

Pardee RAND Title IX Grievance Process for Formal Complaints of Sexual Harassment

Title IX and Sex Discrimination

Pardee RAND (the “School”) is committed to providing an education and employment environment that is free from sex and gender-based discrimination. Consistent with its commitment to addressing sex and gender-based discrimination, Pardee RAND complies with Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities, including in admissions and employment.

Title IX prohibits discrimination based on sex, including sexual orientation and gender identity, in education programs and activities that receive federal financial assistance. This includes situations where individuals are harassed; disciplined in a discriminatory manner; excluded from, denied equal access to, or subjected to sex stereotyping in admissions, academic or extracurricular opportunities, employment, and other education programs or activities; denied the benefits of a school’s programs or activities; or otherwise treated differently because of their sex, including their sexual orientation or gender identity.

Sex discrimination, including sexual harassment, is prohibited by Pardee RAND.

Key Definitions

Sexual harassment, which is a form of sex discrimination, is conduct on the basis of sex satisfying one or more of the following:

- (1) An employee conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity
- (3) Sexual assault, dating violence, domestic violence, or stalking, as [defined below](#) (page 12).

Complainant: an individual who claims to be or is reported to be the victim of conduct that could constitute sexual harassment.

Respondent: an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“Education programs and activities” include locations, events, or circumstances over which Pardee RAND exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

Formal Complaint: a document alleging sexual harassment against a respondent and requesting that Pardee RAND investigate the allegation of sexual harassment. A formal complaint must be either:

1. Filed by a complainant. In this case, the document must be signed by the complainant or otherwise indicate that the complainant is the person filing the formal complaint. If the document is filed by a complainant, the complainant must be participating in or attempting to participate in a Pardee RAND education program or activity at the time of filing. It is important to note that this is a

requirement for a formal complaint: any person may make a report of sexual harassment, regardless of whether they are participating in or attempting to participate in a Pardee RAND education program or activity.

or

2. Signed by the Title IX Coordinator.

Additional definitions can be found in the [Definitions](#) section on page 12.

How to Report Sex Discrimination

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.

Reports may be made in person, by email, mail, telephone, or MS Teams message or call using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the verbal or written report.

Reports may be made at any time (including during non-business hours) by email, mail, or by leaving a voicemail message using the Title IX Coordinator's contact information.

Title IX Coordinator

Danielle Abfalter

Human Resources Services Manager/Title IX Coordinator

RAND Corporation

(310) 393-0411 x6030

TitleIX@pardeerand.edu

Office: m3377

Reports may also be made to Associate Deans Cynthia Gonzalez or Angela O'Mahony, who will inform the Title IX Coordinator.

Cynthia Gonzalez

Interim Associate Dean of Students

Pardee RAND Graduate School

cynthiag@rand.org

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Angela O'Mahony

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Important Information for Victims:

If you are the victim of a sex offense, domestic/dating violence, sexual assault, or stalking, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. RAND Security & Safety strongly advocates that a victim of sexual assault report the incident to the police (e.g., Santa Monica Police Department for campus incidents or Los Angeles Police Department—West Los Angeles Division for incidents at Pardee Commons) in a timely manner, although you may decline to make such a report. If you would like assistance in notifying law enforcement, you may contact RAND Security & Safety. Time is a critical factor for collection and preservation of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam).

If you are the victim of an assault occurring at a RAND facility or in conjunction with a RAND/Pardee RAND activity, you are encouraged to report such incident directly to Security & Safety at x8888, or to any member of Security & Safety staff as soon as is reasonably possible, although you are not required to do so. RAND Security & Safety will immediately respond and assist any student or staff who is the victim of an assault.

Pardee RAND recommends that victims of sexual assault obtain confidential counseling from counselors specifically trained in sexual assault crisis intervention. A listing of such resources is available through RAND's [Employee Assistance Program](#). Pardee RAND does not provide on-campus counseling, mental health or other student services for victims of sex offenses.

