
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<tr>
<td></td>
<td>• Sexual assault in the fourth degree (Haw. Rev. Stat. § 707-733): A person commits the offense of sexual assault in the fourth degree if: (a) The person knowingly subjects another person, not married to the actor, to sexual contact by compulsion or causes another person, not married to the actor, to have sexual contact with the actor by compulsion; (b) The person knowingly exposes the person’s genitals to another person under circumstances in which the actor’s conduct is likely to alarm the other person or put the other person in fear of bodily injury; (c) The person knowingly trespasses on property for the purpose of subjecting another person to surreptitious surveillance for the sexual gratification of the actor; or (d) The person knowingly engages in or causes sexual contact with a minor who is at least sixteen years old and the person is contemporaneously acting in a professional capacity to instruct, advise, or supervise the minor; provided that: (i) The person is not less than five years older than the minor; and (ii) The person is not legally married to the minor.</td>
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<td></td>
<td>• Continuous sexual assault of a minor under the age of fourteen years (Haw. Rev. Stat. § 707-733.6): A person commits the offense of continuous sexual assault of a minor under the age of fourteen years if the person: (a) Either resides in the same home with a minor under the age of fourteen years or has recurring access to the minor; and (b) Engages in three or more acts of sexual penetration or sexual contact with the minor over a period of time, while the minor is under the age of fourteen years.</td>
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<tr>
<td>Rape, Fondling, Incest, Statutory Rape</td>
<td>For purposes of the Clery Act, the term &quot;sexual assault&quot; includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Hawaii law are as follows:</td>
</tr>
<tr>
<td>Consent (as it relates to sexual activity)</td>
<td>The institution has determined, based on good-faith research, that Hawaii law does not define the term consent (as it relates to sexual activity). However, Haw. Rev. Stat. § 707-700 does define &quot;compulsion&quot; to mean an absence of consent, or a threat, express or implied, that places a person in fear of public humiliation, property damage, or financial loss.</td>
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</tbody>
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**ILLINOIS**

<table>
<thead>
<tr>
<th>Crime Type</th>
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<tbody>
<tr>
<td>Dating Violence</td>
<td>The institution has determined, based on good-faith research, that Illinois law does not define the term dating violence.</td>
</tr>
<tr>
<td>Domestic Violence</td>
<td>Illinois’ Domestic Violence Act indicates that &quot;domestic violence&quot; means &quot;abuse&quot;, which means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis. (750 Ill. Comp. Stat. § 60/103). In addition, Illinois law includes the following:</td>
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<td>• Domestic Battery (720 Ill. Comp. Stat. § 5/12-3.2): A person commits domestic battery if he or she knowingly without legal justification: (1) Causes bodily harm to any family member; ...</td>
</tr>
<tr>
<td>ILLINOIS Crime Type</td>
<td>Definitions (Illinois Compiled Statutes)</td>
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<td>or household member; (2) Makes physical contact of an insulting or provoking nature with any family or household member.</td>
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<tr>
<td><strong>Aggravated Domestic Battery (720 Ill. Comp. Stat. § 5/12-3.3):</strong> (a) A person who, in committing a domestic battery, knowingly causes great bodily harm, or permanent disability or disfigurement commits aggravated domestic battery. (a-5) A person who, in committing a domestic battery, strangles another individual commits aggravated domestic battery. For the purposes of this subsection (a-5), &quot;strangle&quot; means intentionally impeding the normal breathing or circulation of the blood of an individual by applying pressure on the throat or neck of that individual or by blocking the nose or mouth of that individual.</td>
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<tr>
<td>For purposes of the above crimes, “family or household members” is defined at 720 Ill. Comp. Stat. § 5/12-0.1 as: “Family or household members” include spouses, former spouses, parents, children, stepchildren, and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, persons with disabilities and their personal assistants, and caregivers as defined in Section 12-4.4a of this Code. For purposes of this Article, neither a casual acquaintanceship nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a dating relationship.</td>
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<tr>
<td><strong>Stalking (720 Ill. Comp. Stat. § 5/12-7.3):</strong></td>
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<tr>
<td>o A person commits stalking when he or she knowingly engages in a course of conduct directed at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to: (1) fear for his or her safety or the safety of a third person; or (2) suffer other emotional distress.</td>
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<tr>
<td>o A person commits stalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions follows another person or places the person under surveillance or any combination thereof and: (1) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint and the threat is directed towards that person or a family member of that person; or (2) places that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint to or of that person or a family member of that person.</td>
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<tr>
<td>o A person commits stalking when he or she has previously been convicted of stalking another person and knowingly and without lawful justification on one occasion: (1) follows that same person or places that same person under surveillance; and (2) transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint to that person or a family member of that person.</td>
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<tr>
<td><strong>Aggravated Stalking (720 Ill. Comp. Stat. § 5/12-7.4):</strong> A person commits aggravated stalking when he or she commits stalking and: (1) causes bodily harm to the victim; (2) confines or restrains the victim; or (3) violates a temporary restraining order, an order of protection, a stalking no contact order, a civil no contact order, or an injunction prohibiting the behavior described in subsection (b)(1) of Section 214 of the Illinois Domestic Violence Act of 1986.</td>
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<tr>
<td><strong>Cyberstalking (720 Ill. Comp. Stat. § 5/12-7.5):</strong></td>
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<td>o A person commits cyberstalking when he or she engages in a course of conduct using electronic communication directed at a specific person, and he or she knows or should know that would cause a reasonable person to: (1) fear for his or her safety or the safety of a third person; or (2) suffer other emotional distress.</td>
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<tr>
<td>o A person commits cyberstalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions, harasses another person through the use of electronic communication and: (1) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement, or restraint and the threat is directed towards that person or a family member of that person; or (2)</td>
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<tr>
<td>Crime Type</td>
<td>Definitions (Illinois Compiled Statutes)</td>
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<tr>
<td>Sexual Assault</td>
<td>places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint; or (3) at any time knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person.</td>
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<td></td>
<td>o A person commits cyberstalking when he or she knowingly, surreptitiously, and without lawful justification, installs or otherwise places electronic monitoring software or spyware on an electronic communication device as a means to harass another person and: (1) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement, or restraint and the threat is directed towards that person or a family member of that person; (2) places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint; or (3) at any time knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person.</td>
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<td></td>
<td>o A person commits cyberstalking when he or she, knowingly and without lawful justification, creates and maintains an Internet website or webpage which is accessible to one or more third parties for a period of at least 24 hours, and which contains statements harassing another person and: (1) which communicates a threat of immediate or future bodily harm, sexual assault, confinement, or restraint, where the threat is directed towards that person or a family member of that person, or (2) which places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint, or (3) which knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person.</td>
</tr>
</tbody>
</table>

**Sexual Assault**

- **Criminal Sexual Assault (720 Ill. Comp. Stat. § 5/11-1.20):** A person commits criminal sexual assault if that person commits an act of sexual penetration and: (1) uses force or threat of force; (2) knows that the victim is unable to understand the nature of the act or is unable to give knowing consent; (3) is a family member of the victim, and the victim is under 18 years of age; or (4) is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim, and the victim is at least 13 years of age but under 18 years of age.

- **Aggravated Criminal Sexual Assault (720 Ill. Comp. Stat. § 5/11-1.30):**
  o A person commits aggravated criminal sexual assault if that person commits criminal sexual assault and any of the following aggravating circumstances exist during the commission of the offense or, for purposes of paragraph (7), occur as part of the same course of conduct as the commission of the offense: (1) the person displays, threatens to use, or uses a dangerous weapon, other than a firearm, or any other object fashioned or used in a manner that leads the victim, under the circumstances, reasonably to believe that the object is a dangerous weapon; (2) the person causes bodily harm to the victim, except as provided in paragraph (10); (3) the person acts in a manner that threatens or endangers the life of the victim or any other person; (4) the person commits the criminal sexual assault during the course of committing or attempting to commit any other felony; (5) the victim is 60 years of age or older; (6) the victim is a person with a physical disability; (7) the person delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim without the victim's consent or by threat or deception for other than medical purposes; (8) the person is armed with a firearm; (9) the person personally discharges a firearm during the commission of the offense; or (10) the person personally discharges a firearm during the commission of the offense, and that discharge proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person.
### ILLINOIS Crime Type Definitions (Illinois Compiled Statutes)

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<tr>
<td></td>
<td>A person commits aggravated criminal sexual assault if that person is under 17 years of age and: (i) commits an act of sexual penetration with a victim who is under 9 years of age; or (ii) commits an act of sexual penetration with a victim who is at least 9 years of age but under 13 years of age and the person uses force or threat of force to commit the act.</td>
</tr>
<tr>
<td></td>
<td>A person commits aggravated criminal sexual assault if that person commits an act of sexual penetration with a victim who is a person with a severe or profound intellectual disability.</td>
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<tr>
<td></td>
<td>Predatory Criminal Sexual Assault of a Child (720 Ill. Comp. Stat. § 5/11-1.40): A person commits predatory criminal sexual assault of a child if that person is 17 years of age or older, and commits an act of contact, however slight, between the sex organ or anus of one person and the part of the body of another for the purpose of sexual gratification or arousal of the victim or the accused, or an act of sexual penetration, and: (1) the victim is under 13 years of age; or (2) the victim is under 13 years of age and that person: (A) is armed with a firearm; (B) personally discharges a firearm during the commission of the offense; (C) causes great bodily harm to the victim that: (i) results in permanent disability; or (ii) is life threatening; or (D) delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim without the victim’s consent or by threat or deception, for other than medical purposes.</td>
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<tr>
<td></td>
<td>For purposes of the Clery Act, the term “sexual assault” includes the offenses of rape, fondling, incest, and statutory rape. The institution has determined, based on good-faith research, that Illinois law does not define these terms.</td>
</tr>
<tr>
<td>Other &quot;sexual assault&quot; crimes</td>
<td>Other crimes under Illinois law that may be classified as a &quot;sexual assault&quot; include the following:</td>
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<td>Criminal Sexual Abuse (720 Ill. Comp. Stat. § 5/11-1.50):</td>
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<td>A person commits criminal sexual abuse if that person: (1) commits an act of sexual conduct by the use of force or threat of force; or (2) commits an act of sexual conduct and knows that the victim is unable to understand the nature of the act or is unable to give knowing consent.</td>
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<tr>
<td></td>
<td>A person commits criminal sexual abuse if that person is under 17 years of age and commits an act of sexual penetration or sexual conduct with a victim who is at least 9 years of age but under 17 years of age.</td>
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<tr>
<td></td>
<td>A person commits criminal sexual abuse if that person commits an act of sexual penetration or sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person is less than 5 years older than the victim.</td>
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<tr>
<td></td>
<td>Aggravated Criminal Sexual Abuse (720 Ill. Comp. Stat. § 5/11-1.60):</td>
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<td>A person commits aggravated criminal sexual abuse if that person commits criminal sexual abuse and any of the following aggravating circumstances exist (i) during the commission of the offense or (ii) for purposes of paragraph (7), as part of the same course of conduct as the commission of the offense: (1) the person displays, threatens to use, or uses a dangerous weapon or any other object fashioned or used in a manner that leads the victim, under the circumstances, reasonably to believe that the object is a dangerous weapon; (2) the person causes bodily harm to the victim; (3) the victim is 60 years of age or older; (4) the victim is a person with a physical disability; (5) the person acts in a manner that threatens or endangers the life of the victim or any other person; (6) the person commits the criminal sexual abuse during the course of committing or attempting to commit any other felony; or (7) the person delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim for other than medical purposes without the victim's consent or by threat or deception.</td>
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<td></td>
<td>A person commits aggravated criminal sexual abuse if that person commits an act of sexual conduct with a victim who is under 18 years of age and the person is a family member.</td>
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### ILLINOIS

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<td></td>
<td>o A person commits aggravated criminal sexual abuse if: (1) that person is 17 years of age or over and: (i) commits an act of sexual conduct with a victim who is under 13 years of age; or (ii) commits an act of sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person uses force or threat of force to commit the act; or (2) that person is under 17 years of age and: (i) commits an act of sexual conduct with a victim who is under 9 years of age; or (ii) commits an act of sexual conduct with a victim who is at least 9 years of age but under 17 years of age and the person uses force or threat of force to commit the act.</td>
</tr>
<tr>
<td></td>
<td>o A person commits aggravated criminal sexual abuse if that person commits an act of sexual penetration or sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person is at least 5 years older than the victim.</td>
</tr>
<tr>
<td></td>
<td>o A person commits aggravated criminal sexual abuse if that person commits an act of sexual conduct with a victim who is a person with a severe or profound intellectual disability.</td>
</tr>
<tr>
<td></td>
<td>o A person commits aggravated criminal sexual abuse if that person commits an act of sexual conduct with a victim who is at least 17 years of age and holds a position of trust, authority, or supervision in relation to the victim.</td>
</tr>
<tr>
<td></td>
<td>• Sexual Relations Within Families (720 Ill. Comp. Stat. § 5/11-11): A person commits sexual relations within families if he or she: (1) Commits an act of sexual penetration as defined in Section 11-0.1 of this Code; and (2) The person knows that he or she is related to the other person as follows: (i) Brother or sister, either of the whole blood or the half blood; or (ii) Father or mother, when the child, regardless of legitimacy and regardless of whether the child was of the whole blood or half-blood or was adopted, was 18 years of age or over when the act was committed; or (iii) Stepfather or stepmother, when the stepchild was 18 years of age or over when the act was committed; or (iv) Aunt or uncle, when the niece or nephew was 18 years of age or over when the act was committed; or (v) Great-aunt or great-uncle, when the grand-niece or grand-nephew was 18 years of age or over when the act was committed; or (vi) Grandparent or step-grandparent, when the grandchild or step-grandchild was 18 years of age or over when the act was committed.</td>
</tr>
</tbody>
</table>

### Consent (as it relates to sexual activity) (720 Ill. Comp. Stat. § 5/11-1.70)

“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. A person who initially consents to sexual penetration or sexual conduct is not deemed to have consented to any sexual penetration or sexual conduct that occurs after he or she withdraws consent during the course of that sexual penetration or sexual conduct.

