

COUNCIL ON POSTSECONDARY EDUCATION

TITLE IX SEXUAL HARASSMENT POLICY AND PROCEDURES

CPE Approved (~~4~~-2015)
Technical Rev. (~~3~~2-18)
Contact information revised (~~8~~4-18)
Comprehensive Revision (~~8~~-20)
CPE Approved Amendment ~~2~~4-21)

their projects. Additionally, when he addresses female students, he often prefaces his comments with “hey, beautiful” or “hello gorgeous.” Several students have changed courses as a result.

- D. “Sexual Assault” includes the sex offenses rape, attempted rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape as defined in 20 U.S.C. §1092(f)(6)(A)(v)². These sex offenses encompass the following prohibited conduct:
- x The carnal knowledge³ of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - x Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - x Using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia.
 - x Touching 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 age or because of temporary or permanent mental or physical incapacity.
 - x Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Rhode Island law.
 - x Sexual intercourse with a person who is under the statutory age of consent as defined by Rhode Island law.
- E. “Domestic Violence” is felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom

² This Policy’s definition of “Sexual Assault” is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Those regulations require the Covered Entities to adopt a definition of “Sexual Assault” that incorporates various forcible and non-forcible sex crimes as defined by the FBI’s Uniform Crime Reporting System. See 34 C.F.R. § 106.30(a).

³ “Carnal knowledge” exists where there is the slightest penetration of the vagina or penis by the sexual organ of the other person.

- M. "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.
- N. "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 the Covered Entity investigate the allegation of Sexual Harassment in accordance with this Policy. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the Covered Entity's education programs or activities. A "document filed by a Complainant" means a document or electronic submission (such as an email) that contains the Complainant's physical or electronic signature or otherwise indicates that the Complainant is the person filing the Complaint.
- O. "Supportive Measures" are non-disciplinary, non-punitive individualized services offered, as appropriate, and reasonably available, and without fee or charge, that are designed to restore or preserve equal access to the Covered Entity's Education Programs or Activities without unreasonably burdening anyone. (a)4

X. Consent and Incapacitation

A. Consent

Lack of consent is a critical factor in determining whether Sexual Harassment has occurred. Consent is a mutual, voluntary, and informed agreement to participate in specific sexual acts with another person that is not achieved through unreasonable manipulation, coercion, or force.

Incapacitation is a state where an individual cannot make an informed and rational decision consent to engage in sexual contact because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the “who, what, where, when, why or how” of the sexual interaction) and/or is physically or mentally helpless. An individual is also considered incapacitated, and therefore unable to give consent, when asleep, unconscious, or otherwise unaware that sexual contact is occurring.

Incapacitation can only be found when the Respondent knew or should have known that the Complainant was incapacitated when viewed from the position of a sober, reasonable person. One’s own intoxication is not an excuse for failure to recognize another person’s incapacitation.

Incapacitation may result from the use of alcohol and/or other drugs; however, consumption of alcohol of other drugs, inebriation, or intoxication alone are insufficient to establish incapacitation.

All employees of the Covered Entities are strongly encouraged to report Sexual Harassment to the Covered Entity's Title IX Coordinator when they receive a report of such conduct or witness such conduct. The report should include all known relevant details of the alleged Sexual Harassment.

Notwithstanding the language above, employees who are designated Campus Security Authorities under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") must fulfill their reporting obligations as described by the Covered Entity's policies

All employees are required to report known or suspected (l)4 (e9nue)4 (0 (9ou)14 1V (oe9nun)-4)10 (e)-1

It is also important to take steps to preserve evidence in other investigations such as Stalking, to the extent such evidence exists. Such evidence is more likely to be in the form of letters, emails, text messages, electronic images, etc. rather than evidence of physical contact and violence.