How Pardee RAND/RAND will respond

In all cases, the Title IX Coordinator will promptly and confidentially contact the individual who is alleged to be the victim of sex discrimination to discuss the allegation. Pardee RAND will respond promptly, reasonably, and equitably.

Pardee RAND is required by federal law to follow specific rules in its response to sexual harassment and will determine which rules apply to a particular complaint. You do not need to know which process will be used to make a report of sex discrimination. Sex discrimination that does not constitute [sexual harassment](#) (as defined on page one), that does not occur in an [education program or activity](#) (page one), or that is subject to [dismissal](#) (page 7) will be assessed and responded to following the procedures described in the RAND Prevention of Harassment, Discrimination, and Retaliation policy, posted on the RAND intranet.

In the event of a complaint or report of sexual harassment, the Title IX Coordinator will promptly and confidentially contact the complainant to:

- Discuss the availability of [supportive measures](#) (as defined on page 4), with or without filing a formal complaint

- The Title IX Coordinator will consider the complainant's wishes with respect to supportive measures
- Explain the process for how to file a formal complaint

Choosing to make a report, file a formal complaint, and/or meet with the Title IX Coordinator after a report or formal complaint has been made, and deciding how to proceed, can be a process that unfolds over time. You do not have to decide whether to pursue a formal complaint or to name the other party or parties at the time of the report. Reporting does not mean you wish to pursue a formal complaint—it may mean you would like help accessing resources and supportive measures. You do not have to pursue a formal complaint to take advantage of the supportive measures available to you. The Title IX Coordinator will respect the complainant's wishes with respect to whether to investigate the claims of sexual harassment. However, the Title IX Coordinator may determine to pursue the complaint in light of a health or safety concern for the community, even if the complainant does not want to pursue an investigation or file a formal complaint.

Respondents are presumed not responsible for the alleged conduct until there is a determination of responsibility at the conclusion of the Grievance Process and will not be disciplined or have action taken against them (other than supportive measures) until such determination.

Nothing shall preclude Pardee RAND from removing a respondent from an education program or activity on an emergency basis, provided that there is an individualized safety and risk analysis, determination that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. Pardee RAND may place non-student employee respondents on administrative leave during the Grievance Process.

Once a formal complaint has been filed, Pardee RAND will commence the Grievance Process.

As required by Title IX regulations, Pardee RAND will maintain records of any actions taken in response to a report or formal complaint of sexual harassment. To the extent permissible by law, such records will be kept without the inclusion of identifying information about the victim.

Supportive Measures

Supportive measures are short-term measures that are designed to restore or preserve access to Pardee RAND's programs and activities. Supportive measures are available regardless of whether the complainant chooses to pursue any action under this school's policy, including before and after the filing of a formal complaint or where no formal complaint has been filed.

Supportive measures may include, but are not limited to: assistance in arranging the rescheduling of exams and assignments, academic support services, assistance in requesting long-term academic accommodations if the individual qualifies as an individual with a disability, allowing either a complainant or respondent to drop a class in which both parties are enrolled, changes to On-the-Job Training schedules, and mutual "no contact orders." One-way Avoidance of Contact Directives are permitted in limited circumstances, including to help enforce a restraining order, preliminary injunction, or other order of protection issued by a court, when requested by a Reporting Party, or if a one-way Avoidance of Contact Directive does not unreasonably burden the other party.

Supportive measures are available to the complainant, respondent, and as appropriate, witnesses or other impacted individuals. Supportive measures are non-disciplinary and non-punitive. The Title IX Coordinator will maintain consistent contact with the parties to ensure that safety and emotional and physical well-being are being addressed. Pardee RAND will make all reasonable efforts to maintain the confidentiality of supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability to provide the supportive measures. Failure to adhere to the parameters of any supportive measure is a violation of policy and may lead to additional disciplinary action.

Grievance Process

Pardee RAND will treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following the grievance process described here before the imposition of any disciplinary sanctions or other actions that are not supportive measures.

