



Sexual Assault and Relationship Violence Policy – Employees

rev. July 2016

Johnson & Wales University (JWU) prohibits sexual assault and relationship violence, which may include dating violence, domestic violence, stalking and sexual exploitation. These offenses constitute violations of university policy, including the Prohibited Discrimination and Harassment (including Sexual Harassment) Policy and the Student Code of Conduct. These offenses can also constitute violations of State and Federal Laws.

The university provides proceedings and resources for community members affected by sexual assault and relationship violence (see [Getting Help](#)), and offers programming designed to educate the community and prevent the occurrence of such offenses (see [Education and Prevention](#)).

The Sexual Assault and Relationship Violence Policy for Students is located in the [Student Handbook](#).

DEFINITIONS

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic violence means crimes of violence committed

- by a current or former spouse or intimate partner of the victim;
- by a person with whom the victim shares a child in common;
- by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Sexual assault means any sexual act directed against another person, by force, threat of force, coercion or without consent, including instances where the person is incapable of giving consent. Sexual assault includes rape, fondling, incest and statutory rape.

Fondling means the touching (with a hand or any other part of the body) of another person's clothed or unclothed sex organs, breasts, groin, buttocks or anus for the purpose of sexual arousal, sexual gratification or abuse, without consent of the person, including instances where the person is incapable of giving consent. Fondling also includes being forced to touch (with a hand or any other part of the body) another person's clothed or unclothed sex organs, breasts, groin, buttocks or anus, without consent, including instances where the person is incapable of giving consent.

Consent means conduct that signifies through words or behaviors that the parties have indicated agreement to engage in sexual activity.

- Past consent does not imply future consent.
- Silence or absence of resistance, by itself, does not imply consent.

- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- Consent can be withdrawn at any time.
- Coercion, force or threat of force invalidates consent.

Coercion means express or implied threats of any harm that would place a reasonable individual in fear of immediate or future harm and that is employed to make someone engage in sexual activity.

Force means the actual use or threat of physical violence that is employed to make someone engage in sexual acts.

Incapable of giving consent means that because of the person's age or because of the person's temporary or permanent mental incapacity they cannot give intelligent, knowing and voluntary consent.

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

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 consent, including instances where the person is incapable of giving consent.

Statutory rape means sexual intercourse with a person who is under the statutory age of consent.

Sexual exploitation means taking sexual advantage of another individual's nudity or sexuality without consent and includes

- causing, or attempting to cause, the incapacitation of another person in order to make that person vulnerable to sexual acts;
- recording or photographing of private sexual activity and/or an individual's intimate parts (including genitalia, groin, breasts or buttocks);
- dissemination, streaming or posting of recordings, photos or other images of an individual's sexual acts and/or intimate parts (including genitalia, groin, breasts or buttocks);
- voyeurism (watching or taking pictures, videos or audio recordings of another person engaging in sexual acts);
- allowing third parties to observe private sexual acts;
- knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection or virus; and/or
- exposing one's genitals to another individual.

Stalking means a course of conduct directed at a specific person that would cause a reasonable person to

- fear for the person's safety or the safety of others; or
- suffer substantial emotional distress.

Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person's property.

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

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

If there is reason to believe that JWU's rules prohibiting sexual assault and relationship violence have been violated, either on or off campus, the administration may pursue disciplinary action through the university's Conduct Review Process for students, Human Resources for employees, and/or through any other available proceedings.

In considering these offenses, the university will, if required by law, refer to the laws of Rhode Island, Florida, Colorado, North Carolina and/or Massachusetts.

EDUCATION AND PREVENTION

Johnson & Wales University takes a proactive stance to educate its community regarding issues of sexual assault and relationship violence, including retaliation, and methods of prevention.

JWU's education and prevention programming includes programs, initiatives, strategies, and campaigns intended to address sexual assault, dating violence, domestic violence and stalking. Education and programming focus on various types of prevention: awareness raising, risk reduction, bystander behavior and intervention, promotion of healthy relationships and sexuality, and addressing societal or environmental causes. These programs are both in person and online. In addition, the programs are a mix of guest speakers, university staff members, externally-created programs and university-created programs.

For students, education about sexual assault and relationship violence awareness and prevention begins at new student orientation, where incoming students and involved families participate in in-person and online sessions addressing the university's stance against sexual assault and relationship violence. New student orientation staff members are trained to handle issues of sexual violence and relationship violence and participate in programming designed to help students understand university expectations and policy; the intersection between alcohol, sexual assault and relationship violence; and ways to reduce the risk of, as well as prevent sexual assault, dating violence, domestic violence and stalking. This programming promotes safety and introduces options to decrease perpetration, increase reporting, and empower individuals to take safe and comfortable bystander action.

Students also learn about safe and effective forms of bystander intervention to prevent harm or intervene when there is a risk of sexual assault, dating violence, domestic violence or stalking. Bystander intervention means safe and positive options that may be carried out by an individual or individuals that proactively promote safe and respectful interactions before the precursors to harm are ever witnessed. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

To promote a safe and engaged community, the university addresses bystander behavior by participating in Green Dot as a core component of its comprehensive violence prevention efforts. Each campus has Green Dot certified staff member(s). These individuals promote safe and effective bystander intervention through presentations and training. Each term, community members have the opportunity to participate in an eight-hour bystander intervention training program.

Prevention and education efforts continue throughout the year and are supported by multiple departments such as Student Involvement & Leadership (including student clubs and organizations and fraternities and sororities), Residential Life and Athletics. These efforts are targeted at awareness raising, self-defense, alcohol use, definition of consent, healthy sexuality and relationships, risk reduction and bystander behavior. The university provides education through its "Consent is..." campaign, which educates students about the university's policies related to sexual assault; the definition of consent; the intersection between alcohol, sexual assault and relationship violence; where to obtain resources; and where to report

violations. Literature addressing issues of sexual assault and relationship violence is available from multiple departments including Campus Safety & Security, Counseling Services, Health Services, Health Education, Student Conduct, the Gender Equity Center, Student Involvement & Leadership, Athletics, Residential Life and the Title IX Coordinator.

Many of the educational programs and events offered to students are open to all community members, and employees have the opportunity and are encouraged to participate in a variety of educational programs. In addition, employees are offered programming on the Prohibited Discrimination and Harassment (including Sexual Harassment) Policy, and the Sexual Assault and Relationship Violence Policy. These programs inform employees of the university's stance against sexual assault and relationship violence and the university's prohibition against retaliation.

For information regarding sexual assault and relationship violence awareness and prevention programming, contact the [Title IX Coordinator](#) or the director of [the Gender Equity Center](#). Upcoming programs can also be found on [jwuLink](#) and the student calendar.

STEPS TO FOLLOW IF AN OFFENSE OCCURS

If you believe you are the victim of sexual assault or relationship violence (including dating violence, domestic violence, stalking or sexual exploitation), you are encouraged to take the following steps:

1. **Go to a safe place.**
2. **You may seek medical attention. Immediate medical attention is strongly encouraged for any possible injuries.** Medical attention is critical so that any injuries (including internal injuries) or infections which may have resulted from the offense can be treated. Getting an exam does not mean that you have to press charges; however, a medical exam will help to preserve evidence if you should choose to press charges or seek a protective order at some point.

Time sensitive steps: Some actions are more effective or only may be taken within a few days after a sexual offense. **You may wish to consult with medical personnel quickly regarding these items:**

- Preventative treatments for pregnancy and sexually transmitted infections
- Evidence collection
- Toxicology testing if there are signs that drugs or alcohol may have facilitated the assault/violence

Individuals of any gender can be victims of sexual assault or relationship violence. JWU encourages victims to go to the appropriate hospitals for their campus listed in [Getting Help](#).

