



VISIBLE
MUSIC COLLEGE

Annual Security and Fire Report

2022

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I. Introduction

This report is provided in compliance with federal law pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended. It provides students and employees of Visible Music College (the “College”) with information on the College’s security arrangements, policies, and procedures; programs that provide education on such things as drug and alcohol abuse, awareness of various kinds of sex offenses, and the prevention of crime generally; and procedures the College will take to notify the campus community in the event of an emergency.

Its purpose is to provide students and employees with information that will help them make informed decisions relating to their own safety and the safety of others. Accordingly, this report discusses policies, procedures, and other information for each of the College’s five campuses. The campuses are located in Memphis, TN; Chicago (Lansing), IL; Dallas (McKinney), TX; Atascadero, CA, and Redding, CA. Additionally, as required by the Clery Act this report includes certain crime statistics related to each campus for the following years: 2019, 2020, and 2021.

II. Policy for Preparing the Annual Report

This report is prepared by Ben Rawley, Vice President of Business, in cooperation with local law enforcement authorities and includes information provided by them. Each year an e-mail notification is provided to all enrolled students giving the website address to access this report. Faculty and staff receive similar notifications. Hard copies of the report may also be obtained at no cost by contacting Ben Rawley

The College is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and staff. As a member of the campus community, you can feel safe and comfortable knowing that security procedures are in place that represent best practices in the field, and are constantly tested and re-evaluated for their effectiveness.

III. Policies Concerning The Law Enforcement Authority of Campus Security Personnel

Each of the Visible Music College campuses cooperates with outside law enforcement agencies and exchanges criminal information with these agencies. The local police department, sheriff’s department, state agencies, and federal law enforcement agencies have criminal jurisdiction over Visible Music College. If an arrest is necessary the local law enforcement agencies are notified and respond appropriately to the situation. In case of an emergency, the staff and faculty activate emergency response services by calling 911. Visible Music College does not hold a Written Memorandum of Understanding with any law enforcement agencies located in the area.

Below is the contact information for the local law enforcement agencies for each Visible Music College campus.

Memphis Police Department 170 N Main St, Memphis, TN 38103 (901) 545-2677	Lansing Police Department 2710 170th St, Lansing, IL 60438 (708) 895-7150	McKinney Police Department 2200 Taylor Burk Dr, McKinney, TX 75071 (972) 547-2700
Atascadero Police Department 5505 El Camino Real, Atascadero, CA 93422 (805) 461-5051	Redding Police Department 777 Cypress Ave, Redding, CA 96001 (530) 225-4200	

IV. Other Officials to Whom Crimes May Be Reported

The College also has designated other officials to serve as additional campus security authorities.¹ Reports of criminal activity can also be made to these officials. They, in turn, will ensure that they are reported to the appropriate people for collection as part of the College's annual report of crime statistics. These additional campus security authorities are:

Memphis 200 Madison Avenue, Memphis, TN 38103	Isaac Harper, Campus Lead isaac@visible.edu (901) 381 3939 ext 203
Chicago 3404 Lake Street, Lansing IL 60438	JP Parker, Campus Lead jp@visible.edu 219-309-0308
Dallas 2801 Orchid Dr, McKinney, TX 75072	Korey Hicks, Campus Lead korey@visible.edu (612) 251-6766
Atascadero 6225 Atascadero Ave, Atascadero, CA 93422	Crystal Bergman, Campus Lead crystal@visible.edu 805.235.1121
Redding 935 Locust St, Redding, CA 96001	Fab Altamura Dean

¹ At the time of publication of this Annual Security Report, the officials named in this report serve in the roles identified. If during the course of the 2022 - 2023 year the officials leave their current employment role, the person who assumes their role also will assume their campus security authority related responsibilities.

V. Policies on Reporting a Crime or Emergency

The College encourages accurate and prompt reporting of all criminal actions, accidents, injuries, or other emergencies occurring on campus to the appropriate police agencies even when the victim of a crime elects not to do so or is unable to make such a report. Such reports should be made as follows:

- Situations that pose imminent danger or while a crime is in progress should be reported to local law enforcement by calling 911 from any campus phone or cell phone. Keep in mind that the individual making the call from a cell phone will need to provide the address where the emergency has occurred. After making the 911 call, also make a report to one of the campus security authorities identified above.
- Students, staff, and visitors should report criminal actions, accidents, injuries, or other emergency incidents to one of the campus security authorities identified above. Once reported, the individual making the report will be encouraged to also report it to appropriate police agencies. If requested, a member of the College staff will assist a student in making the report to the police.
- Anonymous incident reports can also be made.

The College will protect the confidentiality of victims. Only those with a need to know the identity for purposes of investigating the crime, assisting the victim, or disciplining the perpetrator will know the victim's identity. Moreover, the College will withhold the identity of victims in publicly available records, to the extent permitted by law.

Any victim of a crime who does not want to pursue action within the College disciplinary system or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. With the victim's permission, a report of the details of the incident can be filed without revealing the victim's identity. Such a confidential report complies with the victim's wishes but still helps the College take appropriate steps to ensure the future safety of the victim and others. With such information, the College can keep an accurate record of the number of incidents involving students, determine where a pattern of crime may be developing, and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the College.

Additionally, upon written request, the College will disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by this institution against a student who is the alleged perpetrator of such a crime or offense. If the alleged victim is

deceased as a result of such a crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

The College has no officially recognized student organizations with off-campus locations. However, if criminal activity occurs while students are attending school-sponsored events or training off campus, the reporting procedures are the same as those stated above.

Procedures for missing student notifications

If an individual believes that a member of the student community is missing, they need to immediately contact the Student Life Manager and/or the VP of Students. The Office of Students will immediately begin an investigation into the matter. If it is determined that the student is missing, then the proper authorities will be contacted to investigate the matter.

Visible Music College will notify the missing student's emergency contact no later than 24 hours after the student is determined missing. During orientation, students are given safety tips and emergency contact numbers in case they or someone else is in danger. Staff may report home life issues that involve younger siblings that they become aware of as required by law or Christian community.

VI. Educational Programs Related to Security Awareness and Prevention of Criminal Activity

The College is committed to providing a safe and secure environment for all students, visitors, faculty, and staff. The College seeks to enhance the security of its campuses and the members of its campus communities by periodically presenting educational programs to inform students and employees about campus security procedures and practices to encourage students and employees to be responsible for their own security and the security of others and to inform them about the prevention of crimes.

Various programs inform students and employees about campus security procedures and practices and encourage everyone to be responsible for their own, and others' security. The College has an Operations Team who reviews, recommends, and establishes policies, procedures, and practices. Entering students are provided security orientation.

The College's security program is an ongoing process that includes the development and enforcement of regulations and procedures to provide a reasonable level of security for property, information, and personal safety of individuals. The College encourages all individuals to practice personal safety awareness. To this end, the College provides regular safety awareness reminders, such as Fire drills. In Memphis, there is the requirement of the use of a security card to enter all perimeter exits 24/7 and front entrances after the lobby closes, all perimeter doors are locked 24/7 and require the use of a security card for entrance, and students are informed of the

danger of allowing someone to use their card or allow a stranger to enter a locked door with them and are discouraged from doing so, all perimeter exit doors are camera monitored by the operations team. New students are informed of these security procedures in the orientation process.

VII. Building Security

The College is a private institution and reserves the right to restrict access and movement on all of its campuses to staff, students, visitors, and others who are conducting business on site. The Visible Music College buildings are open to students and employees during prescribed hours as long as they comply with rules and regulations. Visitors are subject to the rules and regulations of the campus. Visitors must identify themselves to the receptionist and sign in at the Front Desk.

Additionally, student ID cards may be used to verify the identity of persons suspected to be in campus facilities without permission.

Security is also a consideration in maintaining campus facilities. For example, maintenance personnel regularly check to ensure pathways are well-lighted and that egress lighting is working in hallways and stairwells. The design of Visible Music College campuses and/or classrooms takes into consideration how to promote quick and safe evacuation methods in the event of an emergency.

VIII. Timely Warnings

In the event of criminal activity occurring on campus (or on certain other property) that constitutes a serious or continuing threat to members of the campus community, a campus-wide “Timely Warning” will be issued to all students and employees. The intent of a Timely Warning is to aid in the prevention of similar crimes, including by helping members of the campus community protect themselves. In an effort to provide timely notice to an Visible Music College campus in the event of a serious incident, it is the policy of the College to issue a Timely Warning to all staff, faculty, and students. Should a situation arise, either on or off campus that, in the judgment of the VP Team, either in collaboration or individually, constitutes a serious threat to the staff, faculty, and students of the campus a Timely Warning will be issued.

Anyone with information regarding criminal activity that may warrant a Timely Warning should immediately report the circumstances to the VP team or campus leads mentioned above.

Timely Warning Criteria

A Timely Warning will be issued by the College when the criteria below have been met:

1. A crime is reported to the College (or the College is otherwise made aware of the incident, such as if the local police department notifies the College that a crime has been

reported to that agency);

2. The crime is reported to have occurred on the College’s Clery geography (which generally includes the campus, adjacent public property, and other properties owned or controlled by the College);
3. The crime is a Designated Crime (see below); and
4. The circumstances present a serious or continuing threat to the campus community (see below).

The College has the discretion to issue Timely Warnings in other situations as well.

Designated Crimes

Assuming all other criteria have been met, crimes necessitating a Timely Warning are found in the chart below:

Category	Type of Offense
Primary Criminal Offenses	Murder/Non-Negligent Manslaughter; Manslaughter by Negligence; Rape; Fondling; Incest; Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson
Hate Crimes	<p>A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim.</p> <ul style="list-style-type: none"> ● Hate Crimes include the primary criminal offenses listed above (except Manslaughter by Negligence) plus: Larceny-Theft; Simple Assault; Intimidation; and Destruction/Damage/Vandalism to Property. ● The eight categories of bias that may result in a hate crime designation for purposes of this policy are as follows: race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, and disability.
VAWA	Dating Violence, Domestic Violence, Stalking

Arrests and Disciplinary Referrals	Arrests and referrals for disciplinary action for the following violations of law; Drug Abuse Violations; Liquor Law Violations; and Weapons: Carrying, Possessing, Etc.
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Serious or Continuing Threat Analysis

The VP Team or designee, is responsible for determining what constitutes a serious or continuing threat to the campus community. This evaluation is completed on a case-by-case basis in consideration of the circumstances of the situation at hand. There may be times when a Designated Crime occurred on Clery geography, but the situation does not present an ongoing danger to the campus community and thus would not necessitate a Timely Warning. For example, a robbery on campus may have been reported but the suspect was immediately apprehended by police and, therefore, there is no ongoing danger to the campus community.

The factor used when analyzing whether a reported crime presents a serious or continuing threat to the campus community include, but are not limited to, the following:

- How much time has passed between the incident and the report?
- Has the perpetrator been apprehended?
- Were there multiple perpetrators working together?
- Was the incident violent in nature?
- Were date rape drugs or other substances used to facilitate the crime?
- Was a weapon used during the commission of the crime?
- Does the incident appear to be an isolated incident with a specifically targeted victim(s)?
- Is there a pattern of similar incidents? (e.g., the same or similar crimes occurring in a short period of time; a particular group being targeted on multiple occasions; etc.)
- Are there other aggravating circumstances or predatory behaviors at issue suggesting that a threat/ongoing danger exists?
- Are there enough details available to determine whether a threat/ongoing danger exists?

Timely Warning Content

Because the intent of a Timely Warning is to aid in the prevention of similar crimes, including by helping members of the campus community protect themselves, these warning will include information that the VP Team, or designee determines is necessary and appropriate to further these goals.

The content of a Timely Warning will, at a minimum, include pertinent information about the crime that triggered the warning (i.e., type of crime and a description of where and when it occurred). The warning may also provide other brief information about the situation if warranted, such as any available information about the suspect(s). However, caution will be taken to not issue such a lengthy warning that it cannot be quickly understood by recipients. An example of a Timely Warning is as follows:

WARNING (8/30/2021): Armed Robbers outside of Memphis Campus reported at 9:32 p.m. Perpetrator described as a tall male in a red hooded sweatshirt. Last seen running to the north across Madison Avenue.. This is an active situation. Please be alert if you are in the area.

Names of the victim(s) will be withheld from Timely Warnings, and the College will also refrain from including information that could compromise law enforcement efforts.