Throughout the grievance process, all evaluation of relevant evidence will be objective, including both inculpatory and exculpatory evidence – and provide that credibility determinations may not be based on a person’s status as a complainant, respondent, or witness.

Confidentiality

Pardee RAND will make all reasonable efforts to maintain the confidentiality and privacy of the parties involved in the Grievance Process. Pardee RAND will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as required by law, to carry out the purposes of Title IX and its regulations, or to relay the final results of a disciplinary proceeding conducted by the School to an alleged victim of a crime of violence or a nonforcible sex offense. The final results will include the name of the respondent, the violation committed, and any sanction imposed by the School; the final result will only include the name of any other student, such as a victim or witness, only with the written consent of that other student.

All participants in the Grievance Process who are not parties will be informed of the school’s expectation of privacy. This expectation will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. Any Grievance Process hearing that takes place will be closed to the public and witnesses will be present only during their testimony.

Notice

All known parties will be provided with written notice of the allegations related to the Grievance Process, including (1) the identities of the parties involved in the incident, if known, (2) the conduct allegedly constituting sexual harassment, and (3) the date and location of the alleged incident, if known. Parties will be provided with sufficient time to review and prepare a response to the notice of allegations prior to any initial interview which may take place during the investigative process described in the [Investigation](#) section (page 6). Written notice will also include: a copy of the Pardee RAND Title IX Grievance Process for Formal Complaints of Sexual Harassment; a statement that the respondent is presumed not responsible for the alleged

conduct and that a determination regarding responsibility is made at the conclusion of the grievance process; a statement informing the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney; a statement informing the parties that they may inspect and review evidence; and a statement informing the parties that Pardee RAND's code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The Role of Advisors

Both the complainant and respondent may have an advisor of their choice throughout the grievance process. The advisor may, but is not required to be, an attorney.

The advisor may attend any interview or meeting connected with the grievance process that the party whom they are advising is invited to attend, but the advisor may not actively participate in interviews and may not serve as a proxy for the party. The advisor may attend the hearing and may conduct cross-examination of the other party and any witnesses at the hearing; otherwise, the advisor may not actively participate in the hearing.

Investigation

As with all reports of sex discrimination, formal complaints of sexual harassment will be investigated in a thorough, impartial, and prompt fashion. The Title IX Coordinator (or designee) will not have any conflict or bias and will receive annual training which does not rely on sex stereotypes and that promote impartial investigations and adjudications.

Throughout the Grievance Process the burden of proof and gathering evidence rest on Pardee RAND and not the parties. Pardee RAND cannot access, consider, or use parties' private records unless they provide voluntary consent.

When a formal complaint of sexual harassment has been made, the Title IX Coordinator (or designee) will investigate the allegations in the complaint. The parties will receive notice of the specifics of the allegations as known; if in the course of an investigation, Pardee RAND decides to investigate allegations about the complainant or respondent that are not included in the notice, then the known parties will be provided notice of the additional allegations. The parties will have the opportunity to submit a written response statement within five (5) business days. The parties will be given the opportunity to meet separately with the Title IX Coordinator (or designee) to review the grievance process.

The Title IX Coordinator (or designated, trained investigator(s)) will interview the complainant, respondent, and, as applicable, any witnesses. The investigator will also gather any pertinent evidentiary materials (this may include, but is not limited to, emails, written documents, or photographs). During the investigation process, both the complainant and the respondent will have an equal opportunity to provide the investigator with evidence and/or specify witness information, including fact or expert witnesses.

The complainant and respondent will be provided an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint and will be given ten (10) business days to provide a written response to the evidence prior to the conclusion of the investigation.

The investigator will prepare a report detailing the relevant content of the interviews and the documentation materials gathered. The report will be sent to each party prior to any hearing, who will be given ten (10) business days to review and submit a written response.

Dismissal

Title IX regulations require Pardee RAND to dismiss a formal complaint, in whole or in part, if the alleged conduct (1) does not meet the definition of sexual harassment, (2) did not occur in an education program or activity, or (3) did not occur in the United States. In the event of a dismissal, any alleged conduct that may violate the RAND Prevention of Harassment, Discrimination, and Retaliation policy will be assessed and responded to following the procedures described therein.

