

UNIVERSITY OF MASSACHUSETTS AMHERST

Review of all reports (Sept. 2014-Sept. 2022) of Sexual Assault, Stalking, Domestic Violence, and/or other Gender-based Offenses Pursuant to Title IX and the Violence Against Women Act; an Analysis of Current Campus Culture; and Recommendations for the University of Massachusetts Amherst.

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Request by the Chancellor

On September 20, 2021, University of Massachusetts Amherst Chancellor Kumble R. Subbaswamy sent a message to the campus community addressing a recent protest. The message condemned sexual violence of any kind, pledged robust support services to survivors, and to vigorously investigate all allegations of sexual assault. The message recognized the necessary work the University of Massachusetts Amherst (UMA) had to do in order to change the culture on campus, and in society more broadly. It looked for help from members of the community to identify perpetrators and report incidents of sexual misconduct so UMA could efficiently and effectively address them.

As part of the University's commitment to addressing these problems, the Chancellor announced on October 8, 2021, that he was enlisting Comprehensive Investigations and Consulting (CIC) to organize and review all reports of sexual misconduct known to be filed with any UMA office from September 1, 2014, through September, 2022, involving sexual assault, stalking, domestic violence, or other gender-based offenses pursuant to Title IX or the Violence Against Women Act (VAWA).

UMA requested that CIC make legal, investigative and advisory recommendations, based on the firm's findings and national best practices, on how to enhance sexual misconduct prevention efforts, increase reporting of offenses, and improve campus culture.

The Chancellor's message shows the administration's dedication to addressing problems of sexual assault, stalking, domestic violence, or other gender-based offenses present at the University of Massachusetts Amherst. The publication of this executive summary removes any doubt that the administration is acting with transparency. The Chancellor requested the help of CIC to conduct an independent investigation and further the University's mission of pursuing a culture of transparency, communication, and safety in its community

Prevalence of Sexual Misconduct on College Campuses

Incidents of sexual assault and misconduct are disturbingly common on college campuses across the country. *The Association of American Universities (AAU) Survey on Sexual Assault and Misconduct* collected data from 33 four-year schools.¹ Results indicate that overall, 13.0 percent of students across the 33 schools reported experiencing non-consensual penetration, attempted penetration, sexual touching by force, or inability to consent, since they have been enrolled in their respective school. For women, that number was even higher; a reported 20.4 percent. The survey found survivors were significantly less likely than the overall student population to have confidence in campus official reactions. 45.0 percent of those who reported non-consensual sexual contact by force or inability to consent thought it was “very” or “extremely” likely campus officials would not take a report seriously. Women who reported non-consensual penetration by physical force or inability to consent contacted a program or resource 29.5 percent of the time.

CIC reviewed social media posts at other schools, where similar protests to the September 19, 2021, protest at UMA had occurred. The University of Nebraska, the University of Kansas, and Indiana University, each had similar complaints to UMA regarding their respective Title IX offices. Students at all four institutions wanted the Title IX office to be accountable and transparent regarding their proceedings. Students wanted advocates, who were independent of their university, to assist survivors with the Title IX proceedings. Students wanted the Title IX process to be explained in a comprehensive and intelligible way.

Students at all four schools experienced a long investigative process. Many students eventually dropped their cases because the process was lengthy and traumatizing. Some survivors didn’t want to report their assault because they thought the Title IX office was unsympathetic. Many students felt the university didn’t do enough to keep them safe after the incident. Students wanted the Title IX office to provide more support services for mental health, along with academic accommodations. These social media complaints are similar to complaints that were made anonymously to the UMA Office of Equal Opportunity and Access (EOA), through its ‘Report a Concern’ page.

Prevalence of sexual misconduct and failure to correctly implement all aspects of Title IX are cultural and institutional problems at universities across the country. The rates of reported sexual assaults at UMA are consistent with those at other universities across the country.