Once a report of Sexual Assault, Domestic Violence, or Stalking is made, the victim has several options such as, but not limited to:

- B obtaining Supportive Measures
- B contacting parents or a relative
- B seeking legal advice
- B seeking personal counseling (always recommended)
- B pursuing legal action against the perpetrator
- B filing a Formal Complaint
- B requesting that no further action be taken

The Covered Entity's Department of Public Safety can assist individuals in obtaining a personal protection order ("PPO").

XIV. Preliminary Assessment

Upon receipt of a report made pursuant to Section V, the Title IX Coordinator will conduct a preliminary assessment to determine:

- x Whether the conduct, as reported, falls or could fall within the scope of the Policy and
- x Whether the conduct, as reported, constitutes or could constitute Sexual Harassment.

If the Title IX Coordinator determines that the conduct reported could not fall within the scope of the Policy and/or could not constitute Sexual Harassment, even if investigated, the Title IX Coordinator will close the matter and may notify the reporting party if doing so is consistent with

Supportive Measures to discuss and consider the Complainant's wishes with respect to such Supportive Measures to inform the Complainant of the availability of such Supportive Measures with or without filing a Formal Complaint and to explain the process for filing and pursuing a Formal Complaint. The Complainant will also be provided options for filing complaints with the State police and information about resources that are available on campus and in the community.

XVI. Supportive Measures

If a report is not closed as a result of the preliminary assessment, the Covered Entity will offer and make available Supportive Measures to the Complainant regardless of whether the Complainant elects to file a Formal Complaint.

Contemporaneously with the Respondent being notified of a Formal Complaint, the Title IX Coordinator will notify the Respondent of the availability of Supportive Measures for the Respondent and the Covered Entity will offer and make available Supportive Measures to the Respondent in the same manner in which it offers and makes them available to the Complainant. The Covered Entity will also offer and make available Supportive Measures to the Respondent prior to the Respondent being notified of a Formal Complaint, if the Respondent requests such measures.

The Covered Entity will maintain the confidentiality of Supportive Measures provided to either a Complainant or Respondent, to the extent that maintaining such confidentiality does not impair the Covered Entity's ability to provide the Supportive Measures in question.

XVII. Emergency Removal and Administrative Leave

At any time after receiving a report of Sexual Harassment, the Title IX Coordinator may remove a student Respondent from one or more of the Covered Entity's Education Programs or Activities on a temporary basis if the Covered Entity's threat assessment committee conducts individualized safety and risk analysis and recommends that the Respondent be removed from the Covered Entity's Education Programs or Activities.

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A Complainant may file a Formal Complaint with the Title IX Coordinator requesting that the Covered Entity investigate and adjudicate a report of Sexual Harassment in accordance with the procedures. Provided, however, that at the time the Complainant submits a Formal Complaint, the Complainant must be participating, or attempting to participate, in one or more of the Covered Entity's education programs or activities.

A Complainant may file a Formal Complaint with the Title IX Coordinator in person, by regular mail, or by email using the contact information specified in Exhibit A or B

In any case, including a case where a Complainant elects not to file a Formal Complaint, the Title IX Coordinator may file a Formal Complaint on behalf of the Covered Entity if doing so is not clearly unreasonable. Such action will normally be taken in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the Covered Entity's community. No person other than the Complainant or the Title IX Coordinator may submit a Formal Complaint.

If the Complainant or the Title IX Coordinator files a Formal Complaint, then the Covered Entity will commence an investigation and proceed to adjudicate the matter as specified in these procedures. In all cases where a Formal Complaint is filed, the Complainant will be treated as a party, irrespective of the party's level of participation.

In a case where the Title IX Coordinator files a Formal Complaint, the Title IX Coordinator will not act as a Complainant or otherwise as a party for purposes of the investigation and adjudication processes.