Pardee RAND may, at its discretion, dismiss a formal complaint (in whole or in part) if at any time during the investigation or hearing process: (1) a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint/allegations; (2) the respondent is no longer enrolled or employed by the recipient; (3) or specific circumstances prevent Pardee RAND from gathering evidence sufficient to reach a determination as to the formal complaint/allegations.

In the event that Pardee RAND dismisses a formal complaint (in whole or in part), it will provide formal notice of the dismissal and the basis for the dismissal to all known parties.

Consolidating Formal Complaints

Pardee RAND may choose to consolidate formal complaints against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Live Hearing

Once the investigation has concluded, a live hearing will be scheduled within ten (10) business days, whenever possible. The hearing is an opportunity for the parties to address the decision-maker, who will be a different individual than the Title IX Coordinator and investigator. The parties may address any information in the investigative report or submit supplemental statements in response to the investigative report. The School will make all evidence gathered available to the parties at the hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination. The School will create a recording or transcript of any live hearing and make it available to the parties for inspection and review.

While the hearing is not intended to be a repeat of the investigation, the parties will be provided with an equal opportunity for their advisors to conduct cross-examination of the other party and of relevant witnesses. Only the decision-maker and the parties' advisors may question witnesses and parties. The parties and witnesses will address only the decision-maker, and not each other. If a party does not have an advisor, the School will select and provide an advisor, without fee or charge to the party.

A typical hearing may include: brief opening remarks by the decision-maker; questions posed by the decision-maker to one or both of the parties; cross-examination by either party's advisor of the other party and relevant witnesses; and questions posed by the decision-maker to any relevant witnesses.

All live hearings will be closed to the public. Witnesses (other than the parties) will attend the hearing only for their own testimony.

In order to promote a fair and expeditious hearing, the parties and their advisors will attend a pre-hearing conference with the decision-maker. The pre-hearing conference is designed so that the parties and their advisors understand the hearing process and so that significant issues can be addressed in advance of the hearing. All parties will be provided with written notice of the pre-hearing conference.

Throughout the live hearing, all parties, advisors, and witnesses will be required to maintain appropriate decorum. Participants are expected to abide by the decision-maker's directions and determinations, maintain civility, and avoid emotional outbursts and raised voices. Repeated violations of appropriate decorum will result in a break in the live hearing, the length of which will be determined by the decision-maker. The decision-maker reserves the right to appoint a different advisor to conduct cross-examination on behalf of a party after an advisor's repeated violations of appropriate decorum or other rules related to the conduct of the live hearing.

At the request of either party, the decision-maker will allow the parties to be physically separated during the hearing. This may include, but is not limited to, the use of videoconference and/or any other appropriate technology. Parties will be able to see and hear (or, if deaf or hard of hearing, to access through auxiliary aids or services) all questioning and testimony at the hearing, if they choose to. To assess credibility, the decision-maker must have sufficient access to the complainant, respondent, and any witnesses presenting information; if the decision-maker is sighted, then the decision-maker must be able to see them.

The decision-maker will only allow evidence that is relevant to the dispute in question. Before any party or witness answers a question, including during cross-examination, the decision-maker will first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

Questions and evidence about the complainant's sexual history are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. Even in the context of a relationship, consent to one sexual act does not, by itself, constitute consent to another sexual act; in addition, consent on one occasion does not, by itself, constitute consent on a subsequent occasion. Sexual history evidence that is being proffered to show a party's reputation or character will never be considered relevant on its own. The hearing will not require or rely on the use of questions or evidence that seek disclosure of information protected by a legally recognized privilege unless it has been waived.

If the complainant, the respondent, or a witness informs the School that they will not attend the hearing (or will attend but refuse to be cross-examined), the school's Title IX Coordinator may determine that the hearing may still proceed. The decision-maker may not draw any adverse inference in reaching a determination regarding responsibility based solely on an individual's absence from the hearing (or their refusal to be cross-examined).