¹ Association of American Universities, “Report on the AAU Climate Survey on Sexual Assault and Sexual Misconduct,” (2019). [https://www.aau.edu/sites/default/files/AAU-Files/Key-Issues/Campus-Safety/Revised%20Aggregate%20report%20%20and%20appendices%201-7_\(01-16-2020_FINAL\).pdf](https://www.aau.edu/sites/default/files/AAU-Files/Key-Issues/Campus-Safety/Revised%20Aggregate%20report%20%20and%20appendices%201-7_(01-16-2020_FINAL).pdf)

Methodology

In examining the culture and campus climate at UMA specifically, CIC organized and reviewed all reports known to be filed with any UMA office from September 1, 2014, through September, 2022, that involve sexual assault, stalking, domestic violence, or other gender-based offenses pursuant to Title IX or the Violence Against Women Act (VAWA). CIC conducted an analysis of known reports, providing legal, investigative, and advisory insight on the nature of the allegations, violations, perpetrators, survivors, locations, any known aggravating factors, known outcomes, and trends relevant to alleged misconduct.

CIC compiled statistics from all of the reports. The statistics provide a quantitative measure of UMA's effectiveness in accomplishing its objectives of enhancing sexual misconduct prevention efforts, increasing reporting of offenses, and promoting a culture of transparency, communication, and safety for the UMA community. The case statistics also provide quantitative evidence to point to where UMA can improve and get closer to its objectives.

CIC developed a protocol for collecting these statistics, which consisted of reviewing cases, collecting data, and compiling a report individualized to each case. CIC identified 30 cases with outstanding issues that needed be resolved, along with a short summary of those issues. EOA has taken the lead to ensure completion of the necessary next steps in each of those cases.

To make qualified recommendations, CIC researched the laws, regulations, and bylaws which relate to sexual assault at universities. CIC also looked at national standards, specifically from ATIXA and SUNY, who are the national leaders in Title IX training. CIC also examined the policies of similar universities.

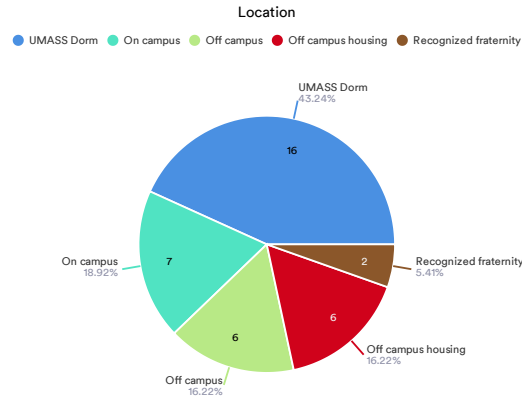
As part of its investigation, CIC met with the UMA community. CIC met with members of the faculty, student groups, members of the administration, members of the Dean of Students office, the Student Advisory Task Force, the Athletic Department, survivor advocates, and EOA. CIC also met with members of law enforcement, including the Chief of the UMPD, Chief of the Amherst Police Department, Chief of the Hadley Police Department, and members of the Northwest County District Attorney's Office. The goal of meeting with individuals from different parts of the UMA community was to gain a diversified view of the UMA campus and culture, and give individuals the opportunity to express their experiences and opinions.

CIC performed extensive research on social media sites to gain a more complete understanding of the student experience with the Title IX office (embedded in EOA); especially as it pertained to students who were not affiliated with clubs and organizations that CIC met with. CIC also examined anonymous complaints sent to EOA through 'Express a Concern' forms.

Incidents of Sexual Misconduct on the UMA Campus

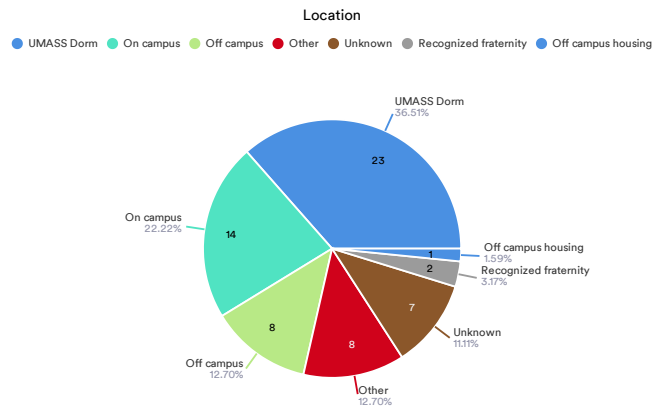
In CIC’s review of cases from Sept. 2014- Sept. 2022, the following trends were observed:

SCCS Rape and Sexual Assault Cases 2014 2020



Between 2014 and 2020, the locations of 37 rape and sexual assault cases reviewed by SCCS were: 16 (43%) UMA dorms; 7 (19%) on campus; 6 (16%) off campus; 6 (16%) off campus housing; 2 (5%) recognized fraternity.²

Title IX Rape and Sexual Assault Cases 2020 2022

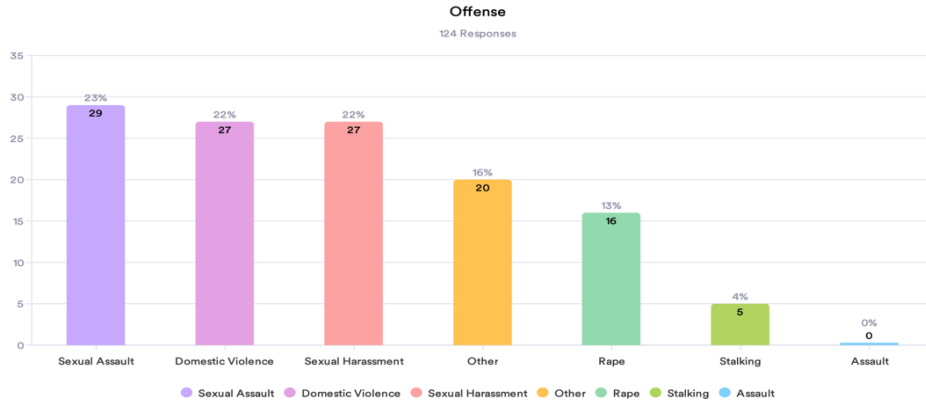


Between 2020 and 2022, the locations of 63 rape and sexual assault cases reviewed by EOA were: 23 (37%) UMA dorms; 14 (22%) on campus; 8 (13%) off campus; 2 (3%) recognized fraternity; 1 (2%) off campus housing; 8 (13%) other locations; 7 (11%) unknown locations.³

² In some cases, the incident of rape and/or sexual assault took place in more than one location. Additionally, in some cases, multiple incidents of rape and/or sexual assault took place at the same location. As such, the number of locations differs from the total number of rapes and sexual assault cases.

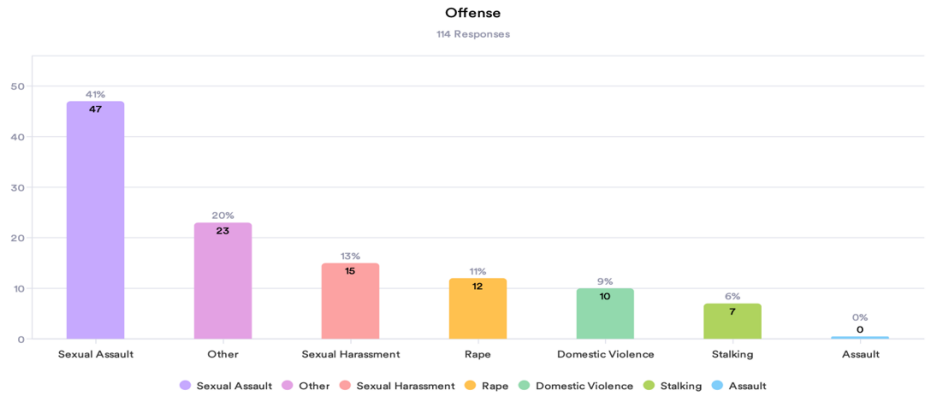
³ Ibid.

SCCS 2014-2020



Between 2014 and 2020, the categorization of 124 incidents reviewed by the Student Conduct and Community Standards Office (SCCS) were: 29 (23%) sexual assault; 27 (22%) sexual harassment; 27 (22%) domestic violence; 16 (13%) rape; 5 (4%) stalking; 20 (16%) other.

Title IX 2020-2022



Between 2020 and 2022, the categorization of 114 incidents reviewed by EOA were: 47 (41%) sexual assault; 15 (13%) sexual harassment; 12 (11%) rape; 10 (9%) domestic violence; 7 (6%) stalking; 23 (20%) other.

In CIC's review of cases from Sept. 2014- Sept. 2022, the following trends were also observed:

Between 2014 and 2022, the location of 133 rapes as reported by the Clery report were: 86% on campus; 14% off campus; 67% in dorms.⁴

Between 2014 and 2022, in 90 out of 95 (95% of) cases, resources were offered and/or provided to the complainant. In 5 out of 95 (5% of) cases, resources were not offered and/nor provided.

