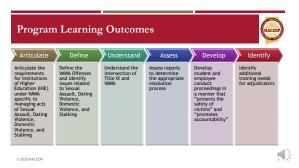


Purpose

- Provide officials involved in the student or employee conduct processes with an understanding of the requirements of the Clery Act as it relates to disciplinary proceedings involving the VAWA Offenses which are sexual assault, dating violence, domestic violence, and stalking
- To meet the basic VAWA annual training requirement for adjudicators

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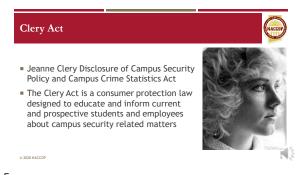
1 2

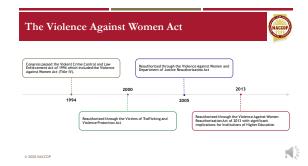


HISTORY

The Violence Against
Women Act (VAWA)

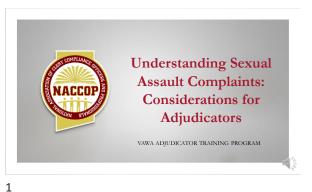
3











# Learning Objectives





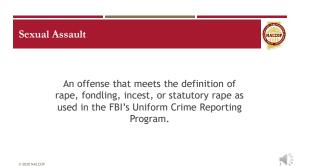
After completing this module, learners will be able to:

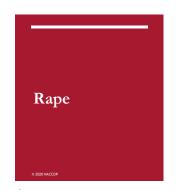
- Define the offenses of rape, fondling, incest, and statutory rape
- Identify the elements contained in the definitions of rape, fondling, incest and statutory rape

  Identify the exceptions and clarifiers that rest within the definitions of sexual assault

2 5

2





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.

1



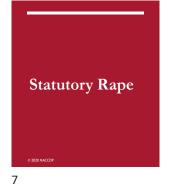
The touching of the private body parts of another person for the purpose of sexual gratification without consent of the victim, including instances where the victim is incapable of giving consent b/c of his/her age or temporary or permanent mental or physical incapacity.



Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

3

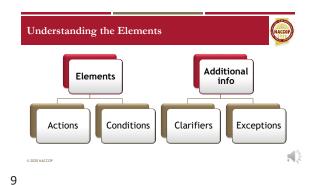
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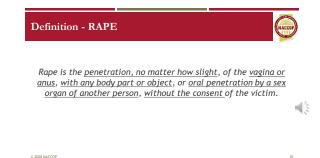


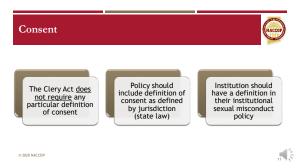
Non-forcible sexual intercourse with a person who is under the statutory age of consent.

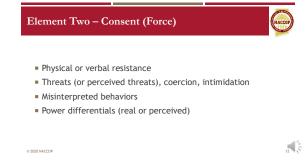












11 12

### Element Two - Consent (Incapacitation)



- Alcohol or drug consumption
- Decision-making ability of the parties
- Awareness of consequences

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- Ability to make informed judgments
- Capacity to appreciate the nature and the quality of the act

15

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### **Definition - FONDLING**



14

Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim.

<u>Clarifier:</u> including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

13 14

### Definition - INCEST



**Definition - STATUTORY RAPE** 



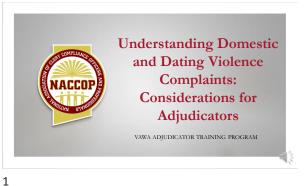
Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by <u>law.</u>

Statutory Rape is  $\underbrace{sexual\ intercourse\ with\ a\ person\ who\ is\ under}_{the\ statutory\ age\ of\ consent.}$ 

15

16





### Learning Objectives





2

After completing this module, learners will be able to:

- · Define the offenses of domestic and dating violence;
- Identify the elements contained in the definitions of domestic and dating violence; and
- Identify the exceptions and clarifiers that rest within the definitions of domestic and dating



A felony or misdemeanor <u>crime of violence</u> committed by:

- a) a current or former spouse or intimate partner of the victim
- b) 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
- d) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred OR
- 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



What is a "Crime of Violence?"