Timely Warning methods

If it is determined that one or more of the campuses is in imminent danger, a Timely Warning will be issued. Timely Warning will include a description of the offense, description of the suspects, and any additional information that pertains to the incident that will help ensure all members receiving the Warning will understand the incident and the threat. The following methods of notification will be employed for the dissemination of information to all staff, faculty, and students:

1. An email and/or text message will be sent via Populi to all staff, faculty, and students informing them of the threat.
2. When feasible, the member of the VP Team, or designee will visit all classrooms to inform faculty and students of the situation.
3. If applicable local authorities and local campus communities will be notified of the emergency/threat/danger.

Anyone with information warranting a timely warning should immediately report the circumstances to the appropriate campus lead, member of the VP Team or other campus security authority.

Updating the Timely Warning

After a Timely Warning has been issued, the VP Team, or designee will consider whether a follow-up warning needs to be communicated to each campus community regarding the situation. If it is determined that a follow-up warning is necessary, it will be made in the manner described above.

IX. Emergency Response and Evacuation Procedures

The College has an emergency management plan for each campus designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of members of the campus community. Such situations include, but are not limited to: tornadoes, bomb threats, chemical spills, disease outbreaks, or armed intruders. The College communicates with local police requesting their cooperation in informing the College about situations reported to them that may warrant an emergency response. Students, staff and visitors are encouraged to notify the VP Team of any situation that poses such a threat.

In the event of a potential emergency, the VP Team or campus lead will access available sources of information from campus administrative staff and local authorities to confirm the existence of the danger and will be responsible for confirming the emergency and initiating the College's response, for marshaling the appropriate local emergency response authorities for assistance, and for notifying all businesses in the immediate area of the campus. Depending on the nature of the emergency, other College departments may be involved in the confirmation process.

Local law enforcement agencies are primarily responsible for confirming that there is a significant emergency or threat on campus which could cause harm to the campus community. Additionally, the VP Team or campus lead, depending on the circumstances, also may be in a position to confirm certain types of emergencies. The VP Team or campus lead in collaboration or individually or with other appropriate personnel, will determine who should be notified and will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. Depending on the segments of the campus the notification will target, the content of the notification may differ. When appropriate, the content of the notification will be determined in consultation with local authorities. Also, as appropriate, the notification will give guidance as to whether its recipients should shelter in place or evacuate their location.

The VP Team or campus lead will direct the issuance of emergency notifications, which will be accomplished using one or more of the following means, depending on the nature of the threat and the segment of the campus community being threatened:

1. An email and/or text message will be sent via Populi to all staff, faculty, and students informing them of the threat.
2. When feasible, the member of the VP Team, or designee will visit all classrooms to inform faculty and students of the situation.
3. If applicable local authorities and local campus communities will be notified of the emergency/threat/danger.

The College tests its emergency response and evacuation procedures at least once a year. The Operations Manager maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the College will distribute to its students and employees information to remind them of the College's emergency response and evacuation procedures. Testing of the emergency response and evacuation procedures have been conducted as follows in 2021:

Fire Drill: Nov 10, 2021

X. Policy, Procedures and Programs Related to Various Sex-Related Offenses

Section 1: Introduction

1.1 Policy Statement: Visible Music College (“Visible” or “the College”) is committed to creating and maintaining a learning and working environment that is free from unlawful discrimination based on sex in accordance with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in education programs or activities; Title VII of the Civil Rights act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act, Clery Act, and the Violence Against Women Act (VAWA). Sexual Harassment and Retaliation under this Policy will not be tolerated by Visible and is grounds for disciplinary action, up to and including, permanent dismissal from Visible and/or termination of employment.

1.2 Purpose: Visible takes all reported sexual misconduct and harassment seriously. Visible will promptly discipline any individuals within its control who are found responsible for violating this Policy. Additionally, reported sexual misconduct, harassment, and retaliation that does not meet the definitions and jurisdiction of this policy will be referred for review under the Non-Title IX Sexual Harassment Policy in compliance with VAWA and Clery Act.

1.3 Applicability: This Policy applies to students and employees as follows:
To Students: Where the Respondent is a student at Visible at the time of the alleged conduct, the alleged conduct includes Sexual Harassment under this Policy, the alleged conduct occurs in Visible's Education Program and Activity, the alleged conduct occurs against a person in the United States, and the Complainant is participating in or attempting to participate in Visible's Education Program or Activity.

To Employees: Where the Respondent is an employee at Visible at the time of the alleged conduct, where the alleged conduct includes Sexual Harassment under this Policy, the alleged conduct occurs in Visible's Education Program and Activity, the alleged conduct occurs against a person in the United States, and the Complainant is participating in or attempting to participate in Visible's Education Program or Activity.

- 1.4 Title IX Coordinator and Key Title IX Officials:** The Title IX Coordinator is the Visible administrator who oversees Visible’s compliance with Title IX. The Title IX Coordinator is responsible for administrative response to reports and Formal Complaints of Sexual Harassment. The Title IX Coordinator is available to discuss the grievance process, coordinate supportive measures, explain Visible policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Deputy Title IX Coordinators to facilitate these responsibilities.

Any member of the Visible community may contact the Title IX Coordinator with questions. Title IX Coordinator contact information is as follows:

Title IX Coordinator

Toni Melton

toni@visible.edu

901.381.3939 x227

In addition to the Title IX Coordinator, Visible appoints investigators, decision makers and informal resolution facilitators who have roles in the formal grievance process more fully explained in Sections 6 through 8 of this policy.

The Title IX Coordinator, investigators, decision-makers, and informal resolution facilitators will receive annual training in compliance with Title IX. All administrators in these roles will not rely on sex stereotypes and will provide impartial investigations and adjudications of Formal Complaints of Sexual Harassment. All materials used to train these administrators will be publicly made available on Visible’s website in accordance with Title IX requirements.

The Title IX Coordinator, Deputy Title IX Coordinators, investigators, decision-makers, and informal resolution facilitators shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

- 1.5 Notification:** Visible will use University electronic mail (email) for purposes of communication and notification under this Policy.
- 1.6 Free Speech:** Freedom of speech and principles of academic freedom are central to the mission of institutions of higher education. Constitutionally protected expression cannot be considered Sexual Harassment under this Policy.
- 1.7 Dissemination of Policy:** This Policy will be made available to all Visible administrators, faculty, staff, and students online at www.visible.edu/titleix and will be referred to in the Visible Student Handbook and the Visible Handbook (staff handbook) of operating procedures.
- 1.8 Effective Date:** The effective date of this Policy is July 1, 2022.

1.9 Retaliation and False Statements Prohibited: Neither Visible nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Alleged violations of Retaliation will be referred to the Title IX Coordinator to be investigated and resolved under the respective Visible Code of Conduct.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this Policy.

Charging an individual with a Code of Conduct violation for making a materially false statement in bad faith during a grievance proceeding under this Policy does not constitute Retaliation prohibited under Policy. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

1.10 Amnesty: Reporting Sexual Harassment is encouraged at Visible. Thus, it is imperative that Complainants and witnesses share information without fear of potential consequences for certain policy violations including, but not limited to, underage consumption of alcohol or the use of illicit drugs. Visible offers parties and witnesses amnesty from such violations but parties or witnesses may be responsible for other, more serious conduct that harmed or placed the health or safety of any other person at risk (“Amnesty”). After granting Amnesty, Visible may include educational opportunities for individuals in lieu of a finding of responsibility or punitive sanctions with the student regarding alcohol or drugs. This Section does not apply to reports to the police; rather, it applies only to discipline for violations of the Visible Code of Conduct.

1.11 Other University Policies: This Policy takes precedence over other Visible policies and procedures concerning Sexual Harassment under Title IX in the event of a conflict.

1.12 Modification and Review of this Policy: Visible reserves the right to modify this Policy to take into account applicable legal requirements. Visible will regularly review this Policy to determine whether modifications should be made.

1.13 Additional Code of Conduct or Visible Music College Policy Violations: Alleged violations of the student or employee Code of Conduct and/or the Non-Title IX Sexual Harassment Policy that arise from the same events as alleged sexual misconduct under this Policy will be investigated and resolved under the grievance process in this Policy unless the Sexual Harassment has been dismissed under Section 5.2 of this Policy.

1.14 Standard of Proof: The burden rests with Visible to prove that a violation of this policy occurred by a Preponderance of the Evidence (more likely than not).

Section 2: Definitions

2.1 Definitions of Prohibited Conduct Under this Policy

- 2.1.1 Sexual Harassment** means conduct on the basis of sex that satisfies one or more of the following:
- (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (Quid Pro Quo);
 - (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; or
 - (3) Sexual Assault, Dating Violence, Domestic Violence or Stalking as defined in this Policy.
- 2.1.2 Sexual Assault** means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, including Rape, Fondling, Incest, and Statutory Rape as defined in this Policy.
- 2.1.3 Rape** means 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.
- 2.1.4 Fondling** means the touching of the private body parts of another person for the purpose of sexual gratification, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of his/her age or because of his/her temporary or permanent mental Incapacity.
- 2.1.5 Incest** means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- 2.1.6 Statutory Rape** means sexual intercourse with a person who is under the statutory age of Consent.
- 2.1.7 Dating Violence** means violence committed by a person—
- (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship,
 - The type of relationship,
 - 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.

2.1.8 Domestic Violence includes felony or misdemeanor crimes of violence committed by:

- a current or former spouse or intimate partner of the victim,
- a person with whom the victim shares a child in common,
- a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- a person similarly situated to a spouse of the victim under the domestic or family violence laws of Tennessee or
- 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 Tennessee.

2.1.9 Stalking means engaging in 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.

2.2 Definitions Related to Sexual Harassment: Consent, Course of Conduct, Incapacitation, Reasonable Person, Substantial Emotional Distress

2.2.1 Consent is affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires of each person an affirmative, conscious, and voluntary agreement to engage in sexual activity.

It is the responsibility of each person to ensure they have the affirmative Consent of the other to engage in the sexual activity. Lack of protest, lack of resistance, or silence do not, alone, constitute consent. Affirmative consent must be ongoing and can be revoked at any time during sexual activity.

The existence of a dating relationship or past sexual relations between the Complainant and Respondent will never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of Consent to prior conduct).

The Respondent's belief that the Complainant consented will not provide a valid defense unless the belief was actual and reasonable. In making this determination, the decision-maker will consider all of the facts and circumstances the Respondent knew, or reasonably should have known, at the time. In particular, the Respondent's belief is not a valid defense where:

- (1) The Respondent's belief arose from the Respondent's own intoxication or recklessness;
- (2) The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively Consented; or
- (3) The Respondent knew or a reasonable person should have known that the Complainant was unable to Consent because the Complainant was incapacitated, in that the Complainant was:

- asleep or unconscious
- unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication
- unable to communicate due to a mental or physical condition.

2.2.2 Course of Conduct means two or more acts, including, but not limited to, acts in which the individual 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.

2.2.3 Incapacitation means that a person lacks the ability to actively agree to sexual activity because the person is asleep, unconscious, under the influence of alcohol or other drugs such that the person does not have control over their body, is unaware that sexual activity is occurring, or their mental, physical or developmental abilities render them incapable of making rational informed decisions. Incapacitated is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking, using drugs, or taking medication.

A person violates this policy when they engage in sexual activity with another person who is Incapacitated and a Reasonable Person in the same situation would have known that the person is Incapacitated. Incapacitation can be voluntary or involuntary. Signs of Incapacitation may include, without limitation: sleep; total or intermittent unconsciousness; lack of control over physical movements (e.g., inability to dress/undress without assistance; inability to walk without assistance); lack of awareness of circumstances or surroundings; emotional volatility; combativeness; vomiting; incontinence; unresponsiveness; and inability to communicate coherently. Incapacitation is an individualized determination based on the totality of the circumstances.

2.2.4 Reasonable Person means a reasonable person under similar circumstances and with similar identities to the victim.

2.2.5 Substantial Emotional Distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

2.3 Other Defined Terms

2.3.1 Actual Knowledge means Notice of Sexual Harassment allegations to the Title IX Coordinator or any Official with Authority, except that actual knowledge is not met when the only individual with actual knowledge is the Respondent.

2.3.2 Business Day means any weekday not designated by Visible as a holiday or administrative closure day. When calculating a time period of Business Days specified in this Policy, the Business Day of the event that triggers a time period is excluded.