Between 2014 and 2020, in 6 out of 30 (20% of) rape and sexual assault cases reviewed by SCCS, the case was still open 6 months after the date of the complaint. In 24 out of 30 (80% of) cases, the case was closed 6 months after the date of the complaint.

Between 2020 and 2022, in 4 out of 16 (25% of) rape and sexual assault cases reviewed by EOA, the case was still open 6 months after the date of the complaint. In 12 out of 16 (75% of) cases, the case was closed 6 months after the date of the complaint.

Between 2014 and 2020, 19 out of 32 (59% of) cases reviewed by SCCS were resolved by a SCCS hearing. In 13 out of 32 (41% of) cases, the cases were not resolved by a SCCS hearing.

Between 2020 and 2022, 54 out of 54 (100% of) cases reviewed by EOA were not resolved by a SCCS/EOA hearing.

⁴ The Clery Report is a published report of all crimes committed on campus; in certain off campus buildings; or property owned by/contiguous to UMA. CIC reviewed reports of crimes involving sexual assault, stalking, domestic violence, or other gender-based offenses. This includes reports of incidents that occurred outside UMA's jurisdiction; but which a UMA student reported and/or is requesting assistive services for.

Steps UMA is Taking to Prevent Sexual Misconduct

Policies and Procedures

UMA's policies are consistent with national standards and best practices. The Title IX Policy and Grievance Procedure is consistent with the ATIXA National Standards and compliant with the law.

Resources for Students and Survivors

There is an in-depth list of resources listed on the EOA website. A list of these resources was provided to nearly everyone who contacted EOA. A document outlining these resources was contained in nearly all case files.

University of Massachusetts Amherst Police Department & Law Enforcement

UMPD officers act as a confidential resource to individuals reporting sexual and domestic violence, harassment, relationship violence, and stalking. The UMPD also works in collaboration with campus and community organizations, state and local government, and law enforcement agencies.

Providing Services to Survivors

The first contact for a survivor is an EOA Intake Coordinator. The Intake Coordinator collects information, makes the survivor aware of resources, and explains the Title IX process.

The Center for Women and Community (CWC) provides survivors with advocates who are highly trained and can direct them to support services. They are a confidential resource and have experience in both Title IX and legal processes.

CWC also provides the UMPD with Civilian Advocates, who serve as a confidential resource who can explain legal options to survivors.

Training and Awareness

The EOA office staff conduct Title IX workshops, training, and outreach to the campus community and to new employees. The EOA office offers customized trainings and one-on-one trainings by request.

CWC conducts an online training course at UMA. First-year students cannot register for class until they have passed the training course quiz with a grade of at least 80%.

Response to CIC Case Recommendations

CIC identified 30 cases in which there was an issue with either the investigation, case hearing, and/or communication. CIC recommended EOA examine these cases; EOA did so and took the necessary next steps.

In cases CIC requested EOA involvement in, 10 out of 30 (33% of) cases were open six months after the official complaint was made. In 20 out of 30 (67% of) cases, six months had not yet passed since the official complaint was made.

In cases CIC requested EOA involvement in, 30 out of 30 (100% of) cases were not resolved by a hearing.

Obstacles

New Title IX Regulations

On May 6, 2020, the U.S. Department of Education released Title IX regulations (34 C.F.R. § 106.45) with an effective implementation date of August 14, 2020. The new Title IX regulations instituted a new definition for sexual harassment and required the adoption of new institutional process requirements regarding Title IX reports and complaints. In a short amount of time, the University had to adjust its policies and procedures to be compliant with the new Title IX regulations.

Transparency

There is a level of privacy that makes transparency difficult. Those who reported cases, specifically faculty members, were frustrated that they were not kept in the loop on the process or result of the case. The reason for this, which the University does not have the power to change, is that a legally protected level of confidentiality goes into effect the moment a complaint enters the system; that confidentiality prevents EOA from sharing information about the case to outside sources.

Resources

UMA struggles to inform the student body about available resources in the Title IX process. It appears that many students believe UMA is not supportive of survivors of sexual assault. Many students feel the Title IX Office should act as an advocate in an investigation; but for it to do so would be outside the bounds of the law. The Title IX process demands EOA act in an unbiased, investigatory role.