### NEVADA

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<thead>
<tr>
<th>Crime Type</th>
<th>Definitions (Nevada Revised Statutes)</th>
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<tbody>
<tr>
<td>Dating Violence</td>
<td>The institution has determined, based on good-faith research, that Nevada law does not define the term dating violence.</td>
</tr>
<tr>
<td>Domestic Violence</td>
<td>• Nevada’s protective order statutes provide the following definition for domestic violence (Nev. Rev. Stat. § 33.018):</td>
</tr>
</tbody>
</table>
|                             | o 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 is or was actually residing, 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
<table>
<thead>
<tr>
<th>Crime Type</th>
<th>Definitions (Nevada Revised Statutes)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>other person who has been appointed the custodian or legal guardian for the person's minor child: (a) A battery; (b) An assault; (c) Coercion pursuant to NRS 207.190; (d) A sexual assault; (e) A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to: (1) Stalking; (2) Arson; (3) Trespassing; (4) Larceny; (5) Destruction of private property; (6) Carrying a concealed weapon without a permit; (7) Injuring or killing an animal; (8) Burglary; (9) An invasion of the home; (f) A false imprisonment; (g) Pandering.</td>
</tr>
<tr>
<td></td>
<td>o The provisions of this section do not apply to: (a) Siblings, except those siblings who are in a custodial or guardianship relationship with each other; or (b) Cousins, except those cousins who are in a custodial or guardianship relationship with each other.</td>
</tr>
<tr>
<td></td>
<td>o As used above, &quot;dating relationship&quot; means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.</td>
</tr>
<tr>
<td></td>
<td>• Section 200.485 of the Nevada Revised Statutes also provides criminal penalties for a person convicted of a battery which constitutes domestic violence, pursuant to Section 33.018 [above].</td>
</tr>
<tr>
<td>Stalking</td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>• A person who commits the crime of stalking and in conjunction therewith threatens the person with the intent to cause the person to be placed in reasonable fear of death or substantial bodily harm commits the crime of aggravated stalking.</td>
</tr>
<tr>
<td></td>
<td>• The following definitions apply to the crimes above:</td>
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<tr>
<td></td>
<td>o &quot;Course of conduct&quot; means a pattern of conduct which consists of a series of acts over time that evidences a continuity of purpose directed at a specific person.</td>
</tr>
<tr>
<td></td>
<td>o &quot;Family or household member&quot; means a spouse, a former spouse, a parent or other person who is related by blood or marriage or is or was actually residing with the person.</td>
</tr>
<tr>
<td>Sexual Assault</td>
<td>A person is guilty of sexual assault if he or she: (a) 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 (b) 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.</td>
</tr>
<tr>
<td>Rape, Fondling, Incest, Statutory Rape</td>
<td>For purposes of the Clery Act, the term &quot;sexual assault&quot; includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Nevada law are as follows:</td>
</tr>
<tr>
<td></td>
<td>• Rape: The institution has determined, based on good-faith research, that Nevada law does not define the term rape.</td>
</tr>
<tr>
<td></td>
<td>• Fondling: The institution has determined, based on good-faith research, that Nevada law does not define the term fondling.</td>
</tr>
</tbody>
</table>
|            | • Incest (Nev. Rev. Stat. § 201.180): Persons being within the degree of consanguinity within which marriages are declared by law to be incestuous and void who intermarry with each other or who commit fornication or adultery with each other shall be punished for a category A felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of life with the possibility of parole,
### NEVADA

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<tr>
<td>and may be further punished by a fine of not more than $10,000. (The degree of consanguinity referenced above is in NRS 122.020(1) and stated as &quot;not nearer of kin than second cousins or cousins of the half blood.&quot;)</td>
<td></td>
</tr>
<tr>
<td>• Statutory Rape: The institution has determined, based on good-faith research, that Nevada law does not define the term statutory rape.</td>
<td></td>
</tr>
</tbody>
</table>

**Other "sexual assault" crimes**

<table>
<thead>
<tr>
<th>Other crimes under Nevada law that may be classified as a “sexual assault” include the following:</th>
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<tbody>
<tr>
<td>• Nevada law provides penalties for the crime of statutory sexual seduction at Nev. Rev. Stat. § 200.368. &quot;Statutory sexual seduction&quot; is defined at Nev. Rev. Stat. § 200.364.10 and means ordinary sexual intercourse, anal intercourse or sexual penetration committed by a person 18 years of age or older with a person who is 14 or 15 years of age and who is at least 4 years younger than the perpetrator.</td>
</tr>
<tr>
<td>• Sexual conduct between certain employees of college or university and student (Nev. Rev. Stat. § 201.550):</td>
</tr>
<tr>
<td>o Except as otherwise provided in subsection 3, a person [is guilty of a category C felony if he or she]: (a) Is 21 years of age or older; (b) Is employed in a position of authority by a college or university; and (c) Engages in sexual conduct with a student who is 16 years of age or older, who has not received a high school diploma, a general educational development certificate or an equivalent document and who is enrolled in or attending the college or university at which the person is employed,</td>
</tr>
<tr>
<td>o For the purposes of subsection 1, a person shall be deemed to be employed in a position of authority by a college or university if the person is employed as: (a) A teacher, instructor or professor; (b) An administrator; or (c) A head or assistant coach.</td>
</tr>
<tr>
<td>o The provisions of this section do not apply to a person who is married to the student at the time an act prohibited by this section is committed.</td>
</tr>
<tr>
<td>o The provisions of this section must not be construed to apply to sexual conduct between two students.</td>
</tr>
</tbody>
</table>

Consent (as it relates to sexual activity)

| The institution has determined, based on good-faith research, that Nevada law does not define the term consent (as it relates to sexual activity). |

### NEW JERSEY

<table>
<thead>
<tr>
<th>Crime Type</th>
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</thead>
<tbody>
<tr>
<td>The institution has determined, based on good-faith research, that New Jersey's criminal statutes do not define the term dating violence outside of the K-12 context.</td>
<td></td>
</tr>
</tbody>
</table>


- "Domestic violence" means the occurrence of one or more of the following acts inflicted upon a person protected under this act by an adult or an emancipated minor: (1) Homicide; (2) Assault; (3) Terroristic threats; (4) Kidnapping; (5) Criminal restraint; (6) False imprisonment; (7) Sexual assault; (8) Criminal sexual contact; (9) Lewdness; (10) Criminal mischief; (11) Burglary; (12) Criminal trespass; (13) Harassment; (14) Stalking; (15) Criminal coercion; (16) Robbery; (17) Contempt of a domestic violence order that constitutes a crime or disorderly persons offense; (18) Any other crime involving risk of death or serious bodily injury; (19) Cyber-harassment.

- "Victim of domestic violence" means a person protected under this act and shall include any person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present household member or was at any time a household member. "Victim of domestic violence" also includes any person, regardless of age, who has been subjected to domestic violence by a person with whom the victim has a child in common, or with whom the victim anticipates having a child in common, if one of the parties is pregnant. "Victim of domestic violence" also includes any person who has
<table>
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</thead>
<tbody>
<tr>
<td></td>
<td>been subjected to domestic violence by a person with whom the victim has had a dating relationship.</td>
</tr>
</tbody>
</table>
| Stalking (N.J. Stat. Ann. § 2C:12-10) | • 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.  
• "Course of conduct" means repeatedly maintaining a visual or physical proximity to a person; directly, indirectly, or through third parties, by any action, method, device, or means, following, monitoring, observing, surveilling, threatening, or communicating to or about, a person, or interfering with a person's property; repeatedly committing harassment against a person; or repeatedly conveying, or causing to be conveyed, verbal or written threats or threats conveyed by any other means of communication or threats implied by conduct or a combination thereof directed at or toward a person. |
| Sexual Assault | • Aggravated sexual assault (N.J. Stat. Ann. § 2C:14-2): An actor is guilty of aggravated sexual assault if the actor commits an act of sexual penetration with another person under any one of the following circumstances: (1) The victim is less than 13 years old; (2) The victim is at least 13 but less than 16 years old; and (a) The actor is related to the victim by blood or affinity to the third degree, or (b) The actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status, or (c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household; (3) The act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, carjacking, kidnapping, homicide, aggravated assault on the victim or a person other than the victim, burglary, arson, or criminal escape; (4) The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object; (5) The actor is aided or abetted by one or more other persons and the actor commits the act using coercion or without the victim's affirmative and freely-given permission; (6) The actor commits the act using coercion or without the victim's affirmative and freely-given permission and severe personal injury is sustained by the victim; (7) The victim, at the time of sexual penetration, is one whom the actor knew or should have known was: (a) physically helpless or incapacitated; (b) intellectually or mentally incapacitated; or (c) had a mental disease or defect which rendered the victim temporarily or permanently incapable of understanding the distinctively sexual nature of the conduct, including, but not limited to, being incapable of providing consent, or incapable of understanding or exercising the right to refuse to engage in the conduct.  
• Sexual assault:  
  o N.J. Stat. Ann. § 2C:14-2b: An actor is guilty of sexual assault if the actor commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least four years older than the victim.  
  o N.J. Stat. Ann. § 2C:14-2c: An actor is guilty of sexual assault if the actor commits an act of sexual penetration with another person under any one of the following circumstances: (1) The actor commits the act using coercion or without the victim's affirmative and freely-given permission, but the victim does not sustain severe personal injury; (2) The victim is on probation or parole, or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional or occupational status; (3) The victim is at least 16 but less than 18 years old and: (a) The actor is related to the victim by blood or affinity to the third degree; or (b) The actor has supervisory or disciplinary power of any nature or in any capacity over the victim; or (c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household; (4) The victim is at least 13 but less than 16 years old and the actor is at least four years older than the victim. |
### NEW JERSEY

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<tbody>
<tr>
<td>Rape, Fondling, Incest,</td>
<td>For purposes of the Clery Act, the term &quot;sexual assault&quot; includes the offenses of rape, fondling, incest, and statutory rape. These definitions under New Jersey law are as follows:</td>
</tr>
<tr>
<td>Statutory Rape</td>
<td>• Rape: The institution has determined, based on good-faith research, that New Jersey law does not define the term rape.</td>
</tr>
<tr>
<td></td>
<td>• Fondling: The institution has determined, based on good-faith research, that New Jersey law does not define the term fondling.</td>
</tr>
<tr>
<td></td>
<td>• Incest: The institution has determined, based on good-faith research, that New Jersey law does not define the term incest.</td>
</tr>
<tr>
<td></td>
<td>• Statutory Rape: The institution has determined, based on good-faith research, that New Jersey law does not define the term statutory rape.</td>
</tr>
<tr>
<td>Other &quot;sexual assault&quot; crimes</td>
<td>Other crimes under New Jersey law that may be classified as a &quot;sexual assault&quot; include the following:</td>
</tr>
<tr>
<td></td>
<td>• Aggravated criminal sexual contact (N.J. Stat. Ann. § 2C:14-3a): An actor is guilty of aggravated criminal sexual contact if he commits an act of sexual contact with the victim under any of the circumstances set forth in 2C:14-2a. (2) through (7) [above].</td>
</tr>
<tr>
<td></td>
<td>• Criminal sexual contact (N.J. Stat. Ann. § 2C:14-3b): An actor is guilty of criminal sexual contact if he commits an act of sexual contact with the victim under any of the circumstances set forth in section 2C:14-2c. (1) through (5) [above].</td>
</tr>
<tr>
<td>Consent (as it relates to</td>
<td>The institution has determined, based on good-faith research, that New Jersey law does not define the term consent (as it relates to sexual activity). However, the state's criminal code does have a provision relating to consent that pertains to all its criminal offenses. N.J. Stat. Ann. § 2C:2-10 provides the following:</td>
</tr>
<tr>
<td>sexual activity)</td>
<td>• In general – The consent of the victim to conduct charged to constitute an offense or to the result thereof is a defense if such consent negatives an element of the offense or precludes the infliction of the harm or evil sought to be prevented by the law defining the offense.</td>
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<td></td>
<td>• Consent to bodily harm – When conduct is charged to constitute an offense because it causes or threatens bodily harm, consent to such conduct or to the infliction of such harm is a defense if: (1) The bodily harm consented to or threatened by the conduct consented to is not serious; or (2) The conduct and the harm are reasonably foreseeable hazards of joint participation in a concerted activity of a kind not forbidden by law; or (3) The consent establishes a justification for the conduct under chapter 3 of the code.</td>
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<td>• Ineffective consent – Unless otherwise provided by the code or by the law defining the offense, assent does not constitute consent if: (1) It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense; or (2) It is given by a person who by reason of youth, mental disease or defect or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature of harmfulness of the conduct charged to constitute an offense; or (3) It is induced by force, duress or deception of a kind sought to be prevented by the law defining the offense.</td>
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### NORTH CAROLINA