- 2.3.3 Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. Complainants and Respondents are referred to collectively as “parties” throughout this Policy.
- 2.3.4 Confidential Employee** means an individual who will not report any information about an incident to the Title IX Coordinator without the Complainant’s permission.
- 2.3.5 Disciplinary Sanctions** are imposed only after a finding of responsibility through the grievance process or an agreement through the informal resolution process.
- 2.3.6 Education Program or Activity** includes locations, events, or circumstances over which Visible exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs. This includes conduct that occurs on Visible property, during any Visible activity, or in any building owned or controlled by a student organization that is officially recognized by Visible.
- 2.3.7 Formal Complaint** means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that Visible investigate the allegation of Sexual Harassment.
- 2.3.8 Official with Authority** means an individual who has the authority to institute corrective measures and is required to report Sexual Harassment to the Title IX Coordinator to initiate Visible’s response to the Sexual Harassment allegations. Officials with Authority are limited to the following positions at Visible, Title IX Coordinator and the VP and Directors Team.
- 2.3.9 Remedies** are designed to restore or preserve equal access to Visible’s Education Program or Activity. Remedies may include but are not limited to the same individualized services as Supportive Measures; however, Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.
- 2.3.10 Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. Complainants and Respondents are referred to collectively as “parties” throughout this Policy.
- 2.3.11 Responsible Employee** means any individual who is employed by Visible and not deemed to be a Confidential Employee or Official with Authority. Responsible Employees are expected by Visible to report Sexual Harassment to the Title IX Coordinator promptly upon receiving a report of a Sexual Harassment.
- 2.3.12 Retaliation** means intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or

circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX or this Policy.

2.3.13 Supportive Measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed.

Such measures are designed to restore or preserve equal access to Visible's Education Programs or Activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Visible's educational environment, or deter sexual harassment.

Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Section 3: Reporting Sexual Harassment and Preservation of Evidence

3.1 Reporting to Visible Music College

3.1.1 Reporting to Title IX Coordinator: Reports of Sexual Harassment may be made to the Title IX Coordinator in any of the following ways, by anyone, at any time: email, phone, online form, mail. Reports may be made to the Title IX Coordinator via email or phone at toni@visible.edu or 901.381.3939 x227, during normal business hours. After Title IX Sexual Harassment has been reported to the Title IX Coordinator, the Title IX Coordinator will promptly offer supportive measures to the Complainant, regardless of whether the Complainant was the reporter of the Sexual Harassment.

3.1.2 Reporting to Officials with Authority: The following positions are Officials with Authority:

Title IX Coordinator
VP and Directors Team

If Officials with Authority are notified of Sexual Harassment, they shall promptly report such Sexual Harassment to the Title IX Coordinator who will take immediate action under this Policy.

3.1.3 Reporting to Confidential Employees: Visible employees VP and Directors Team are considered Confidential Employees when they are operating under their respective licenses at the time the information was received. Reports made to Confidential Employees under this definition are considered confidential reports

and will not be reported to the Title IX Coordinator without the Complainant's permission and will not constitute actual notice to Visible.

3.1.4 Reporting to Responsible Employees: Visible employees who are not Confidential Employees or Officials with Authority are defined as Responsible Employees and are expected to report alleged Sexual Harassment to the Title IX Coordinator promptly upon receiving a report of Sexual Harassment.

3.1.5 Anonymous Reporting: Anonymous reports may be made by telephone, in writing or electronically with Title IX Coordinator. A decision to remain anonymous, however, may greatly limit Visible's ability to stop the alleged conduct, collect evidence, or take action against parties accused of violating this Policy.

3.2 Reporting to Law Enforcement: Reports may be filed with local law enforcement agencies. The Title IX Coordinator can assist with contacting law enforcement agencies. Law enforcement investigations are separate and distinct from Visible investigations.²

3.3 Reporting to Outside Agencies: Students and employees may report to external agencies:

- Students
Office for Civil Rights
U.S. Department of Education
61 Forsyth Street S.W. Suite 19T10
Atlanta, GA 30303-8927
Telephone: 404-974-9406
Fax: 404-974-9417
Email: ocr.atlanta@ed.gov

Office for Civil Rights
U.S. Department of Health and Human Services
Sam Nunn Atlanta Federal Center, Suite 16T70
61 Forsyth Street S.W.
Atlanta, GA 30303-8927
Telephone: 1-800-368-1019
Fax 202-619-3818
Email: ocrmail@hhs.gov

- Employees
U.S. Equal Employment Opportunity Commission
220 Athens Way Suite 350
Nashville, TN 37228-9940
Telephone: 1-800-669-4000
Fax 615-736-2107
Email: info@eeoc.gov

² A list of local law enforcement agencies for each campus are listed in Appendix A.

- Outside Agency Confidential Support and Resources³:

National Sexual Assault Hotline
(800) 656-HOPE (4673) (24-hour hotline)
<https://ohl.rainn.org/online> (online hotline)

Suicide and Crisis Intervention
1.800.SUICIDE

3.4 Time Limits on Reporting. There are no time limits on reporting Sexual Harassment to the Title IX Coordinator or Visible. If the Respondent is no longer subject to Visible's Education Program or Activity or significant time has passed, Visible will have limited ability to investigate, respond and/or provide disciplinary remedies and sanctions.

3.5 Visible's Federal Reporting Obligations: Certain Visible employees, called Campus Leads or Operations Staff, have a duty to report certain incidents of misconduct to comply with the Clery Act. Campus Security Authorities are not required to report personally identifiable information for Clery Act purposes, but statistical information must be sent regarding the type of incident that occurred and its general location (e.g., on or off-campus) for publication in an annual report of crime statistics, called the Annual Security Report. Statistics published in the Annual Security Report help to provide the campus community with a clearer picture of the extent and nature of campus crime, but the statistics do not personally identify Complainants or Respondents. Reports by Campus Security Authorities are not official police reports and do not initiate criminal investigations.

When Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking are reported under the Clery Act, Visible must issue timely warnings for such incidents that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

Visible will not disclose a Complainant's name and other identifying information in a timely warning but will provide sufficient information for Visible community members to make informed safety decisions in response to potential danger.

3.6 Preservation of Evidence: Visible recognizes that a Complainant may need time to decide whether to report an incident of Sexual Harassment to the police and/or Visible. The purpose of this section is to provide Complainants with suggestions on preserving evidence while they decide whether to report an incident.

Visible encourages Complainants, as soon as possible after experiencing Sexual Assault to take steps to preserve evidence such as:

- Have a forensic sexual assault nurse examination performed as soon as possible after the incident, but no later than 72-96 hours after the incident

³ Local Outside Agency Resources for each campus can be found in Appendix A.

- When possible, prior to having a forensic sexual assault nurse examination performed, avoid: changing clothing, bathing, showering, using a douche, using the bathroom, brushing one's teeth, drinking liquids, washing one's hands or face, or combing one's hair;
- Preserve any clothing, sheets, or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags);
- Preserve or capture electronic communications such as text messages, e-mails, social media posts or exchanges (e.g., Snapchat, Facebook, Twitter);
- Preserve or capture video, audio (e.g., voice mail messages), or photographs, including those stored on smartphones or other devices; and
- Preserve any other physical, documentary, and/or electronic data that might be helpful to an investigator.

Section 4: Initial Response to Reported Sexual Harassment

Upon receipt of a report of Sexual Harassment, the Title IX Coordinator will promptly contact the Complainant, regardless of whether the Complainant was the individual who initiated the report. During the initial contact with the Complainant, the Title IX Coordinator will:

- Provide the Complainant with notice of their rights and options
- Explain the process for filing a Formal Complaint;
- Explain the Grievance Process;
- Discuss the availability of Supportive Measures regardless of whether a Formal Complaint is filed;
- Consider the Complainant's wishes with respect to Supportive Measures.

Section 5: Formal Complaint

Visible will investigate all allegations of Sexual Harassment in a Formal Complaint.

5.1 Filing a Formal Complaint: A Formal Complaint must:

- (1) Contain an allegation of Sexual Harassment against a Respondent;
- (2) Request that Visible investigate the allegation; and
- (3) Be signed by the Complainant or Title IX Coordinator.

In limited circumstances, if a Complainant does not sign a Formal Complaint, the Title IX Coordinator may sign a Formal Complaint. In determining whether to sign a Formal Complaint, the Title IX Coordinator will consider factors that include but are not limited to:

- Whether there have been other reports of Sexual Harassment or other relevant misconduct concerning the same Respondent whether or not the incidents occurred while the Respondent was an Visible student or employee;
- Whether the Respondent threatened further Sexual Harassment or other misconduct against the Complainant or others;
- Whether the alleged Sexual Harassment was committed by multiple perpetrators;
- The nature and scope of the alleged Sexual Harassment including whether the Sexual Harassment was perpetrated with a weapon;
- The ages and roles of the Complainant and the Respondent;

- Whether Visible can pursue the investigation without the participation of the Complainant (e.g., whether there are other available means to obtain relevant evidence of the alleged Sexual Harassment such as security cameras or physical evidence);
- Whether the report reveals a pattern of perpetration (e.g., perpetration involving illicit use of drugs or alcohol) at a given location or by a particular group.

5.2 Dismissal of a Formal Complaint.

5.2.1 Required Dismissal: Title IX Coordinator will dismiss a Formal Complaint for purposes of Sexual Harassment if:

- (1) The conduct alleged in the Formal Complaint would not constitute Sexual Harassment as defined in this Policy even if proved;
- (2) The conduct alleged did not occur in Visible's Education Program or Activity; or
- (3) The Conduct alleged in the Formal Complaint did not occur against a person in the United States.

Dismissal of a Formal Complaint does not preclude action under other provisions of Visible's policies and procedures. If a formal Complaint is dismissed, the matter will be reviewed to determine whether it will be pursued under the Visible Non-Title IX Sexual Harassment Policy of other Visible Policy.

5.2.2 Permissive Dismissal: The Title IX Coordinator may dismiss a Formal Complaint or any allegations within the Formal Complaint, if at any time during the investigation or hearing:

- (1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations within the Formal Complaint,
- (2) The Respondent is no longer enrolled or employed by Visible, or
- (3) Specific circumstances prevent Visible from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations within the Formal Complaint.

5.2.3 Appeal of Dismissal: Either party may appeal the dismissal of a Formal Complaint or any allegations therein. See Section 7 for bases and process for appeals.

5.3 Consolidation of Formal Complaints: The Title IX Coordinator may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent or by more than one Complainant against one or more Respondents where the allegations arise out of the same facts or circumstances.

Section 6: Grievance Process

The grievance process within this Policy is designed to treat Complainants and Respondents equitably. Remedies are provided to a Complainant where a determination of responsibility for

Sexual Harassment has been made against the Respondent and Disciplinary Sanctions are not imposed against a Respondent prior to the completion of the grievance process.

6.1: General Grievance Process Information:

6.1.1 Burden of Proof and Burden of Gathering Evidence: All investigations and proceedings, including hearings, relating to Sexual Harassment will be conducted using a “preponderance of the evidence” (more likely than not) standard. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on Visible, not the parties.

6.1.2 Presumption of Not Responsible: The Respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the grievance process.

6.1.3 Time Frames for Grievance Process: Visible strives to complete the grievance process within one hundred and twenty (120) Business Days. Temporary delays and/or extensions of the time frames within this Policy may occur for good cause. Written notice will be provided to the parties of the delay and/or extension of the time frames with explanation of the reasons for such action. Examples of good cause for delay/extensions include but are not limited to considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

6.1.4 Medical Records: Visible will not access, consider, disclose, or otherwise use party’s records that are that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless Visible obtains that party’s voluntary, written permission to do so for the grievance process within the Policy.

6.1.5 Privileged Information: Visible will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege.

6.1.6 Range of Disciplinary Sanctions and Remedies: Sanctions that may be required if an individual is found responsible for violating this policy include, but are not limited to:

For Students:

- Verbal and written warnings
- Accountability hours
- No-contact directives
- Revocation of certain privileges (e.g., membership in campus organizations)
- Dismissal from student worker jobs

- Suspension
- Expulsion
- Educational and Developmental sanctions, including but not limited to, Pastoral Care Agreements, reflection papers, classes, or restorative practices.

For Employees:

- Verbal and written warnings
- Suspension without pay
- Discharge
- Educational & developmental opportunities and/or
- No-contact directives

6.1.7 Notice of Meetings, Interviews, and Hearings: Parties and witnesses will be provided notice of any meeting, interview, and/or hearing with sufficient time to prepare to participate. This notice will include the date, time, location, participants and purposes of the meeting, interview and/or hearing.