CWC offers survivors a highly trained advocate to support them throughout the Title IX process. The CWC office educates survivors on their options, the Title IX process, and provides them with support services. UMA must make it clear to survivors that EOA acts as investigatory body and CWC acts as an advocate.

Support

The University faces difficulty in supporting survivors who exercise their choice to remain anonymous. The *AAU Survey* statistics show that less than 50% of survivors of sexual assault and rape reported the assault to an official authority. Many survivors and friends of survivors report incidents through the UMA 'Report a Concern' page. However, UMA cannot provide support to the survivor if they exercise their choice to remain anonymous.

Areas of Improvement

CIC's analysis of UMA cases revealed flaws in University processes as well as a level of inexperience in dealing with the new Title IX Regulations promulgated in August, 2020.⁵ CIC identified five recurring themes the University must address:

1) Time Frame and Lack of Hearings

Delays in Title IX procedure can cause confusion and frustration for all parties involved in the investigation. Reasonably prompt and documented time frames allow both the complainant and respondent to understand the process and anticipate the steps that will be taken to ensure a thorough and impartial investigation. Reasonably prompt time frames for Title IX procedure must be implemented and adhered to in concurrence with policy. The reasons for non-compliance to set time frames should be documented. UMA must conduct hearings when appropriate. Hearings allow trained decision makers to evaluate the accusations and evidence brought forward in order bring closure to an investigation.

2) Communication between Parties

Communication between the Title IX Office, the complainant, and all other parties involved must be consistent. Disclosing that one is a survivor of sexual misconduct can be extremely difficult. The complainant may feel ashamed, concerned that they won't be believed, or worried they will be blamed. They may experience post-traumatic stress disorder or suffer from depression because of their experience. During this time, it is important the Title IX Office be a reliable and consistent support system. Additionally, the onus is on the Title IX Office to keep in touch with all other parties involved. Effort should be made to keep in contact with all parties. Email contact alone is not sufficient, especially early in the investigation.

3) Appointment and Training of Personnel

The recruitment, appointment, and training of faculty, staff, and students should include steps to ensure diverse and representative officers. Hearing chairs, officers, advisors, and appeal officers are all vital to making the hearing process smooth and efficient. Training at all levels should be provided on an ongoing basis to protect student rights and allow for fair and impartial determinations.

4) A Bottleneck Preventing Decisions from Being Executed

Evidence reviews are not being done and the investigative reports are not being sent to the involved parties. The lack of a supervisory investigator dedicated solely to investigations,

⁵ On May 6, 2020, the U.S. Department of Education released Title IX regulations (*34 C.F.R. § 106.45*) with an effective implementation date of August 14, 2020. The new regulations instituted a new definition of sexual harassment and new institutional process requirements regarding Title IX reports and complaints.

with the authority to approve reports and authorize necessary steps in investigations, creates a bottleneck, which contributes to each of the above issues. There needs to be a supervisory investigator devoted to ensuring that decisions compliant with the policy are being made.

5) Campus Climate

There must be a change in the campus climate that encourages survivors to feel safe and empowered to report incidents of sexual misconduct, so the University can address such incidents. To change the climate, EOA must be responsive to those complainants who do come forward. They must also educate the student body on rights, regulations, and protections under Title IX. CWC partially satisfies Massachusetts Title IX training requirements, but UMA must create a training program which is compliant with *M.G.L.c. 6 sec. 168E (m)*. UMA should make the *M.G.L.c. 6 sec.168E (m)* training mandatory every year. No other changes will be successfully implemented until students understand and know that the Title IX process is fair, and feel comfortable reporting incidents of sexual misconduct. Until that happens, UMA will maintain the same campus climate.