3. **Consider your reporting options.**

Your options include:

- reporting the offense to law enforcement authorities by dialing 911 or contacting the appropriate police at the numbers listed in [Getting Help](#). Campus authorities will assist you with notifying law enforcement authorities, if desired; and/or
- filing a disciplinary complaint and reporting the offense to the university for investigation by Campus Safety & Security (see [Getting Help](#) for your campus information):
 - reporting the offense directly to Campus Safety & Security;
 - reporting the offense confidentially to Campus Safety & Security ([silent witness](#), online only);
 - reporting the offense to a Residential Life staff member (such as your R.A. or R.D.);
 - reporting the offense to the university's [Title IX coordinator, deputy Title IX coordinators or nondiscrimination campus liaisons](#); and/or
 - reporting the offense to any of the other organizations or departments listed in [Getting Help](#).

If you wish to report confidentially or are uncertain about your next step you may call Counseling Services (see [Getting Help](#) for your campus information).

Johnson & Wales University strongly urges students and employees to report criminal offenses to local police and Campus Safety & Security so that the university can take appropriate measures to

provide help to the victim and prevent future crimes. However, you have the right not to report the matter.

4. **Consider steps to preserve and record evidence.** If you wish to press charges or seek a protective order, it is important to preserve and record evidence, including recording the name (if known) and a description of the perpetrator (including type of clothing, race, age, height, weight, hair color, eye color, distinguishing marks, etc.), details of events, where events occurred and the direction of travel of any vehicle involved. Best practices to preserve evidence with respect to sexual offenses include seeking medical attention from a hospital emergency department shortly after the event and
 - avoid washing anything (including your hands, mouth and face) or showering
 - avoid going to the bathroom, brushing your teeth, eating, drinking, douching or changing your clothes.
 - It is recommended that you bring an extra set of clothes with you to the hospital.

If you do change or have access to other materials like sheets or blankets present during the assault/violence, those materials can be brought to the hospital or given to law enforcement for evidence collection. Please use a paper bag, not plastic bag, if you choose to transport any of these materials on your own.

You may also consider preserving **electronic evidence** and other relevant information such as communications from the perpetrator (i.e., social media posts, emails, texts or other materials).

5. **You may seek free confidential counseling services or referral.**

You can obtain free confidential counseling assistance or referral whether or not you file a report:

- *Students:* Contact Student Counseling Services directly (see [Getting Help](#) for your campus information as well as assistance available in the community)
 - *Students:* Without disclosing any details of the incident, ask a Residential Life staff member or Campus Safety & Security to contact the on-call counselor. Campus Safety & Security will also provide you with written information about university counseling resources.
 - *Employees:* Employee Assistance Program. This program provides employees the opportunity to obtain a referral and access professional and confidential counseling services for help in dealing with issues that may be causing difficulties at home or at work. It also provides referrals for child care, elder care, financial and legal services. Contact Coastline EAP at 1-800-445-1195 or online at www.coastlineeap.com.
6. **You may seek assistance regarding obtaining interim or protective measures at the university, including no contact orders and changes to university academic, living, student financial aid, visa and immigration, working, and transportation situations, regardless of whether you choose to report the crime to local law enforcement.** Campus Safety & Security, [Title IX coordinator, deputy Title IX coordinators or nondiscrimination campus liaisons](#) will provide you with written information about university and community resources for changing situations or addressing needs.
 7. **You may also wish to create a safety plan with the assistance of people and organizations listed as offering this service under [Getting Help](#).**
 8. **You may seek an order of protection, a court-ordered no contact order, a restraining order or similar lawful orders from a court.** Please note that the local police are responsible for the enforcement of these items and not Campus Safety & Security, but Campus Safety & Security will provide you with assistance. When an allegation of sexual assault or relationship violence is made against a student, that student will receive a university issued “no contact” order, which will remain in effect until at least the Conduct Review Process has been completed.
 9. **You may seek additional help, counseling, advocacy, legal assistance and other assistance.** People and organizations offering these services are listed under [Getting Help](#).

REPORTING OFFENSES TO THE UNIVERSITY

JWU strives to be supportive and accommodating for all victims of sexual assault and relationship violence. University representatives will make every effort to help in these ways:

1. We will meet with you privately at a place of your choice on campus to take a statement, explain your options and provide you with a written list of rights and resources.
2. We will treat information that you share with the highest level of discretion.
3. **CONFIDENTIALITY:** We will do our best to honor your request to maintain confidentiality, provided your request does not interfere with our obligation to provide a safe, non-discriminatory environment for all students.
 - The Title IX Coordinator will evaluate a request to maintain confidentiality.
 - The university's crime log will not include identifying information about the complainant to the extent permissible by law.
 - Please be advised that if we honor a request to maintain confidentiality, our ability to meaningfully investigate the incident and pursue disciplinary action against the respondent may be limited.
 - Any accommodations or protective measures provided to you will be kept confidential, to the extent that maintaining such confidentiality will not impair the ability of the university to provide the accommodation or protective measures.
 - If we cannot honor your request to maintain confidentiality, we will inform you and, to the extent possible, only share information with people responsible for handling our response to the incident.
4. We will not prejudge you.
5. We will treat you and your particular situation with courtesy, sensitivity, dignity, understanding and professionalism.
6. If you feel more comfortable talking with either a counselor or representative of a specific gender, we will do our best to accommodate your request.
7. We will assist you in arranging for any hospital treatment or medical needs.
8. We can assist you in privately contacting local law enforcement officials, counseling, Campus Safety & Security, advising and other available resources, both on campus and in the community as set forth in [Getting Help](#).
9. We will fully investigate your report with respect and discretion.
10. We will continue to be available for you — to answer your questions, explain the systems and processes involved, and be willing listeners.
11. We will consider your report seriously, without bias based on a protected category.
12. We will provide written notification of rights and options, including interim and protective measures.

GETTING HELP

After a sexual assault or an incident of dating violence, domestic violence, stalking, sexual exploitation and/or retaliation, there are many options. Understanding and choosing between these options can feel confusing and overwhelming. You are not alone.

Information, support and resources are available on and off-campus to help members of the Johnson & Wales community. The university provides a list of organizations and departments by campus that offer or arrange for immediate support and response, including arrangements for emergency services, if needed; transportation to medical resources; contact with local authorities; information regarding criminal and civil proceedings and/or the university's Student Conduct Review Process or Human Resources procedures, as appropriate; advocacy services; referrals/advice about university and community counseling services; and assistance with personal safety concerns.

Many of these resources are available to respondents as well. Community members are encouraged to seek assistance and locate resources that are right for them. Resources are listed by campus:

- Providence
- North Miami
- Denver
- Charlotte

GETTING HELP- PROVIDENCE CAMPUS

Community Help

Medical

Please note that victims of sexual assault may request a specifically trained sexual assault nurse examiner at each of the following hospitals:

Women & Infants	
101 Dudley St., Providence, R.I.	401-274-1100
Rhode Island Hospital	
539 Eddy St., Providence, R.I.	401-444-4000
Kent Hospital	
455 Tollgate Road, Warwick, R.I.	401-737-7000
Roger Williams Medical Center	
825 Chalkstone Ave., Providence, R.I.	401-456-2000
Police	
Emergency	911
Providence Police Department*	401-272-3121
East Providence Police Department*	401-435-7600
Warwick Police Department (non-emergency line)*	401-468-4200
Cranston Police Department (non-emergency line)*	401-942-2211
Rehoboth Police Department (non-emergency line)	508-252-3722

**These police departments have civilian Law Enforcement Advocates (LEA) available to assist those reporting sexual assault, dating/domestic violence, or stalking*

Community

RI Victims of Crime Helpline

- 1-800-494-8100 (24-hour)

[Day One](#) provides services to help and inform victims of sexual violence, including assistance when moving through the prosecution process, if desired, and counseling services for sexual assault, dating and domestic violence and stalking.