- According to Section 16 of title 18 of the United States Code, the term "crime of violence" means
- an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or
- any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.



3

### Domestic Violence



- A felony or misdemeanor crime of violence committed by
- a) A current or former spouse or intimate partner of the victim
- b) By a person with whom the victim shares a child in common
- c) By a person who is cohabitating with, or has cohabitated with the victim as a spouse or intimate partner  $\,$
- d) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred OR
- e) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred

**Dating** Violence Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature

- social relationship or a formation.

  1. The existence of such a relationship shall be 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.

  1. Existence of this definition.

  - For the purposes of this definition—
     A. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

    B. Dating violence does not include acts covered under the definition of domestic violence.

5

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6

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Dating Violence



**,** 

- <u>Violence</u> committed <u>by a person who is or has been in a social</u>  $\underline{\text{relationship of a romantic or intimate nature with the victim}}.$ 
  - The existence of such a relationship shall be 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 does not include acts covered under the definition of domestic violence.

Important Considerations









Unique

Cycle of violence

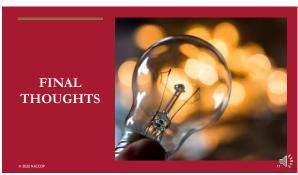
Power and control

7

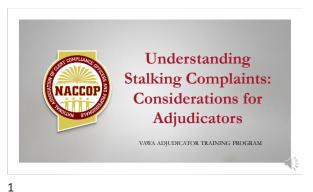
8







11



### Learning Objectives





2

Completing this module, learners will be able to:

- · define the offense of stalking;
- · identify the elements contained in the definition of stalking; and
- identify the exceptions and clarifiers that rest within the definition.





3

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to -

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional



**Defining Stalking** 



STALKING: "engaging in a <u>course of conduct</u> 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."

"Course of conduct means  $\underline{\text{two or more acts}},$  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."

4



### Defining Stalking



STALKING: "engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or to suffer substantial emotional distress."

- "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."
- Who: stalker or third party
- How: any action, method, device or means
- What: follows, monitors, observers, surveils, threatens, or communicates



## Defining Stalking



STALKING: "engaging in a course of conduct directed at a <u>specific person</u> that would cause a reasonable person to fear for the person's safety or the safety of others; or to suffer substantial emotional distress.

- 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.
- Specific Person: "to or about a person or interferes with a person's property"



5

6

### Defining Stalking



STALKING: "engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or to suffer substantial emotional distress."

- Is the Complainant:
  - afraid for their safety
  - afraid for the safety of others or
  - suffering substantial emotional distress
- If not, would a reasonable person in the Complainant's position experience any of these effects?



# Substantial **Emotional Distress**

8

- Difficulty eating or sleeping
- Anxiety or nervousness
- Nightmares
- Drug or alcohol use
- Headaches/illness
- School/work impacted
- Irritability, anger, shock, or confusion
- Fear response/hypervigilance
- Changing routines
- Depression



7

# Defining Stalking

MACCOP

STALKING: "engaging in a course of conduct directed at a specific person that would cause <u>a reasonable person</u> to fear for the person's safety or the safety of others; or to suffer substantial emotional distress."

- Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant
- ▶ Reasonable college student
- ▶ The Complainant's perspective

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9



# Defining Stalking



- STALKING: "engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or to suffer substantial emotional distress."
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim
- ▶ Totality of the circumstances
- ▶ Eggshell/bowling ball Complainants

10

# Stalking and Interpersonal Violence Stalking Special Considerations Stalking and disability considerations Stalking under Title IX

Sanctioning and Remedying Stalking

Motivation
Revenge
Severity
Fear
Vork/school
Reputation
Power
Emotional distress