6.2 Notice of Allegations: Upon receipt of a Formal Complaint, the investigator will provide Notice of Allegations to the parties who are known. The Notice of Allegations will include:

- (1) Notice of the party's rights and options
- (2) Notice of Visible's grievance process
- (3) Notice of Visible's informal resolution process and options
- (4) Notice of the allegations of Sexual Harassment including
 - The identities of the parties involved in the incident, if known,
 - The conduct allegedly constituting Sexual Harassment, and
 - The date and location of the incident, if known.
- (5) Notice that the Respondent is presumed not responsible of the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- (6) Notice that the parties may have an advisor of their choice, who may be, but is not required to be an attorney, and that the advisor may inspect and review evidence as explained in section 6 of this Policy.
- (7) Notice of the Visible Code of Conduct and Visible Handbook provision that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The Notice of Allegations will be an updated and written notice provided to the parties if at any time during the investigation, Visible decides to investigate allegations about the Complainant or Respondent that are not included in the initial Notice of Allegations.

6.3 Investigation of Formal Complaint. Visible will conduct an investigation following a Formal Complaint and Notice of Allegations. During all meetings and interviews the parties may be accompanied by an advisor of their choice, which can be, but is not required to be an attorney. During the investigation stage of the grievance process, the advisor's role is limited to assisting, advising, and/ or supporting a Complainant or

Respondent. An advisor is not permitted to speak for or on behalf of a Complainant or Respondent or appear in lieu of a Complainant or Respondent during the investigation phase of the grievance process.

- 6.3.1 Opportunity to Provide Information and Present Witnesses:** Each party will be provided an equal opportunity to provide information to the investigator and present witnesses for the investigator to interview. The information provided by the parties can include inculpatory (evidence that may support a finding or conclusion that Respondent engaged in Sexual Harassment) and exculpatory evidence (evidence that may support a finding or conclusion that a Respondent did not engage in Sexual Harassment). The witnesses can include both fact witnesses and expert witnesses.
- 6.3.2 Opportunity to Inspect and Review Evidence:** Each party 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 Formal Complaint, including evidence upon which Visible does not intend to rely upon in reaching a determination regarding responsibility. This review includes inculpatory and exculpatory evidence that is obtained by a party, witness, or other source. Each party and their advisor (if any) will be provided an electronic copy of the evidence for inspection and review. The parties will have ten (10) business days to review and submit a written response to the investigator. The investigator will consider the written responses prior to completing an investigative report. All evidence provided during the inspection and review phase will be available at any hearing for the parties to use during the hearing, including for purposes of cross examination. Once an appointment is set, a maximum of one rescheduling request is permitted. Any rescheduling must be within the 10 business days.
- 6.3.3 Investigative Report:** Following the opportunity to inspect and review evidence directly related to the allegations raised in the Formal Complaint, the investigator(s) will create an investigative report that fairly summarizes relevant evidence obtained during the investigation.
- 6.3.4 Review of the Investigative Report:** At least ten (10) Business Days prior to a hearing, the investigator(s) will provide each party and the party's advisor (if any) an electronic copy of the investigative report for their review and written response.
- 6.3.5 Investigation Timeframe:** The investigation of a Formal Complaint will be concluded within 90 Business Days of the filing of a Formal Complaint. The parties will be provided updates on the progress of the investigation, as needed.
- 6.4 Live Hearing:** After the investigation, Visible will provide for a live hearing for all Formal Complaints of Sexual Harassment that have not been dismissed per Section 5.2 or resolved by informal resolution under Section 8. At the request of either party, or at the discretion of the Title IX Coordinator, Visible will provide for the live hearing to occur

with the parties located in separate rooms with technology enabling the decision-maker and parties to simultaneously see and hear the other party or witness answering questions. Requests for virtual options must be placed at least three (3) business days in advance of hearing.

6.4.1 Information at the Hearing: The following information/evidence will be available in electronic form at the hearing:

- (1) Evidence from the investigation, including the evidence directly related to the allegations that was reviewed by the parties, regardless of whether it was incorporated into the report.
- (2) The investigation report and any attachments/appendices.

6.4.2 Decision-maker: The decision-maker will be appointed by Visible and will not be the Title IX Coordinator or investigator. The decision-maker will be trained, impartial, and without a conflict of interest.

6.4.3 Challenge to a decision-maker: Either party may challenge the appointment of a decision-maker, based on conflict of interest or bias, in writing to the Title IX Coordinator, no less than five (5) Business Days prior to the scheduled hearing.

6.4.4 Advisor's Role at the Hearing: Each party must have an advisor present at the hearing. The advisor's role is limited to supporting, advising, and assisting the party during the hearing and conducting questioning (cross-examination) of participants. Advisors are required to follow rules of decorum enforced by the decision-maker. Failure to follow the rules of decorum by an advisor may result in removal of an advisor from the hearing. If a party does not have an advisor present at the live hearing, Visible will appoint the party with an advisor without fee or charge.

6.4.5 Recording of the Hearing: Visible will create an audio or audiovisual recording of all live hearings and make the recording available to the parties for inspection or review.

6.4.6 Hearing Process Facilitator: Visible may designate a hearing process facilitator to coordinate the hearing, including, but not limited to, coordination and scheduling of the hearing; the logistics of physical or virtual rooms for parties and/or witnesses, including separation of the parties; ensuring all technology is working appropriately; ensuring the parties have access to electronic documents during the hearing; distributing materials; etc. The facilitator may also be the Title IX Coordinator. The facilitator may invite the parties and their advisors, separately, to a meeting prior to the hearing to review the hearing process for the purpose of ensuring a smooth hearing. This meeting is separate from the pre-hearing conference discussed below.

6.4.7 Pre-Hearing Matters: In order to streamline the hearing process, the decision-maker may request the submission of questions prior to the hearing through electronic submission and/or a pre-hearing conference.

(1) **Pre-Hearing Submission of Questions:** The decision-maker may request the parties submit questions, in writing, prior to the hearing. This submission does not preclude the advisor from asking additional questions live during the hearing. The decision-maker may allow for the pre-hearing submission of questions regardless of whether a pre-hearing conference occurs.

(2) **Pre-Hearing Conference:** The decision-maker may hold a pre-hearing conference. During the pre-hearing conference, parties and their Advisors will be asked to submit, in writing, any questions they wish to ask during the live hearing so that the decision-maker can be prepared to respond to relevancy at the hearing. This conference does not preclude the Advisor from asking additional questions live during the hearing.

At the pre-hearing conference, the decision-maker may also hear arguments regarding the relevance of the evidence identified in the investigation report as relevant or not relevant, and/or directly related to the allegations.

6.4.8 Participants in the Hearing. Participants at the hearing include the decision-maker, the investigator(s) who conducted the investigations, the parties, advisors to the parties, witnesses and anyone providing authorized accommodations. In addition, Visible may have a hearing facilitator present. Any witnesses scheduled to participate in the hearing must have been first interviewed by the investigator (s) or have provided a written statement or answered questions from the investigator in writing.

The decision-maker will provide the names of all persons participating in the hearing to the parties at least seven (7) days prior to the live hearing.

6.4.9 Hearing Process and Phases: The live hearing will include the following phases:

(1) **Notice of Hearing:** After the investigative report has been completed and at least ten (10) business days prior to the date set for the hearing, the parties and their Advisors (if any) will be provided with a Notice of the Hearing. The Notice will include the date, time, location, name of the decision-maker, names of all participants in the hearing, and the location (virtual or in person) of the hearing.

(2) **Opening Statements:** Each party will have the opportunity to present an opening statement to the decision-maker.

(3) **Questioning of Hearing Participants:** The investigator will be the first witness to provide information. The investigator will submit their investigation report and describe the evidence and information gathered in their investigation. The parties and witnesses will then be called in an

order determined by the decision-maker. Questioning of parties and witnesses will occur in the following manner:

(a) **By the Decision-Maker:** The decision-maker will ask initial questions of the participants at the hearing.

(b) **By the Advisors:** After the decision-maker asks questions of a participant, each party's advisor will be permitted to ask relevant questions and follow up questions orally, directly, and in real time of the participant. The parties are never permitted to ask questions of participants directly. The questioning of participants by advisors will be conducted in the following manner:

- A question is asked by an advisor
- Before participant answers the questions, the decision-maker determines whether the question is relevant
- If the question is determined relevant by the decision-maker, the participant answers the question
- If the question is determined not to be relevant by the decision-maker, the decision-maker must explain the decision to exclude a question as not relevant.

(c) **Evidence and Questions Excluded:**

- **Sexual Predisposition or Prior Sexual Behavior of the Complainant:** Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior 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.
- **Privileged Information:** No person will be required to disclose information protected under a legally recognized privilege. The decision-maker must not allow into evidence or rely upon any questions or evidence that may require or seek disclosure of such information, unless the person holding the privilege has waived the privilege. This includes information protected by the attorney-client privilege.
- **Medical Records:** Evidence or records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, are not permitted to be used during a hearing unless the party provides voluntary, written permission to do so for the grievance process within this Policy.

(4) **Closing Statements:** Each party will have the opportunity to present a closing statement to the decision-maker.

6.4.10 Determination Regarding Responsibility: After the live hearing, the decision maker will issue a written determination regarding responsibility using the preponderance of the evidence standard. The Hearing Board must send the responsibility decision (hearing outcome) in writing within three (3) business days of hearing. The decision maker will provide the Complainant and the Respondent with the written determination simultaneously. The determination regarding responsibility becomes final either on the date that Visible provides the parties with the written determination of the result of the appeal, if an appeal is filed, or, if an appeal is not filed, the date on which an appeal would no longer be considered timely. The written notice will include:

- Identification of the allegations potentially constituting Sexual Harassment;
- 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;
- Findings of fact supporting the determination;
- Conclusions regarding the application of this Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions that Visible imposes on the Respondent, and whether remedies designed to restore or preserve equal access to Visible's education program or activity will be provided by Visible to the Complainant; and
- The procedures and permissible bases for the Complainant and Respondent to appeal.

Section 7: Appeals

Either party may appeal the determination regarding responsibility, or the dismissal of a Formal Complaint or any allegations therein within three (3) Business Days of the receipt of the determination regarding responsibility or dismissal. The appeals must be made in writing and delivered to the Title IX Coordinator.

7.1 Bases for Appeal: Appeals of the determination of responsibility or the dismissal of a Formal Complaint may be made on the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

- 7.2 Appeal Procedures:** If an appeal is submitted, Visible will:
- (1) Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.
 - (2) Ensure that the decision-maker for the appeal is not the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator or the Title IX Coordinator.
 - (3) Provide the non-appealing party with five (5) Business Days from receipt of the notification of appeal to submit a written statement in support of the outcome of the determination or dismissal.
 - (4) Issue a written decision describing the result of the appeal and the rationale for the result which can be one of the following:
 - Affirm the decision-maker's determination regarding the Respondent's responsibility and affirm the disciplinary sanctions and remedies, if applicable;
 - Affirm the decision-maker's determination regarding the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable;
 - Remand the process back to the hearing stage for the decision-maker to remedy any procedural irregularity or consider any new evidence;
 - Reverse the decision-maker's determination of the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable; or
 - Affirm or amend the sanctions and/or remedies outlined in the determination issued under this Policy.
 - (5) Provide the written decision simultaneously to both parties.
- 7.3 Appeal Timeframe:** The appellate decision-maker will release the written decision within twenty (20) Business Days of receiving the appeal.

Section 8: Informal Resolution Process

At any time after a Formal Complaint has been signed and before a determination regarding responsibility has been reached, the parties may voluntarily agree to participate in an informal resolution facilitated by Visible, that does not involve a full investigation and adjudication. Types of informal resolution include, but are not limited to, mediation, facilitated dialogue, conflict coaching, and restorative justice and resolution by agreement of the parties.

- 8.1 Informal Resolution Notice:** Prior to entering the informal resolution process, Visible will provide the parties a written notice disclosing:
- (1) The allegations;
 - (2) The requirements of the informal resolution process, including the right of any party to withdraw from the informal resolution process and resume the grievance process and the circumstances which preclude parties from resuming a Formal Complaint arising from the same allegations;

- (3) Consequences resulting from the informal resolution process, including that the records will be maintained for a period of seven (7) years but will not be used by investigators or decision-maker if the formal grievance process resumes.