XIX. Consolidation of Formal Complaints

The Covered Entity may consolidate Formal Complaints of Sexual Harassment where the allegations arise out of the same facts or circumstances. Where the investigation and adjudication process involve more than one Complainant or more than one Respondent, references in this Policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable. A Formal Complaint of Retaliation may be consolidated with a Formal Complaint of Sexual Harassment

XX. Dismissal Prior to Commencement of Investigation

In a case where the Complainant files a Formal Complaint, the Title IX Coordinator will file the Formal Complaint and

In the event the Title IX Coordinator determines a Formal Complaint should be dismissed pursuant to this section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal. The dismissal is a final determination unless modified or overturned on appeal. The Title IX Coordinator may refer the subject matter of the Formal Complaint to other offices and procedures as appropriate.

XXI. Notice of Formal Complaint

Within five (5) business days of the Title IX Coordinator receiving a Formal Complaint, the Title IX Coordinator will transmit a written notice to the Complainant and Respondent that includes:

- x A physical copy of the Policy or a hyperlink to this Policy
- x Sufficient details known at the time so that the parties may prepare for an initial interview with the investigator, to include the identities of the parties involved in the incident (if known), the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident (if known)
- x A statement that the Respondent is presumed not responsible for the alleged Sexual Harassment and that a determination of responsibility will be made until the conclusion of the adjudication and any appeal;
- x Notifying the Complainant and Respondent of their right to be accompanied by an advisor of their choice
- x Notifying the Complainant and Respondent of their right to inspect and review evidence
- x Notifying the Complainant and Respondent of the Covered Entities' prohibitions on retaliation and false statements and
- x Information about resources that are available on campus and in the community.

Should the Covered Entity elect, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the Covered Entity will provide a supplemental written notice describing the additional allegations to be investigated.

XXII. Investigation

- A. Commencement and Time

the adjudicator during the selected adjudication process. Although the length of each investigation may vary depending on the totality of the circumstances, the Covered Entities to complete each investigation within ninety (90) calendar days of the transmittal of the written notice of Formal Complaint.

B. Equal Opportunity

During the investigation, the investigator will provide an equal opportunity for the parties to be interviewed, to present witnesses (including fact and expert witnesses), and to present other inculpatory and exculpatory evidence. Notwithstanding the foregoing, the investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the Complainant. The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.

The investigation is a party's opportunity to present testimonial and other evidence that the party believes is relevant to resolution of the allegations in the Formal Complaint. A party is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the adjudication absent a showing of mistake, surprise, or excusable neglect.

C. Documentation of Investigation

The investigator will take reasonable steps to ensure the investigation is documented. Interviews of the parties and witnesses may be documented by the investigator's notes, audio recorded, video recorded, or transcribed. The particular method utilized to record the interviews of parties and witnesses will be determined by the investigator in the investigator's sole discretion, although whatever method is chosen shall be used consistently throughout a particular investigation.

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E. Investigation Report

After the period for the parties to provide any written response as specified above has expired, the investigator will complete a written investigation report that fairly summarizes the various steps taken during the investigation, summarizes the relevant evidence collected, lists material facts which the parties agree, and lists material facts on which the parties do not agree. When the investigation report is complete, the investigator will transmit a copy to the Title IX Coordinator. The investigator will also transmit the investigation report to each party and their advisor, in either electronic or hard copy form. The parties and their advisors are provided the report for the purposes of this complaint resolution process and may not disseminate the report to the public.

XXIII. Adjudication

A. Hearing Officer

After receipt of the investigation report, the Title IX Coordinator will promptly appoint a hearing officer who will oversee the hearing process and render a determination of responsibility for the allegations in the Formal Complaint, at the conclusion of the hearing process. The Title IX Coordinator will see that the hearing officer is provided a copy of the investigation report and a copy of all evidence transmitted to the parties by the investigator.

B. Hearing Notice and Response to the Investigation Report

After the hearing officer is appointed by the Title IX Coordinator, the hearing officer will promptly transmit written notice to the parties notifying the parties of the hearing officer's appointment, setting a deadline for the parties to submit any written response to the investigation report; setting a date for the prehearing conference; setting a date and time for the hearing; and providing a copy of the Covered Entity's Hearing Procedures. Neither the prehearing conference, nor the hearing itself, may be held any earlier than ten (10) calendar days from the date of transmittal of the written notice of hearing.