Determination Regarding Responsibility

Pardee RAND will use the preponderance of the evidence standard for determining responsibility. The same standard of evidence will apply to all formal complaints of sexual harassment, including formal complaints

against students and employees, including faculty. The decision-maker will determine, based on a preponderance of the evidence, whether it is more likely than not that policy has been violated upon a review of all relevant evidence. The written determination will be provided to the parties simultaneously and will include:

1. Identification of the allegations potentially constituting sexual harassment as defined in this policy and federal regulations
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination and conclusions regarding the application of the recipient's code of conduct to the facts;
4. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant*; and
5. Procedures and permissible bases for the parties to appeal

*Remedies that do not impact the respondent will not be disclosed in the written determination. In that instance the determination will simply state that remedies will be provided to the complainant.

Determinations of responsibility become final either on the date of the written determination of the result of an appeal or, if no appeal is filed, the date on which an appeal would no longer be considered timely.

Range of Sanctions and Remedies

When a respondent is found responsible for the prohibited behavior as alleged, sanctions are based on the severity and circumstances of the behavior. Disciplinary actions or consequences may include, but are not limited to: reassignment of work duties or location; reassignment of class meetings; restrictions on contact with the complainant; access restrictions to Pardee RAND or RAND property and/or events, disciplinary probation; termination of employment; and suspension or expulsion.

When a determination of responsibility is made, remedies will be provided to the complainant that are designed to maintain the complainant's equal access to education. These remedies may include supportive measures or remedies that are punitive or would pose a burden to the respondent. The Title IX Coordinator is responsible for implementing remedies.

Whatever the outcome of the investigation, hearing, or appeal, the complainant and respondent may request ongoing or additional supportive measures. Ongoing supportive measures that do not unreasonably burden a party may be considered and provided even if the respondent is found not responsible. Educational programming or alcohol/substance assessment may also be recommended.

Appeals

The respondent or complainant may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. The grounds for appeal are as follows:

1. There was a procedural error in the hearing process that materially affected the outcome; procedural error refers to alleged deviations from school policy, and not challenges to policies or procedures themselves;

2. There is new evidence that was not reasonably available at the time of the hearing and that could have affected the outcome;
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias that affected the outcome of the matter
4. The severity of the sanction is inappropriate given the details of the case

Disagreement with the finding or sanctions is not, by itself, grounds for appeals.

The request for an appeal, including the grounds upon which the request is based, must be submitted in writing to the appropriate appeals officer (as identified in the determination letter) within five (5) business days following the date on the determination letter. Each party will be notified in writing if an appeal has been filed and will be provided with a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The appropriate appeals officer (or Committee) can determine whether a change in the decision-maker's decision is warranted. Any appeals process will be conducted in an impartial manner by an impartial decision-maker, who will be a different individual than the Title IX Coordinator, investigator, and decision-maker. If a change in this decision is necessary, the appeals officer will review the appeal and decision-maker's rationale and make a final decision. This appeals decision is final.

Appeals will not be reviewed or considered beyond the appeals officer (or designee). Appeals decisions will be rendered within ten (10) business days after the receipt of the formal appeal request. Both parties will be notified in writing of appeal outcome.

Informal Resolution

In instances where it is deemed possible and safe, Pardee RAND may choose to offer informal resolution to the parties. Informal resolution is only available after a formal complaint has been filed and prior to a determination of responsibility. Informal resolution is not available in cases in which an employee is alleged to have sexually harassed a student.

Informal resolution will only be pursued if the parties voluntarily consent to the process in writing. Until a determination of responsibility has been made, any party will be able to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

Informal resolution may involve agreement to pursue individual or community remedies, including targeted or broad-based educational programming or training; supported direct conversation or interaction with the respondent; mediation; indirect action by the Title IX Coordinator; and other forms of resolution that can be tailored to the needs of the parties. With the voluntary consent of the parties, informal resolution may be used to agree upon disciplinary sanctions. Disciplinary action will only be imposed against a respondent where there is a sufficient factual foundation and both the complainant and the respondent have agreed to forego the additional procedures set forth in this policy and accept an agreed upon sanction. Any person who facilitates an informal resolution will be trained and free from conflicts of interest or bias for or against either party.