<table>
<thead>
<tr>
<th>Crime Type</th>
<th>Definitions (North Carolina General Statutes)</th>
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</thead>
<tbody>
<tr>
<td>Dating Violence</td>
<td>The institution has determined, based on good-faith research, that North Carolina law does not define the term dating violence.</td>
</tr>
<tr>
<td>Domestic Violence (N.C. Gen.</td>
<td>• Domestic violence means the commission of one or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts of self-defense: (1) Attempting to cause bodily injury, or intentionally causing bodily injury; or (2) Placing the aggrieved party or a member of the aggrieved party's family or household in fear of imminent serious bodily injury or continued harassment, as defined in G.S. 14-277.3A, that rises to such a level</td>
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<td>Stat. § 50B-1)</td>
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<tr>
<td>Crime Type</td>
<td>Definitions (North Carolina General Statutes)</td>
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<td>as to inflict substantial emotional distress; or (3) Committing any act defined in G.S. 14-27.21 through G.S. 14-27.33.</td>
</tr>
<tr>
<td></td>
<td>• As used above, the term &quot;personal relationship&quot; means a relationship wherein the parties involved: (1) Are current or former spouses; (2) Are persons of opposite sex who live together or have lived together; (3) Are related as parents and children, including others acting in loco parentis to a minor child, or as grandparents and grandchildren. For purposes of this subdivision, an aggrieved party may not obtain an order of protection against a child or grandchild under the age of 16; (4) Have a child in common; (5) Are current or former household members; (6) Are persons of the opposite sex who are in a dating relationship or have been in a dating relationship. For purposes of this subdivision, a dating relationship is one wherein the parties are romantically involved over time and on a continuous basis during the course of the relationship. A casual acquaintance or ordinary fraternization between persons in a business or social context is not a dating relationship.</td>
</tr>
<tr>
<td></td>
<td>• Stalking (N.C. Gen. Stat. § 14-277.3A): A defendant is guilty of stalking if the defendant willfully on more than one occasion harasses another person without legal purpose or willfully engages in a course of conduct directed at a specific person without legal purpose and the defendant knows or should know that the harassment or the course of conduct would cause a reasonable person to do any of the following: (1) Fear for the person's safety or the safety of the person's immediate family or close personal associates; (2) Suffer substantial emotional distress by placing that person in fear of death, bodily injury, or continued harassment.</td>
</tr>
<tr>
<td></td>
<td>• The following definitions apply to the crime of stalking:</td>
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<tr>
<td></td>
<td>o Course of conduct – Two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, is in the presence of, or follows, monitors, observes, surveils, threatens, or communicates to a person, or interferes with a person’s property.</td>
</tr>
<tr>
<td></td>
<td>o Harasses or harassment – Knowing conduct, including written or printed communication or transmission, telephone, cellular, or other wireless telephonic communication, facsimile transmission, pager messages or transmissions, answering machine or voice mail messages or transmissions, and electronic mail messages or other computerized or electronic transmissions directed at a specific person that torments, terrorizes, or terrifies that person and that serves no legitimate purpose.</td>
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<td></td>
<td>o Reasonable person – A reasonable person in the victim’s circumstances.</td>
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<td></td>
<td>o Substantial emotional distress – Significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.</td>
</tr>
</tbody>
</table>
|            | • Cyberstalking (N.C. Gen. Stat. §14-196.3): It is unlawful for a person to: (1) Use in electronic mail or electronic communication any words or language threatening to inflict bodily harm to any person or to that person's child, sibling, spouse, or dependent, or physical injury to the property of any person, or for the purpose of extorting money or other things of value from any person; (2) Electronically mail or electronically communicate to another repeatedly, whether or not conversation ensues, for the purpose of abusing, annoying, threatening, terrifying, harassing, or embarrassing any person; (3) Electronically mail or electronically communicate to another and to knowingly make any false statement concerning death, injury, illness, disfigurement, indecent conduct, or criminal conduct of the person electronically mailed or of any member of the person's family or household with the intent to abuse, annoy, threaten, terror, harass, or embarrass; (4) Knowingly permit an electronic communication device under the person's control to be used for any purpose prohibited by this section; (5) Knowingly install, place, or use an electronic tracking device without consent, or cause an electronic tracking device to be installed, placed, or used without consent, to track the location of any person. ...
NORTH CAROLINA

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<tbody>
<tr>
<td>Sexual Assault</td>
<td>The institution has determined, based on good-faith research, that North Carolina criminal statutes do not define the term sexual assault.</td>
</tr>
<tr>
<td>Rape, Fondling, Incest, Statutory Rape</td>
<td>For purposes of the Clery Act, the term &quot;sexual assault&quot; includes the offenses of rape, fondling, incest, and statutory rape. These definitions under North Carolina law are as follows:</td>
</tr>
<tr>
<td></td>
<td>• First-degree forcible rape (N.C. Gen. Stat. § 14-27.21): A person is guilty of first-degree forcible rape if the person engages in vaginal intercourse with another person by force and against the will of the other person, and does any of the following: (1) Uses, threatens to use, or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon; (2) Inflicts serious personal injury upon the victim or another person; (3) The person commits the offense aided and abetted by one or more other persons.</td>
</tr>
<tr>
<td></td>
<td>• Second-degree forcible rape (N.C. Gen. Stat. § 14-27.22): A person is guilty of second-degree forcible rape if the person engages in vaginal intercourse with another person: (1) By force and against the will of the other person; or (2) Who has a mental disability or who is mentally incapacitated, or physically helpless and the person performing the act knows or should reasonably know the other person has a mental disability or is mentally incapacitated, or physically helpless.</td>
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<tr>
<td></td>
<td>• Fondling: The institution has determined, based on good-faith research, that North Carolina law does not define the term fondling.</td>
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<tr>
<td></td>
<td>• Incest (N.C. Gen. Stat. § 14-178): A person commits the offense of incest if the person engages in carnal intercourse with the person's (i) grandparent or grandchild, (ii) parent or child or stepchild or legally adopted child, (iii) brother or sister of the half or whole blood, or (iv) uncle, aunt, nephew, or niece.</td>
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<td></td>
<td>• Statutory Rape of a Child by an Adult (N.C. Gen. Stat. § 14-27.23): A person is guilty of statutory rape of a child by an adult if the person is at least 18 years of age and engages in vaginal intercourse with a victim who is a child under the age of 13 years.</td>
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<tr>
<td></td>
<td>• First-Degree Statutory Rape (N.C. Gen. Stat. § 14.27.24): A person is guilty of first-degree statutory rape if the person engages in vaginal intercourse with a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least four years older than the victim.</td>
</tr>
<tr>
<td></td>
<td>• Statutory Rape of Person Who is 15 Years of Age or Younger (N.C. Gen. Stat. § 14-27.25): (a) A defendant is guilty of a Class B1 felony if the defendant engages in vaginal intercourse with another person who is 15 years of age or younger and the defendant is at least 12 years old and at least six years older than the person, except when the defendant is lawfully married to the person. (b) Unless the conduct is covered under some other provision of law providing greater punishment, a defendant is guilty of a Class C felony if the defendant engages in vaginal intercourse with another person who is 15 years of age or younger and the defendant is at least 12 years old and more than four but less than six years older than the person, except when the defendant is lawfully married to the person.</td>
</tr>
<tr>
<td>Other &quot;sexual assault&quot; crimes</td>
<td>Other crimes under North Carolina law that may be classified as a &quot;sexual assault&quot; include the following:</td>
</tr>
<tr>
<td></td>
<td>• First-Degree Forcible Sexual Offense (N.C. Gen. Stat. § 14-27.26): A person is guilty of a first degree forcible sexual offense if the person engages in a sexual act with another person by force and against the will of the other person, and does any of the following: (1) Uses, threatens to use, or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon; (2) Inflicts serious personal injury upon the victim or another person; (3) The person commits the offense aided and abetted by one or more other persons.</td>
</tr>
</tbody>
</table>
|                                     | • Second-Degree Forcible Sexual Offense (N.C. Gen. Stat. § 14-27.27): A person is guilty of second degree forcible sexual offense if the person engages in a sexual act with another person: (1) By force and against the will of the other person; or (2) Who has a...
## NORTH CAROLINA

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<td>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.</td>
</tr>
<tr>
<td></td>
<td>• Statutory Sexual Offense With a Child by an Adult (N.C. Gen. Stat. § 14-27.28): A person is guilty of statutory sexual offense with a child by an adult if the person is at least 18 years of age and engages in a sexual act with a victim who is a child under the age of 13 years.</td>
</tr>
<tr>
<td></td>
<td>• First-Degree Statutory Sexual Offense (N.C. Gen. Stat. § 14-27.29): A person is guilty of first-degree statutory sexual offense if the person engages in a sexual act with a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least four years older than the victim.</td>
</tr>
<tr>
<td></td>
<td>• Statutory Sexual Offense With a Person Who is 15 Years of Age or Younger (N.C. Gen. Stat. § 14-27.30): (a) A defendant is guilty of a Class B1 felony if the defendant engages in a sexual act with another person who is 15 years of age or younger and the defendant is at least 12 years old and at least six years older than the person, except when the defendant is lawfully married to the person. (b) Unless the conduct is covered under some other provision of law providing greater punishment, a defendant is guilty of a Class C felony if the defendant engages in a sexual act with another person who is 15 years of age or younger and the defendant is at least 12 years old and more than four but less than six years older than the person, except when the defendant is lawfully married to the person.</td>
</tr>
<tr>
<td></td>
<td>• Sexual Battery (N.C. Gen. Stat. § 14-27.33): A person is guilty of sexual battery if the person, for the purpose of sexual arousal, sexual gratification, or sexual abuse, engages in sexual contact with another person: (1) By force and against the will of the other person; or (2) Who has a mental disability or is mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know that the other person has a mental disability or who is mentally incapacitated, or physically helpless.</td>
</tr>
<tr>
<td>Consent (as it relates to sexual activity)</td>
<td>The institution has determined, based on good-faith research, that North Carolina law does not define the term consent (as it relates to sexual activity).</td>
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</tbody>
</table>

## TEXAS

<table>
<thead>
<tr>
<th>Crime Type</th>
<th>Definitions (Texas Code Annotated)</th>
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</thead>
<tbody>
<tr>
<td>Dating Violence (Tex. Fam. Code Ann. § 71.0021)</td>
<td>The institution had determined, based on good-faith research, that the criminal statutes of Texas do not define the term dating violence. However, Section 71.0021 of the Texas Family Code provides the following:</td>
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<td>• &quot;Dating violence&quot; means an act, other than a defensive measure to protect oneself, by an actor that: (1) is committed against a victim or applicant for a protective order: (A) with whom the actor has or has had a dating relationship; or (B) because of the victim's or applicant's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and (2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim or applicant in fear of imminent physical harm, bodily injury, assault, or sexual assault.</td>
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<td>• For purposes of this title, &quot;dating relationship&quot; means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of: (1) the length of the relationship; (2) the nature of the relationship; and (3) the frequency and type of interaction between the persons involved in the relationship.</td>
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<td>• A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a &quot;dating relationship&quot; under Subsection (b).</td>
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<td>Crime Type</td>
<td>Definitions (Texas Code Annotated)</td>
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<td>Domestic Violence</td>
<td>In addition, Sections 51.251 and 51.281 of the Texas Education Code provide that “dating violence” shall have the meaning assigned by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20.U.S.C. Section 1092(f)(6)(A)). This law defines dating violence to mean violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.</td>
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</table>
| Stalking (Tex. Penal Code Ann. § 42.072) | The institution has determined, based on good-faith research, that Texas law does not define the term domestic violence. However, Texas law does define the term "Family Violence" (Tex. Fam. Code Ann. § 71.004) as follows: (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself; (2) abuse [as defined under state law] by a member of a family or household toward a child of the family or household; or (3) dating violence, as that term is defined by Section 71.0021.   
  - A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:
    - constitutes an offense under Section 42.07, or that the actor knows or reasonably should know the other person will regard as threatening: (A) bodily injury or death for the other person; (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;
    - 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
    - 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.
  - An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section: the laws of another state; the laws of a federally recognized Indian tribe; the laws of a territory of the United States; or federal law. For purposes of this section, a trier of fact may find that different types of conduct described by Subsection (a), if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct. In this section: "Dating relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code; "Property” includes a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code. |
TEXAS
Crime Type Definitions (Texas Code Annotated)

In addition, Sections 51.251 and 51.281 of the Texas Education Code provide that “stalking” shall have the meaning assigned by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20.U.S.C. Section 1092(f)(6)(A)). This law defines stalking as engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

Sexual Assault

The Texas Penal Code provides the following definitions for sexual assault and aggravated sexual assault:

- Sexual Assault (Tex. Penal Code Ann. § 22.011): A person commits an offense:
  - If the person intentionally or knowingly: (A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; (B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or (C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
  - Regardless of whether the person knows the age of the child at the time of the offense, the person intentionally or knowingly: (A) causes the penetration of the anus or sexual organ of a child by any means; (B) causes the penetration of the mouth of a child by the sexual organ of the actor; (C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; (D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or (D) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.

