



# Sexual Misconduct Reporting and Response Standards and Protocols

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## 1. Introduction

Gemological Institute of America (“GIA” or the “Institute”) is committed to upholding standards that promote respect and dignity in an environment that fosters teamwork, professionalism and excellence. It is GIA’s policy to maintain an educational and work environment free from all forms of unlawful discrimination, harassment and retaliation. Sexual misconduct and relationship violence in any form are antithetical to GIA’s mission and core values, violate Institute policy, and may also violate federal and state law.

Title IX of the Education Amendments of 1972 (“Title IX”), is a federal law that prohibits discrimination on the basis of sex in education programs and activities by educational institutions that receive federal financial assistance. Prohibited sex discrimination includes sex harassment. Prohibited sex harassment, in turn, includes but is not limited to sexual assault and other forms of sexual violence.

The Violence Against Women Reauthorization Act of 2013 (“VAWA”), is a federal law that requires educational institutions to have procedures in place to respond to incidents of sexual assault, domestic violence, dating violence and stalking. All such offenses are prohibited by GIA.

GIA maintains a Policy Prohibiting Discrimination, Harassment and Retaliation that includes sexual harassment among its prohibited behaviors and that applies to all of its employees, students, clients, vendors, unpaid interns and volunteers, or applicants for employment or admission. Sexual



misconduct and relationship violence are forms of sex harassment prohibited by that policy, whether the conduct at issue occurred on or off campus. In order to address its responsibilities under Title IX, Clery Act and the VAWA, GIA has implemented these reporting and response standards and protocols specifically to address incidents of sexual misconduct. In addition, and in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), these standards are issued to inform the campus community of GIA’s programs to address and prevent sexual assault, domestic violence, dating violence and stalking, as well as the procedures for institutional disciplinary action in cases that are reported to GIA, whether the conduct occurs on or off campus.

## 2. Definitions

### 2.1. [Definitions](#)

## 3. Reporting Procedures and Options

GIA strongly encourages all members of the Institute's community to report information about any incident of Sexual Misconduct or Relationship Violence as soon as possible, whether the incident occurred on or off campus. Reports can be made either to GIA or to law enforcement.

GIA requires all employees who have responsibility for student welfare to promptly report information about any incident of Sexual Misconduct or Relationship Violence to GIA as provided below, unless the employee is required by law to keep that information confidential by virtue of the professional role. In addition, those employees who have been informed by GIA’s security department that they are “Campus Security Authorities” under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) are legally required to report such incidents to the security department. All such employees to whom an incident is reported should strongly encourage the reporting party, whether it is the individual who allegedly experienced the act or acts of Sexual Misconduct or Relationship Violence or a third party, to speak directly with the Title IX Coordinator, the Deputy Title IX Coordinator at the New York campus, and/or the security department.

### 3.1. Reporting to GIA

A report to GIA of an incident of Sexual Misconduct or Relationship Violence should be made to any of the “Responsible Employee” individuals as noted below. A Responsible Employee is a GIA employee who has the authority to redress sexual violence, who has a duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty.

In every case, the person to whom the report was made, including the Deputy Title IX Coordinator, will inform the Title IX Coordinator immediately of the report. The Title IX Coordinator’s purpose is to ensure than an institution maintains an environment for students that is free from unlawful sex discrimination in all aspects of the educational experience, including academics and extracurricular activities.



In addition, if the incident involves a GIA employee, the chief human resources officer will be informed of the report.

Responsible Employees:

- 3.1.1. Title IX Coordinator, and Manager of Global Education Accreditation and Regulatory Affairs  
Vusala Aranja  
The Robert Mouawad Campus  
5345 Armada Drive  
Carlsbad, CA 92008  
[varanjon@gia.edu](mailto:varanjon@gia.edu)  
1+ 760-603-4000 x7776
- 3.1.2. Director of New York Education, and Deputy Title IX & 504/ADA Coordinator  
Jennifer Kim  
50 W. 47<sup>th</sup> Street  
New York, New York 10036  
<mailto:jkim@gia.edu>  
+1 (212) 944-5900 x3662
- 3.1.3. Chief Human Resources Officer  
Marcia Dillenback (Designee)  
Senior Human Resources Business Partner  
The Robert Mouawad Campus  
5345 Armada Drive  
Carlsbad, CA 92008  
[marcia.dillenback@gia.edu](mailto:marcia.dillenback@gia.edu)  
1+ 760-603-4393
- 3.1.4. Director of Human Resources (New York)  
Lisa Garris  
50 W. 47<sup>th</sup> Street  
New York, New York 10036  
[lgarris@gia.edu](mailto:lgarris@gia.edu)  
1+ 917-286-3604
- 3.1.5. Dean of Students, and 504/ADA Coordinator  
Kimberly Overlin  
The Robert Mouawad Campus  
5345 Armada Drive  
Carlsbad, CA 92008  
[koverlin@gia.edu](mailto:koverlin@gia.edu)  
+1 760-603-4093