Recommendations

1. EOA should conduct a hearing for any and all cases in which a hearing was previously scheduled. Any cases in which a complaint was filed before September of this year should be resolved before the semester ending in December, 2022. Any cases in which the investigation is complete and Title IX does not have jurisdiction should be referred to SCCS.
2. Follow reasonably prompt time frames set out in EOA policy. Only grant continuances for good and necessary reasons. Any case in which an official complaint is/was made sixty days before the end of semester should be resolved within that semester. Any case in which an official complaint is/was made within sixty days after the semester ended should be resolved within the following semester. Make sure all cases are resolved within a reasonably prompt time frame.
3. In the first contact with a complainant, provide them with a form (created by EOA) which allows the complainant to choose whether or not they may be contacted by phone. Maintain contact with parties to update them on the progress of their case. If a case is going to be continued, contact both parties prior to the continuance to alert them as to why the case is being continued. Explain to each of the parties their rights within every stage of the proceedings. Never allow more than 30 days to go by without contacting both parties.
4. EOA should continue to train new individuals to fill the role of advisor. EOA should solicit and train students to fulfill the role of advisor. EOA should have enough individuals trained to become Board Members so that a lack of personnel will never be a hinderance to scheduling a hearing or appeal. EOA should have these individuals trained before the start of the academic year.
5. EOA should hire a supervisory investigator dedicated solely to investigations, with the authority to approve reports and authorize necessary steps in investigations, thereby eliminating the bottleneck. The supervisory investigator should also supervise the four Intake Coordinators.
6. Two full-time Intake Coordinators and two part-time Intake Coordinators should be employed to ensure there is always more than one person available to train new part-time Intake Coordinators.
7. EOA should create training programs which are compliant with *M.G.L.c. 6 sec. 168E (m)*. UMA should make the *M.G.L.c. 6 sec.168E (m)* training mandatory every year. Instituting a yearly requirement for such training would go above and beyond *M.G.L.c. 6 sec.168E (m)* requirements.

Glossary of Terms

Advisor - Any person selected by a party involved in the grievance process.

Complainant- An individual who is alleged to be the survivor of conduct that could constitute sexual harassment irrespective of whether a formal complaint has been filed or an individual who files a formal complaint of sexual harassment under these procedures.

Coercion - The use of an unreasonable amount of pressure to engage in sexual activity. Coercion does not begin when the initiator makes an initial sexual advance. Coercion begins when the initiator continues to pressure another, through the use of psychological/emotional pressure, alcohol, drugs, threat, intimidation, or force, to engage in sexual behavior, when a reasonable person would realize that the other does not want to engage in sexual activity.

Confidential Employee - An employee who, because of their position, **may not** reveal an individual's identity or other information without permission, even to the Title IX Coordinator or designee. The following categories of employees are confidential employees:

- Licensed sexual assault counselors, psychologists, psychotherapists, social workers, clergy, and attorneys, and those persons working under the supervision of such individuals, when acting in their professional role providing services to a patient or client.
- University employees bound by statutory privilege obligations under Massachusetts law; and
- University employees providing administrative, operational and/or related support for a confidential employee in the performance of such services.

Confidential Resource Providers – An employee designated to provide information on:

- Reporting options of sexual harassment and the effects of each option.
- Counseling services available on and off campus.
- Medical and health services available on and off campus; supportive measures.
- The University's disciplinary process.
- The legal process carried out through local law enforcement agencies.
- If requested, the Confidential Resource Provider shall coordinate with the Title IX Coordinator to arrange supportive measures.
- The Confidential Resource Provider may notify Complainants, Respondents, or other community members of their rights and the University's responsibilities regarding a protection order, no contact order, and any other lawful orders issued by the University or a civil, criminal and tribal court.

- Confidential Resource Providers’ services are confidential unless otherwise required by state or federal law.

Consent – Permission to engage in communication and/or a specific, mutually agreed upon sexual activity that is given freely, actively, and knowingly, using mutually understandable and unambiguous words or actions, or – in plain language- to agree to do the same thing, at the same time, in the same way, with each other:

- Consent cannot be inferred by silence, passivity, or not resisting.
- Consent cannot be implied by a current or previous dating or sexual relationship.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity; Consent is not indefinite; it is revocable and may be withdrawn at any time, using words or actions such that a reasonable person would understand a lack of continued consent.
- Consent cannot be given by person who is asleep; incapacitated by drugs or alcohol; unconscious, mentally or physically incapacitated; or under duress, intimidation, threat, coercion, or force.
- Consent cannot be given by a person under the age of 16.

Domestic Violence - A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the survivor, by a person with whom the survivor shares a child in common, by a person who is cohabitating with or has cohabitated with the survivor as a spouse or intimate partner, by a person similarly situated to a spouse of the survivor under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth survivor who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

Force - The use of physical violence, the threat of physical violence and/or intimidating or imposing on someone so that they are compelled to submit to sexual access by force and against their will. Force can include threats, intimidation (implied threats) and/or coercion that overcome resistance.