- Aggravated sexual assault (Tex. Penal Code Ann. § 22.021): A person commits an offense:
  - If: (A) the person: (i) causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode; (ii) by acts or words places the victim in fear that any person will become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person; (iii) by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person; (iv) uses or exhibits a deadly weapon in the course of the same criminal episode; (v) acts in concert with another who engages in conduct described by Subdivision (1) directed toward the same victim and occurring during the course of the same criminal episode; or (vi) with the intent of facilitating the commission of the offense; administers or provides to the victim of the offense any substance capable of impairing victim’s ability to appraise the nature of the act or to resist the act; (B) the victim is younger than 14 years of age, regardless of whether the person knows the age of the victim.
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<td>at the time of the offense; or (C) the victim is an elderly individual or a disabled individual.</td>
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<td>In addition, Sections 51.251 and 51.281 of the Texas Education Code provide that &quot;sexual assault&quot; shall have the meaning assigned by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20.U.S.C. Section 1092(f)(6)(A)). This law defines sexual assault as any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.</td>
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<td>For purposes of the Clery Act, the term &quot;sexual assault&quot; includes the offenses of rape, fondling, incest, and statutory rape. The institution has determined, based on good-faith research, that Texas law does not define these terms.</td>
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<tr>
<td>Other &quot;sexual assault&quot; crimes</td>
<td>Other crimes under Texas law that may be classified as a &quot;sexual assault&quot; include the following:</td>
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<td>• Prohibited Sexual Conduct (Tex. Penal Code Ann. § 25.02): A person commits an offense if the person engages in sexual intercourse or deviate sexual intercourse with another person the actor knows to be, without regard to legitimacy: (1) the actor’s ancestor or descendant by blood or adoption; (2) the actor’s current or former stepchild or stepparent; (3) the actor’s parent’s brother or sister of the whole or half blood; (4) the actor’s brother or sister of the whole or half blood or by adoption; (5) the children of the actor’s brother or sister of the whole or half blood or by adoption; or (6) the son or daughter of the actor’s aunt or uncle of the whole or half blood or by adoption.</td>
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<td>• Indecency With a Child (Tex. Penal Code Ann. § 21.11): A person commits an offense if, with a child younger than 17 years of age, whether the child is of the same or opposite sex and regardless of whether the person knows the age of the child at the time of the offense, the person (1) engages in sexual contact with the child or causes the child to engage in sexual contact; or (2) with the intent to arouse or gratify the sexual desire of any person: (A) exposes the person's anus or any part of the person’s genitals, knowing the child is present; or (B) causes the child to expose the child's anus or any part of the child's genitals.</td>
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<td>Consent (as it relates to sexual activity) (Tex. Penal Code Ann. § 22.011)</td>
<td>A sexual assault is without the consent of the other person if: (1) the actor compels the other person to submit or participate by the use of physical force, violence, or coercion; (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person or to cause harm to the other person, and the other person believes that the actor has the present ability to execute the threat; (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist; (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it; (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring; (6) the actor has intentionally impaired the other person’s power to appraise or control the other person’s conduct by administering any substance without the other person’s knowledge; (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat; (8) the actor is a public servant who coerces the other person to submit or participate; (9) the actor is a mental health services provider or a health care services provider who causes the other 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.</td>
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<tr>
<td>Crime Type</td>
<td>Definitions (Utah Code Annotated)</td>
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<td>Dating Violence</td>
<td>The institution has determined, based on good-faith research, that Utah law does not define the term dating violence.</td>
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<td>Domestic Violence (Utah Code Ann. § 77-36-1)</td>
<td>&quot;Domestic violence&quot; or &quot;domestic violence offense&quot; means any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another. &quot;Domestic violence&quot; or &quot;domestic violence offense&quot; also means commission or attempt to commit [a number of other offenses under Utah's criminal code, including but not limited to, aggravated assault, assault, sexual offenses, and stalking].</td>
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<tr>
<td>Stalking (Utah Code Ann. § 76-5-106.5)</td>
<td>A person is guilty of stalking who intentionally or knowingly engages in a course of conduct directed at a specific person and knows or should know that the course of conduct would cause a reasonable person: (a) to fear for the person's own safety or the safety of a third person; or (b) to suffer other emotional distress.</td>
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<tr>
<td>Sexual Assault</td>
<td>The institution has determined, based on good-faith research, that Utah law does not define the term sexual assault.</td>
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<tr>
<td>Rape, Fondling, Incest, Statutory Rape</td>
<td>For purposes of the Clery Act, the term &quot;sexual assault&quot; includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Utah law are as follows:</td>
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<td>• Rape (Utah Code Ann. § 76-5-402): A person commits rape when the actor has sexual intercourse with another person without the victim's consent.</td>
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<td>• Object Rape (Utah Code Ann. § 76-5-402.2): A person who, without the victim's consent, causes the penetration, however slight, of the genital or anal opening of another person who is 14 years of age or older, by any foreign object, substance, instrument, or device, including a part of the human body other than the mouth or genitals, with intent to cause substantial emotional or bodily pain to the victim or with the intent to arouse or gratify the sexual desire of any person, commits an offense which is a first degree felony.</td>
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<td>• Fondling: The institution has determined, based on good-faith research, that Utah law does not define the term fondling.</td>
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<td>• Incest (Utah Code Ann. § 76-7-102): An actor is guilty of incest when, under circumstances not amounting to rape, rape of a child, or aggravated sexual assault, the actor knowingly and intentionally engages in the following conduct: (i) sexual intercourse between the actor and a person the actor knows has kinship to the actor as a related person; (ii) the insertion or placement of the provider's seminal fluid into the vagina, cervix, or uterus of a related person by means other than sexual intercourse; (iii) providing or making available his seminal fluid for the purpose of insertion or placement of the fluid into the vagina, cervix, or uterus of a related person by means other than sexual intercourse; (iv) a woman 18 years of age or older who: (A) knowingly allows the insertion of the seminal fluid of a provider into her vagina, cervix, or uterus by means other than sexual intercourse; and (B) knows that the seminal fluid is that of a person with whom she has kinship as a related person; or (v) providing the actor's sperm or human egg that is used to conduct in vitro fertilizations, or any other means of fertilization, with the human egg or sperm of a person who is a related person.</td>
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<td>o Related person means a person related to the provider or actor as an ancestor, descendant, brother, sister, uncle, aunt, nephew, niece, or first cousin, and includes: (i) blood relationships of the whole or halfblood without regard to legitimacy; (ii) the relationship of parent and child by adoption; and (iii) the relationship of stepparent and stepchild while the marriage creating the relationship of a stepparent and stepchild exists.</td>
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<td>• Statutory Rape: The institution has determined, based on good-faith research, that Utah law does not define the term statutory rape. However, Utah law does define the following:</td>
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### Utah

<table>
<thead>
<tr>
<th>Crime</th>
<th>Description</th>
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<tbody>
<tr>
<td>Rape of a Child (Utah Code Ann. § 76-5-402.1)</td>
<td>A person commits rape of a child when the person has sexual intercourse with a child who is under the age of 14.</td>
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<tr>
<td>Object Rape of a Child (Utah Code Ann. § 76-5-402.3)</td>
<td>A person commits object rape of a child when the person causes the penetration or touching, however slight, of the genital or anal opening of a child who is under the age of 14 by any foreign object, substance, instrument, or device, not including a part of the human body, with intent to cause substantial emotional or bodily pain to the child or with the intent to arouse or gratify the sexual desire of any person.</td>
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**Other "sexual assault" crimes**

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<tr>
<th>Crime</th>
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<tbody>
<tr>
<td>Sexual Battery (Utah Code Ann. § 76-9-702.1)</td>
<td>A person is guilty of sexual battery if the person, under circumstances not amounting to an offense under [Utah's other sexual assault statutes], intentionally touches, whether or not through clothing, the anus, buttocks, or any part of the genitals of another person, or the breast of a female person, and the actor's conduct is under circumstances the actor knows or should know will likely cause affront or alarm to the person touched.</td>
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<tr>
<td>Sodomy (Utah Code Ann. § 76-5-403)</td>
<td>A person commits sodomy when the actor engages in any sexual act with a person who is 14 years of age or older involving the genitals of one person and mouth or anus of another person, regardless of the sex of either participant.</td>
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<td>Forcible Sodomy (Utah Code Ann. § 76-5-403)</td>
<td>A person commits forcible sodomy when the actor commits sodomy upon another without the other's consent.</td>
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<tr>
<td>Sodomy on a Child (Utah Code Ann. § 76-5-403.1)</td>
<td>A person commits sodomy upon a child if the actor engages in any sexual act upon or with a child who is under the age of 14, involving the genitals or anus of the actor or the child and the mouth or anus of either person, regardless of the sex of either participant.</td>
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<tr>
<td>Forcible sexual abuse (Utah Code Ann. § 76-5-404)</td>
<td>A person commits forcible sexual abuse if the victim is 14 years of age or older and, under circumstances not amounting to rape, object rape, forcible sodomy, or attempted rape or forcible sodomy, the actor touches the anus, buttocks, or any part of the genitals of another, or touches the breast of a female, or otherwise takes indecent liberties with another, or causes another to take indecent liberties with the actor or another, with intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person, without the consent of the other, regardless of the sex of any participant.</td>
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<tr>
<td>Sexual abuse of a child (Utah Code Ann. § 76-5-404.1(2))</td>
<td>An individual commits sexual abuse of a child if, under circumstances not amounting to rape of a child, object rape of a child, sodomy on a child, or an attempt to commit any of these offenses, the actor touches the anus, buttocks, pubic area, or genitalia of any child, the breast of a female child, or otherwise takes indecent liberties with a child, with intent to cause substantial emotional or bodily pain to any individual or with the intent to arouse or gratify the sexual desire of any individual regardless of the sex of any participant.</td>
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| Aggravated sexual abuse of a child (Utah Code Ann. § 76-5-404.1(4))  | An individual commits aggravated sexual abuse of a child when in conjunction with the offense described in Subsection (2) any of the following circumstances have been charged and admitted or found true in the action for the offense: (a) the offense was committed by the use of a dangerous weapon as defined in Section 76-1-601, or by force, duress, violence, intimidation, coercion, menace, or threat of harm, or was committed during the course of a kidnapping; (b) the accused caused bodily injury or severe psychological injury to the victim during or as a result of the offense; (c) the accused was a stranger to the victim or made friends with the victim for the purpose of committing the offense; (d) the accused used, showed, or displayed pornography or caused the victim to be photographed in a lewd condition during the course of the offense; (e) the accused, prior to sentencing for this offense, was previously convicted of any sexual offense; (f) the accused committed the same or similar sexual act upon
two or more victims at the same time or during the same course of conduct; (g) the accused committed, in Utah or elsewhere, more than five separate acts, which if committed in Utah would constitute an offense described in this chapter, and were committed at the same time, or during the same course of conduct, or before or after the instant offense; (h) the offense was committed by an individual who occupied a position of special trust in relation to the victim; (i) the accused encouraged, aided, allowed, or benefitted from acts of prostitution or sexual acts by the victim with any other individual, human trafficking, or human smuggling; or (j) the accused caused the penetration, however slight, of the genital or anal opening of the child by any part or parts of the human body other than the genitals or mouth.

- Aggravated sexual assault (Utah Code Ann. § 76-5-405): A person commits aggravated sexual assault if:
  - in the course of a rape, object rape, forcible sodomy, or forcible sexual abuse, the actor: (i) uses, or threatens the victim with the use of, a dangerous weapon as defined in Section 76-1-601; (ii) compels, or attempts to compel, the victim to submit to rape, object rape, forcible sodomy, or forcible sexual abuse, by threat of kidnapping, death, or serious bodily injury to be inflicted imminently on any person; or (iii) is aided or abetted by one or more persons;
  - in the course of an attempted rape, attempted object rape, or attempted forcible sodomy, the actor: (i) causes serious bodily injury to any person; (ii) uses, or threatens the victim with the use of, a dangerous weapon as defined in Section 76-1-601; (iii) attempts to compel the victim to submit to rape, object rape, or forcible sodomy, by threat of kidnapping, death, or serious bodily injury to be inflicted imminently on any person; or (iv) is aided or abetted by one or more persons;
  - or in the course of an attempted forcible sexual abuse, the actor: (i) causes serious bodily injury to any person; (ii) uses, or threatens the victim with the use of, a dangerous weapon as defined in Section 76-1-601; (iii) attempts to compel the victim to submit to forcible sexual abuse, by threat of kidnapping, death, or serious bodily injury to be inflicted imminently on any person; or (iv) is aided or abetted by one or more persons.

- Unlawful sexual activity with a minor (Utah Code Ann. § 76-5-401): A person commits unlawful sexual activity with a minor if, under circumstances not amounting to rape, in violation of Section 76-5-402, object rape, in violation of Section 76-5-402.2, forcible sodomy, in violation of Section 76-5-403, or aggravated sexual assault, in violation of Section 76-5-405, the actor: (a) has sexual intercourse with the minor; (b) engages in any sexual act with the minor involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant; or (c) causes the penetration, however slight, of the genital or anal opening of the minor by any foreign object, substance, instrument, or device, including a part of the human body, with the intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person, regardless of the sex of any participant. (For purposes of this section, a "minor" is a person who is 14 years of age or older, but younger than 16 years of age, at the time the sexual activity described in this section occurred.)

- Sexual abuse of a minor (Utah Code Ann. § 76-5-401.1): An individual commits sexual abuse of a minor if the individual is four years or more older than the minor and, under circumstances not amounting to rape, in violation of Section 76-5-402, object rape, in violation of Section 76-5-402.2, forcible sodomy, in violation of Section 76-5-403, aggravated sexual assault, in violation of Section 76-5-405, unlawful sexual activity with a minor, in violation of Section 76-5-401, or an attempt to commit any of those offenses, the individual touches the anus, buttocks, pubic area, or any part of the genitals of the minor, or touches the breast of a female minor, or otherwise takes indecent liberties with the minor, with the intent to cause substantial emotional or bodily pain to any individual or with the intent to arouse or gratify the sexual desire of
any individual regardless of the sex of any participant. (For purposes of this section, a “minor” is a person who is 14 years of age or older, but younger than 16 years of age, at the time the sexual activity described in this section occurred.)