If the parties are unable to reach a resolution in a timely manner, or if either party requests to terminate mediation, the investigation and hearing process will proceed. It is anticipated that mediation efforts can be

completed within forty-five (45) days, unless both parties agree to an extension of time and such extension is approved by the Title IX coordinator.

Retaliation

Any attempt by a member of the Pardee RAND or RAND community to penalize, intimidate, harass, or retaliate in any way against a person who makes a report of or who is otherwise involved in an investigation of discrimination or harassment is completely prohibited. Any person who believes that he or she has been the victim of retaliation for reporting discrimination or harassment or cooperating in an investigation should immediately contact the Title IX Coordinator. Any person who retaliates against a person in response to a report or cooperation in an investigation will be in violation of policy and will be subject to the appropriate discipline process. Reports of retaliation will be assessed and responded to following the procedures described in the RAND Prevention of Harassment, Discrimination, and Retaliation policy. The exercise of rights protected under the First Amendment does not constitute prohibited retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith during the course of a grievance proceeding does not constitute retaliation: a determination regarding responsibility, alone, is never sufficient to conclude that a party made a materially false statement in bad faith.

Inquiries concerning the application of Title IX may be referred to the Title IX Coordinator, the U.S. Department of Education, Office for Civil Rights (“OCR”), or both.

U.S. Department of Education

Office for Civil Rights

OCR@ed.gov

Fax: 202-245-8392

*Due to remote work, OCR recommends corresponding by email or fax. Mail to the address below is also an option, but may not be received as quickly.

Phone: 800-421-3481

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Washington, DC 20202-1475

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Definitions

Sexual Assault: having or attempting to have sexual contact with another individual without consent or where the individual cannot consent because of age or temporary or permanent mental incapacity.

- Sexual contact includes:
 - 1) sexual intercourse (anal, oral, or vaginal), including penetration with a body part (e.g., penis, finger, hand, tongue) or an object, or requiring another to penetrate themselves with a body part or an object, however slight; or
 - 2) sexual touching of the private body parts, including, but not limited to, contact with the breasts, buttocks, groin, genitals, or other intimate part of an individual's body for the purpose of sexual gratification.

Dating Violence: includes any act of violence committed by an individual: 1. who is or has been in a social relationship of a romantic or intimate nature with the Reporting Party; and 2. 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 individuals involved in the relationship.

Domestic Violence: includes any act of violence committed by a current or former spouse or intimate partner of the Reporting Party, by an individual with whom the Reporting Party shares a child in common, by a person who is cohabitating with, or has cohabitated with, the Reporting Party as a spouse or intimate partner, by a person similarly situated to a spouse of the Reporting Party under California state law, or by any other individual against an adult or minor Reporting Party who is protected from that individual's acts under California state law.

Stalking: Stalking occurs when an individual engages in a course of conduct directed at a specific individual under circumstances that would cause a reasonable person to fear for their own safety or the safety of others or suffer substantial emotional distress.

- "Course of conduct" means two or more instances, including but not limited to unwelcome acts in which an individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about an individual, or
- interferes with an individual's property.
- "Substantial emotional distress" means significant mental suffering or anguish.
- Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used.

Consent: Consent must be affirmative. "Affirmative Consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is positive cooperation in act and attitude made with knowledge and agreement to the nature of the act.

Consent cannot be obtained through physical force, threats, or coercion, or by taking advantage of another person's incapacitation. Coercion is conduct, including intimidation or express/implied threats of immediate or future physical, emotional, financial, or reputational harm to the Reporting Party or another, which would place a reasonable person in fear they will be injured or harmed if they do not submit.

It is the responsibility of each individual involved to ensure they have the Affirmative Consent of the other(s) to engage in each act of sexual activity.