- 401-421-4100 (Monday through Friday, 8 a.m.–5 p.m.)

[Mass. Safelink](#)

- 1-877-785-2020 (24-hour)

Dating and domestic violence services (including criminal justice and protective order advocacy, emergency shelter, transitional housing, safety plans, counseling, education and/or policy) are available at the following member agencies of the [RI Coalition Against Domestic Violence](#):

- [Sojourner House](#): 401-765-3232 (24-hour)
- [Women’s Center of Rhode Island](#): 401-861-2760 (24-hour)
- [Elizabeth Buffum Chace Center](#): 401-738-1700 (24-hour)
- [Blackstone Valley Advocacy Center](#): 401-723-3057 (24-hour)
- [Domestic Violence Resource Center of South County](#): 401-782-3995
- [Women’s Resource Center of Newport & Bristol Counties](#): 401-289-2022
- [Sisters Overcoming Abusive Relationships](#) (SOAR), a survivor task force: 401-467-9940

[Violence Recovery Program \(VRP\)](#) at Fenway Health (Boston, Mass.) provides counseling, support groups, advocacy and referral services to lesbian, gay, bisexual and transgender victims of sexual assault, dating/domestic violence and stalking.

- 617-927-6250 (Monday through Friday, 8 a.m.–5 p.m.)

Information regarding how to obtain a temporary restraining order in the State of Rhode Island may be found [online](#) and by visiting or calling the Restraining Order Office for Providence County, Garrahy Judicial Complex, 1 Dorrance St., second floor, Providence, RI, 401-458-3372. After business hours, on weekends or during holidays emergency restraining orders can be obtained at your local police department.

[National Sexual Assault Hotline](#)

- 1-800-656-HOPE (4673) (24-hour)

[National Domestic Violence Hotline](#)

- 1-800-799-SAFE (7233) (24-hour)

The [National Stalking Resource Center](#) provides online tools and information for victims of stalking, and links to local resources nationwide

Text “loveis” to 77054 to text with an advocate via [loveisrespect](#) for support and information regarding dating violence.

Confidential On-campus Help

Upon receipt of a report of sexual misconduct, confidential resources will not report information shared with them to the police, Campus Safety & Security or college officials without your permission, except for extreme emergency circumstances.

For students to obtain confidential on-campus services

Counseling Services

Wales Hall, second floor, 401-598-1016

The Friedman Center, second floor, 401-598-1016

(Monday – Friday 8:30a.m.-4:30p.m.)

Appointments are available on both campuses. In the event of an afterhours emergency an on-call counselor can be reached by calling 1-888-222-4805 or through Campus Safety & Security (401-598-1103).

Health Services

Harborside Campus: 401-598-1151

Wildcat Center, first floor

Downcity Campus: 401-598-1104

Wales Hall, third floor

**University confidential resources may provide non-identifying information to be counted for the Annual Security Report.*

For employees to obtain confidential counseling services

Employees may contact the university's employee assistance provider, Coastline EAP, at 401-732-9444 or 1-800-445-1195.

Other Non-Confidential On-campus Help

JWU employees who cannot guarantee confidentiality will nevertheless maintain your privacy. Any information you provide to a non-confidential resource will be kept private and used only as necessary to investigate and address a concern and/or to notify the [Title IX Coordinator](#), who is responsible for tracking patterns of sexual misconduct and for detecting systemic issues.

Campus Safety & Security

264 Weybosset St., Providence, R.I.
401-598-1103 (24 hours a day, 7 days a week)

Anonymous Report to Campus Safety & Security through [Silent Witness \(online only\)](#)

Title IX Coordinator

Matthias Rubekeil 8 Abbott Park Place, 401-598-2703

Nondiscrimination Coordinator

Matthias Rubekeil 8 Abbott Park Place, 401-598-2703

Director, Gender Equity Center

Wales Hall, first floor, 401-598-2248

Director, Health Education

Wales Hall, first floor, 401-598-2023

PVD Nondiscrimination Campus Liaisons

Diane D'Ambra, 401-598-1845, vice president of human resources

Colleen Donnelly, 401-598-2561, human resources generalist

Scott Lyons, 401-598-2833, director of student involvement & leadership

Matthias Rubekeil, 401-598-2703, Title IX coordinator, nondiscrimination coordinator, Section 504 Coordinator

Dameian Slocum, 401-598-1017, associate dean of student development

Rebecca Tondreau, 401-598-2634, director of human resources

John Varlaro, 401-598-1330, associate professor and department chair, college of management

Residential Life

(24 hours a day in each residence hall)

Resident Assistants, Residence Director, Central Office Staff, Community Assistants, Community Director

Dean of Students, Friedman Center, second floor, 401-598-2848

Student Conduct, Harborside Recreation Center, second floor, 401-598-2885

Human Resources, Nondiscrimination Coordinator, 8 Abbott Park Place, 401-598-2703

Any student or employee who reports to the university pursuant to one of the above reporting options that he or she has been a victim of sexual assault, dating violence, domestic violence or stalking, whether the

offense occurred on or off campus, shall be provided with a written explanation of the student or employee's rights and options under this policy and other relevant university procedures.

GETTING HELP- NORTH MIAMI CAMPUS

Community Help

Medical

Victims of sexual assault are encouraged to go to the Roxcy Bolton Rape Treatment Center at Jackson Memorial Hospital because of the specialist training and comprehensive medical, support and counseling services available.

Jackson Memorial Hospital

1611 NW 12th Ave., Miami, FL, 33136

305-585-1111 (collect calls accepted)

Roxcy Bolton Rape Treatment Center at Jackson Memorial Hospital

305-585-7273

Jackson North Medical Center

160 NW 170th St., North Miami Beach, FL, 33169

305-651-1100

Aventura Hospital and Medical Center

20900 Biscayne Boulevard, Aventura, FL, 33180

305-682-7000

Mt. Sinai Aventura Emergency Room

2845 Aventura Boulevard, Aventura, FL, 33180

305-692-1000

Police

911

North Miami Police Department

Emergency line

305-891-8111

Non-emergency line

305-891-0294

Community

[Roxcy Bolton Rape Treatment Center](#) (at Jackson Memorial Hospital) provides victims of sexual assault free and confidential information, medical treatment, counseling and support.

- 305-585-RAPE (7273) (24-hour)

[Safe Space](#), provides victims of dating/domestic violence and stalking with information, emergency shelter and support services.

- 305-758-2804

[The Lodge](#), provides victims of sexual assault, dating/domestic violence and stalking with information, emergency shelter, court advocacy and support services.

- 305-693-0232

[Restraining Orders](#) can be requested by filing in person at one of the following locations: Lawson E. Thomas Courthouse Center, Hialeah District Court, North Dade Justice Center or South Dade Justice Center. Please contact the Domestic Violence Advocacy Unit at 305-349-5677 or the Clerk's Office Domestic Violence Unit at 305-349-5813 with any questions or for assistance.

[National Sexual Assault Hotline](#)

- 1-800-656-HOPE (4673) (24 hour)

[National Domestic Violence Hotline](#)

- 1-800-799-SAFE (7233) (24 hour)

The [National Stalking Resource Center](#) provides online tools and information for victims of stalking, and links to local resources nationwide.

Text “loveis” to 77054 to text with an advocate via [loveisrespect](#) for support and information regarding dating violence.

Confidential On-campus Help

Upon receipt of a report of sexual misconduct, confidential resources will not report information shared with them to the police, Campus Safety & Security or college officials without your permission, except for extreme emergency circumstances.