- Unlawful sexual conduct with a 16- or 17-year-old (Utah Code Ann. § 76-5-401.2): An individual commits unlawful sexual conduct with a minor if, under circumstances not amounting to an offense listed under [Utah’s other sexual assault statutes], an individual who is: (i) seven or more years older but less than 10 years older than the minor at the time of the sexual conduct engages in any conduct listed [below], and the individual knew or reasonably should have known the age of the minor; (ii) 10 or more years older than the minor at the time of the sexual conduct and engages in any conduct listed [below]. (As used in this section, “minor” means an individual who is 16 years of age or older, but younger than 18 years of age, at the time the sexual conduct occurred.

  - As used above, “sexual conduct” refers to when the individual: (i) has sexual intercourse with the minor; (ii) engages in any sexual act with the minor involving the genitals of one individual and the mouth or anus of another individual, regardless of the sex of either participant; (iii) causes the penetration, however slight, of the genital or anal opening of the minor by any foreign object, substance, instrument, or device, including a part of the human body, with the intent to cause substantial emotional or bodily pain to any individual or with the intent to arouse or gratify the sexual desire of any individual, regardless of the sex of any participant; or (iv) touches the anus, buttocks, pubic area, or any part of the genitals of the minor, or touches the breast of a female minor, or otherwise takes indecent liberties with the minor, with the intent to cause substantial emotional or bodily pain to any individual or with the intent to arouse or gratify the sexual desire of any individual regardless of the sex of any participant.

Consent (as it relates to sexual activity) (Utah Code Ann. § 76-5-406)

An act of sexual intercourse, rape, attempted rape, rape of a child, attempted rape of a child, object rape, attempted object rape, object rape of a child, attempted object rape of a child, sodomy, attempted sodomy, forcible sodomy, attempted forcible sodomy, sodomy on a child, attempted sodomy on a child, forcible sexual abuse, attempted forcible sexual abuse, sexual abuse of a child, attempted sexual abuse of a child, aggravated sexual abuse of a child, attempted aggravated sexual abuse of a child, or simple sexual abuse is without consent of the victim under any of the following circumstances: (1) the victim expresses lack of consent through words or conduct; (2) the actor overcomes the victim through the actual application of physical force or violence; (3) the actor is able to overcome the victim through concealment or by the element of surprise; (4) (a) the actor coerces the victim to submit by threatening to retaliate in the immediate future against the victim or any other person, and the victim perceives at the time that the actor has the ability to execute this threat; or (ii) the actor coerces the victim to submit by threatening to retaliate in the future against the victim or any other person, and the victim believes at the time that the actor has the ability to execute this threat; (b) as used in this Subsection (4), “to retaliate” includes threats of physical force, kidnapping, or extortion; (5) the actor knows the victim is unconscious, unaware that the act is occurring, or is physically unable to resist; (6) the actor knows or reasonably should know that the victim has a mental disease or defect, which renders the victim unable to: (a) appraise the nature of the act; (b) resist the act; (c) understand the possible consequences to the victim’s health or safety; or (d) appraise the nature of the relationship between the actor and the victim; (7) the actor knows that the victim participates because the victim erroneously believes that the actor is someone else; (8) the actor intentionally impaired the power of the victim to appraise or control his or her conduct by administering any substance without the victim’s knowledge; (9) the victim is younger than 14 years of age; (10) the victim is younger than 18 years of age and at the time of the offense the actor was the victim’s parent, stepparent, adoptive parent, or legal guardian or occupied a position of special trust in relation to the victim as defined in Section 76-5-404.1; (11) the victim is 14 years of age or older, but younger than 18 years of age, and the actor is more than three years older than the victim and entices or coerces the
### UTAH

Victim to submit or participate, under circumstances not amounting to the force or threat required under Subsection (2) or (4); or (12) the actor is a health professional or religious counselor, as those terms are defined in this Subsection (12), the act is committed under the guise of providing professional diagnosis, counseling, or treatment, and at the time of the act the victim reasonably believed that the act was for medically or professionally appropriate diagnosis, counseling, or treatment to the extent that resistance by the victim could not reasonably be expected to have been manifested; for purposes of this Subsection (12): (a) "health professional" means an individual who is licensed or who holds himself or herself out to be licensed, or who otherwise provides professional physical or mental health services, diagnosis, treatment, or counseling including, but not limited to, a physician, osteopathic physician, nurse, dentist, physical therapist, chiropractor, mental health therapist, social service worker, clinical social worker, certified social worker, marriage and family therapist, professional counselor, psychiatrist, psychologist, psychiatric mental health nurse specialist, or substance abuse counselor; and (b) "religious counselor" means a minister, priest, rabbi, bishop, or other recognized member of the clergy.

Consent to any sexual act or prior consensual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent may be initially given but may be withdrawn through words or conduct at any time prior to or during sexual activity.

### VIRGINIA

<table>
<thead>
<tr>
<th>Crime Type</th>
<th>Definitions (Virginia Code)</th>
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<tbody>
<tr>
<td><strong>Dating Violence</strong></td>
<td>The institution has determined, based on good-faith research, that Virginia law does not define the term dating violence.</td>
</tr>
<tr>
<td><strong>Domestic Violence</strong></td>
<td>The institution has determined, based on good-faith research, that Virginia law does not define the term domestic violence. However, Virginia law provides the following:</td>
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<td>• Va. Code Ann. § 18.2-57.2: Any person who commits an assault and battery against a family or household member is guilty of a Class 1 misdemeanor.</td>
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<td>• Va. Code Ann. § 16.1-228: &quot;Family or household member&quot; 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.</td>
</tr>
<tr>
<td><strong>Stalking</strong> (Va. Code Ann. § 18.2-60.3)</td>
<td>Any person, except [certain caveats established by statute], 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.</td>
</tr>
<tr>
<td><strong>Sexual Assault</strong></td>
<td>The institution has determined, based on good-faith research that Virginia law does not define the term sexual assault.</td>
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</table>
**VIRGINIA Crime Type** | **Definitions (Virginia Code)**  
--- | ---  
Rape, Fondling, Incest, Statutory Rape | For purposes of the Clery Act, the term "sexual assault" includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Virginia law are as follows:  
• Rape (Va. Code Ann. § 18.2-61): 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.  
• Fondling: The institution has determined, based on good-faith research, that Virginia law does not define the term fondling.  
• Incest (Adultery and Fornication by Persons Forbidden to Marry; Incest) (Va. Code Ann. § 18.2-366): (A) Any person who engages in sexual intercourse with any person whom he or she is forbidden by law to marry is guilty of a Class 1 misdemeanor except as provided by subsection B; (B) Any person who engages in sexual intercourse with his daughter or granddaughter, or with her son or grandson, or her father or his mother, is guilty of a Class 5 felony. However, if a parent or grandparent engages in sexual intercourse with his or her child or grandchild, and such child or grandchild is at least 13 years of age but less than 18 years of age at the time of the offense, such parent or grandparent is guilty of a Class 3 felony.  
  o For the purposes of the above, parent includes step-parent, grandparent includes step-grandparent, child includes a step-child, and grandchild includes a step-grandchild.  
• Statutory Rape: The institution has determined, based on good-faith research, that Virginia law does not define the term statutory rape.  

Other "sexual assault" crimes | Other crimes under Virginia law that may be classified as a "sexual assault" include the following:  
• Carnal Knowledge of Child between Thirteen and Fifteen Years of Age (Va. Code Ann. § 18.2-63): (A) If any person carnally knows, without the use of force, a child thirteen years of age or older but under fifteen years of age, such person shall be guilty of a Class 4 felony; (B) If any person carnally knows, without the use of force, a child thirteen years of age or older but under fifteen years of age who consents to sexual intercourse and the accused is a minor and such consenting child is three years or more the accused’s junior, the accused shall be guilty of a Class 6 felony. If such consenting child is less than three years the accused’s junior, the accused shall be guilty of a Class 4 misdemeanor. In calculating whether such child is three years or more a junior of the accused minor, the actual dates of birth of the child and the accused, respectively, shall be used.  
  o For the purposes of the above, (i) a child under the age of thirteen years shall not be considered a consenting child and (ii) "carnal knowledge" includes the acts of sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, and animate and inanimate object sexual penetration.  
• Forcible Sodomy (Va. Code Ann. § 18.2-67.1): An accused shall be guilty of forcible sodomy if he or she engages in cunnilingus, fellatio, anilingus, or anal 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 such acts with any other person, and (1) The complaining witness is less than 13 years of age; or (2) The act is accomplished against the will of the complaining witness, by force, threat or intimidation of or against the complaining witness or another person, or through the use of the complaining witness’s mental incapacity or physical helplessness.  
• Object Sexual Penetration (Va. Code Ann. § 18.2-67.2): An accused shall be guilty of inanimate or animate object sexual penetration if he or she penetrates the labia majora or anus of a complaining witness, whether or not his or her spouse, other than for a
VIRGINIA

<table>
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<tr>
<th>Crime Type</th>
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<td>bonafide medical purpose, or causes such complaining witness to so penetrate his or her own body with an object or causes a complaining witness, whether or not his or her spouse, to engage in such acts with any other person or to penetrate, or to be penetrated by, an animal, and (1) The complaining witness is less than 13 years of age; or (2) The act is accomplished against the will of the complaining witness, by force, threat or intimidation of or against the complaining witness or another person, or through the use of the complaining witness's mental incapacity or physical helplessness.</td>
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<tr>
<td>Aggravated Sexual Battery (Va. Code Ann. § 18.2-67.3): An accused is guilty of aggravated sexual battery if he or she sexually abuses the complaining witness, and (1) The complaining witness is less than 13 years of age, or (2) The act is accomplished through the use of the complaining witness's mental incapacity or physical helplessness, or (3) The offense is committed by a parent, step-parent, grandparent, or step-grandparent and the complaining witness is at least 13 but less than 18 years of age, or (4) The act is accomplished against the will of the complaining witness by force, threat or intimidation, and (a) The complaining witness is at least 13 but less than 15 years of age, or (b) The accused causes serious bodily or mental injury to the complaining witness, or (c) The accused uses or threatens to use a dangerous weapon. The offense is not a recognized form of treatment in the profession, and is committed, without the express consent of the patient, by (i) a massage therapist, or a person purporting to be a massage therapist, during an actual or purported practice of massage therapy, as those terms are defined in § 54.1–3000; (ii) a person practicing or purporting to practice the healing arts, during an actual or purported practice of the healing arts, as those terms are defined in §§ 54.1–2900 and 54.1–2903; or (iii) a physical therapist, or a person purporting to be a physical therapist, during an actual or purported practice of physical therapy, as those terms are defined in § 54.1–3473.</td>
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<tr>
<td>Sexual Battery (Va. Code Ann. § 18.2-67.4): An accused shall be guilty of sexual battery if he sexually abuses, as defined in 18.2-67.10 [below], (i) the complaining witness against the will of the complaining witness by force, threat, intimidation, or ruse, or (ii) within a two-year period, more than one complaining witness or one complaining witness on more than one occasion intentionally and without the consent of the complaining witness.</td>
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<tr>
<td>Sexual Abuse of Child under 15 Years of Age (Va. Code Ann. § 18.2-67.4:2): Any adult who, with lascivious intent, commits an act of sexual abuse, as defined in § 18.2-67.10 [below], with any child 13 years of age or older but under 15 years of age is guilty of a Class 1 misdemeanor.</td>
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<tr>
<td>Sexual Abuse (Va. Code Ann. § 18.2-67.10): &quot;Sexual abuse&quot; 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 addition, Virginia statutes specific to institutions of higher education define sexual violence as follows (Va. Code Ann. § 23.1-806.A): &quot;Sexual violence&quot; means physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent.</td>
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Consent (as it relates to sexual activity)

The institution has determined, based on good-faith research, that Virginia law does not define the term consent (as it relates to sexual activity).
### Washington Crime Type Definitions (Revised Code of Washington)