- 3.1.6. Security Director  
Michael McNally  
The Robert Mouawad Campus  
5345 Armada Drive  
Carlsbad, CA 92008  
[michael.mcnally@gia.edu](mailto:michael.mcnally@gia.edu)  
+1 760-603-4194  
+1 760-442-8709 / Mobile
- 3.1.7. Security Manager (Carlsbad)  
Darnell Travis  
The Robert Mouawad Campus  
5355 Armada Drive  
Carlsbad, CA 92008  
[dtravis@gia.edu](mailto:dtravis@gia.edu)  
+1 760-583-0149
- 3.1.8. Security Manager (New York)  
Christopher Cordes  
50 W. 47th Street  
New York, New York 10036  
[ccordes@gia.edu](mailto:ccordes@gia.edu)  
+1 917-286-3588  
+1 646-276-5894 / Mobile
- 3.1.9. GIA's Concern Reporting system  
[www.giawis.ethicspoint.com](http://www.giawis.ethicspoint.com)

Where the matter involves allegations of Sexual Assault or other criminal conduct and/or the matter involves the safety of any member of the GIA community, the security department will notify law enforcement of a report of Sexual Misconduct or Relationship Violence. If the incident is alleged to have been perpetrated against an individual under age 18, appropriate notifications will be made as required by California and New York laws addressing the mandatory reporting of incidents of child abuse and neglect.

An individual who has experienced an incident of Sexual Misconduct or Relationship Violence may report the incident at any time, regardless of how much time has elapsed since the incident occurred. GIA is committed to supporting the rights of a person reporting an incident of Sexual Misconduct or Relationship Violence to make an informed choice among options and services available.

GIA will respond to all reports in a manner that treats each individual with dignity and respect and will take prompt responsive action to end any misconduct, prevent its recurrence and address its effects.



### 3.2. Reporting to Law Enforcement

An incident of Sexual Misconduct or Relationship Violence may be reported to law enforcement at any time, 24 hours a day/7 days a week, by calling 911.

At the Complainant's request, GIA will assist the Complainant in contacting law enforcement. If the Complainant decides to pursue the criminal process, GIA will cooperate with law enforcement agencies to the extent permitted by law. A Complainant has the option to decline making their report to law enforcement but is strongly encouraged to do so.

As stated above, where the matter involves allegations of Sexual Assault or other criminal conduct and/or the matter involves the safety of any member of the GIA community, the security department will notify law enforcement of a report of Sexual Misconduct or Relationship Violence. A Complainant has the option to decide whether or not to participate in any investigation conducted by law enforcement.

### 3.3. Making an Anonymous Report (Making a Confidential Report)

A Complainant may report an incident of Sexual Misconduct or Relationship Violence anonymously using GIA's confidential [Concern Reporting](#) system.

An anonymous report does not require the disclosure of the name of the person making the report or the names of individuals involved, and the anonymous report may, but need not, request any particular action. Depending on the amount of information available about the incident or the individuals involved, GIA's ability to respond may be limited.

An individual, who does not want to pursue action through GIA or the criminal justice system, may still want to consider making a confidential report. With the individual's permission, any of the contacts listed above can file a report on the details of the incident without revealing the identity or the identity of others. The purpose of a confidential report is to allow the Institute to take steps to ensure the future safety of you and others. With this information, the Institute can keep accurate records of the number of crimes involving students on campus, determine if there is a pattern of crime and alert the Institute to potential danger. Reports of crimes filed in this manner are counted and disclosed with the school's Annual Campus Safety and Security Report.

The confidential report process does not replace the student complaints process. Please refer to GIA's current Education Catalog and Employee Handbook for additional information about filing a complaint.

## 4. What To Do if You Are a Victim of Sexual Misconduct or Relationship Violence

### 4.1. Preservation of Evidence and Identification of Witnesses

Any individual who has experienced an act or acts of Sexual Misconduct or Relationship Violence is encouraged to take steps to preserve evidence, as doing so may be necessary to the proof of a criminal act or to obtain a protection order from the court.