- 8.2 Informal Resolution Agreement:** Prior to entering the informal resolution process, the parties must voluntarily agree, in writing to the use of the informal resolution process.
- 8.3 Informal Resolution Availability:** The informal resolution process is not permitted to resolve allegations that an employee committed Sexual Harassment against a student.
- 8.4 Informal Resolution Timeframe:** Informal resolutions of a Formal Complaint will be concluded within 45 days of notice to Visible that both parties wish to proceed with the informal resolution process. Such notice that the parties wish to proceed with an informal resolution process will “pause” the counting of the timeframe to conclude the Grievance Process of this Policy, should the informal resolution process fail, and the parties continue with the Grievance Process.
- 8.5 Informal Resolution Documentation.** Any final resolution pursuant to the Informal Resolution process will be documented and kept for seven (7) years. However, no recording of the informal resolution process will be made, and all statements made during the informal resolution process will not be used for or against either party (and the decision-maker and/or appellate decision-maker may not consider any such statement made during informal resolution) should the parties resume the grievance process. Failure to comply with an informal resolution agreement may result in disciplinary action.

Section 9: Emergency Removal and Administrative Leave

- 9.1 Emergency Removal:** At any time after the Title IX Coordinator is on notice of Sexual Harassment, Visible may remove a Respondent on an emergency basis. Visible will only conduct an emergency removal after:
 - (1) Undertaking and individualized safety and risk analysis,
 - (2) Determining that an immediate threat the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal, and
 - (3) Providing the Respondent with notice and an opportunity to challenge the decision to the Title IX Coordinator, within two (2) Business Days following the removal.
- 9.2 Administrative Leave:** Visible may place a non-student employee Respondent on administrative leave during the pendency of the grievance process in this Policy.

Section 10: Recordkeeping

Visible will maintain all the documentation related to reports of Sexual Harassment, Formal Complaints, the grievance process, and information resolution process for seven years in accordance with state and federal records laws and requirements. The documentation of all

records are private and confidential to the extent possible under law. Student records of the grievance process are disciplinary records under Family Education Rights and Privacy Act (FERPA). Employee records of the grievance process are subject to the Freedom of Information Act (FOIA) and applicable state laws and included in the employee's official employment record.

Section 11: Additional Conduct Violations Related to This Policy

Alleged violations of the terms in this section will be sent to the Vice President of Students for student Respondents or to the Vice President of Business for employee Respondents for investigation and adjudication under the Visible Code of Conduct as listed in the Visible Student Handbook and Visible Handbook (staff).

The Student Handbook can be found here:

Server: [_Visible Music College Datacenter/_Public/Publications/Student Handbook](#)

The Employee Handbook can be found here:

Server: [_Visible Music College Datacenter/_Public/Publications/Visible Handbook](#)

The Faculty Handbook can be found here:

Server: [_Visible Music College Datacenter/_Public/Publications/Visible Handbook](#)

Section 12: Violations of Law⁴

Conduct that violates this policy also may violate the laws of the local jurisdiction in which the incident occurred and subject a respondent to criminal prosecution by the presiding authority. Conduct that violates this policy also may subject a respondent to civil liability.

Students and employees studying, working, or engaging in other activities at locations outside of Tennessee are governed by the applicable laws regarding sexual assault and other criminal offenses implicated by this policy. Where the college has jurisdiction to investigate and address reported conduct that would constitute conduct prohibited by this policy, the definitions and standards in this policy will apply for purposes of college discipline, regardless of the definitions of various crimes used in the laws of the locality where the conduct reportedly occurred.

Visible Music College Title IX Non-Harassment Discrimination Policy

Section 1: Applicability

The procedures in this section shall be used to investigate and resolve Visible Music College's ("Visible") reported Title IX matters that allege discrimination that falls outside of the Title IX Sexual Harassment Policy ("Non-Harassment Title IX Discrimination"). These procedures shall be used in conjunction with the Sexual Harassment Policy for purposes of identification of key Title IX officials (Section 1.0), definitions (Section 2.0), and reporting options (Section 3.0).

Discrimination prohibited under this policy includes: the exclusion from participation in, denial of the benefits from, or subjection to unfavorable treatment in any Visible Education Program or Activity on the basis of sex.

⁴ A list of relevant state laws for each Visible campus can be found in Appendix B.

Title IX does not apply to an educational institution that is controlled by a religious organization to the extent that application of Title IX would be inconsistent with the religious tenets of the organization. Thus, any religious exemption sought to be applied by Visible extends only as far as the conflict between the Title IX regulations and the religious tenets of historic, orthodox Christianity.

The effective date of this Policy is July 1, 2022.

Section 2: Advisors

Complainants and Respondents may be accompanied by an advisor of their choice throughout the investigation. An advisor's role is limited to assisting, advising, and/ or supporting a Complainant or Respondent. An advisor is not permitted to speak for or on behalf of a Complainant or Respondent or appear in lieu of a Complainant or Respondent.

Section 3: Investigation Procedures

If the allegations fall within the scope of this policy and the matter does not resolve using the informal resolution process, Visible will conduct a prompt, thorough, and impartial investigation of the reported discrimination. The Title IX Coordinator or their designee will appoint one or more investigators who will conduct investigative meetings, gather information and evidence, and make an independent determination as to whether a violation of the policy occurred using a preponderance of the evidence standard.

The Respondent is presumed not responsible until a determination has been reached by the investigator.

- 3.1 Notice of Allegations:** A written Notice of Allegations will be sent to the Complainant and Respondent, constituting the initiation of the investigation. The Notice of Allegations will contain a summary of the allegation(s) or conduct at issue. This will include the identities of the parties involved, the date and location of the incident (if known), and a link to the appropriate policies. Once the Notice of Allegations has been sent to the parties, the investigation begins.
- 3.2 Investigation Process:** The Complainant and Respondent will have an equal opportunity to be heard, identify witnesses, and provide information and evidence. The investigator will gather additional information and evidence as appropriate, including, but not limited to, social media information, text messages, email messages, videos, and other records. The investigator has the discretion to determine the relevance of information and witnesses and decide whether information or evidence should be excluded as irrelevant.
- 3.3 Timing of the Investigation:** The University strives to complete the investigation within sixty (60) business days from the issuance of the Notice of Allegations. All extensions of this time frame will be communicated with the parties in writing.
- 3.4 Report:** At the conclusion of the investigation, the investigator will draft a report with a finding regarding responsibility based on a preponderance of the evidence standard. The report will include the applicable sanctions if there is a finding of "responsible." Sanction

determinations will be made in collaboration with the Director of Business if the Respondent is a staff member (includes faculty), or the Director of Students if the Respondent is a student. A copy of the report will be provided simultaneously to the Complainant and Respondent.

Section 4: Appeals

The Complainant or Respondent may appeal the decision of the investigator based only on the following grounds:

- The existence of a procedural irregularity that materially affected the outcome;
- The existence of new evidence that was not reasonably available at the time the determination regarding responsibility that could have affected the outcome;
- The Title IX Coordinator and/or investigator(s) had a conflict of interest or bias that affected the outcome.

Appeals must be made in writing and submitted to the Title IX Coordinator within three (3) business days of the receipt of the final decision. The appellate decision-maker will notify the other non-appealing party of the appeal and allow for written response from the non-appealing party within five (5) business days of receiving this notification of appeal. A determination regarding the appeal will be made by the appellate decision-maker within twenty (20) business days after receipt of the appeal.

Section 5: Acceptance of Responsibility

The Respondent may, at any time, request to resolve the investigation process or resolve specific allegation(s) by accepting responsibility for the alleged misconduct. The Title IX Coordinator will complete a summary report of the information gathered. The Title IX Coordinator will consider the request; if the request is granted, the Title IX Coordinator, in consultation with the Director of Business if the Respondent is a staff member (includes faculty), or the Director of Students if the Respondent is a student, will determine the appropriate sanction(s).

Section 6: Informal Resolution

The Complainant and Respondent may agree to Informal Resolution at any time prior to a determination regarding responsibility if the Title IX Coordinator deems the matter appropriate for Informal Resolution. The Title IX Coordinator will consider the following when determining whether to permit a matter to move to Informal Resolution:

- The nature of the allegations;
- The dynamics of power or control associated with the alleged offense or the parties involved;
- The Respondent's prior known conduct;
- Whether there would be a continuing safety threat to Visible community after resolution of allegations;
- Whether multiple parties are involved;
- Any other factor deemed relevant by the Title IX Coordinator in the interest of overall Visible safety or safety of the parties involved.

Section 7: Culture

Allegations related to a culture of Title IX Discrimination by a group, organization, department, division, or Visible as a whole will be investigated and resolved as closely as possible to this policy. Resolutions for a group, organization, division, or Visible will be communicated with the highest-ranking member of the group, organization, department, division, or Visible.

Section 8: Intersection of Policies

The procedures in this policy are the exclusive means of resolving complaints of alleged violations of Title IX involving complaints of Non-Harassment Title IX Discrimination brought against University faculty, staff, or students. To the extent there are any inconsistencies between these procedures and other University grievance, complaint, or discipline procedures, these complaint resolution procedures will control the resolution of complaints alleging Non-Harassment Title IX Discrimination.

XI. Sex Offender Registration Program

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the College of any such information it receives. Anyone interested in determining whether such persons are on any Visible Music College campus may do so by contacting the VP of Business.

XII. Drug and Alcohol Policy

Visible Music College, as a recipient of federal funds, is subject to the Drug-Free Schools and Communities Act, which requires the implementation of a program to prevent the use and abuse of alcohol and illegal drugs by students, faculty, and staff.

It is the policy of the College to prohibit the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcoholic beverage during school time or on school premises, or other sites where students or employees may be assigned.

The College considers it a violation of policy when students and/or employees engage in underage drinking and/or violate federal or state drug laws. Students and/or employees (full or part-time) who violate the standards set forth under the Visible Music College Drug & Alcohol Abuse Policy will be subject to disciplinary actions. Sanctions include, but are not limited to, reprimand, probation, suspension, expulsion or termination, and/or referral to the appropriate authorities for prosecution. Violations of federal drug laws could also result in the loss of financial aid.

Additionally, all Visible Music College campuses make students aware of resources to assist with drug and alcohol abuse prevention

XIII. Fire Safety

The Higher Education Opportunity Act of 2008 requires all United States academic institutions to produce an annual fire Security report identifying Security practices, standards and all fire-related on-campus housing statistics. The following is a public disclosure report detailing the information required by law as it relates to Visible Music College as outlined in the initial regulation.

All student housing locations have fire alarms and Memphis campus housing has a sprinkler system.

The student housing evacuation plan consists of detailed instructions of where all persons should gather if the residence hall is evacuated. Training on fire safety and evacuations are completed during student orientation.

Any fires in student housing should be reported to the resident advisor (RA) as well as the campus lead. Fire safety policies are reviewed annually by the Student Life Team.

Students may not disregard a fire alarm or refuse to evacuate a building in which an alarm is sounding, regardless of its nature (drill, false alarm or actual alert). No smoking is allowed on any campus. Students are allowed candles in their rooms but must extinguish them if they are not present. Portable electrical appliances (e.g. electric blankets are allowed) but should not be left on when the student is not present in the room.

XIV. Crime Statistics

The Clery Act requires institutions of higher education to disclose crime statistics covering the previous three years on four general categories of crimes: (1) primary crimes (murder and non-negligent manslaughter, manslaughter by negligence, forcible sex offenses, non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson); (2) hate crimes (any of the previous offenses and any incidents of larceny-theft, simple assault, intimidation or destruction/damage/vandalism of property that were motivated by certain biases); (3) arrests or referrals for disciplinary action for weapons, drug and liquor law violations; and (4) crimes of domestic violence, dating violence and stalking.

The definitions of these offenses follow FBI guidelines and are as follows:

Murder and non-negligent manslaughter: The willful (non-negligent) killing of one human being by another.

Manslaughter by negligence: The killing of another person through gross negligence.

Sex offenses--forcible: Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

Sex offenses—non-forcible: unlawful, non-forcible sexual intercourse (i.e. incest or statutory rape).

Rape: Penetration, no matter how slight, of the vagina or anus with a body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

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

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against that person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity

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

Robbery: The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury, usually accompanied by the use of a weapon or by a means likely to produce death or great bodily harm.

Burglary: The unlawful entry of a structure to commit a felony or a theft.

Motor vehicle theft: The theft or attempted theft of a motor vehicle.

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

Domestic violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of a 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 or the victim under the domestic or family violence laws of the jurisdiction, 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.

Dating violence: Violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on consideration of the following factors: (1) the length of the relationship, (2) the type of relationship, and (3) the frequency of interaction between the persons involved in the relationship.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

Hate crimes involve those crimes motivated by the following biases: race, gender, religion, sexual orientation, ethnicity, disability, national origin, and gender identity. As noted, hate crimes include those defined above that were motivated by one or more of these biases. They also include a second category as follows:

Larceny-theft; The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

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

Intimidation: Unlawfully placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/damage/vandalism of property: Willfully or maliciously destroying, damaging, defacing, or otherwise injuring real or personal property without the consent of the owner or the person having custody or control of it.