<table>
<thead>
<tr>
<th>Crime Type</th>
<th>Definitions (Revised Code of Washington)</th>
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<tbody>
<tr>
<td><strong>Dating Violence</strong></td>
<td>The institution has determined, based on good-faith research, that Washington law does not define the term dating violence.</td>
</tr>
</tbody>
</table>
| **Domestic Violence**   | • "Domestic violence" includes but is not limited to [a number of other crimes under Washington law, such as assault, coercion, burglary, criminal trespass, kidnapping, etc.] when committed by one family or household member against another.  
  • "Family or household members" the same as in RCW 26.50.010: (a) Adult persons related by blood or marriage; (b) adult persons who are presently residing together or who have resided together in the past; and (c) persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.  
  • "Dating relationship" has the same meaning as in RCW 26.50.010: "Dating relationship" in RCW 26.50.010(2) means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.) |
| **Stalking**            | • Stalking (Wash. Rev. Code § 9A.46.110): A person commits the crime of stalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime: (a) He or she intentionally and repeatedly harasses or repeatedly follows another person; and (b) The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances; and (c) The stalker either: (i) Intends to frighten, intimidate, or harass the person; or (ii) Knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.  
  • Cyberstalking (Wash. Rev. Code § 9.61.260): A person is guilty of cyberstalking if he or she, with intent to harass, intimidate, torment, or embarrass any other person, and under circumstances not constituting telephone harassment, makes an electronic communication to such other person or a third party: (a) Using any lewd, lascivious, indecent, or obscene words, images, or language, or suggesting the commission of any lewd or lascivious act; (b) Anonymously or repeatedly whether or not conversation occurs; or (c) Threatening to inflict injury on the person or property of the person called or any member of his or her family or household. |
| **Sexual Assault**      | The institution has determined, based on good-faith research, that Washington law does not define the term sexual assault.                                                                                                                                     |
| **Rape, Fondling, Incest, Statutory Rape** | For purposes of the Clery Act, the term "sexual assault" includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Washington law are as follows:  
  • Rape in the first degree (Wash. Rev. Code § 9A.44.040): A person is guilty of rape in the first degree when such person engages in sexual intercourse with another person by forcible compulsion where the perpetrator or an accessory: (a) Uses or threatens to use a deadly weapon or what appears to be a deadly weapon; or (b) Kidnaps the victim; or (c) Inflicts serious physical injury, including but not limited to physical injury which renders the victim unconscious; or (d) Feloniously enters into the building or vehicle where the victim is situated.  
  • Rape in the second degree (Wash. Rev. Code § 9A.44.050): A person is guilty of rape in the second degree when, under circumstances not constituting rape in the first degree, the person engages in sexual intercourse with another person: (a) By forcible compulsion; (b) When the victim is incapable of consent by reason of being physically helpless or mentally incapacitated; (c) When the victim is a person with a developmental disability and the perpetrator is a person who is not married to the victim and who: (i) Has supervisory authority over the victim; or (ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense. |
<table>
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<tr>
<th>WASHINGTON Crime Type</th>
<th>Definitions (Revised Code of Washington)</th>
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<tbody>
<tr>
<td>• Rape in the third degree (Wash. Rev. Code § 9A.44.060): A person is guilty of rape in the third degree when, under circumstances not constituting rape in the first or second degrees, such person engages in sexual intercourse with another person: (a) Where the victim did not consent as defined in RCW 9A.44.010(7), to sexual intercourse with the perpetrator and such lack of consent was clearly expressed by the victim's words or conduct, or (b) Where there is threat of substantial unlawful harm to property rights of the victim.</td>
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<td>• Fondling: The institution has determined, based on good-faith research, that Washington law does not define the term fondling.</td>
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<td>• Incest (Wash. Rev. Code § 9A.64.020):</td>
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<tr>
<td>o A person is guilty of incest in the first degree if he or she engages in sexual intercourse with a person whom he or she knows to be related to him or her, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either the whole or the half blood.</td>
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<tr>
<td>o A person is guilty of incest in the second degree if he or she engages in sexual contact with a person whom he or she knows to be related to him or her, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either the whole or the half blood.</td>
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<tr>
<td>• Statutory Rape: The institution has determined, based on good-faith research, that Washington law does not define the term statutory rape. However, it does define the following:</td>
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<tr>
<td>o Rape of a child in the first degree (Wash. Rev. Code § 9A.44.073): A person is guilty of rape of a child in the first degree when the person has sexual intercourse with another who is less than twelve years old and not married to the perpetrator and the perpetrator is at least twenty-four months older than the victim.</td>
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<tr>
<td>o Rape of a child in the second degree (Wash. Rev. Code § 9A.44.076): A person is guilty of rape of a child in the second degree when the person has sexual intercourse with another who is at least twelve years old but less than fourteen years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim.</td>
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<tr>
<td>o Rape of a child in the third degree (Wash. Rev. Code § 9A.44.079): A person is guilty of rape of a child in the third degree when the person has sexual intercourse with another who is at least fourteen years old but less than sixteen years old and not married to the perpetrator and the perpetrator is at least forty-eight months older than the victim.</td>
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</table>

**Other “sexual assault” crimes**

| Other crises under Washington law that may be classified as a “sexual assault” include the following: |
| • Child molestation in the first degree (Wash. Rev. Code § 9A.44.083): A person is guilty of child molestation in the first degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is less than twelve years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim. |
| • Child molestation in the second degree (Wash. Rev. Code § 9A.44.086): A person is guilty of child molestation in the second degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is at least twelve years old but less than fourteen years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim. |
| • Child molestation in the third degree (Wash. Rev. Code § 9A.44.089): A person is guilty of child molestation in the third degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is at least fourteen years old but less than sixteen years old and not married to the perpetrator and the perpetrator is at least forty-eight months older than the victim. |
### WASHINGTON

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<thead>
<tr>
<th>Crime Type</th>
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<tr>
<td>• Sexual misconduct with a minor in the first degree (Wash. Rev. Code § 9A.44.093): A person is guilty of sexual misconduct with a minor in the first degree when: (a) The person has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with another person who is at least sixteen years old but less than eighteen years old and not married to the perpetrator, if the perpetrator is at least sixty months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual intercourse with the victim; b) the person is a school employee who has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with an enrolled student of the school who is at least sixteen years old and not more than twenty-one years old and not married to the employee, if the employee is at least sixty months older than the student; or (c) the person is a foster parent who has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with his or her foster child who is at least sixteen.</td>
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<tr>
<td>• Sexual misconduct with a minor in the second degree (Wash. Rev. Code § 9A.44.096): A person is guilty of sexual misconduct with a minor in the second degree when: (a) The person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another person who is at least sixteen years old but less than eighteen years old and not married to the perpetrator, if the perpetrator is at least sixty months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual contact with the victim; b) the person is a school employee who has, or knowingly causes another person under the age of eighteen to have, sexual contact with an enrolled student of the school who is at least sixteen years old and not more than twenty-one years old and not married to the employee, if the employee is at least sixty months older than the student; or (c) the person is a foster parent who has, or knowingly causes another person under the age of eighteen to have, sexual contact with his or her foster child who is at least sixteen.</td>
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<tr>
<td>• Indecent liberties (Wash. Rev. Code § 9A.44.100): A person is guilty of indecent liberties when he or she knowingly causes another person to have sexual contact with him or her or another: (a) By forcible compulsion; (b) When the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless; (c) When the victim is a person with a developmental disability and the perpetrator is a person who is not married to the victim and who: (i) Has supervisory authority over the victim; or (ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense.</td>
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| Consent (as it relates to sexual activity) | "Consent" means that at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact. |
| (Wash. Rev. Code § 9A.44.010(7)) | |

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10.3 Facts about Dating Violence, Domestic Violence, Sexual Assault, and Stalking

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

- Every 73 seconds, an American is sexually assaulted.
- Only 230 out of every 1,000 sexual assaults are reported to police. That means about 3 out of 4 go unreported.
- 8 out of 10 rapes are committed by someone known to the victim.
- Ages 12-34 are the highest risk years for rape and sexual assault.
- 1 out of every 6 American women has been the victim of an attempted or completed rape in her lifetime (14.8% completed, 2.8% attempted); 1 in 33 American men have experienced an attempted or completed rape in their lifetime.

According to the National Domestic Violence Hotline:

- On average, 24 people per minute are victims of rape, physical violence or stalking by an intimate partner in the U.S. Annually, this equates to more than 12 million women and men.
- Nearly 3 in 10 women (29%) and 1 in 10 men (10%) in the U.S. have experienced rape, physical violence, and/or stalking by a partner and report a related impact on their functioning.
- 1 in 6 women (16.2%) and 1 in 19 men (5.2%) in the U.S. have experienced stalking victimization at some point during their lifetime in which they felt very fearful or believed that they or someone close to them would be harmed or killed (by any perpetrator).

10.4 Bystander Intervention

Bystander intervention includes safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. As a bystander, you can help prevent sexual violence using safe and positive options. According to RAINN, stepping in can make all the difference, but it should never put your own safety at risk. If you find yourself in a situation where someone looks uncomfortable or something doesn’t seem right, show you C.A.R.E. and consider the following ways to step in:

Create a distraction. Do what you can to interrupt the situation. A distraction can give the person at risk a chance to get to a safe place.

- Cut off the conversation with a diversion like, “Let's get pizza, I'm starving,” or “This party is lame. Let’s try somewhere else.”
- Bring out fresh food or drinks and offer them to everyone at the party, including the people you are concerned about.
- Start an activity that draws other people in, like a game, a debate, or a dance party.
Ask directly. Talk directly to the person who might be in trouble.

- Ask questions like “Who did you come here with?” or “Would you like me to stay with you?”

Refer to an authority. Sometimes the safest way to intervene is to refer to a neutral party with the authority to change the situation, like a security guard.

- Talk to a security guard or another employee about your concerns. It’s in their best interest to ensure that their patrons are safe, and they will usually be willing to step in.
- Don’t hesitate to call 9-1-1 if you are concerned for someone else’s safety.

Enlist others. It can be intimidating to approach a situation alone. Enlist another person to support you.

- Ask someone to come with you to approach the person at risk. When it comes to expressing concern, sometimes there is power in numbers.
- Ask someone to intervene in your place. For example, you could ask someone who knows the person at risk to escort them to the bathroom.
- Enlist a friend of the person you’re concerned about. “Your friend looks like they’ve had a lot to drink. Can you check on them?”

The University’s Sexual Assault Awareness and Prevention Training includes safe and positive options for bystander intervention. For more information on this training, please refer to Section 10.12.

10.5 Risk Reduction

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

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

The following suggestions may help foster a safer community:

- Know your resources.
  - Determine who you should contact and where you should go if you or a friend needs help.
  - Notice where emergency phones are located and program the Security Operations Center (SOC) number, (602) 557-7000 or (866) 992-3301, into your cell phone.
- Stay alert and aware of your surroundings. Avoid putting headphones in both ears or looking down to focus on your cell phone, especially when walking alone.
- Be careful about posting your location on social media.
- Make others earn your trust and make your limits known ahead of time.
• Consider back-up plans. Think about what you would need to do in various sticky situations such as if your phone dies, if your car runs out of gas, or if you become stranded without any cash or credit cards.

• You can withdraw consent to sexual activity at any time. Do not be afraid to tell a sexual aggressor “NO” clearly and loudly.

• Try to remove yourself from the physical presence of an aggressor. Be as direct as possible about wanting to leave the environment.

• Grab someone nearby and ask them for help.

• Attend events with friends you trust. Watch out for your friends and ask that they watch out for you. Show up together and leave together. If plans change, discuss with the group. Do not leave a friend stranded in an unfamiliar or unsafe situation.

Technology may also aid with preventing violence before it happens:

• **Circle of 6** – Free app for iPhone and Android makes it quick and easy to reach the 6 people you choose. If you need help getting home or need an interruption, two taps lets your circle know where you are and how they can help. For more information, visit [http://www.circleof6app.com/](http://www.circleof6app.com/).

• **The ASPIRE News App** – ASPIRE News is a free application for iPhone and Android which contains summaries of top stories in world, sports, and entertainment news, from the When Georgia Smiled: The Robin Mcgraw Revelation Foundation (and powered by Yahoo!). Additionally, if someone you know is in an abusive relationship – or if that someone is you – the Help Section of the application contains domestic violence resources. You can triple tap the top of the application frame/title bar at any time in order to alert your trusted contacts that you’re in an emergency situation. For more information, visit [https://www.whengeorgiasmiled.org/aspire-news-app/](https://www.whengeorgiasmiled.org/aspire-news-app/).

• **myPlan App** – myPlan was created to help people determine if a friend or family member is in an unsafe intimate relationship, and if so how to support them. For more information, visit [http://www.joinonelove.org/my_plan_app](http://www.joinonelove.org/my_plan_app).

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

• Remember that you owe sexual respect to the other person.

• Don’t make assumptions about the other person’s consent or about how far they are willing to go.

• Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.

• If your partner expresses a withdrawal of consent, stop immediately.

• Clearly communicate your sexual intentions and obtain consent before proceeding.

• “Mixed messages” may be a sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.

• Don’t take advantage of someone who is intoxicated or on drugs, even if they knowingly and intentionally put themselves in that state. Further, don’t be afraid to step in if you see someone else trying to take advantage of a nearly incapacitated person.
Campus Safety Policies

- Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.

It is also important to be aware of the warning signs of an abusive person. Some examples include: past abuse; threats of violence or abuse; breaking objects; using force during an argument; jealousy; controlling behavior; quick involvement; unrealistic expectations; isolation; blames others for problems; hypersensitivity; cruelty to animals or children; “playful” use of force during sex; Jekyll-and-Hyde personality.

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

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

10.6 Title IX Policies and Procedures – Sex Discrimination, Sexual Harassment, and Sexual Violence

The Campus Safety Coordinator is responsible to ensure the Title IX – You are Protected poster is available in all classrooms and common areas.

The University’s Equal Opportunity, Harassment, and Nondiscrimination Policy may be viewed in its entirety at: https://www.phoenix.edu/about_us/title-ix.html.

10.6.1 Privacy

UOPX will protect the privacy of any complainant, respondent, and other necessary parties and witnesses to the maximum extent possible.
Pursuant to the University’s Equal Opportunity, Harassment, and Nondiscrimination Policy, when an employee who is not a confidential resource becomes aware of alleged harassment or discrimination under that policy (including, but not limited to, dating violence, domestic violence, sexual assault, and stalking), the employee must report that information to the Title IX Coordinator.

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

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

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

UOPX operates educational training facilities known as Counseling Skills Centers. These Counseling Skills Centers model mental health clinics and offer complimentary services to members of the University and local community. Centers are staffed by counseling graduate students who work under the direct supervision of licensed, experienced professionals. For more information, please visit http://www.phoenix.edu/students/counseling-skills-centers.html.

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

10.7 Importance of Preserving Evidence

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

After a sexual assault, it is very important that the victim receive medical attention to treat any possible injuries and to screen for sexually transmitted infection (STI) and pregnancy. It is also strongly recommended for the victim to have a sexual assault forensic exam, sometimes called a “rape kit.” Forensic exams are available to victims free of charge. During this exam, someone
specially trained to perform this exam, such as a Sexual Assault Nurse Examiner (SANE), will collect DNA\(^7\) evidence that can help identify the perpetrator. The victim does not have to agree to a forensic exam to receive treatment but doing so may give them a stronger case against the perpetrator if they decide to report the crime now or at a later time. Agreeing to a forensic exam does not require the victim to subsequently file a police report.