For students to obtain confidential on-campus services

Counseling Services

Academic & Student Center, Room 207

305-892-7013 (by appointment, 8:30 a.m.–4:30 p.m.).

In case of emergency, the on-call counselor is available through Campus Safety & Security (305-892-7011).

Health Services

Academic & Student Center, Room 205, 305-892-7594

**University confidential resources may provide non-identifying information to be counted for the Annual Security Report.*

For employees to obtain confidential counseling services

Employees may contact the university’s employee assistance provider, Coastline EAP, at 1-800-445-1195.

Other Non-Confidential On-campus Help

Johnson & Wales employees who cannot guarantee confidentiality will nevertheless maintain your privacy. Any information you provide to a non-confidential resource will be kept private and used only as necessary to investigate and address a concern and/or to notify the Title IX Coordinator, who is responsible for tracking patterns of sexual misconduct and for detecting systemic issues.

Campus Safety & Security

1705 NE 124th Street

305-892-7011 (24 hours, 7 days a week)

Hearing Impaired Line: 305-981-1407

Anonymous Report to Campus Safety & Security through [Silent Witness \(online only\)](#)

Title IX Coordinator

Matthias Rubekeil 8 Abbott Park Place, Providence, RI, 401-598-2703

Nondiscrimination Coordinator

Matthias Rubekeil 8 Abbott Park Place, Providence, RI, 401-598-2703

Director, Gender Equity Center
Wales Hall, Providence Campus, 401-598-2248

Director, Health Education
Wales Hall, Providence Campus, 401-598-2023

NMI Nondiscrimination Campus Liaisons

[Jordan Fickess](#), 305-892-7597, executive administrator
[Michelle Garcia](#), 305-892-7606, associate dean of academic affairs
[Colin Roche](#), 305-892-7576, professor and department chair, college of culinary arts
[Amera Xayasene](#), 305-892-5304, campus human resources manager

Residential Life

(24 hours a day in each residence hall)
Resident Assistants, Residence Director
Dean of Students, Academic & Student Center, fifth floor, 305-892-7567
Student Conduct, Wildcat Center, second floor, 305-892-7602
Human Resources, Academic & Student Center, fifth floor, 305-832-5304

Any student or employee who reports to the university pursuant to one of the above reporting options that he or she has been a victim of sexual assault, dating violence, domestic violence or stalking, whether the offense occurred on or off campus, shall be provided with a written explanation of the student or employee’s rights and options under this policy and other relevant university procedures.

GETTING HELP- DENVER CAMPUS

Community Help

Medical

Victims of sexual assault are encouraged to request a specially trained Sexual Assault Nurse Examiner (SANE) at the emergency department.

University of Colorado Hospital

12605 East 16th Ave., Aurora, CO, 80010 720-848-1000

Denver Health Medical Center

777 Bannock St., Denver, CO, 80204 303-436-6000

Porter Adventist Hospital

2525 S Downing St., Denver, CO, 80210 305-778-1955

Police

Emergency

Denver Police Department, non-emergency line 911
720-913-2000

Community

Denver Victims Advocate
• 720-913-6035

[The Blue Bench](#) (formerly known as the Rape Assistance and Awareness Program, or RAAP) provides confidential services to help and inform victims of sexual violence, including advocacy, referral and counseling services.

- 303-322-7273 (24-hour)

[SafeHouse Denver](#) provides victims of dating/domestic violence and stalking with information, emergency shelter and support services.

- 303-318-9989 (24-hour)

[Survivors Organizing for Liberation](#) (formerly known as [Colorado Anti-Violence Program](#)) provides specialized support services for people in the lesbian, gay, bisexual, transgender and queer community who are victims of sexual assault, dating/domestic violence or stalking.

- 303-852-5094 (24-hour)

[Restraining Orders](#) can be requested at the Protection Order Courtroom in the City and County Building at 1437 Bannock Street, in Courtroom 170 on the first floor. For assistance please contact the Court Clerk at 720-865-7275, or the Project Safeguard Office also in the City and County Building in room 117 at 303-863-7233. Protective Order paperwork must be submitted before 9 a.m., Monday through Friday.

[National Sexual Assault Hotline](#)

- 1-800-656-HOPE (4673) (24-hour)

[National Domestic Violence Hotline](#)

- 1-800-799-SAFE (7233) (24-hour)

The [National Stalking Resource Center](#) provides online tools and information for victims of stalking, and links to local resources nationwide.

Text “loveis” to 77054 to text with an advocate via [loveisrespect](#) for support and information regarding dating violence.

Confidential On-campus Help

Upon receipt of a report of sexual misconduct, confidential resources will not report information shared with them to the police, Campus Safety & Security or college officials without your permission, except for extreme emergency circumstances.

For students to obtain confidential on-campus services

Counseling Services

Counseling Services (fall, winter and spring academic terms)

Centennial Hall 2nd floor, (by appointment, 9:00 a.m.–4:00 p.m.)

303-256-9448

In case of emergency, the on-call counselor is available after hours through Campus Safety & Security (303-256-9500).

Health Services (9:00 a.m.–4:00 p.m.)

Centennial Hall 2nd floor, CEN213

303-256-9448

**University confidential resources may provide non-identifying information to be counted for the Annual Security Report*

For employees to obtain confidential counseling services

Employees may contact the university's employee assistance provider, Coastline EAP, at 1-800-445-1195.

Other Non-Confidential On-campus Help

JWU employees who cannot guarantee confidentiality will nevertheless maintain your privacy. Any information you provide to a non-confidential resource will be kept private and used only as necessary to investigate and address a concern and/or to notify the [Title IX Coordinator](#), who is responsible for tracking patterns of sexual misconduct and for detecting systemic issues.

Campus Safety & Security (24 hours a day, 7 days a week)

Student Center, second floor, 303-256-9500

Anonymous Report to Campus Safety & Security through [Silent Witness](#) (online only)

Title IX Coordinator

Matthias Rubekeil 8 Abbott Park Place, Providence, RI, 401-598-2703

Nondiscrimination Coordinator

Matthias Rubekeil 8 Abbott Park Place, Providence, RI, 401-598-2703

Director, Gender Equity Center

Wales Hall, Providence Campus, 401-598-2248

Director, Health Education

Wales Hall, Providence Campus, 401-598-2023

DEN Nondiscrimination Campus Liaisons

[Chris Chavez](#), 303-256-9306, campus human resources manager

[Sara Miller](#), 303-256-9584, assistant director of student academic services

[Stephen Pyle](#), 303-256-9351, college chair and associate professor, college of management

[Timothy Stein](#), 303-256-9303, associate professor, college of management

[Marleen Swanson](#), 303-256-9539, department chair and assistant professor, college of culinary arts

Residential Life, Centennial Hall 1st floor, Office Suite CEN 125, (8:30 a.m. - 4:30 pm), 303-256-9400

Residential Assistants, Residence Director are available on an on-call basis when the institution is closed.

Resident Assistants, Residence Director available 24 hours a day in each residence hall (fall, winter and spring academic terms).

Dean of Students (8:30 a.m. - 4:30 p.m.), Centennial Hall second floor, Office Suite 212, 303-256-9440

Human Resources, Student Center, second floor, 303-256-9309

Gender Equity Center

Providence Campus (8 Abbott Park Place, Providence, RI 02903), 401-598-2248

Any student or employee who reports to the university pursuant to one of the above reporting options that he or she has been a victim of sexual assault, dating violence, domestic violence or stalking, whether the offense occurred on or off campus, shall be provided with a written explanation of the student or employee's rights and options under this policy and other relevant university procedures.

**GETTING HELP- CHARLOTTE CAMPUS
Community Help**

Medical

Victims of sexual assault are encouraged to request a specially trained Sexual Assault Nurse Examiner (SANE) at the emergency department.