The third category of crime statistics disclosed related to arrests and referrals for disciplinary action for violations of law relating to weapons, drugs or liquor. For this purpose, the following definitions apply:

Arrest: A person processed by arrest, citation or summons.

Referral for disciplinary action: The referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

The statistical summary of the above crimes for each Visible Music College campus over the past three calendar years follows:

Visible Music College Crime on Campus Report 2021 - Memphis						
Offense	Year	On Campus Property	In Residential Facilities	Non Campus Property	Public Property	Optional Total
Murder and nonnegligent manslaughter; and	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0

Negligent manslaughter.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Rape;	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Fondling	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	1	0	0	0
Incest	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Statutory Rape	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0

Robbery.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
(D) Aggravated assault.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
(E) Burglary.	2021	1	0	0	0	0
	2020	0	0	0	0	0
	2019	2	0	0	0	0
(F) Motor vehicle theft.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
(G) Arson.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0

Arrests for liquor law violations	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	1	0	0	0	0
Referrals For Liquor Law	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Arrests for Drug Violation	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Referrals for Drug Violation	2021	1	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Arrests for illegal weapons possession	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0

Referrals for illegal weapons possession	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Hate Crimes such as Larceny-theft.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Hate Crimes such as Simple assault.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Hate Crimes such as Intimidation.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Hate Crimes such as Destruction/damage/vandalism of property.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0

Recording reports of stalking, dating violence or domestic violence	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0

Visible Music College Crime on Campus Report 2021 - Chicago						
Offense	Year	On Campus Property	In Residential Facilities	Non Campus Property	Public Property	Optional Total
Murder and nonnegligent manslaughter; and	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Negligent manslaughter.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Rape;	2021	0	0	0	0	0
	2020	0	0	0	0	0

	2019	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Fondling	2019	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Incest	2019	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Statutory Rape	2019	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	1	0
Robbery.	2019	0	0	0	1	0
	2021	1	0	0	0	0
	2020	0	0	0	0	0
(D) Aggravated assault.	2020	0	0	0	0	0

	2019	0	0	0	1	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
(E) Burglary.	2019	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
(F) Motor vehicle theft.	2019	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
(G) Arson.	2019	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Arrests for liquor law violations	2019	0	0	0	0	0
	2021	0	0	0	0	0
Referrals For Liquor Law	2020	0	0	0	0	0

	2019	0	0	0	0	0
Arrests for Drug Violation	2021	0	0	0	1	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Referrals for Drug Violation	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Arrests for illegal weapons possession	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Referrals for illegal weapons possession	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Hate Crimes such as Larceny-theft.	2021	0	0	0	0	0
	2020	0	0	0	0	0

	2019	0	0	0	0	0
Hate Crimes such as Simple assault.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Hate Crimes such as Intimidation.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Hate Crimes such as Destruction/ damage/vandalism of property.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Recording reports of stalking, dating violence or domestic violence	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	1	0

Visible Music College Crime on Campus Report 2021 - Dallas

Offense	Year	On Campus Property	In Residential Facilities	Non Campus Property	Public Property	Optional Total
Murder and nonnegligent manslaughter; and	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Negligent manslaughter.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Rape;	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Fondling	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0

Incest	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Statutory Rape	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Robbery.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
(D) Aggravated assault.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
(E) Burglary.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0

	2021	0	0	0	1	0
	2020	0	0	0	0	0
(F) Motor vehicle theft.	2019	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
(G) Arson.	2019	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Arrests for liquor law violations	2019	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Referrals For Liquor Law	2019	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Arrests for Drug Violation	2019	0	0	0	0	0

Referrals for Drug Violation	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Arrests for illegal weapons possession	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Referrals for illegal weapons possession	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Hate Crimes such as Larceny-theft.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Hate Crimes such as Simple assault.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0

Hate Crimes such as Intimidation.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Hate Crimes such as Destruction/damage/vandalism of property.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Recording reports of stalking, dating violence or domestic violence	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0

Visible Music College Crime on Campus Report 2021 - Atascadero						
Offense	Year	On Campus Property	In Residential Facilities	Non Campus Property	Public Property	Optional Total
Murder and nonnegligent manslaughter; and	2021	0	0	0	0	0
	2020	0	0	0	0	0

	2019	0	0	0	0	0
Negligent manslaughter.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Rape;	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Fondling	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Incest	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Statutory Rape	2021	0	0	0	0	0
	2020	0	0	0	0	0

	2019	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Robbery.	2019	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
(D) Aggravated assault.	2019	0	0	0	0	0
	2021	2	0	0	0	0
	2020	0	0	0	0	0
(E) Burglary.	2019	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
(F) Motor vehicle theft.	2019	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
(G) Arson.	2021	0	0	0	0	0
	2020	0	0	0	0	0

	2019	0	0	0	0	0
Arrests for liquor law violations	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Referrals For Liquor Law	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Arrests for Drug Violation	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Referrals for Drug Violation	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Arrests for illegal weapons possession	2021	0	0	0	0	0
	2020	0	0	0	0	0

	2019	0	0	0	0	0
Referrals for illegal weapons possession	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Hate Crimes such as Larceny-theft.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Hate Crimes such as Simple assault.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Hate Crimes such as Intimidation.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Hate Crimes such as Destruction/damage/van	2021	0	0	0	0	0
	2020	0	0	0	0	0

dalism of property.	2019	0	0	0	0	0
Recording reports of stalking, dating violence or domestic violence	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0

Visible Music College Crime on Campus Report 2021 - Redding						
Offense	Year	On Campus Property	In Residential Facilities	Non Campus Property	Public Property	Optional Total
Murder and nonnegligent manslaughter; and	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	N/A	0	0	0
Negligent manslaughter.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	N/A	0	0	0
Rape;	2021	0	0	0	0	0

	2020	0	0	0	0	0
	2019	0	N/A	0	0	0
Fondling	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	N/A	0	0	0
Incest	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	N/A	0	0	0
Statutory Rape	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	N/A	0	0	0
Robbery.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	N/A	0	0	0

(D) Aggravated assault.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	N/A	0	0	0
(E) Burglary.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	N/A	0	0	0
(F) Motor vehicle theft.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	N/A	0	0	0
(G) Arson.	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	N/A	0	0	0
Arrests for liquor law violations	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	N/A	0	0	0

Referrals For Liquor Law	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	N/A	0	0	0
Arrests for Drug Violation	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	N/A	0	0	0
Referrals for Drug Violation	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	N/A	0	0	0
Arrests for illegal weapons possession	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	N/A	0	0	0
Referrals for illegal weapons possession	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	N/A	0	0	0

	2021	0	0	0	0	0
Hate Crimes such as Larceny-theft.	2020	0	0	0	0	0
	2019	0	N/A	0	0	0
	2021	0	0	0	0	0
Hate Crimes such as Simple assault.	2020	0	0	0	0	0
	2019	0	N/A	0	0	0
	2021	0	0	0	0	0
Hate Crimes such as Intimidation.	2020	0	0	0	0	0
	2019	0	N/A	0	0	0
	2021	0	0	0	0	0
Hate Crimes such as Destruction/damage/vandalism of property.	2020	0	0	0	0	0
	2019	0	N/A	0	0	0
	2021	0	0	0	0	0
Recording reports of stalking, dating violence or domestic violence	2020	0	0	0	0	0
	2019	0	N/A	0	0	0
	2021	0	0	0	0	0

Fire & Safety Report	2019			2020			2021		
Name of Facility	Fire	Injury	Death	Fire	Injury	Death	Fire	Injury	Death
200 Madison Ave, Memphis, TN	0	0	0	0	0	0	0	0	0
3404 Lake Street, Lansing, IL	0	0	0	0	0	0	0	0	0
3424 Lake Street, Lansing, IL	0	0	0	0	0	0	0	0	0
18256 Grant Street, Lansing, IL	0	0	0	0	0	0	0	0	0
3300 Mockingbird Lane, Dallas TX	0	0	0	0	0	0	0	0	0
5920 E University Blvd, Dallas, TX	0	0	0	0	0	0	0	0	0
2801 Orchid Dr, McKinney, TX	0	0	0	0	0	0	0	0	0
4490 Eldorado Pkwy, McKinney, TX	0	0	0	0	0	0	0	0	0
6225 Atascadero Ave, Atascadero, CA	0	0	0	0	0	0	0	0	0
9933 College View Dr, Redding, CA	0	0	0	0	0	0	0	0	0
935 Locust St, Redding, CA	0	0	0	0	0	0	0	0	0
1040 Locust St, Redding, CA	0	0	0	0	0	0	0	0	0
2105 East Street, Redding, CA	0	0	0	0	0	0	0	0	0

Appendix A

Local Law Enforcement and Outside Agency Resources by Campus

Memphis, TN (Main Campus)

Local Hospital
Methodist University Hospital
1265 Union Avenue
Memphis, TN 38104

Other Agencies

Al-Anon	901.323.0321
Alcohol Abuse 24-Hour Assistance	800.234.1253
Alcoholics Anonymous Helpline	901.726.6750
Cocaine Anonymous Hotline	901.725.5012
Narcotics Anonymous	901.276.5483
Suicide and Crisis Intervention	901.274.7477 or 1.800.SUICIDE
Overeaters Anonymous Hotline	901.860.4990
Memphis Crisis Center	901.274.7477
Lakeside Needs Assessment & Referral Center	901.377.4733
Parkwood Hospital	901.521.1400
Rape Crisis (Shelby County Rape Crisis Center)	901.222.4350
St. Francis Behavioral Health Services	901.765.1400

Chicago, IL (Lansing) Campus

Local Hospital
Munster Community Hospital
901 MacArthur Boulevard
Munster, IN 46321
219.836.1600
Lansing Police Department - 911 (emergency) or 708.865.7150 (non-emergency)
Cook County Sheriff's Department - 911 (emergency) or 708.232.4000
(non-emergency)

Dallas, TX (McKinney) Campus

Local Hospital
Baylor Scott & White Medical Center - McKinney
5252 West University Drive (Highway 380 at Lake Forest Drive)
McKinney, TX 75071
McKinney Police Department - 911 (emergency) or [972.547.2700](tel:972.547.2700)
(non-emergency)
Collin County Sheriff's Office - 911 (emergency) or [972.547.5100](tel:972.547.5100)
(non-emergency)

Atascadero, CA

Local Hospital

Twin Cities Community Hospital
1100 Las Tablas Road
Templeton, CA 93465
Atascadero Police Department - 911 (emergency) or 805.461.5051
(non-emergency)
San Luis Obispo County Sheriff's Department - 911 (emergency) or
805. 434.4290 (non-emergency)

Redding, CA

Local Hospital
Shasta Regional Medical Center
1100 Butte Street
Redding, CA 96001
Redding Police Department - 911 (emergency) or 530.225.4200
(non-emergency)

Kansas City, Kansas

Local Hospital
Overland Park Regional Medical Center
10500 Quivira Road
Overland Park, KS 66215
913.541.5000
Olathe Police Department - 911 (emergency) or 913.971.7500 (non-emergency)
Johnson County Sheriff's Department - 911 (emergency) or 913.715.5800
(non-emergency)

Appendix B

Relevant State Laws

Section 1: Tennessee

1.1 Domestic Assault: TCA § 39-13-111 A person commits domestic assault who commits an assault as defined in TCA § 39-13-101 against a domestic abuse victim.

Domestic abuse victim is defined as:

- (1) Adults or minors who are current or former spouses;
- (2) Adults or minors who live together or who have lived together;
- (3) Adults or minors who are dating or who have dated or who have or had a sexual relationship, but does not include fraternization between two (2) individuals in a business or social context;
- (4) Adults or minors related by blood or adoption;
- (5) Adults or minors who are related or were formerly related by marriage; or
- (6) Adult or minor children of a person in a relationship that is described in subdivisions (a)(1)-(5)

Assault: TCA § 39-13-101(a) A person commits assault who:

- (1) Intentionally, knowingly or recklessly causes bodily injury to another;
- (2) Intentionally or knowingly causes another to reasonably fear imminent bodily injury; or
- (3) Intentionally or knowingly causes physical contact with another and a reasonable person would regard the contact as extremely offensive or provocative.

1.2 Incest: TCA § 39-15-302 A person commits incest who engages in sexual penetration as defined in § 39-13-501, with a person, knowing the person to be, without regard to legitimacy:

- (1) The person's natural parent, child, grandparent, grandchild, uncle, aunt, nephew, niece, stepparent, stepchild, adoptive parent, adoptive child; or
- (2) The person's brother or sister of the whole or half-blood or by adoption.