Preserving DNA evidence from the assault is important. Even if the victim does not wish to file a police report immediately or is certain they will not prosecute, preserving DNA evidence allows the victim to change their mind later. DNA evidence may also prevent future sexual assaults from occurring. Even if the perpetrator is not prosecuted, their DNA may be added to the national database (CODIS\(^8\)), making it easier to connect the perpetrator to a future crime.

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

- Bathing
- Showering
- Using the restroom
- Changing or discarding clothes
- Combing hair
- Cleaning up the area

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

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

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

**10.8 Surviving Sexual Violence**

The University urges victims of sexual violence to seek counseling promptly. Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to them, both within the University and in the surrounding community.

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\(^7\) Deoxyribonucleic acid; carrier of genetic information

\(^8\) Combined DNA Index System
10.8.1 University Resources

- **Student Resources** – The University offers various counseling services to all currently enrolled students via the Life Resource Center, directly accessible from the online student eCampus website under the "Program" tab in the Student Support section. The Life Resource Center offers free services that are confidential, available 24/7/365, accessible by calling (866) 320-2817. Services include:
  - life coaches to assist in areas such as time management skills, work-life balance skills, managing change/transitions, and managing stress;
  - the Online Counseling Center to get short-term counseling on issues including managing stress, relationship issues, family concerns, substance abuse, grief, trauma, loss, anxiety, and depression;
  - career coaching for students during any part of the career development process, from setting career goals to negotiating a salary; and
  - online seminars.

- **Employee Resources** – The University provides an Employee Assistance Program (EAP) as an employee benefit. All employees have access to EAP whether or not they obtain other benefits through the university. Information about the program is available at all times through the Benefit Central site at https://compass.empyreanbenefits.com/UOPX. This service provides referral services and treatment sessions as needed. Work-Life Services are also offered to help with problems that often overwhelm people; those problems include legal, financial, identity theft, elder and childcare, housing, education, personal services, and a host of other needs. Calls and online inquiries are tracked by category. Employees enrolled in health care plans can obtain additional substance abuse benefits, including outpatient and inpatient services through providers contracted with their health care plan.

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

10.8.2 National Resources

- National Domestic Violence Hotline: (800) 799-7233
- National Sexual Assault Hotline: (800) 656-4673
- loveisrespect: (866) 331-9474, http://www.loveisrespect.org/, or text "LOVEIS" to 22522
- Rape, Abuse and Incest National Network (RAINN): https://www.rainn.org/
- One Love Foundation: http://www.joinonelove.org/
- National Alliance to End Sexual Violence: http://www.endsexualviolence.org/
- U.S. Dept. of Justice Office on Violence Against Women: https://www.justice.gov/ovw
- National Coalition Against Domestic Violence: http://www.ncadv.org/
- The NW Network: (206) 568-7777 or http://nwnetwork.org/
10.9 Accommodations and Supportive Measures

For the University’s full policy on accommodations and supportive measures, please view the Equal Opportunity, Harassment, and Nondiscrimination Policy at: https://www.phoenix.edu/about_us/title-ix.html.

The University provides information about options for, and available assistance in, changing academic or working situations and other supportive measures. If accommodations or supportive measures are requested, and they are reasonably available, the University is obligated to provide them, regardless of whether a report is made to campus security or local law enforcement.

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

When determining the reasonableness of such a request, the University may consider, among other factors, the following:

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

The University will maintain as private any accommodations or supportive measures provided to the extent that maintaining privacy would not impair the University’s ability to provide them. However, there may be times when certain information must be disclosed to a third-party in order to implement the accommodation or supportive measure. Such decisions will be made by the University in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or supportive measure is provided. In the event it is necessary to disclose information about an involved party in order to provide an accommodation or supportive measure, the University will inform that party of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared, and why.

10.10 Possible Sanctions or Supportive Measures the University May Impose for Dating Violence, Domestic Violence, Sexual Assault, or Stalking Offenses

For the University’s full policy on possible sanctions and supportive measures, please view the Equal Opportunity, Harassment, and Nondiscrimination Policy at: https://www.phoenix.edu/about_us/title-ix.html.
Following a final determination in the institution’s disciplinary proceeding that dating violence, domestic violence, sexual assault, or stalking has been committed, the institution may impose a sanction depending on the mitigating and aggravating circumstances involved. Outlined below are the range of sanctions that may be imposed upon students, faculty, and staff.

- **Range of Sanctions – Students**
  - Warning, suspension, expulsion, withholding diploma, revocation of degree, other actions as deemed appropriate

- **Range of Sanctions – Part-Time Faculty**
  - Warning, implementation of a remediation plan, removal from assigned course(s), restrictions on future teaching assignments, loss of teaching privileges altogether, other actions as deemed appropriate

- **Range of Sanctions – Staff and Full-Time Faculty**
  - Warning, performance improvement/management process, required training or education, loss of oversight or supervisory responsibility, demotion, suspension with pay, suspension without pay, termination, other actions as deemed appropriate

In addition, the University can make available a range of supportive measures to the parties involved. The University may offer as appropriate to either or both the complainant(s) and respondent(s) involved after notice of alleged violation of the Equal Opportunity, Harassment, and Nondiscrimination Policy interim and supportive measures which may include, but are not limited to, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, security escorts, mutual restrictions on contact between the parties involved, changes in work location, leaves of absence, increased security and monitoring of certain areas, counseling referrals, and other similar measures.

### 10.11 Procedures for Disciplinary Action

Allegations of domestic violence, dating violence, sexual assault, or stalking will be processed through the University’s Equal Opportunity, Harassment, and Nondiscrimination Policy and the related complaint resolution procedures. The procedures are invoked whenever or wherever a complaint is made, regardless of the status of the complainant and the respondent.

The complaint resolution procedures are invoked once a report is made to the Title IX Coordinator at (602) 557-1823 or TIXC@phoenix.edu. To file a report online, an electronic form is available at https://www.phoenix.edu/about_us/title-ix.html.

#### 10.11.1 Investigation Procedures and Protocols

For complete details regarding the University’s investigative procedures and protocols, please view the University’s Equal Opportunity, Harassment, and Nondiscrimination Policy.

Once a formal complaint is made, the Title IX Coordinator will provide notice to the parties of the investigation, including a description of the process to be utilized, the identities of the parties, the conduct at issue, and the date and location of the alleged incident.

During the investigation, the complainant and respondent will each have an equal opportunity to describe the situation and present witnesses, including both fact and expert witnesses, and other
supporting evidence. The investigator(s) will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. Prior to the conclusion of the investigation, both parties will be provided an opportunity to review the evidence gathered during the investigation that is directly related to the allegations raised in the formal complaint.

Upon completion of the investigation, both parties will be given a copy of an investigation report and a live hearing will be conducted to make a determination as to whether any allegations in the complaint were found to be substantiated by a preponderance of the evidence. During the hearing, each party’s advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions including those bearing on credibility. The decision maker(s) will issue a written determination of responsibility, a statement of any disciplinary sanctions and whether any remedies will be provided to the complainant, and a description of the procedures and permissible grounds for appeal. The parties will be notified of this determination in writing within three (3) days of it being made. The institution strives to complete investigations of this nature within ninety (90) calendar days.

Both parties have an equal opportunity to appeal the determination by filing a written appeal with the President within five (5) days of being notified of the outcome of the investigation. The non-appealing party will be notified of the appeal and permitted to submit a written statement in response. The President will resolve the appeal within ten (10) days of receiving it and may take any and all actions that they determine to be in the interest of a fair and just decision.

10.11.2 Rights of the Parties in an Institutional Proceeding

During the course of the process described in the previous section, both the accuser and the individual accused of the offense are entitled to:

1. A prompt, fair, and impartial process from the initial investigation to the final result.
   • A prompt, fair, and impartial process is one that is:
     o Completed within reasonably prompt timeframes designated by the institution’s University’s policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
     o Conducted in a manner that:
       ▪ Is consistent with the institution’s University’s policies and transparent to the accuser and the accused.
       ▪ Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
       ▪ Provides timely access to the accuser, the accused, and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
     o Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process impartially and without bias.
   • Such training addresses topics such as the definition of sexual harassment; the scope of the University’s education programs and activities; how to conduct
investigations, hearings, and appeals and informal resolutions (as applicable); relevant evidence and how it should be used during a proceeding; proper techniques for questioning witnesses; basic procedural rules for conducting a proceeding; and avoiding actual and perceived conflicts of interest. Relevant evidence and how it should be used during a proceeding, proper techniques for questioning witnesses, basic procedural rules for conducting a proceeding, and avoiding actual and perceived conflicts of interest. As mandated by Title IX, all training completed by Title IX Coordinators, Investigators, Decision-makers, Advisors, and the Appeal Panel is posted at https://www.phoenix.edu/about_us/title-ix.html.

3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.

4. Have the outcome determined using the preponderance of the evidence standard.

5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, "result" means "any initial, interim, and final decision by an official or entity authorized to resolve disciplinary matters" and must include the rationale for reaching the result and any sanctions imposed.

10.12 Educational Programs – Dating Violence, Domestic Violence, Sexual Assault, and Stalking Awareness

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

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

- **Title IX training** available via eCampus. Students and faculty must review and acknowledge the Title IX training each year. The Title IX training includes what Title IX is, the University’s responsibilities under Title IX, what behaviors are covered under Title IX, what rights and protections are granted under Title IX, how to report a Title IX concern, and possible sanctions if a violation of Title IX is found.

- **Employee Sexual Harassment Awareness training** and **Title IX for Higher Education training** must be completed by all new employees upon hire (within 30 days). Once hired, all employees must complete Employee Sexual Harassment Awareness training on a biennial basis.
• The Campus Safety: Awareness, Prevention, and Action online course is always available via MyLearning to staff. This course discusses key information on environmental, medical, and criminal risks.

• Sexual Assault Awareness and Prevention training is offered annually to students, faculty, and staff at each local campus. This training includes:
  o The definitions of dating violence, domestic violence, sexual assault, stalking, and consent, in reference to sexual activity
  o The University’s stance that it prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking
  o Safe and positive options for bystander intervention (e.g., CARE strategies) and risk reduction
  o Resources for survivors
  o Information on how alcohol and other drug use could impact the risk of sexual assault

• The University offers information on sexual assault, dating violence, domestic violence, and stalking along with various resources and counseling services to all currently enrolled students via the Life Resource Center (LRC), directly accessible from the online student eCampus website under the Program tab in the Student Support section. The LRC offers services that are confidential, available 24/7/365, accessible by calling (866) 320-2817, and free to students.

• The University provides an Employee Assistance Program (EAP) as an employee benefit. All employees have access to the EAP whether or not they obtain other benefits through the University. Information about the program is available at all times through the Benefit Central site at https://compass. empyreanbenefits.com/UOPX. This service provides information on sexual assault, dating violence, domestic violence, and stalking along with referral services and treatment sessions as needed.

• Denim Day: Held in April in honor of Sexual Violence Awareness Month, UOPX local campuses and learning centers host their own Denim Day events. Students, faculty, and staff are encouraged to wear jeans on this day to support survivors and promote awareness of sexual violence.

• Escalation Workshop: The University’s Corporate Security and Title IX teams have worked with the One Love Foundation to bring the Escalation Workshop to UOPX. The Escalation Workshop is a film-based discussion that opens people’s eyes to the warning signs of relationship abuse. Participants will understand the difference between healthy and unhealthy relationship behaviors and learn ways to safely intervene to help a friend. This is an annual event and is also available upon request.

• Poster and Email Campaign: Posters are periodically placed in public areas of the local campus to alert students and staff for personal safety and theft concerns. Also, emails and newsletter alerts provide awareness of various important topics such as sexual assault, personal safety, theft, incidents, and alcohol and other drugs information.

• University community members may contact their designated Campus Safety Coordinator at http://www.phoenix.edu/about_us/campus-safety/campus-safety-contact-list.html to learn about additional educational programs and dates/times they will be offered at their local campus related to these topics.

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

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

11.1 Reporting Convicted Sex Offenders

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

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

Arizona
https://www.azdps.gov/services/public/offender

California
https://www.meganslaw.ca.gov/

Colorado
https://apps.colorado.gov/apps/dps/sor/

Florida
https://offender.fdle.state.fl.us/offender/sops/search.jsf

Georgia
http://state.sor.gbi.ga.gov/sort_public/

Hawaii
https://sexoffenders.ehawaii.gov/sxeoffender/welcome.html

Illinois
http://www.isp.state.il.us/sor/

Nevada
http://www.nvsexoffenders.gov/

New Jersey

North Carolina
http://sexoffender.ncsbi.gov/disclaimer.aspx

Texas
https://records.txdps.state.tx.us/SexOffenderRegistry

Utah

Virginia
https://sex-offender.vsp.virginia.gov/sor/
Washington
Section XII: Enrollment, Employment, and Student Organizations

12.1 Enrollment

Like many institutions of higher learning, UOPX has an open enrollment policy and does not discriminate based on an applicant’s criminal convictions. However, students must disclose criminal convictions for illegal drug violations when applying for Title IV Federal Financial Assistance.

12.1.1 Total Enrollment

Total enrollment for all UOPX local campuses can be found at http://nces.ed.gov/collegenavigator/.

12.2 Student Housing

UOPX does not have a Missing Student Notification Policy or Fire Safety Report & Statistics because it does not provide on-campus student housing facilities at any of its local campuses or locations.