Carolinas Medical Center (CMC) Main

1000 Blythe Boulevard, Charlotte, NC, 28204

704-381-2355

Presbyterian Medical Center

200 Hawthorne Lane, Charlotte, NC, 28204

704-384-4000

Police

Emergency

Charlotte-Mecklenburg non-emergency crime reporting

911

704-336-7600

Community

[Safe Alliance](#) provides victims of sexual assault, dating/domestic violence and stalking with information, advocacy, counseling, shelter, referral and support services.

- 704-375-9900 (24-hour rape crisis line)
- 704-332-2513 (24-hour dating/domestic violence line)

[Project Rainbow Net](#) provides training, consultation and referral for local providers, as well as resources for lesbian, gay, bisexual and transgender victims of dating and domestic violence.

- 1-888-232-9124

Information regarding protective orders can be obtained at the Victim Assistance Office, 720 E. 4th St., Room 204, Charlotte, N.C., at 704-336-4126, Monday through Friday, 8 a.m.–5 p.m.

[National Sexual Assault Hotline](#)

- 1-800-656-HOPE (4673) (24-hour)

[National Domestic Violence Hotline](#)

- 1-800-799-SAFE (7233) (24-hour)

The [National Stalking Resource Center](#) provides online tools and information for victims of stalking, and links to local resources nationwide.

Text "loveis" to 77054 to text with an advocate via [loveisrespect](#) for support and information regarding dating violence.

Confidential On-campus Help

Upon receipt of a report of sexual misconduct, confidential resources will not report information shared with them to the police, Campus Safety & Security or college officials without your permission, except for extreme emergency circumstances.

For students to obtain confidential on-campus services

Counseling Services

Academic Center, second floor

980-598-1710 (by appointment, 8:30 a.m.– 4:30 p.m.)

In case of an emergency, the on-call counselor is available after-hours through Campus Safety & Security (980-598-1900).

Health Services

Academic Center, second floor
980-598-1700

**University confidential resources may provide non-identifying information to be counted for the Annual Security Report.*

For employees to obtain confidential counseling services

Employees may contact the university's employee assistance provider, Coastline EAP, at 1-800-445-1195.

Other Non-Confidential On-campus Help

Johnson & Wales employees who cannot guarantee confidentiality will nevertheless maintain your privacy. Any information you provide to a non-confidential resource will be kept private and used only as necessary to investigate and address a concern and/or to notify the Title IX Coordinator, who is responsible for tracking patterns of sexual misconduct and for detecting systemic issues.

Campus Safety & Security

Cedar Hall South, Suite 113, 980-598-1900 (24-hours, seven days a week)

Anonymous Report to Campus Safety & Security through [Silent Witness \(online only\)](#)

Title IX Coordinator

Matthias Rubekeil 8 Abbott Park Place, Providence, RI, 401-598-2703

Nondiscrimination Coordinator

Matthias Rubekeil 8 Abbott Park Place, Providence, RI, 401-598-2703

Director, Gender Equity Center

Wales Hall, Providence Campus, 401-598-2248

Director, Health Education

Wales Hall, Providence Campus, 401-598-2023

CLT Nondiscrimination Campus Liaisons

[Susan Batten](#), 980-598-1457, senior instructor, college of culinary arts, susan.batten@jwu.edu

[James Minton](#), 980-598-1805, director of residential life, james.minton@jwu.edu

[Jean Moats](#), 980-598-1608, librarian, jean.moats@jwu.edu

[Tracy Smith](#), 980-598-1006, campus human resources manager, tracy.smith@jwu.edu

[Don Taylor](#), 980-598-3226, asst. professor, college of arts & sciences, donald.taylor@jwu.edu

[Fred Tiess](#), 980-598-1470, associate professor, college of culinary arts, fred.tiess@jwu.edu

Residential Life

Resident Assistants, Residence Directors (24 hours a day in each residence hall)

Dean of Students, Cedar Hall South, Suite 100, 980-598-1830

Student Conduct, Cedar Hall South, Main Office, 980-598-1820

Human Resources, Gateway Center, Suite 412, 980-598-1006

Any student or employee who reports to the university pursuant to one of the above reporting options that he or she has been a victim of sexual assault, dating violence, domestic violence or stalking, whether the

offense occurred on or off campus, shall be provided with a written explanation of the student or employee's rights and options under this policy and other relevant university procedures.

CRIMINAL AND DISCIPLINARY ACTION

What Action May Be Taken

- 1. Criminal Prosecution:** If you choose to pursue criminal prosecution through the courts, the incident should be reported to the police. Remember, a police report does not require a victim to prosecute and campus personnel are available to assist you when notifying the police. Please see [Getting Help](#) for sources of assistance for victims when moving through the prosecution process.
- 2. University Disciplinary Action:** If you choose to report the matter to the university, the incident should be reported to Campus Safety & Security, the Acting Title IX coordinator, or Human Resources. Please see [Getting Help](#) for contacting Campus Safety & Security and Human Resources. Sexual assault and relationship violence (including dating violence, domestic violence, stalking and sexual exploitation) are violations of the university's [Sexual Assault and Relationship Violence Policy](#), [the Prohibited Discrimination and Harassment \(including Sexual Harassment\) Policy](#), the [Student Code of Conduct](#), as well as state and federal law, including Title IX of the Education Amendments of 1972 (Title IX). Sexual assault and/or relationship violence alleged to have been committed by students are addressed through the university's Conduct Review Process and, as applicable, in accordance with Title IX and relevant state and federal law. Please see the Conduct Review Process for more information about the rights of parties related to complaints of sexual assault and relationship violence. Possible sanctions for a violation of the Student Code of Conduct are set forth in Sanctions. Sexual assault and relationship violence alleged to have been committed by employees are addressed through Human Resources and, as applicable, in accordance with Title IX and relevant state and federal law. Possible sanctions for a violation of the Employee Code of Conduct regarding sexual assault and relationship violence range from additional training to termination of employment.

When any one of the options above is pursued, you do not forfeit your right to pursue the remaining options. Compliance with the items listed above does not constitute a violation of the Family Educational Rights and Privacy Act (20 U.S.C. 1232g).

Rights of the Complainant and Employee-Respondent (the "Parties") for Complaints of Sexual Assault, Sexual Exploitation, Dating Violence, Domestic Violence and Stalking

For complaints of sexual assault, sexual exploitation, dating violence, domestic violence and stalking alleged to have been committed by an employee, the parties will have the following rights in connection with the examination of the complaint by Human Resources:

- The right to an investigation and resolution that is prompt, fair and impartial from the initial investigation to the final result as required by applicable law
- The right to a proceeding conducted by unbiased university officials who receive annual training on issues related to sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence and stalking and how to conduct an investigation
- The right to a proceeding that protects the safety of the parties and promotes accountability. University officials use the "more likely than not" standard to evaluate alleged violations
- The right to be accompanied to the proceeding by an advisor of their choice. The advisor may accompany the party, but may not participate in any manner during the proceeding
- The right to bring any relevant materials and witnesses with personal, relevant knowledge of the incident to the proceeding
- The right to be informed in writing of the outcome of the proceeding, including when such results become final. This includes disclosure to the parties of any sanction imposed that pertains to a sex

offense and any sanction imposed that directly relates to the complainant with respect to other alleged sexual harassment violations. The parties do not need to submit a request for such information. In addition, for any crime of violence, the university will, upon written request and in accordance with applicable law, disclose to the complainant all sanctions imposed against the respondent. If the complainant is deceased as a result of the crime of violence, the outcome of the proceeding and sanctions will be provided to the complainant's next of kin if so requested.