“Sexual penetration” means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of the victim's, the defendant's, or any other person's body, but emission of semen is not required.

1.3 Statutory Rape: TCA § 39-13-506

- (1) Mitigated statutory rape is the unlawful sexual penetration of a victim by the defendant, or of the defendant by the victim when the victim is at least fifteen (15) but less than eighteen (18) years of age and the defendant is at least four (4) but not more than five (5) years older than the victim.
- (2) Statutory rape is the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when:

- The victim is at least thirteen (13) but less than fifteen (15) years of age and the defendant is at least four (4) years but less than ten (10) years older than the victim; or
 - The victim is at least fifteen (15) but less than eighteen (18) years of age and the defendant is more than five (5) but less than ten (10) years older than the victim.
- (3) Aggravated statutory rape is the unlawful sexual penetration of a victim by the defendant, or of the defendant by the victim when the victim is at least thirteen (13) but less than eighteen (18) years of age and the defendant is at least ten (10) years older than the victim.

1.4 Fondling/Sexual Contact: TCA § 39-13-509

(1) It is an offense for a defendant to engage in unlawful sexual contact with a minor when:

- The minor is at least thirteen (13) but less than (18) years of age;
- The defendant is at least four (4) years older than the victim; and
- The defendant was, at the time of the offense, in a position of trust, or had supervisory or disciplinary power over the minor by virtue of the defendant’s legal, professional, or occupational status and used the position of trust or power to accomplish the sexual contact; or
- The defendant had, at the time of the offense, parental or custodial authority over the minor and used the authority to accomplish the sexual contact.

(2) As used in this section, “sexual contact” means the defendant intentionally touches or kisses the minor’s lips with the defendant’s lips if such touching can be reasonably construed as being for the purpose of sexual arousal or gratification.

1.5 Rape: TCA § 39-13-503

Rape is unlawful sexual penetration of a victim by the defendant or of the defendant by a victim accompanied by any of the following circumstances:

- Force or coercion is used to accomplish the act;
- The sexual penetration is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the penetration that the victim did not consent;
- The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated, or physically helpless; or
- The sexual penetration is accomplished by fraud.

“Coercion” means:

- Causing or threatening to cause bodily harm to any person, physically restraining or confining any person or threatening to physically restrain or confine any person;
- Exposing or threatening to expose any fact or information that, if revealed, would intend to subject a person to criminal or immigration proceedings, hatred, contempt or ridicule;

- Destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of any person; or
- Providing a controlled substance, as defined in § 39-17-402, or a controlled substance analogue, as defined in § 39-17-454, to a person.

Section 2: Illinois

2.1 Criminal Sexual Assault 720 ILCS § 11-1.20

A person commits criminal sexual assault if that person commits an act of sexual penetration and:

- (1) Uses force or threat of force;
- (2) Knows that the victim is unable to understand the nature of the act or is unable to give knowing consent;
- (3) Is a family member of the victim, and the victim is under 18 years of age; or
- (4) Is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim, and the victim is at least 13 years of age but under 18 years of age.

2.2 Aggravated Criminal Sexual Assault 720 ILCS § 11-1.30

(a) A person commits aggravated criminal sexual assault if that person commits criminal sexual assault and any of the following aggravating circumstances exist during the commission of the offense or, for purposes of paragraph (7), occur as part of the same course of conduct as the commission of the offense:

- (1) The person displays, threatens to use, or uses a dangerous weapon, other than a firearm, or any other object fashioned or used in a manner that leads the victim, under the circumstances, reasonably to believe that the object is a dangerous weapon;
 - (2) The person causes bodily harm to the victim, except as provided in paragraph (10);
 - (3) The person acts in a manner that threatens or endangers the life of the victim or any other person;
 - (4) The person commits the criminal sexual assault during the course of committing or attempting to commit any other felony;
 - (5) The victim is 60 years of age or older;
 - (6) The victim is a person with a physical disability;
 - (7) The person delivers (by injection, inhalation, ingestion, transfer of possession, or other means) any controlled substance to the victim without the victim's consent or by threat or deception for other than medical purposes;
 - (8) The person is armed with a firearm;
 - (9) The person personally discharges a firearm during the commission of the offense; or
 - (10) The person personally discharges a firearm during the commission of the offense, and that discharge approximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person.
- (b) A person commits aggravated criminal sexual assault if that person is under 17 years of age and:

- (i) commits an act of sexual penetration with a victim who is under 9 years of age; or
 - (ii) commits an act of sexual penetration with a victim who is at least 9 years of age but under 13 years of age and the person uses force or threat of force to commit the act.
- (c) A person commits aggravated criminal sexual assault if that person commits an act of sexual penetration with a victim who is a person with a severe or profound intellectual disability.

2.3 Criminal Sexual Abuse 720 ILCS § 11-1.50

- (a) A person commits criminal sexual abuse if that person:
- (1) Commits an act of sexual conduct by the use of force or threat of force; or
 - (2) Commits an act of sexual conduct and knows that the victim is unable to understand the nature of the act or is unable to give knowing consent.
- (b) A person commits criminal sexual abuse if that person is under 17 years of age and commits an act of sexual penetration or sexual conduct with a victim who is at least 9 years of age but under 17 years of age.
- (c) A person commits criminal sexual abuse if that person commits an act of sexual penetration or sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person is less than 5 years older than the victim.

2.4 Aggravated Criminal Sexual Abuse 720 ILCS § 11-1.60

- (a) A person commits aggravated criminal sexual abuse if that person commits criminal sexual abuse and any of the following aggravating circumstances exist (i) during the commission of the offense or (ii) for purposes of paragraph (7), as part of the same course of conduct as the commission of the offense:
- (1) the person displays, threatens to use, or uses a dangerous weapon or any other object fashioned or used in a manner that leads the victim, under the circumstances, reasonably to believe that the object is a dangerous weapon;
 - (2) the person causes bodily harm to the victim;
 - (3) the victim is 60 years of age or older;
 - (4) the victim is a person with a physical disability;
 - (5) the person acts in a manner that threatens or endangers the life of the victim or any other person;
 - (6) the person commits the criminal sexual abuse during the course of committing or attempting to commit any other felony; or
 - (7) the person delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim for other than medical purposes without the victim's consent or by threat or deception.
- (b) A person commits aggravated criminal sexual abuse if that person commits an act of sexual conduct with a victim who is under 18 years of age and the person is a family member.
- (c) A person commits aggravated criminal sexual abuse if:
- (1) that person is 17 years of age or over and: (i) commits an act of sexual conduct with a victim who is under 13 years of age; or (ii) commits an act of sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person uses force or threat of force to commit the act; or

- (2) that person is under 17 years of age and: (i) commits an act of sexual conduct with a victim who is under 9 years of age; or (ii) commits an act of sexual conduct with a victim who is at least 9 years of age but under 17 years of age and the person uses force or threat of force to commit the act.
- (d) A person commits aggravated criminal sexual abuse if that person commits an act of sexual penetration or sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person is at least 5 years older than the victim.
- (e) A person commits aggravated criminal sexual abuse if that person commits an act of sexual conduct with a victim who is a person with a severe or profound intellectual disability.
- (f) A person commits aggravated criminal sexual abuse if that person commits an act of sexual conduct with a victim who is but under 18 years of age and the person is 17 years of age or over and holds a position of trust, authority, or supervision (1) that person is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim.

2.5 Sexual Relations Within Families 720 ILCS § 11-11

A person commits sexual relations within families if he or she:

- (1) Commits an act of sexual penetration as defined in Section 11-0.1 of this Code; and
- (2) The person knows that he or she is related to the other person as follows:
 - (i) Brother or sister, either of the whole blood or the half blood; or
 - (ii) Father or mother, when the child, regardless of legitimacy and regardless of whether the child was of the whole blood or half-blood or was adopted, was 18 years of age or over when the act was committed; or
 - (iii) Stepfather or stepmother, when the stepchild was 18 years of age or over when the act was committed; or
 - (iv) Aunt or uncle, when the niece or nephew was 18 years of age or over when the act was committed; or
 - (v) Great-aunt or great-uncle, when the grand-niece or grand-nephew was 18 years of age or over when the act was committed; or
 - (vi) Grandparent or step-grandparent, when the grandchild or step-grandchild was 18 years of age or over when the act was committed.

2.6 Domestic Battery 720 ILCS § 12-3.2

A person commits domestic battery if he or she knowingly without legal justification by any means:

- (1) Causes bodily harm to any family or household member;
- (2) Makes physical contact of an insulting or provoking nature with any family or household member.

2.7 Aggravated Domestic Battery 720 ILCS § 12-3.3

- (a) A person who, in committing a domestic battery, knowingly causes great bodily harm, or permanent disability or disfigurement commits aggravated domestic battery.

- (a-5) A person who, in committing a domestic battery, strangles another individual commits aggravated domestic battery. For the purposes of this subsection (a-5), “strangle” means intentionally impeding the normal breathing or circulation of the blood of an individual by applying pressure on the throat or neck of that individual by blocking the nose or mouth of that individual.

2.8 Stalking 720 ILCS § 12-7.3

- (a) A person commits stalking when he or she knowingly engages in a course of conduct directed at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to:
 - (1) Fear for his or her safety or the safety of a third person; or
 - (2) Suffer other emotional distress.
- (a-3) A person commits stalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions follows another person or places the person under surveillance or any combination thereof and:
 - (1) At any time transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint and the threat is directed towards that person or a family member of that person; or
 - (2) Places that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint to or of that person or a family member of that person.
- (a-5) A person commits stalking when he or she has previously been convicted of stalking another person and knowingly without lawful justification on one occasion:
 - (1) Follows that same person or places that same person under surveillance; and
 - (2) Transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint to that person or a family member of that person.
- (a-7) A person commits stalking when he or she knowingly makes threats that are a part of a course of conduct and is aware of the threatening nature of his or her speech.

Section 3: Texas

3.1 Sexual Assault Tex. Pen. Code § 22.011

- (a) A person commits an offense if:
 - (1) the person intentionally or knowingly:
 - (A) causes the penetration of the anus or sexual organ of another person by any means, without that person’s consent;
 - (B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person’s consent; or
 - (C) causes the sexual organ of another person, without that person’s consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
 - (2) regardless of whether the person knows the age of the child at the time of the offense, the person intentionally or knowingly:
 - (A) causes the penetration of the anus or sexual organ of a child by any means;
 - (B) causes the penetration of the mouth of a child by the sexual organ of the actor;

- (C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
 - (D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
 - (E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.
- (b) A sexual assault under Subsection (a)(1) is without the consent of the other person if:
- (1) the actor compels the other person to submit or participate by the use of physical force, violence, or coercion;
 - (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person or to cause harm to the other person, and the other person believes that the actor has the present ability to execute the threat;
 - (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
 - (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;
 - (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
 - (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
 - (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
 - (8) the actor is a public servant who coerces the other person to submit or participate;
 - (9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;
 - (10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; or
 - (11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code.

3.2 Aggravated Sexual Assault Tex. Pen. Code § 22.021

A person commits an offense:

- (1) if the person:
 - (A) intentionally or knowingly:
 - (i) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;
 - (ii) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or 12

- (iii) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
- (B) regardless of whether the person knows the age of the child at the time of the offense, intentionally or knowingly:
 - (i) causes the penetration of the anus or sexual organ of a child by any means;
 - (ii) causes the penetration of the mouth of a child by the sexual organ of the actor;
 - (iii) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
 - (iv) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
 - (v) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and
- (2) if:
 - (A) the person:
 - (i) causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode;
 - (ii) by acts or words places the victim in fear that any person will become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person;
 - (iii) by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person;
 - (iv) uses or exhibits a deadly weapon in the course of the same criminal episode;
 - (v) acts in concert with another who engages in conduct described by Subdivision (1) directed toward the same victim and occurring during the course of the same criminal episode; or
 - (vi) with the intent of facilitating the commission of the offense, administers or provides to the victim of the offense any substance capable of impairing the victim's ability to appraise the nature of the act or to resist the act;
 - (B) the victim is younger than 14 years of age, regardless of whether the person knows the age of the victim at the time of the offense; or
 - (C) the victim is an elderly individual or a disabled individual.