12.3 Employment

Staff and faculty members must pass a background investigation and have their criminal record checked before employment at UOPX.

12.4 Student Organizations

A Recognized Student Organization (RSO) is a student organization that the University has reviewed for policy compliance and “recognized” (approved) through the University’s Academic Council. Academic Clubs, Professional Associations, Honor Societies, and Service/Philanthropic Organizations are all eligible to become an RSO.

RSOs are permitted to use classroom space at local campuses for meeting in accordance with the guidelines outlined in the Recognized Student Organizations Handbook. There are no RSOs that are part of the University’s “noncampus” geography. Any crimes and/or incidents that occur during an RSO activity must be reported to a CSA or Campus Safety Coordinator in accordance with the Clery Act regardless of the activity location. Student organizations that are not “recognized” by the University may be subject to additional directives in order to use UOPX facilities for organization activities.

Students interested in starting a new RSO or local chapter of an existing RSO should contact the UOPX Office of Educational Equality at Student.Organizations@phoenix.edu. A current list may be found on http://www.phoenix.edu/RSO.
Appendices

A: Contacting the Campus Safety Coordinator

UOPX has a Campus Safety Coordinator assigned to each local campus. Specific information can be located on the phoenix.edu Campus Safety Contact List page:

The Campus Safety Coordinator will assist all students, faculty, and staff who are victims of any crime with locating or notifying the appropriate local law enforcement authorities, if requested.

In addition to receiving reports of dating violence, domestic violence, sexual assault, or stalking the designated Campus Safety Coordinator and/or Title IX Coordinator, Bridget Beville (602) 557-1823 TitleIX@phoenix.edu, will provide a “Rights and Options” written notification to complainants and respondents (students, faculty, and staff), whether the offense occurred on or off campus, about the services available. The “Rights and Options” documents are available to the public at https://www.phoenix.edu/about_us/title-ix.html.

B: Counseling and Assistance Resources

B1: Assistance and Services for Victims of Sexual Violence

Casa de Esperanza
Casa de Esperanza is a Latina organization. If you are experiencing domestic violence or if you know someone in that situation, call the confidential 24-hour, bilingual domestic violence helpline at (651) 772-1611 or send an email to info@casadeesperanza.org. For more information, visit https://www.casadeesperanza.org/.

Clery Center
The Clery Center is a national nonprofit dedicated to helping college and university officials meet the standards of the Clery Act. The Clery Center offers resources for students and families looking to understand what their rights are. For more information, visit https://clerycenter.org/.

DOD Safe Helpline
Members of the Department of Defense (DOD) community affected by sexual violence can receive live, free, confidential help through the DOD Safe Helpline at (877) 995-5247. For more information visit https://www.safhelpline.org.

Domesticshelters.org
Victims of domestic violence can utilize this free searchable directory of domestic violence service providers in the U.S. and Canada. Services provided may include legal representation, immigration services, sexual violence support groups, transportation, relocation services, etc. For more information, visit https://www.domesticshelters.org/.

FORGE
Provides direct services to transgender, gender non-conforming, and gender non-binary survivors of sexual assault, domestic violence, dating violence, stalking, or hate violence. Visit https://forge-forward.org/anti-violence/for-survivors/ or call (414) 559-2123.
HRSA Health Centers
The Health Resources & Services Administration (HRSA) health centers deliver high-quality, culturally competent, comprehensive primary care regardless of patients’ ability to pay (charge for services are on a sliding fee scale). For more information visit https://findahealthcenter.hrsa.gov/.

It’s On Us
It’s On Us is a national movement to end sexual assault. It’s On Us asks everyone – students, community leaders, parents, organizations, and companies – to step up and realize that the conversation changes with us. Take the pledge and commit to helping create a culture of consent, bystander intervention, and survivor support at https://www.itsonus.org/.

Loveisrespect
Those affected by dating violence can receive free and confidential 24/7/365 phone, live chat, and texting services: (866) 331-9474, http://www.loveisrespect.org, or text “LOVEIS” to 22522.

MaleSurvivor
MaleSurvivor provides resources to male survivors of sexual abuse, including directories to find a therapist or support group. For more information, visit https://malesurvivor.org/.

National Alliance to End Sexual Violence
Leaders from statewide anti-sexual violence organizations joined with local rape crisis centers and prominent national advocates to create the National Alliance to End Sexual Violence. Its mission is to be the voice in Washington, D.C. for state coalitions and local programs working to end sexual violence and support survivors. For more information, visit http://www.endsexualviolence.org/.

National Center for Victims of Crime
Website includes the National Center’s Connect Directory to assist with locating crime victim assistance organizations near you. Types of assistance include legal services, support groups, medical services, housing, financial assistance, and mental health/counseling services. For more information, visit http://www.victimsofcrime.org/home.

National Domestic Violence Hotline
Those affected by domestic violence can receive confidential, one-on-one support, 24 hours a day via the National Domestic Hotline: (800) 799-SAFE (7233). Online chat is also available 24/7/365 at https://www.thehotline.org/help/.

NO MORE
NO MORE is a public awareness and engagement campaign focused on ending domestic violence and sexual assault. You can find your state coalition and additional local resources at http://nomore.org/local-organizations/.

One Love Foundation
One Love works with young people across the country to raise awareness about the warning signs of abuse and activate communities to work to change the statistics around abuse, sexual assault, and harassment. For more information, visit http://www.joinonelove.org/.

RAINN
Victims of sexual assault can receive free, confidential 24-hour help by calling the National Sexual Assault Hotline at the Rape, Abuse, and Incest National Network (RAINN): (800) 656-HOPE (4673). You can also visit https://hotline.rainn.org/online to receive 24/7/365 support via confidential online chat.
To find independent sexual assault service providers near you, search RAINN’s national database at https://centers.rainn.org/. Services are usually free or low cost and may include individual counseling, group counseling/support groups, legal/criminal justice system advocacy, crime victim assistance advocacy, emergency shelter, medical attention, and hospital accompaniment.

**Stalking Resource Center**  
Website includes victim assistance resources and information about federal, state, tribal, and military stalking statutes. For more information, visit http://www.victimsofcrime.org/our-programs/stalking-resource-center.

**Student Financial Aid**  
Additional information on student financial aid is available at https://studentaid.gov/ and https://www.finaid.org/. Students are also encouraged to discuss questions or concerns with their school finance advisor.

**The NW Network**  
The NW Network of Bi, Trans, Lesbian, and Gay Survivors of Abuse offers free and confidential support for LGBT survivors of domestic, dating, and sexual abuse. Services include advocacy-based counseling, support groups, safety and support planning, basic legal advocacy, resources and referrals for housing, food banks, and mental health programs. For more information call (206) 568-7777 or visit https://www.nwnetwork.org/.

**B2: National Legal Services**

**ABA Center for Pro Bono**  
Many communities offer legal services or have legal aid societies which provide free or reduced cost legal assistance and/or representation. Visit the American Bar Association’s Center for Pro Bono at https://www.americanbar.org/groups/center-pro-bono/ for more information.

**Fierberg National Law Group**  
For students and families who experience crime on campus, including sexual assault and Title IX violations, Fierberg National Law Group provides civil legal services. For more information visit https://tfnlgroup.com/, call (202) 351-0510, or email info@tfnlgroup.com.

**National Crime Victim Bar Association**  
The National Crime Victim Bar Association (NCVBA) assists victims with finding a qualified attorney by providing referrals to local attorneys specializing in victim-related litigation. For more information visit https://victimsofcrime.org/our-programs/national-crime-victim-bar-association/for-victims or email victimbar@victimsofcrime.org.

**U.S. Citizenship and Immigration Services**  
Information on the legal rights available to immigrants in the United States can be found at https://www.uscis.gov/.

**WomensLaw.org**  
This website provides state-specific legal information and resources for survivors of abuse. Visit https://www.womenslaw.org/ for help with finding an attorney, shelter, or courthouse location in your state.
B4: University of Phoenix Sponsored Student and Employee Assistance Programs

B4.1 Student Resources

Currently enrolled students can access the Life Resource Center from the online student eCampus website at https://ecampus.phoenix.edu under the Program tab in the Student Support section. The Life Resource Center offers services that are confidential, available 24/7, accessible by calling (866) 320-2817, and free to students. Services include:

- The Online Counseling Center to get short-term counseling on issues including managing stress, relationship issues, family concerns, substance abuse, grief, trauma, loss, anxiety, and depression
- Life coaches to assist in areas such as time management skills, work-life balance skills, managing change/transitions, and managing stress

B4.2 Employee Resources

UOPX provides an Employee Assistance Program (EAP) as an employee benefit. All employees have access to EAP whether or not they obtain other benefits through the university. Information about the program is available at all times through the Benefit Central site at https://compass.empyreanbenefits.com/UOPX. Services include:

- Treatment sessions and referrals
- Work-life services for problems such as legal, financial, identity theft, child and elder care, and housing

B5: Alcohol and Other Drug Abuse Referral Services

We also encourage anyone dealing with substance abuse issues (not just our employees and students) to contact national agencies for guidance and assistance in identifying a counseling, treatment, or rehabilitation program. Support is always available with confidentiality and discretion! One need only ask.

- Al-Anon Family Groups (888) 4AL-ANON (425-2666) https://al-anon.org/
- Alcoholics Anonymous http://www.aa.org/
- Cocaine Anonymous https://ca.org/
- Narcotics Anonymous https://www.na.org/
- National Institute on Alcohol Abuse and Alcoholism https://www.niaaa.nih.gov/
- National Institute on Drug Abuse (800) 662-HELP (662-4357) https://www.drugabuse.gov/
- The Substance Abuse and Mental Health Services Administration's (SAMHSA) Behavioral Health Treatment Services Locator https://findtreatment.samhsa.gov/
B6: Suicide Referral Services

In addition to the University of Phoenix sponsored Student and Employee Assistance Programs, the following are available for assistance to students and individuals contemplating suicide:

- The Jed Foundation [https://www.jedfoundation.org/]
- The National Suicide Prevention Lifeline 800-273-TALK (8255) or text “START” to 741-741
- The Trevor Project (LGBTQ) (866) 488-7386 [https://www.thetrevorproject.org/]

B7: Veteran Referral Services

- U.S. Department of Veterans Affairs [https://www.mentalhealth.va.gov/]
- Veterans Crisis Line at (800) 273-8255 and press 1
- A crisis line for active-duty, Veterans, National Guard, and Reserve members of the military at [https://www.veteranscrisisline.net/ActiveDuty.aspx]
- A VA responder line text a message to 838255
- A self-check quiz at [https://www.vetselfcheck.org/Welcome.cfm] and a confidential online chat session for Veterans or Service members in crisis at [https://www.veteranscrisisline.net/ChatTermsOfService.aspx]

The Campus Safety Coordinator can provide additional referral resources within the local area.

The SOC provides student, faculty, and staff support 24/7/365. To report information, call (866) 992-3301. Students and other members of the campus community may also contact their local Silent Witness or Crime Stopper program to report information.

Crime victims seeking professional counseling through a UOPX Counseling Skills Center will have their information kept in confidence. Even if a victim gives the professional counselor permission to release his or her identity, the counselor may only report the occurrence of the event itself to be included in the annual crime statistics, unless otherwise required by law.

C: Contacting the Campus Safety Team

For further questions or help, please contact the Campus Safety Team:

Security Operations Center (SOC): (866) 992-3301 or SOC@phoenix.edu
Sr. Director Security: (602) 557-7537 or Steve.Lindsey@phoenix.edu
Title IX Coordinator: (602) 557-1823 or TIXC@phoenix.edu

Your safety is of paramount importance.
UOPX urges students, faculty, and staff to report all crimes or threatening situations that occur on-campus to your local and state police department, and then notify us. If anything makes you feel unsafe or threatened, dial 9-1-1.
D: Acronyms

AED  Automated External Defibrillator
ASR  Annual Security Report
CAASE  Chicago Alliance Against Sexual Exploitation
CPR  Cardiopulmonary Resuscitation
CSA  Campus Security Authority
DOD  Department of Defense
EAP  Employee Assistance Program
EMN  Emergency Mass Notification
ERG  Emergency Response Guide
FBI  Federal Bureau of Investigation
FDLE  Florida Department of Law Enforcement
FERPA  Family Educational Rights and Privacy Act
HRSA  Health Resources & Services Administration
ICASA  Illinois Coalition Against Sexual Assault
IEMA  Illinois Emergency Management Agency
LGBTQ  Lesbian, Gay, Bisexual, Transgender, and Queer
LRC  Life Resource Center
MOU  Memoranda of Understanding
NCVBA  National Crime Victim Bar Association
OCR  Office for Civil Rights
OPAC  Ongoing Prevention and Awareness Campaign
PPAP  Primary Prevention and Awareness Program
RAINN  Rape, Abuse & Incest National Network
RSO  Recognized Student Organization
SANE  Sexual Assault Nurse Examiner
SOC  Security Operations Center
STI  Sexually Transmitted Infection
TWN  Timely Warning Notification
UCR  Uniform Crime Reporting
UOPX  University of Phoenix
VA  Veterans Affairs
VAWA  Violence Against Women Reauthorization Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act is a federal statute codified at 20 U.S.C. § 1092(f), with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. § 668.46. The Clery Act is a federal statute that requires colleges and universities that receive federal financial aid funding to compile crime statistics from their campuses and provide safety information. Compliance is enforced by the United States Department of Education, which can impose civil penalties, up to $58,328 per violation, against institutions for each infraction and can suspend institutions from participating in federal student financial aid programs.