The university will take steps to prevent the recurrence of any harassment, correct any discriminatory effects on the complainant and others, and implement protective or interim measures as requested and as required by law. The university will complete the examination of the complaint within a reasonably prompt time frame, usually within sixty days, but will allow for the extension of time frames with written notice to the complainant and respondent of the delay.

Johnson & Wales University prohibits retaliation, including intimidation, threats, coercion or discrimination, against any individual who has made a good faith complaint, who has cooperated as a witness or a complainant in the investigation of such a complaint, or who has participated as a witness or complainant in any university proceeding. Any person found to have engaged in retaliation, or to have encouraged others to engage in retaliation, will be subject to disciplinary action up to and including termination of employment or dismissal from the university.

STATE LAWS BY CAMPUS

Johnson & Wales University encourages individuals to report any incidents which may be violations of State Law to law enforcement authorities. Doing so does not preclude an individual from reporting the incident to the university. The following definitions and statutes are taken from the Rhode Island General Laws that may be relevant to misconduct described in this policy.

Rhode Island:

Sexual Assault

[R.I. Gen. Laws § 11-37](#)

§ 11-37-2

First degree sexual assault. – A person is guilty of first degree sexual assault if he or she engages in sexual penetration with another person, and if any of the following circumstances exist:

- (1) The accused, not being the spouse, knows or has reason to know that the victim is mentally incapacitated, mentally disabled or physically helpless.
- (2) The accused uses force or coercion.
- (3) The accused, through concealment or by the element of surprise, is able to overcome the victim.
- (4) The accused engages in the medical treatment or examination of the victim for the purpose of sexual arousal, gratification or stimulation.

§ 11-37-4

Second degree sexual assault. – A person is guilty of a second-degree sexual assault if he or she engages in sexual contact with another person and if any of the following circumstances exist:

- (1) The accused knows or has reason to know that the victim is mentally incapacitated, mentally disabled or physically helpless.
- (2) The accused uses force, element of surprise, or coercion.
- (3) The accused engages in the medical treatment or examination of the victim for the purpose of sexual arousal, gratification or stimulation.

§ 11-37-6

Third degree sexual assault. – A person is guilty of third degree sexual assault if he or she is over the age of eighteen (18) years and engaged in sexual penetration with another person over the age of fourteen (14)

years and under the age of consent, sixteen (16) years of age.

Dating Violence and Domestic Violence

[R.I. Gen. Laws § 12-29](#)

§ 12-29-2 Definitions. – (a) "Domestic violence" includes, but is not limited to, any of the following crimes when committed by one family or household member against another:

1. Simple assault (§ 11-5-3);
2. Felony assaults (§§ 11-5-1, 11-5-2, and 11-5-4);
3. Vandalism (§ 11-44-1);
4. Disorderly conduct (§ 11-45-1);
5. Trespass (§ 11-44-26);
6. Kidnapping (§ 11-26-1);
7. Child-snatching (§ 11-26-1.1);
8. Sexual assault (§§ 11-37-2, 11-37-4);
9. Homicide (§§ 11-23-1 and 11-23-3);
10. Violation of the provisions of a protective order entered pursuant to § 15-5-19, chapter 15 of title 15, or chapter 8.1 of title 8 where the respondent has knowledge of the order and the penalty for its violation or a violation of a no contact order issued pursuant to § 12-29-4;
11. Stalking (§§ 11-59-1 et seq.);
12. Refusal to relinquish or to damage or to obstruct a telephone (§ 11-35-14);
13. Burglary and Unlawful Entry (§ 11-8-1 et seq.);
14. Arson (§ 11-4-2 et seq.);
15. Cyberstalking and cyberharassment (§ 11-52-4.2); and
16. Domestic assault by strangulation § 11-5-2.3.

(b) "Family or household member" means spouses, former spouses, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past three (3) years, and persons who have a child in common regardless of whether they have been married or have lived together, or if persons who are or have been in a substantive dating or engagement relationship within the past one year which shall be determined by the court's consideration of the following factors:

1. the length of time of the relationship;
2. the type of the relationship;
3. the frequency of the interaction between the parties.

(c) "Protective order" means an order issued pursuant to § 15-5-19, chapter 15 of title 15, or chapter 8.1 of title 8.

(d) "Victim" means a family or household member who has been subjected to domestic violence
Strangulation

[RI General Law § 11-5-2-3](#)

§ 11-5-2.3 Domestic assault by strangulation. – (a) Every person who shall make an assault or battery, or both, by strangulation, on a family or household member as defined in subsection 12-29-2(b), shall be punished by imprisonment for not more than ten (10) years.

(b) Where the provisions of "The Domestic Violence Prevention Act", chapter 29 of title 12, are applicable, the penalties for violation of this section shall also include the penalties as provided in § 12-29-5.

(c) "Strangulation" means knowingly and intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person, with the intent to cause that person harm.

Stalking

[R.I. Gen. Laws § 11-59](#)

§ 11-59-2 Stalking prohibited. – (a) Any person who: (1) harasses another person; or (2) willfully, maliciously and repeatedly follows another person with the intent to place that person in reasonable fear of bodily injury, is guilty of the crime of stalking.

(b) Stalking shall be deemed a felony punishable by imprisonment for not more than five (5) years, by a fine of not more than ten thousand dollars (\$10,000), or both.

Cyberstalking and Cyberharassment

[R.I. Gen. Laws 11-52-4.2](#)

Whoever transmits any communication by computer or other electronic device to any person or causes any person to be contacted for the sole purpose of harassing that person or his or her family is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500), by imprisonment for not more than one year, or both. For the purpose of this section, "harassing" means any knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, or bothers the person, and which serves no legitimate purpose. The course of conduct must be of a kind that would cause a reasonable person to suffer substantial emotional distress, or be in fear of bodily injury. "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."

(b) A second or subsequent conviction under subsection (a) of this section shall be deemed a felony punishable by imprisonment for not more than two (2) years, by a fine of not more than six thousand dollars (\$6,000), or both.

Consent

Consent, in reference to sexual activity, is not defined by statute in Rhode Island. However, lack of consent due to force or incapacitation is an element of the crime of sexual assault.

Massachusetts:

The following definitions and statutes are taken from the Massachusetts State Laws that may be relevant to misconduct described in this policy.

Sexual Assault:

[Indecent Assault and Battery: MGL c.265, s.13h](#)

Section 13H. Whoever commits an indecent assault and battery on a person who has attained age fourteen shall be punished by imprisonment in the state prison for not more than five years, or by imprisonment for not more than two and one-half years in a jail or house of correction.

Whoever commits an indecent assault and battery on an elder or person with a disability, as defined in section 13K, shall be punished by imprisonment in the state prison for not more than 10 years, or by imprisonment in the house of correction for not more than 2 1/2 years, and whoever commits a second or subsequent such offense shall be punished by imprisonment in the state prison for not more than 20 years.

A prosecution commenced under this paragraph shall not be placed on file nor continued without a finding.

[Rape: MGL c.265, s.22](#)

Section 22.

(a) Whoever has sexual intercourse or unnatural sexual intercourse with a person, and compels such person to submit by force and against his will, or compels such person to submit by threat of bodily injury and if either such sexual intercourse or unnatural sexual intercourse results in or is committed with acts resulting in serious bodily injury, or is committed by a joint enterprise, or is committed during the commission or attempted commission of an offense defined in section fifteen A, fifteen B, seventeen, nineteen or twenty-six of this chapter, section fourteen, fifteen, sixteen, seventeen or eighteen of chapter two hundred and sixty-six or section ten of chapter two hundred and sixty-nine shall be punished by imprisonment in the state prison for life or for any term of years.