A party's written response is due at least ten (10) calendar days after the date of transmittal of the written notice of hearing.

- x Any objection that the party has to the Covered Entity's Hearing Procedures
- x Any request that the parties be separated physically during the hearing conference and/or hearing
- x Any other accommodations that the party seeks with respect to the pre-hearing conference and/or hearing
- x The name and contact information of the advisor who will accompany the party at the pre-hearing conference and hearing
- x If the party does not have an advisor who will accompany the party at the hearing, a request that the Covered Entity provide an advisor for purposes of conducting cross examination

A party's written response to the investigation report may also include:

- x Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence
- x Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

C. Pre-Hearing Conference

Prior to the hearing, the hearing officer will conduct a prehearing conference with the parties and their advisors. During the prehearing conference, the hearing officer will discuss the hearing procedures with the parties, discuss the witnesses the parties have requested be served with notices of attendance and/or witnesses the parties plan to bring to the hearing with a notice of attendance, and resolve any other matters that the hearing officer determines, in the hearing officer's discretion, should be resolved before the hearing.

D. Issuance of Notices of Attendance

After the prehearing conference, the hearing officer will transmit notices of attendance to any Covered Entity employee (including administrator, faculty, or staff) or student whose attendance is requested at the hearing as a witness. The notice will advise the subject of the specified date and time of the hearing and advise the subject to contact the hearing officer immediately if there is a material and unavoidable conflict.

The subject of an attendance notice should notify any manager, faculty member, coach, or other supervisor, as necessary, if attendance at the hearing will conflict with job duties, classes, or other obligations. All such managers, faculty members, coaches, and other supervisors are required to excuse the subject of the obligation, or provide some other accommodation, so that the subject may attend the hearing as specified in the notice.

The Covered Entity will not issue a notice of attendance to any witness who is not an employee or a student.

E. Hearing

After the prehearing conference, the hearing officer will convene and conduct a hearing pursuant to the Covered Entity's Hearing Procedures. The hearing will be recorded (audio or audiovisual) or transcribed. The recording or transcript will be made available to the parties for inspection and review on reasonable notice, including for use in preparing any subsequent appeal.

The hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the hearing will be conducted with the hearing officer, the parties, the advisors, witnesses, and other necessary Covered Entity personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

In the hearing officer's discretion, the hearing may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

While the Hearing Procedures and rulings from the hearing officer govern the particulars of the hearing, each hearing will include, at a minimum:

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regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the Policies alleged in the Formal Complaint.

H. Discipline and Remedies

In the event the hearing officer determines that a student or other non-employee Respondent is responsible for violating this Policy, the hearing officer will, prior to issuing a written decision, consult with an appropriate Covered Entity official with disciplinary authority over the Respondent and such official will determine any discipline to be imposed. The hearing officer will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing support measures or other remedies will be provided to the Complainant.

In the event the hearing officer determines that an employee Respondent is responsible for violating this Policy, the hearing officer will, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing support measures or other remedies will be provided to the Complainant. The hearing officer will refer the matter to the appropriate Vice President, Provost, or Associate Commissioner, along with a recommendation regarding appropriate disciplinary and/or corrective action that comports with applicable personnel policies and collective bargaining agreements. The Vice President, Provost, or Associate Commissioner shall consult with the Covered Entity's Office of Human Resources and determine the appropriate disciplinary and/or corrective action in accordance with applicable personnel policies and collective bargaining agreements.