In order to preserve evidence, the urge to change clothes, bathe, shower, douche, change clothing or clean the bed or linens where the incident occurred should be resisted. If clothing is changed, each garment should be placed in a separate paper (not plastic) bag. If the incident involves any written or electronic communications (e.g., pictures, texts, social media posts, videos, etc.), preserve copies.

For more information about the preservation of evidence and identification of witnesses, please contact the Title IX Coordinator, Deputy Title IX Coordinator or GIA's security department.

#### 4.2. Medical and Mental Health Treatment

A person who has experienced or otherwise been impacted by an incident of Sexual Misconduct or Relationship Violence is urged to seek appropriate medical and/or mental health treatment as soon as possible. When the incident is reported to GIA, GIA will help the individual get to a safe place and seek medical attention.

The following medical treatment options are available:

- For emergency situations, contact 911 or go to the nearest hospital emergency room.
- While GIA does not provide On-campus professional counseling services, GIA students and staff have access to Lifeworks, a no charge confidential counseling service:

1+ 877-234-5151

[www.lifeworks.com](http://www.lifeworks.com)

#### 4.3. Other Resources

##### 4.3.1. Carlsbad

- Becky's House  
<http://www.ywcasandiego.org/get-help/beckys-house/>
- Women's Resource Center  
<http://www.wrcsd.org/>
- 2-1-1 County Services  
[www.211sandiego.org/new/](http://www.211sandiego.org/new/)

##### 4.3.2. New York City

- The Mayor's Office to Combat Domestic and Gender-Based Violence  
<http://www1.nyc.gov/site/ocdv/index.page>
- The Single Stop  
<http://www.singlestopusa.org/>

#### 4.4. Protective Orders and Restraining Orders

A Complainant may seek a protective order, a restraining order or other similar order issued by the court. Additional information about protective orders and restraining orders that can be obtained through the court is available through:

- The San Diego Superior Court [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov)
- The New York Supreme Court [www.nycourts.gov/faq/orderofprotection.shtml](http://www.nycourts.gov/faq/orderofprotection.shtml)

#### 4.5. Accommodations, Safety Measures and Interim Measures

After a report is made and prior to a final determination, GIA will provide written notification to the Complainant of options for accommodations, safety measures and interim measures. GIA will implement appropriate accommodations, safety measures and interim measures to protect the Complainant and the needs of others involved in the incident, if so requested by the Complainant or others involved in the incident and if such measures are reasonably available, regardless of whether the Complainant chooses to make their report to local law enforcement or participate in any law enforcement investigation. The implementation of these measures typically is coordinated by or under the supervision of the Title IX Coordinator or the dean of students.

These measures may include, but are not limited to:

- Academic accommodations
- Transportation accommodations
- Employment accommodations
- Safety consultations with the security department
- Personal protection devices
- On-campus escorts

Referrals also may be made to On-campus offices for information regarding student financial aid, immigration and visa assistance, leaves of absence or other matters relating to the student's enrollment.

Until the matter is resolved, and when necessary and appropriate to protect the safety and well-being of the parties involved, the dean of students, in consultation with the Title IX Coordinator, may limit an Alleged Offender's access to certain GIA facilities or activities or may impose an interim suspension. Interim measures taken with respect to GIA employees will be implemented in consultation with the Title IX Coordinator in a manner consistent with GIA's processes applicable to the employee.

## 5. Investigation

GIA will respond promptly and equitably to all reports of Sexual Misconduct or Relationship Violence to ensure the safety of the individuals involved and the GIA community, in order to provide an environment that is free from gender and sex discrimination.



When a report is made, GIA will initiate an investigation which typically will be conducted either by or under the supervision of GIA Legal Affairs, the Title IX Coordinator, GIA Human Resources, or one of their designees.

If a Complainant requests that their name or other identifiable information not be shared with the Alleged Offender or that GIA not pursue an investigation or take any other action, GIA will balance this request with its obligation to protect the Complainant and provide a safe and non-discriminatory environment for all GIA community members. In these circumstances, GIA will take all reasonable steps to investigate and respond to the report consistent with the request for confidentiality or request not to pursue an investigation, but its ability to respond may be limited by the request for confidentiality. GIA will weigh the request for confidentiality against various factors, including but not necessarily limited to the following: the seriousness of the alleged conduct, any potential threats to campus safety, the respective ages and positions of the Complainant and Alleged Offender, whether there have been other complaints against the Alleged Offender, whether the Alleged Offender has a record of any prior acts of violence, and whether the circumstances suggest there is an increased risk of future acts of sexual violence under similar circumstances. GIA will seek to respect the request of the Complainant, and where it cannot do so, GIA will keep the Complainant informed about GIA's chosen course of action. The Title IX Coordinator and the dean of students are responsible for evaluating confidentiality requests.