No person serving a sentence for a second or subsequent such offense shall be eligible for furlough, temporary release, or education, training or employment programs established outside a correctional facility until such person shall have served two-thirds of such minimum sentence or if such person has two or more sentences to be served otherwise than concurrently, two-thirds of the aggregate of the minimum terms of such several sentences.

(b) Whoever has sexual intercourse or unnatural sexual intercourse with a person and compels such person to submit by force and against his will, or compels such person to submit by threat of bodily injury, shall be punished by imprisonment in the state prison for not more than twenty years; and whoever commits a second or subsequent such offense shall be punished by imprisonment in the state prison for life or for any term or years.

Whoever commits any offense described in this section while being armed with a firearm, rifle, shotgun, machine-gun or assault weapon, shall be punished by imprisonment in the state prison for not less than ten years. Whoever commits a second or subsequent such offense shall be punished by imprisonment in the state prison for life or for any term of years, but not less than 15 years.

No person serving a sentence for a second or subsequent such offense shall be eligible for furlough, temporary release, or education, training or employment programs established outside a correctional facility until such person shall have served two-thirds of such minimum sentence or if such person has two or more sentences to be served otherwise than concurrently, two-thirds of the aggregate of the minimum terms of such several sentences.

For the purposes of prosecution, the offense described in subsection (b) shall be a lesser included offense to that described in subsection (a).

Dating Violence and Domestic Violence:

Massachusetts law does not define the crimes of “dating violence” or “domestic violence”. However, state law defines the crime of “abuse” in [G.L. c. 209A § 1](#) as: “the occurrence of one or more of the following acts between family or household members:

- (a) attempting to cause or causing physical harm;
- (b) placing another in fear of imminent serious physical harm;
- (c) causing another to engage involuntarily in sexual relations by force, threat or duress.”

“Family or household members” is defined as: “persons who

- (a) are or were married to one another;
- (b) are or were residing together in the same household;
- (c) are or were related by blood or marriage;

- (d) having a child in common regardless of whether they have ever married or lived together; or
- (e) are or have been in a substantive dating or engagement relationship, which shall be adjudged by district, probate or Boston municipal courts consideration of the following factors:
 - (1) the length of time of the relationship;
 - (2) the type of relationship;
 - (3) the frequency of interaction between the parties; and
 - (4) if the relationship has been terminated by either person, the length of time elapsed since the termination of the relationship.”

Stalking:

Stalking is defined under [G.L. c. 265, § 43 \(a\)](#) as follows:

“Whoever (1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and (2) makes a threat with the intent to place the person in imminent fear of death or bodily injury, shall be guilty of the crime of stalking . . . The conduct, acts or threats described in this subsection shall include, but not be limited to, conduct, acts or threats conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including, but not limited to, any device that transfers signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.”

Consent:

Consent in reference to sexual activity, is not defined by statute in Massachusetts. The lack of consent is an element of the crimes indecent assault and battery and rape.

North Miami

Florida State Laws

Johnson & Wales University encourages individuals to report any incidents which may be violations of State Law to law enforcement authorities. Doing so does not preclude an individual from reporting the incident to the university. The following definitions and statutes are taken from the Florida State Laws that may be relevant to misconduct described in this policy.

Sexual Assault:

[Florida State Statute 794.011](#)

In Florida, sexual assault is legally referred to as sexual battery.

Florida State Statute 794.011 (1)(h)

“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.

Dating Violence:

[Florida State Statute 784.046 \(1\)\(d\)](#)

(d) “Dating violence” means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:

1. A dating relationship must have existed within the past 6 months;
2. The nature of the relationship must have been characterized by the expectation of affection or sexual

involvement between the parties; and

3. The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

Domestic Violence:

[Florida State Statute 741.28 \(2\)](#)

“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 or household member.

Stalking:

[Florida State Statute 784.048](#)

(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) “Cyberstalk” means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, 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.

Consent:

[Florida State Statute 794.011\(1\)\(a\)](#)

“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.

Denver**Colorado State Laws**

Johnson & Wales University encourages individuals to report any incidents which may be violations of State Law to law enforcement authorities. Doing so does not preclude an individual from reporting the incident to the university. The following definitions and statutes are taken from Colorado State Laws that may be relevant to misconduct described in this policy.

Sexual Assault:

[Colo. Rev. Stat. § 18-3-402](#)

- (1) Any actor who knowingly inflicts sexual intrusion or sexual penetration on a victim commits sexual assault if:
- (a) The actor causes submission of the victim by means of sufficient consequence reasonably calculated to cause submission against the victim's will; or
 - (b) The actor knows that the victim is incapable of appraising the nature of the victim's conduct; or
 - (c) The actor knows that the victim submits erroneously, believing the actor to be the victim's spouse; or
 - (d) At the time of the commission of the act, the victim is less than fifteen years of age and the actor is at least four years older than the victim and is not the spouse of the victim; or
 - (e) At the time of the commission of the act, the victim is at least fifteen years of age but less than seventeen years of age and the actor is at least ten years older than the victim and is not the spouse of the victim; or
 - (f) The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim and uses this position of authority to coerce the victim to submit, unless the act is incident to a lawful search; or
 - (g) The actor, while purporting to offer a medical service, engages in treatment or examination of a victim for other than a bona fide medical purpose or in a manner substantially inconsistent with reasonable medical practices; or
 - (h) The victim is physically helpless and the actor knows the victim is physically helpless and the victim has not consented.

Dating Violence:

Colorado State Law does not provide a definition for Dating Violence.

Domestic Violence:

[Colo. Rev. Stat. § 18-6-800.3](#)

- (1) "Domestic violence" means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. "Domestic violence" also includes any other crime against a person, or against property, including an animal, or any municipal ordinance violation against a person, or against property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.
- (2) "Intimate relationship" means a relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time.

Stalking:[Colo. Rev. Stat § 18-3-602](#)

- (1) A person commits stalking if directly, or indirectly through another person, the person knowingly:
- (a) Makes a credible threat to another person and, in connection with the threat, repeatedly follows, approaches, contacts, or places under surveillance that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship; or
 - (b) Makes a credible threat to another person and, in connection with the threat, repeatedly makes any form of communication with that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship, regardless of whether a conversation ensues; or
 - (c) Repeatedly follows, approaches, contacts, places under surveillance, or makes any form of communication with another person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship in a manner that would cause a reasonable person to suffer serious emotional distress and does cause that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship to suffer serious emotional distress. For purposes of this paragraph (c), a victim need not show that he or she received professional treatment or counseling to show that he or she suffered serious emotional distress.
- (2) For the purposes of this part 6:
- (a) Conduct "in connection with" a credible threat means acts that further, advance, promote, or have a continuity of purpose, and may occur before, during, or after the credible threat.
 - (b) "Credible threat" means a threat, physical action, or repeated conduct that would cause a reasonable person to be in fear for the person's safety or the safety of his or her immediate family or of someone with whom the person has or has had a continuing relationship. The threat need not be directly expressed if the totality of the conduct would cause a reasonable person such fear.
 - (c) "Immediate family" includes the person's spouse and the person's parent, grandparent, sibling, or child.
 - (d) "Repeated" or "repeatedly" means on more than one occasion.

Consent:[Colo. Rev. Stat § 18-3-401](#)

(1.5) "Consent" means cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship shall not be sufficient to constitute consent under the provisions of this part 4. Submission under the influence of fear shall not constitute consent.

Charlotte**North Carolina State Laws**

Johnson & Wales University encourages individuals to report any incidents which may be violations of State Law to law enforcement authorities. Doing so does not preclude an individual from reporting the incident to the university. The following definitions and statutes are taken from the North Carolina General Laws that may be relevant to misconduct described in this policy.

Sexual Assault:[Article 7A - Rape and Other Sex Offenses.](#)

§ 14-27.1. Definitions.