I. Written Decision

After reaching a determination and consulting with the appropriate Covered Entity official and Title IX Coordinator, the hearing officer will prepare a written decision that will include:

- x Identification of the allegations potentially constituting Sexual Harassment made in the Formal Complaint;
- x A description of the procedural steps taken from the time the Complainant reported the alleged incident to the time the hearing officer made a determination, including a description of any interviews conducted, documents reviewed, and other evidence considered.

- x The discipline determined by the appropriate Covered Entity official (for students and non-employees) or the discipline recommended to the appropriate Covered Entity official (for employees)
- x Whether the Complainant will receive any ongoing support measures and whether remedies as determined by the Title IX Coordinator and
- x A description of the Covered Entity's process and grounds for appeal.

The hearing officer's written determination will be transmitted to the parties. Transmittal of the written determination to the parties concludes the hearing process, subject to any right of appeal.

Although the length of each adjudication by hearing will vary depending on the totality of the circumstances, the Covered Entity strives to issue the hearing officer's written determination within fourteen (14) business days of 3a13 (3a,)5 (s)16 (e)3 (d E)13 (nt 0 Tc 6)10 (na)14.h)-4 (i9a)4 (r)4

XXV. Appeal

Either party may appeal the determination of an adjudication, or a dismissal of a Formal Complaint, on one or more of the following grounds:

- x A procedural irregularity affected the outcome;
- x There is new evidence that was not reasonably available at the time the determination or dismissal was made, that could have affected the outcome;
- x The Title IX Coordinator, investigator, hearing officer had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent, that affected the outcome.

No other grounds for appeal are permitted.

A party must file an appeal within seven (7) business days of the date they receive notice of dismissal or written determination. The appeal must be submitted in writing to the Covered Entity's designated appeal officer. The appeal must specifically identify the determination and/or dismissal appealed from, articulate which one or more of the three grounds for appeal are being asserted, explain in detail why the appealing party believes the appeal should be granted, and articulate what specific relief the appealing party seeks.

Promptly upon receipt of an appeal, the appeal officer will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the appeal officer determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the appeal officer will dismiss the appeal and provide written notice of the same to the parties.

If the appeal officer confirms that the appeal is timely and invokes at least one permitted ground for appeal, the appeal officer will provide written notice to the other party that an appeal has been filed and that the other party may submit a written opposition to the appeal within seven (7) business days. The appeal officer shall also promptly obtain from the Title IX Coordinator any

Although the length of each appeal will vary depending on the totaliact <</Attached [/Bot.4o0 0 12 8

If the parties do not reach a resolution through the informal resolution process, the Complainant may choose to proceed with the formal investigation and adjudication process outlined in these procedures.

If the parties reach a resolution through the informal resolution process and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator shall provide the terms of the agreed resolution to writing and present the resolution to the parties for their written signature. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by the Covered Entity, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either party or to the Covered Entity. Informal resolution reached pursuant to this section is not subject to appeal.

Absent extension by the Title IX Coordinator, any informal resolution process must be completed within twenty-one (21) calendar days. If an informal resolution process does not result in a resolution within twenty-one (21) calendar days and absent an extension, abeyance, or other contrary ruling by the Title IX Coordinator, the informal resolution process will be deemed terminated, and the Formal Complaint will be resolved pursuant to the investigation and adjudication procedures. Title IX Coordinator, a, Td (l)Tj 0.001 Tc 0.07

them (i.e. revisions to Exhibits A and B) to the Council, which will substitute the updated exhibits for the old ones and attach them to this Policy

XXXII. Conflicts of Interest, Bias, and Procedural Complaints

The Title IX Coordinator, investigator, hearing officer, appeals officer, and informal resolution facilitator will be free of any material conflicts of interest or material bias. Any party who believes one or more of these officials has a material conflict of interest or material bias must raise the concern promptly so that the Covered Entity may evaluate the concern and find a substitute, if appropriate. The failure of a party to timely raise a concern of a conflict of interest or bias may result in a waiver of the issue for purposes of any appeal.