Upon the conclusion of the fact-finding investigation, the findings are shared with those individuals at GIA who have a legitimate need to know the information in order to respond to or resolve the complaint.

## 6. GIA Disciplinary Procedures for Cases of Sexual Misconduct or Relationship Violence

Complaints of Sexual Misconduct or Relationship Violence against a GIA student will be addressed pursuant to the procedures contained in GIA's Student Code of Conduct. The Complainant and the Alleged Offender will be entitled to the same opportunity during the process to have others, such as a support person or witnesses, present during a disciplinary proceeding.

Disciplinary procedures shall:

- 6.1. Provide prompt, fair, and impartial investigation and resolution.
- 6.2. Be conducted by the dean of students and officials in the human resources department, who are trained on how to investigate and conduct hearings on Domestic Violence, Sexual Assault and Stalking.
- 6.3. Give the accused and the accuser the same opportunities to have an advisor or others (e.g., witness or advocate) present during the preceding and related meetings.
- 6.4. Be conducted under a "preponderance of the evidence" standard.
- 6.5. Notify simultaneously and in writing the accused and accuser of the outcome, appeal procedures and final results.



Complaints of Sexual Misconduct or Relationship Violence against a GIA employee will be addressed pursuant to GIA's Policy Prohibiting Discrimination, Harassment and Retaliation and the procedures applicable to the employee.

Typically, the period from commencement of an investigation through resolution will not exceed sixty (60) calendar days. This timeframe may be extended for good cause, which may exist if additional time is necessary to ensure the integrity and completeness of the investigation, to comply with a request by law enforcement for a temporary delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses, to account for GIA breaks or vacations, to account for the complexities of a case, including the number of witnesses and amount of information provided by the parties, and for other legitimate reasons. The Complainant and the Alleged Offender will be provided with periodic updates as to the status of the investigation, and will be informed of the outcome of any disciplinary proceeding (such disclosure is unconditional, meaning the victim is free to share the outcome with anyone they wish).

## 7. Possible Sanctions

The sanctions generally applicable to a student who is found responsible for violating GIA's Student Code of Conduct is found within the Sanctions section of the Student Code of Conduct. Engaging in Sexual Misconduct or Relationship Violence is a violation of GIA's Student Code of Conduct and will result in the imposition of one or more such sanctions against the Alleged Offender, up to and including suspension or expulsion.

Sanctions against an employee who is found to have engaged in Sexual Misconduct or Relationship Violence may include, but are not limited to, verbal or written warnings, suspension or termination from employment with GIA.

## 8. No Retaliation

GIA prohibits retaliation against any person who makes a good faith complaint of an incident of Sexual Misconduct or Relationship Violence or any other person who participates in the investigation of any such complaint. Any incident of retaliation should be promptly reported to the Title IX Coordinator, the Deputy Title IX Coordinator, the dean of students, the security department, or the chief human resources officer.

## 9. Timely Warnings

When an incident of Sexual Misconduct or Relationship Violence that is reported to GIA discloses an alleged crime that constitutes an ongoing or continuing threat to the GIA campus community, GIA may issue a timely warning in a manner consistent with the requirements of the Clery Act and GIA's timely warning protocols.

## 10. On-Campus and Off-Campus Resources

Any individual who has been impacted by Sexual Misconduct or Relationship Violence is encouraged to seek appropriate help, whether or not the individual chooses to report the incident to GIA. Specific



on-campus and off-campus resources for counseling, health, mental health, victim advocacy, legal assistance and other services are listed below, and information about those resources is provided in writing to students and employees.

## 10.1. GIA Campus Resources

### 10.1.1. Title IX Coordinator

The Manager of Global Education Accreditation and Regulatory Affairs, and Title IX Coordinator monitors and oversees GIA's compliance with Title IX and the prevention of sex harassment and discrimination, including the coordination of education and training activities and the response to Title IX complaints. The Title IX Coordinator receives complaints of sex harassment and participates in the coordination of accommodations and interim measures for parties impacted by an incident, including those described in item 4.5 "Accommodations, Safety Measures and Interim Measures" above and facilitating access to On-campus resources and offices.