As used in this Article, unless the context requires otherwise:

- (1) "Mentally disabled" means (i) a victim who suffers from mental retardation, or (ii) a victim who suffers from a mental disorder, either of which temporarily or permanently renders the victim substantially incapable of appraising the nature of his or her conduct, or of resisting the act of vaginal intercourse or a sexual act, or of communicating unwillingness to submit to the act of vaginal intercourse or a sexual act.
- (2) "Mentally incapacitated" means a victim who due to any act committed upon the victim is rendered substantially incapable of either appraising the nature of his or her conduct, or resisting the act of vaginal intercourse or a sexual act.
- (3) "Physically helpless" means (i) a victim who is unconscious; or (ii) a victim who is physically unable to resist an act of vaginal intercourse or a sexual act or communicate unwillingness to submit to an act of vaginal intercourse or a sexual act.
- (4) "Sexual act" means cunnilingus, fellatio, anilingus, or anal intercourse, but does not include vaginal intercourse. Sexual act also means the penetration, however slight, by any object into the genital or anal opening of another person's body: provided, that it shall be an affirmative defense that the penetration was for accepted medical purposes.
- (5) "Sexual contact" means (i) touching the sexual organ, anus, breast, groin, or buttocks of any person, (ii) a person touching another person with their own sexual organ, anus, breast, groin, or buttocks, or (iii) a person ejaculating, emitting, or placing semen, urine, or feces upon any part of another person.
- (6) "Touching" as used in subdivision (5) of this section, means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim. (1979, c. 682, s. 1; 2002-159, s. 2(a); 2003-252, s. 1; 2006-247, s. 12(a).)

§ 14-27.2. First-degree rape.

- (a) A person is guilty of rape in the first degree if the person engages in vaginal intercourse:
 - (1) With a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least four years older than the victim; or
 - (2) With another person by force and against the will of the other person, and:
 1. Employs or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon; or
 2. Inflicts serious personal injury upon the victim or another person; or
 3. The person commits the offense aided and abetted by one or more other persons.
- (b) Any person who commits an offense defined in this section is guilty of a Class B1 felony.
- (c) Upon conviction, a person convicted under this section has no rights to custody of or rights of inheritance from any child born as a result of the commission of the rape, nor shall the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B of the General Statutes. (1979, c. 682, s. 1; 1979, 2nd Sess., c. 1316, s. 4; 1981, c. 63; c. 106, ss. 1, 2; c. 179, s. 14; 1983, c. 175, ss. 4, 10; c. 720, s. 4; 1994, Ex. Sess., c. 22, s. 2; 2004-128, s. 7.)

§ 14-27.3. Second-degree rape.

- (a) A person is guilty of rape in the second degree if the person engages in vaginal intercourse with another person:
 - (1) By force and against the will of the other person; or
 - (2) Who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know the other person is mentally disabled, mentally incapacitated, or physically helpless.
- (b) Any person who commits the offense defined in this section is guilty of a Class C felony.
- (c) Upon conviction, a person convicted under this section has no rights to custody of or rights of inheritance from any child conceived during the commission of the rape, nor shall the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B of the General Statutes. (1979,

c. 682, s. 1; 1979, 2nd Sess., c. 1316, s. 5; 1981, cc. 63, 179; 1993, c. 539, s. 1130; 1994, Ex. Sess., c. 24, s. 14(c); 2002-159, s. 2(b); 2004-128, s. 8.)

§ 14-27.4. First-degree sexual offense.

(a) A person is guilty of a sexual offense in the first degree if the person engages in a sexual act:

- (1) With a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least four years older than the victim; or
- (2) With another person by force and against the will of the other person, and:
 - a. Employs or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon; or
 - b. Inflicts serious personal injury upon the victim or another person; or
 - c. The person commits the offense aided and abetted by one or more other persons.

(b) Any person who commits an offense defined in this section is guilty of a Class B1 felony. (1979, c. 682, s. 1; 1979, 2nd Sess., c. 1316, s. 6; 1981, c. 106, ss. 3, 4; 1983, c. 175, ss. 5, 10; c. 720, s. 4; 1994, Ex. Sess., c. 22, s. 3.)

§ 14-27.5. Second-degree sexual offense.

(a) A person is guilty of a sexual offense in the second degree if the person engages in a sexual act with another person:

- (1) By force and against the will of the other person; or
- (2) Who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.

(b) Any person who commits the offense defined in this section is guilty of a Class C felony. (1979, c. 682, s. 1; 1979, 2nd Sess., c. 1316, s. 7; 1981, c. 63; c. 179, s. 14; 1993, c. 539, s. 1131; 1994, Ex. Sess., c. 24, s. 14(c); 2002-159, s. 2(c).)

§ 14-27.5A. Sexual battery.

(a) A person is guilty of sexual battery if the person, for the purpose of sexual arousal, sexual gratification, or sexual abuse, engages in sexual contact with another person:

- (1) By force and against the will of the other person; or
- (2) Who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.

(b) Any person who commits the offense defined in this section is guilty of a Class A1 misdemeanor. (2003-252, s. 2.)

Dating Violence:

North Carolina state law does not provide a definition for dating violence.

Domestic Violence:

[Chapter 50 B](#)

§ 50B-1. Domestic violence; definition.

(a) Domestic violence means the commission of one or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts of self-defense:

- (1) Attempting to cause bodily injury, or intentionally causing bodily injury; or
- (2) Placing the aggrieved party or a member of the aggrieved party's family or household in fear of imminent serious bodily injury or continued harassment, as defined in G.S. 14-277.3A, that rises to such a level as to inflict substantial emotional distress; or
- (3) Committing any act defined in G.S. 14-27.2 through G.S. 14-27.7.

(b) For purposes of this section, the term "personal relationship" means a relationship wherein the parties involved:

- (1) Are current or former spouses;
- (2) Are persons of opposite sex who live together or have lived together;
- (3) Are related as parents and children, including others acting in loco parentis to a minor child, or as grandparents and grandchildren. For purposes of this subdivision, an aggrieved party may not obtain an order of protection against a child or grandchild under the age of 16;
- (4) Have a child in common;
- (5) Are current or former household members;
- (6) Are persons of the opposite sex who are in a dating relationship or have been in a dating relationship. For purposes of this subdivision, a dating relationship is one wherein the parties are romantically involved over time and on a continuous basis during the course of the relationship. A casual acquaintance or ordinary fraternization between persons in a business or social context is not a dating relationship.

Stalking:

[§ 14-277.3A. Stalking](#)

§ 14-277.3A. *Stalking.*

(b) Definitions. - The following definitions apply in this section:

- (1) Course of conduct. - Two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, is in the presence of, or follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- (2) Harasses or harassment. - Knowing conduct, including written or printed communication or transmission, telephone, cellular, or other wireless telephonic communication, facsimile transmission, pager messages or transmissions, answering machine or voice mail messages or transmissions, and electronic mail messages or other computerized or electronic transmissions directed at a specific person that torments, terrorizes, or terrifies that person and that serves no legitimate purpose.
- (3) Reasonable person. - A reasonable person in the victim's circumstances.
- (4) Substantial emotional distress. - Significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.

(c) Offense. A defendant is guilty of stalking if the defendant willfully on more than one occasion harasses another person without legal purpose or willfully engages in a course of conduct directed at a specific person without legal purpose and the defendant knows or should know that the harassment or the course of conduct would cause a reasonable person to do any of the following:

- (1) Fear for the person's safety or the safety of the person's immediate family or close personal associates.
- (2) Suffer substantial emotional distress by placing that person in fear of death, bodily injury, or continued harassment.

Consent:

North Carolina state law does not provide a definition for consent in reference to sexual activity.