XXXIII. Objections Generally

Parties are expected to raise any objections, concerns, or complaints about the investigation, adjudication, and appeals process in a prompt and timely manner so that the Covered Entity can evaluate them and address it, if appropriate.

XXXIV. Constitutional Rights and Academic Freedom

The Covered Entity will construe and apply this Policy consistent with the First Amendment to the U.S. Constitution and the principles of academic freedom specified in its books. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by the First Amendment and/or the principles of academic freedom specified in the

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The health and safety of every student is of utmost importance. The Covered Entities recognize that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that an incident of violence occurs, including, but not limited to, domestic violence, dating violence, stalking, or sexual assault may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The Covered Entities strongly encourage students to report incidents of violence to institution officials. The reporting party, responding party, a bystander acting in good faith, or a reporting individual acting in good faith, who discloses any incident of violence to the Covered Entity or law enforcement will not be subject to the Covered Entity's student conduct code for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the incident of violence.

XXXVIII. Vendors, Contractors and Third Parties

The Covered Entities do business with various vendors, contractors, and other third parties who are not students or employees of the Covered Entity. Notwithstanding any rights that a given vendor, contractor, or third party Respondent may have under this Policy, the Covered Entity retains its right to limit any vendor, contractor, or third party's access to campus for any reason. And the Covered Entity retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third party irrespective of any process or outcome under this Policy

XXXIX Bad Faith Complaint and False Information

It is a violation of this Policy for any person to submit a report or Formal Complaint that the person knows, at the time the report or Formal Complaint is submitted, to be false or frivolous. It is also a violation of this Policy for any person to knowingly make a materially false statement during the course of an investigation, adjudication, or appeal under this Policy. Violations of this section are not subject to the investigation and adjudication processes in this Policy. Instead, they will be addressed under the Code of Student Conduct in the case of students and other Covered Entity policies and standards, as applicable, for other persons.

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including any Respondent, and the identity of any witness. The Covered Entity also maintain the confidentiality of its various records generated in response to reports and Formal Complaints, including, but not limited to, information concerning Supportive Measures, investigation materials, adjudication records and appeal records. Notwithstanding the foregoing, the Covered Entity may reveal the identity of any person or the contents of any record if permitted by FERPA, if necessary to carry out the Covered Entity's obligations under Title IX and its implementing regulations including the conduct of any investigation, adjudication or appeal under this Policy or any subsequent judicial proceeding, or as otherwise required by law. Further, notwithstanding the Covered Entity's general obligation to maintain confidentiality as specified herein, the parties to a report or Formal Complaint will be given access to investigation and adjudication materials in the circumstances specified in this Policy

While the Covered Entity will maintain confidentiality specified in this section, the Covered Entity will not limit the ability of the parties to discuss the allegations at issue in a particular case. Parties are advised, however, that the manner in which they communicate about, or discuss a particular case, may constitute Sexual Harassment or Retaliation in certain circumstances and be subject to discipline pursuant to the processes specified in this Policy

Note that certain types of Sexual Harassment are considered crimes for which the Covered Entity must disclose crime statistics in its Annual Security Report that is provided to the campus community and available to the public. These disclosures will be made without including personally identifying information.

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5 Post Office Square, 8th Floor

Boston, MA 02109-9921

(617)289-0111

<https://www.ed.gov/category/location/massachusetts>

Rhode Island Commission for Human Rights

180 Westminster Street, 3rd Floor

3rd Floor Providence, RI 02903

Phone: (401)222-2661

Fax: (401)222-2616

EXHIBIT B
Title IX Coordinator and Resource Listings
for
The Community College of Rhode Island

TITLE IX COORDINATOR CONTACT INFORMATION

Sheila Wahl
Assistant Director, AA, EO and Diversity/Title IX Coordinator
400 East Avenue, Warwick, Rhode Island 02886
Tel: 401825-1004
swahl1@ccri.edu