Formal complaint – A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment.

Hearing Chair - A hearing officer designated to determine the relevance of questions and explain any decision to exclude a question as not relevant during cross-examination.

Hearing Officer - Members of the UMass Amherst campus including faculty, staff and students appointed and trained by the Title IX Coordinator, or designee, to serve on a live hearing panel

in order to review cases and determine if a Respondent violated this policy. The Title IX Coordinator will recruit campus members to serve as hearing panelists. Campus constituencies, including faculty, academic departments, business units, student organizations and student government as well as labor unions may recommend individuals to serve as hearing officers.

Incapacitation - The physical and/or mental inability, whether temporary or permanent, of an individual to make rational, reasonable decisions or judgments regarding one's well-being or welfare. States of incapacitation include, but are not limited to, unconsciousness, sleep, and blackouts. Incapacitation may result from the voluntary or involuntary consumption of alcohol and/or other drugs. Where alcohol or other substances are involved, incapacitation is determined by how the substance impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. For purposes of this Policy a person is not incapacitated merely because the person has been drinking or using drugs. The question of incapacitation is determined on a case-by-case basis using both objective and subjective standards. In evaluating whether a person was incapacitated for purposes of evaluating effective consent, the University will consider: **(1)** whether the person initiating the sexual activity knew that the other person was incapacitated; and if not **(2)** whether a reasonable person in the same situation would have known that the other person was incapacitated; and **(3)** whether the person initiating the sexual activity played a role in creating the circumstances of incapacitation.

Investigator - An individual assigned to investigate formal complaints filed under this policy.

Jurisdiction Title IX applies to allegations of sexual harassment that occurred in the United States and:

- On property owned or controlled by the University, or
- On property owned or controlled by a student organization that is recognized by the University, or in connection with a university education program or activity.

Official with Authority - An employee who has the authority to institute corrective measures for sexual harassment on behalf of the University.

Preponderance of the Evidence - Evidentiary standard used to determine whether it is more likely than not that the behavior occurred.

Procedural Advisor - An individual designated by the Title IX Coordinator to ensure Title IX Hearing Panel procedures are followed.

Program or Activity - Includes locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the sexual

harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

Respondent - A person who is the subject of a formal complaint of sexual harassment.

Responsible Employee - An employee who:

- Because of their position, must report known or possible incidents of sexual violence or any other sexual misconduct by students or employees, including the known details of the incident and the name(s) of alleged survivor(s) and respondent(s), to the Title IX Coordinator(s) or other appropriate school designee.
- Or who has the authority to take action to redress sexual harassment/misconduct. Campus police officers are Responsible Employees; but see exception for public safety personnel.

Retaliation - The interference through intimidation, threats, coercion, or unlawful discrimination, with an individual's right or privilege secured under the law [Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Massachusetts anti-discrimination laws, or other laws] to report or make a complaint, testify, assist or participate or refuse to participate in any manner in an investigation or grievance proceeding, or hearing, or to intervene to prevent a violation of this policy.

Sexual Assault - An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Related Definitions:

- **Sex Offense:** Any sexual act directed against another person, without the consent of the survivor, including instances where the survivor is incapable of giving consent.
- **Fondling:** **The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the survivor, including instances where the survivor is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.**
- **Incest:** **Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.**
- **Statutory Rape:** **Sexual intercourse with a person who is under the statutory age of consent.**
- **Rape:** The penetration, no matter how slight, of the vagina or anus with anybody part or object, or oral penetration by a sex organ of another person, without the consent of the survivor.

Sexual misconduct - An incident of sexual violence, dating violence, domestic violence, gender-based violence, violence based on sexual orientation or gender identity or expression, sexual assault, sexual harassment or stalking.

Stalking - A course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

Supportive Measures/Remedies - Non-disciplinary, non-punitive individualized services offered that are reasonable and appropriate, and without fee or charge to the complainant and respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures are designed to restore or preserve equal access to the University education program or activity without unreasonable burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or prevent sexual harassment.

Title IX Coordinator - An individual designated by the University to oversee the University's compliance with Title IX.