3.3 Incest Tex. Pen. Code § 25.02

- (a) A person commits an offense if the person engages in sexual intercourse or deviate sexual intercourse with another person the actor knows to be, without regard to legitimacy:
 - (1) the actor's ancestor or descendant by blood or adoption;

- (2) the actor 's current or former stepchild or stepparent;
 - (3) the actor 's parent 's brother or sister of the whole or half blood;
 - (4) the actor 's brother or sister of the whole or half blood or by adoption;
 - (5) the children of the actor 's brother or sister of the whole or half blood or by adoption; or
 - (6) the son or daughter of the actor 's aunt or uncle of the whole or half blood or by adoption
- (b) For purposes of this section:
- (1) "Deviate sexual intercourse" means any contact between the genitals of one person and the mouth or anus of another person with intent to arouse or gratify the sexual desire of any 2 person.
 - (2) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.

3.4 Stalking Tex. Pen. Code § 42.072

- (a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:
- (1) constitutes an offense under Section 42.07, or that the actor knows or reasonably should know the other person will regard as threatening:
 - (A) bodily injury or death for the other person;
 - (B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
 - (C) that an offense will be committed against the other person's property;
 - (2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and
 - (3) would cause a reasonable person to:
 - (A) fear bodily injury or death for himself or herself;
 - (B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
 - (C) fear that an offense will be committed against the person's property; or
 - (D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

3.5 Dating Violence Tex. Pen. Code §71.0021

- (a) "Dating violence" means an act, other than a defensive measure to protect oneself, by an actor that:
- (1) is committed against a victim or applicant for a protective order:
 - (A) with whom the actor has or has had a dating relationship; or

- (B) because of the victim's or applicant's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and
- (2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim or applicant in fear of imminent physical harm, bodily injury, assault, or sexual assault.
- (b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:
 - (1) the length of the relationship;
 - (2) the nature of the relationship; and
 - (3) the frequency and type of interaction between the persons involved in the relationship.
- (c) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b).

3.6 Family Violence Tex. Pen. Code §71.004

- (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;
- (2) abuse, as that term is defined by Sections [261.001\(1\)\(C\)](#), (E), (G), (H), (I), (J), (K), and (M), by a member of a family or household toward a child of the family or household; or
- (3) dating violence, as that term is defined by Section [71.0021](#).

Abuse includes the following acts or omissions by a person, pursuant to Tex. Pen. Code § 261.001(1):

- (A) mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;
- (B) causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning;
- (C) physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;
- (D) failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;
- (E) sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or disabled individual under Section [21.02](#), Penal Code, indecency with a child under Section [21.11](#), Penal Code, sexual assault under Section

- 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;
- (F) failure to make a reasonable effort to prevent sexual conduct harmful to a child;
 - (G) compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, solicitation of prostitution under Section 43.021, Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code;
 - (H) causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;
 - (I) the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;
 - (J) causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code;
 - (K) causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code;
 - (L) knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a)(5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections; or
 - (M) forcing or coercing a child to enter into a marriage.

Section 4: California

This section includes California definitions related to and referenced in the defined prohibited conduct under this Policy.

4.1 Rape Cal. Pen. Code § 261:

- (a) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:
 - (1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act.
 - (2) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
 - (3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.
 - (4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of

the act” means incapable of resisting because the victim meets any one of the following conditions:

- (a) Was unconscious or asleep.
 - (b) Was not aware, knowing, perceiving, or cognizant that the act occurred.
 - (c) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.
 - (d) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrators fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.
- (5) Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.
 - (6) Where the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, “threatening to retaliate” means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.
 - (7) Where the act is accomplished against the victim’s will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.
- (b) As used in this section, “duress” means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.
 - (c) As used in this section, “menace” means any threat, declaration, or act that shows an intention to inflict an injury upon another.

4.2 Statutory Rape Cal. Pen. Code § 261.5

Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator if the person is a minor. For the purposes of this section, a “minor” is a person under the age of 18 years and an “adult” is a person who is at least 18 years of age.

4.3 Sexual Battery Cal. Pen. Code § 243.4

- (a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is

against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.

- (b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.
- (c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery.
- (d) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery.

4.4 Incest Cal. Pen. Code § 285

Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other

4.5 Stalking Cal. Pen. Code § 246.9

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

4.6 Domestic Battery Cal. Pen. Code § 243

When a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship.

4.7 Corporal Injury to a Spouse or Cohabitant Cal. Pen. Code § 273.5

Any person who willfully inflict corporal injury resulting in a traumatic condition upon a victim who is one or more of the following:

- (1) The offender's spouse or former spouse.
- (2) The offender's cohabitant or former cohabitant.
- (3) The offender's fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship

Section 5: Florida

5.1 Sexual Battery § 794.011 Fla. Stat.

Sexual battery means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose.

Consent means intelligent, knowing, and voluntary consent and does not include coerced submission. “Consent” shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.

5.2 Incest § 826.04 Fla. Stat.

Whoever knowingly marries or has sexual intercourse with a person to whom he or she is related by lineal consanguinity, or a brother, sister, uncle, aunt, nephew, or niece, commits incest, which constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. “Sexual intercourse” is the penetration of the female sex organ by the male sex organ, however slight; emission of semen is not required.

5.3 Unlawful Sexual Activity With Certain Minors § 794.05 Fla. Stat.

- (1) A person 24 years of age or older who engages in sexual activity with a person 16 or 17 years of age commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this section, “sexual activity” means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual activity does not include an act done for a bona fide medical purpose.
- (2) The provisions of this section do not apply to a person 16 or 17 years of age who has had the disabilities of nonage removed under chapter 743.
- (3) The victim’s prior sexual conduct is not a relevant issue in a prosecution under this section.
- (4) If an offense under this section directly results in the victim giving birth to a child, paternity of that child shall be established as described in chapter 742. If it is determined that the offender is the father of the child, the offender must pay child support pursuant to the child support guidelines described in chapter 61.

5.4 Stalking § 784.048 Fla. Stat.

- (1) As used in this section, the term:
 - (a) “Harass” means to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose.
 - (b) “Course of conduct” means a pattern of conduct composed of a series of acts over a period of time, however short, which evidences a continuity of purpose. The term does not include constitutionally protected activity such as picketing or other organized protests.
 - (c) “Credible threat” means a verbal or nonverbal threat, or a combination of the two, including threats delivered by electronic communication or implied by a pattern of conduct, which places the person who is the target of the threat in reasonable fear for his or her safety or the safety of his or her family members or individuals closely associated with the person, and

which is made with the apparent ability to carry out the threat to cause such harm. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat. The present incarceration of the person making the threat is not a bar to prosecution under this section.

(d) “Cyber Stalk” means:

1. To engage in a course of conduct to communicate, or to cause to be communicated, directly or indirectly, words, images, or language by or through the use of electronic mail or electronic communication, directed at or pertaining to a specific person; or
 2. To access, or attempt to access, the online accounts or Internet-connected home electronic systems of another person without that person’s permission, causing substantial emotional distress to that person and serving no legitimate purpose.
- (2) A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
- (3) A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person and makes a credible threat to that person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- (4) A person who, after an injunction for protection against repeat violence, sexual violence, or dating violence pursuant to s. 784.046, or an injunction for protection against domestic violence pursuant to s. 741.30, or after any other court-imposed prohibition of conduct toward the subject person or that person’s property, knowingly, willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- (5) A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks a child under 16 years of age commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

5.5 Domestic Violence § 741.28 Fla. Stat.

Domestic Violence means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family household member.

Family or household member means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

Section 6: Kansas

6.1 Rape K.S.A. 21-5503

Rape is:

- (1) Knowingly engaging in sexual intercourse with a victim who does not consent to the sexual intercourse under any of the following circumstances:
 - (A) When the victim is overcome by force or fear; or
 - (B) when the victim is unconscious or physically powerless;
- (2) Knowingly engaging in sexual intercourse with a victim when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by the offender or was reasonably apparent to the offender;
- (3) sexual intercourse with a child who is under 14 years of age;
- (4) sexual intercourse with a victim when the victim's consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a medically or therapeutically necessary procedure; or
- (5) sexual intercourse with a victim when the victim's consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a legally required procedure within the scope of the offender's authority.

6.2 Sexual Battery; Aggravated Sexual Battery K.S.A. 21-5505

- (a) Sexual battery is the touching of a victim who is 16 or more years of age and who does not consent thereto, with the intent to arouse or satisfy the sexual desires of the offender or another.
- (b) Aggravated sexual battery is sexual battery, as defined in subsection (a), under any of the following circumstances: (1) When the victim is overcome by force or fear; (2) when the victim is unconscious or physically powerless; or (3) when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by, or was reasonably apparent to, the offender.

6.3 Indecent Liberties With A Child; Aggravated Indecent Liberties With A Child K.S.A. 21-5506

- (a) Indecent liberties with a child is engaging in any of the following acts with a child who is 14 or more years of age but less than 16 years of age:
 - (1) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender, or both; or
 - (2) soliciting the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another.
- (b) Aggravated indecent liberties with a child is:
 - (1) Sexual intercourse with a child who is 14 or more years of age but less than 16 years of age;
 - (2) engaging in any of the following acts with a child who is 14 or more years of age but less than 16 years of age and who does not consent thereto:

- (A) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender, or both; or
- (B) causing the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another; or
- (3) engaging in any of the following acts with a child who is under 14 years of age:
 - (A) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender, or both; or
 - (B) soliciting the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another.

6.4 Unlawful Voluntary Sexual Relations K.S.A. 21-5507

Unlawful voluntary sexual relations is:

- (1) Engaging in any of the following acts with a child who is 14 or more years of age but less than 16 years of age:
 - (A) Voluntary sexual intercourse;
 - (B) Voluntary sodomy; or
 - (C) Voluntary lewd fondling or touching;
- (2) When the offender is less than 19 years of age;
- (3) When the offender is less than four years of age older than the child;
- (4) When the child and the offender are the only parties involved; and
- (5) When the child and the offender are members of the opposite sex.

6.5 Incest; Aggravated Incest K.S.A. 21-5604

- (a) Incest is marriage to or engaging in otherwise lawful sexual intercourse or sodomy, as defined in K.S.A. 2021 Supp. [21-5501](#), and amendments thereto, with a person who is 18 or more years of age and who is known to the offender to be related to the offender as any of the following biological relatives: Parent, child, grandparent of any degree, grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece.
- (b) Aggravated incest is:
 - (1) Marriage to a person who is under 18 years of age and who is known to the offender to be related to the offender as any of the following biological, step or adoptive relatives: Child, grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece; or
 - (2) engaging in the following acts with a person who is 16 or more years of age but under 18 years of age and who is known to the offender to be related to the offender as any of the following biological, step or adoptive relatives: Child, grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece:

- (A) Otherwise lawful sexual intercourse or sodomy as defined by K.S.A. 2021 Supp. [21-5501](#), and amendments thereto; or
- (B) any lewd fondling, as described in subsection (a)(1) of K.S.A. 2021 Supp. [21-5506](#), and amendments thereto.

6.6 Domestic Battery; Aggravated Domestic Battery K.S.A. 21-5414

- (a) Domestic battery is:
 - (1) Knowingly or recklessly causing bodily harm by a family or household member against a family or household member; or
 - (2) Knowingly causing physical contact with a family or household member by a family or household member when done in a rude, insulting or angry manner.
- (b) Aggravated domestic battery is:
 - (1) Knowingly impeding the normal breathing or circulation of the blood by applying pressure on the throat, neck or chest of a person with whom the offender is involved or has been involved in a dating relationship or a family or household member, when done in a rude, insulting or angry manner; or
 - (2) Knowingly impeding the normal breathing or circulation of the blood by blocking the nose or mouth of a person with whom the offender is involved or has been involved in a dating relationship or a family or household member, when done in a rude, insulting or angry manner.

6.7 Stalking K.S.A. 21-5427

Stalking is:

- (1) Recklessly engaging in a course of conduct targeted at a specific person which would cause a reasonable person in the circumstances of the targeted person to fear for such person's safety, or the safety of a member of such person's immediate family and the targeted person is actually placed in such fear;
- (2) engaging in a course of conduct targeted at a specific person with knowledge that the course of conduct will place the targeted person in fear for such person's safety or the safety of a member of such person's immediate family; or
- (3) after being served with, or otherwise provided notice of, any protective order included in K.S.A. 21-3843, prior to its repeal or K.S.A. 2012 Supp. 21-5924, and amendments thereto, that prohibits contact with a targeted person, recklessly engaging in at least one act listed in subsection (f)(1) that violates the provisions of the order and would cause a reasonable person to fear for such person's safety, or the safety of a member of such person's immediate family and the targeted person is actually placed in such fear.