Michael Cunningham
Dean of Students & Deputy Title IX Coordinator
400 East Avenue, Warwick, Rhode Island 02886
Tel: 401825-2379
mjcunningham2@ccri.edu

LIST OF REPORTING OFFICIALS

Title IX Coordinator
Director of Human Resources
Dean of Students

AVAILABLE RESOURCES

Various on-campus support and counseling services are available for victims of sexual assault. CCRI offers counseling services:

Warwick: 401-825-2301
Lincoln: 401-333-7160
Providence: 401-455-6063
Newport: 401-851-1625

Students may contact CCRI's Health Services at 401-825-2103 or email_nurse@ccri.edu. Hours of operation for these services vary and this should not be considered an emergency contact. Check the website for current hours of operation.

Off-campus services that are available 24 hours/7 days a week include:
Day One 401-421-4100

The personnel in these offices can provide advice and counseling, detailed information on health issues and reporting procedures, or referrals to other resources.

COLLEGE POLICE

LINCOLN 401-333-7035
NEWPORT 401-851-1620
PROVIDENCE 401-455-6050
WARWICK 401-825-2109

External Resources:

U.S. Department of Education Office for Civil Rights, Boston Office
5 Post Office Square, 6th Floor
Boston, MA 02109-9921
617-289-0111

Rhode Island Commission for Human Rights
180 Westminster Street, 3rd Floor
Providence, RI 02903
401-222-2662

Equal Employment Opportunity Commission Boston Area Office
J.F.K. Federal Building, Room 475
475 Government Center
Boston, MA 02203
Toll Free 1-866-408-8075
617-565-

EXHIBIT
RHODE ISLAND STATE LAW:
SEXUAL OR RELATIONSHIP ASSAULT OR VIOLENCE

SEXUAL ASSAULT (R.I.G.L. 1-37-1 thru 1-37-6)

§ 1-37-1. Definitions.

The following words and phrases, when used in this chapter, have the following meanings:

- (1) "Accused" means a ~~person~~ person accused of a sexual assault.
- (2) "Force or coercion" means when the accused does any of the following:
 - (i) Uses or threatens to use a weapon, or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon.
 - (ii) Overcomes the victim through the application of physical force or physical violence.
 - (iii) Coerces the victim to submit by threatening to use force or violence on the victim and the victim reasonably believes that the accused has the present ability ~~to execute~~ these threats.
 - (iv) Coerces the victim to submit by threatening to at some time in the future murder, inflict serious bodily injury upon or kidnap the victim or any other person and the victim reasonably believes that the accused has the ability ~~to execute~~ this threat.
- (3) "Intimate parts" means the genital or anal areas, groin, inner thigh, or buttock of any person or the breast of a female.
- (4) "Mentally disabled" means a person who has a mental impairment which renders that person incapable of appraising the nature of the act.
- (5) "Mentally incapacitated" means a person who is rendered temporarily incapable of appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic, or other substance administered to that person ~~without~~ without his or her consent, or who is mentally unable to communicate unwillingness to engage in the act.
- (6) "Physically helpless" means a person who is unconscious, asleep, or for any other reason is physically unable to communicate unwillingness to an act.
- (7) "Sexual contact" means the intentional touching of the victim's or accused's intimate parts, clothed or unclothed, if that intentional touching can be reasonably construed as intended by the accused to be for the purpose of sexual arousal, gratification ~~or~~ assault.
- (8) "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, and anal intercourse, or any other intrusion, however slight, by any part of a person's body or by any object into the genital or anal openings of another person's ~~body~~ body or the victim's own body upon the accused's instruction, but emission of semen is not required.
- (9) "Spouse" means a person married to the accused at the time of the alleged sexual assault, except that such persons shall not be considered the spouse ~~if~~ if the couple are living apart and a decision for divorce has been granted, whether or not a final decree has been entered.
- (10) "Victim" means the person alleging to have been subjected to sexual assault.

§ 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.

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.