### 10.1.2. Deputy Title IX Coordinator

The Director of New York Education, and Deputy Title IX & 504/ADA Coordinator. For any Title IX related concerns, the Deputy Title IX Coordinator works under the direction of the Title IX Coordinator and provides support with Title IX compliance at the New York campus.

### 10.1.3. Office of the Dean of Students

The dean of students or their designee is available to provide support to students and to facilitate the response to and resolution of any complaints made under GIA's Student Code of Conduct.

### 10.1.4. GIA Security Department

The security department is responsible for a wide range of activities that contribute to the safety and security of the GIA campus community, including but not limited to crime prevention programs, responding to reports of crimes and medical emergencies, facilitating reports made to the law enforcement, and providing other general assistance.

## 10.2. Community Resources, San Diego

### 10.2.1. Center for Community Solutions

The Center for Community Solutions (CCS) is an organization whose mission is to end relationship and sexual violence by being a catalyst for caring communities and social justice. CCS provides a wide range of prevention and education programs and response services for those impacted by Domestic Violence and Sexual Assault. CCS provides a 24 hour hotline and legal, victim advocacy, counseling, and shelter and transitional services.

[www.ccssd.org](http://www.ccssd.org)

1+ 858-272-5777

10.2.2. Community Resource Center

<http://crcncc.org/>

10.2.3. San Diego Domestic Violence Hotline

1+ 888-385-4657

10.2.4. San Diego Family Justice Center

Located in downtown San Diego at 1122 Broadway, Suite 200, San Diego, CA 92101, the San Diego Family Justice Center is a public safety initiative launched by the City of San Diego to assist victims of family violence.

[www.sandiego.gov/sandiegofamilyjusticecenter](http://www.sandiego.gov/sandiegofamilyjusticecenter)

10.3. Community Resources, New York

10.3.1. New York City Community Resources

<http://www1.nyc.gov/nyc-resources/categories.page>

10.3.2. New York State Coalition Against Domestic Violence

Confidential Domestic Violence hotline for crisis help, safety planning, emotional support, and help finding resources in your area including safe shelter, advocacy, counseling and legal assistance. The New York State Domestic Violence Hotline has access to advocates in 170 languages through interpreter services.

<https://www.nyscadv.org/>

10.3.3. New York State Office for the Prevention of Domestic Violence

The Office for the Prevention of Domestic Violence (OPVD) is the country's only executive level state agency dedicated to the issue of Domestic Violence. Their mission is to improve New York State's response to and prevention of domestic violence with the goal of enhancing the safety of all New Yorkers in their intimate and family relationships.

<http://www.opdv.ny.gov/>

1+ 866-933-4673

## 11. Education and Prevention

GIA provides prevention and awareness programs on Sexual Misconduct and Relationship Violence to the campus community in order to create and maintain an environment that is safe and inclusive and that respects the dignity of each GIA community member.

GIA is committed to the prevention of Sexual Misconduct and Relationship Violence through regular and ongoing education and awareness programs. Incoming students and new employees receive



primary prevention and awareness programming, and returning students and current employees receive ongoing training and related education. GIA also provides programs addressing safe and positive options for risk reduction and bystander intervention.

GIA strongly encourages all GIA community members to take reasonable and prudent actions to prevent or stop an act of Sexual Misconduct or Relationship Violence. Taking action may include direct intervention (i.e., where doing so does not present a safety risk), calling GIA’s security department or law enforcement, or seeking assistance from a person in authority.

## 12. References and Related Documents

- 12.1. [Annual Safety Report \(“ASR”\)](#)
- 12.2. [Code of Conduct](#)
- 12.3. [Education Catalog](#)
- 12.4. [Federal Bureau of Investigation’s \(“FBI”\) Uniform Crime Reporting \(“UCR”\) Program](#)
- 12.5. [GIA’s Concern Reporting System](#)
- 12.6. [Policy Prohibiting Discrimination, Harassment and Retaliation](#)
- 12.7. [The Handbook for Campus Safety and Security Reporting](#)
- 12.8. [U.S. Employee Handbook](#)
- 12.9. [Workplace and Campus Violence Policy](#)

## 13. Related Regulations

- 13.1. [Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act \(“Clery Act”\)](#)
- 13.2. [Title IX of the Education Amendments of 1972 \(“Title IX”\)](#)
- 13.3. [Violence Against Women Reauthorization Act of 2013 \(“VAWA”\)](#)

## Revision History

Revision Date	Description	Approved by
11/08/2016	Initial release	President’s Policy Committee
01/31/2019	Title updates. Added Deputy Title IX Coordinator. Formatting revisions.	Senior Vice President and General Counsel



## Definitions

### 1. Alleged Offender

Any individual who is alleged to have committed an act or acts of sexual misconduct or relationship violence.

### 2. Campus Security Authority

- 2.1. A campus police department or a campus security department of an institution.
- 2.2. Any individual or individuals who have responsibility for campus security, but who do not constitute a campus police department or a campus security department under paragraph (2.1) of this definition, such as an individual who is responsible for monitoring entrance into institutional property.
- 2.3. 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.
- 2.4. 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. If such an official is a pastoral or professional counselor, the official is not considered a campus security authority when acting as a pastoral or professional counselor.

### 3. Complainant

A person who reports that he or she has allegedly experienced an act or acts of sexual misconduct or relationship violence.

### 4. Consent

The affirmative, unambiguous and voluntary agreement to engage in a specific sexual activity during a sexual encounter. Additionally:

- Someone who is incapacitated cannot consent;
- Someone who is a minor (generally under the age of 18) cannot consent;
- Past consent does not imply future consent, silence or an absence of resistance does not imply consent;
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
- Consent can be withdrawn at any time; and
- Coercion, force or threat of either invalidates consent.

## 5. 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. 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.

## 6. 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.

## 7. Non-Campus

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.

## 8. 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 to the area identified in paragraph (1) of this definition, 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).

## 9. 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.

## 10. Relationship Violence

Includes dating violence and domestic violence.

## 11. Sexual Assault

Any unwanted physical contact of a sexual nature that occurs either without the consent of each participant or when a participant is unable to give consent freely. Physical contact of a sexual nature includes, but is not limited to, touching or attempted touching of another person's breasts, buttocks, inner thighs, groin or genitalia, either directly or indirectly, or sexual penetration (however slight) of another person's oral, anal or genital opening. Sexual assault includes, but is not limited to, rape, sodomy, oral copulation, sexual battery, sexual penetration with an object, forcible fondling (e.g., unwanted touching or kissing for purposes of sexual gratification) or threat of sexual assault. Sexual assault can occur either forcibly and/or against a person's will, or when a person is unable to give consent freely.

For the purpose of this policy, "sexual assault" also includes any sexual offense, as defined by the Clery Act, which is an offense that meets the definition of rape, fondling, incest or statutory rape as used in the Federal Bureau of Investigation's ("FBI") Uniform Crime Reporting ("UCR") Program.

Those definitions are as follows:

- 11.1. **Fondling:** The touching of the private body parts of another person for the purposes 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.
- 11.2. **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by laws.
- 11.3. **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.
- 11.4. **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

## 12. Sexual Exploitation

Sexual misconduct that occurs when a person takes unjust or abusive sexual advantage of another for their own advantage or benefit or for the benefit or advantage of anyone other than the exploited party; and that behavior does not otherwise constitute sexual assault. Examples of sexual exploitation include, but are not limited to, videotaping or photographing of any type (e.g., webcam, camera, Internet exposure, etc.) without knowledge and consent of all persons; prostituting another person; knowingly transmitting HIV or a sexually transmitted disease to an unknowing person or to a person who has not consented to the risk; or inducing incapacitation with the intent to commit sexual assault, without regard to whether sexual activity actually takes place.

### 13. Sexual Harassment

A form of sex discrimination prohibited by Title IX. Sexual harassment includes any request or demand for sexual favors that is implicitly or expressly a condition of employment, continued employment, receipt of an employment benefit, admission to GIA, participation in educational programs or activities, or evaluation of academic performance. Examples of conduct that could give rise to sexual harassment include but are not limited to: sexual advances or suggestions; unwelcome sexually-oriented remarks; dirty jokes; the display or distribution of offensive photographs, emails or other electronic communications, posters or cartoons; any unwelcome, intentional touching of the intimate areas of another person's body; or physical sexual acts perpetrated against a person's will or where a person is unable to give consent, regardless of whether harassing conduct was motivated by sexual desire and whether the person who is the object of that harassment sustains a loss of tangible job or education benefits.

### 14. Sexual Misconduct

Includes sexual harassment, sexual assault, sexual exploitation and stalking.

### 15. Stalking

Engaging in a course of unwanted pursuit conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or to suffer substantial emotional distress. For the purpose of this definition:

#### 15.1. Course of Unwanted Pursuit 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, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

#### 15.2. Reasonable Person

A reasonable person under similar circumstances and with similar identities to the victim.

#### 15.3. Substantial Emotional Distress

Significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.